

Covid-19 and bio-assaults

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The problem

The spread of Covid-19 has led to a surge in Covid-19-themed assaults on key workers and members of the public. Targeted coughs, sneezes, even spitting, by individuals who claim to be infected with the virus have been recorded. Verbal abuse and violent hate crimes directed at Asian communities, other workers, as well as people who may be showing symptoms have also been noted.

The perceived threat of the virus and its symptoms may trigger violent behaviour. It may also be weaponized. As lockdown is relaxed, such occurrences may increase.

What we know

Violent crime includes a wide spectrum of offences that cause physical or psychological harm, ranging from verbal assault to murder.

Using biological agents to harm an individual or group is one form of violent (bio) crime. While research on bio-crimes targeting individuals is sparse, they are usually motivated by revenge or monetary gain, rather than larger-scale socio-political motives such as religion or ideology that can usually be linked to bio-terrorism. With Covid-19 we seem to be facing quite an unprecedented situation in which an assault is performed with potentially bio-harmful agents, through coughs and sneezes.

Large-scale socio-political disruptions have been known to cause spikes in violent crimes. In 2016, the Brexit referendum triggered a rise in hate crimes across the UK. NPCC statistics recorded a 58% increase in hate crimes, triggered by racism and xenophobia. Islamophobic hate crimes rose immediately after the 9/11 attacks. The 2003 SARS outbreak triggered racist discrimination and harassment against Asian communities, as it was believed that they were likely virus carriers. In the case of COVID-19 there is anecdotal evidence that individuals of Chinese extraction have been harassed.

Research has warned that there is lack of guidance on reporting, processing and investigating suspected bio-crimes.

What we think is happening in the Covid-19 pandemic

Research on the 2003 SARS epidemic found that in stressed communities experiencing fear and anxiety, collapse in social relationships and organisation may occur. It also found that in a state of uncertainty, people may feel it too risky to maintain relationships based on trust and reciprocity, and become more likely to adopt defensive strategies. These include violent behaviour, such as hate crime.

While the Covid-19 coughs have thus far been charged as “battery”, the novelty of “Covid-19 coughs” creates challenges for criminal law and policy. The investigation of such crimes may be hindered by a

lack of Covid-19 tests and of a chain of evidence. The prevalence of the virus makes everyone a potential threat. Moreover, such attacks can have lethal consequences for the victim and/or everyone in close proximity to the victim. The measure of ‘actual bodily harm’ from such attacks is up for debate. Policy makers have been urging sentencing reappraisal for battery on key workers. However, Covid-19 assaults may require legal reconceptualization to reflect the gravity of the intended and actual harm from these attacks.

Some ideas in response

- Define the Covid-19 coughs as *bio assault* or *bio violence* and develop clear guidance on reporting and sentencing.
- As lockdown is relaxed, police should be alert to such bio and hate crimes in locations where people could feel higher anxiety for contracting the virus. For example, ‘busy’ locations within confined space (the tube, buses), or where queuing will be necessary (banks, train stations, airports etc). At these locations, it may be worth employing deterrence strategies such as posters to draw attention to the use of CCTV monitoring for such behaviour, its criminality and consequences.
- Raise awareness on disease racialisation.

Relevant resources

- Fong, E., & Chang, L. Y. (2011). Community under stress: Trust, reciprocity, and community collective efficacy during SARS outbreak. *Journal of community health*, 36(5), 797-810.
- Jansen, H. J., Breeveld, F. J., Stijnis, C., & Grobusch, M. P. (2014). Biological warfare, bioterrorism, and biocrime. *Clinical Microbiology and Infection*, 20(6), 488-496.
- Leung, C. (2008). The yellow peril revisited: the impact of SARS on Chinese and Southeast Asian Communities. *Resources for Feminist Research*, 33(1/2), 135.
- Trindade, F. A. (1982). Intentional torts: some thoughts on assault and battery. *Oxford Journal of Legal Studies*, 2(2), 211-237.
- <https://www.npr.org/sections/thesalt/2015/09/21/442335132/peanut-exec-gets-28-years-in-prison-for-deadly-salmonella-outbreak?t=1590364829569>
- <https://www.abc.net.au/news/2020-02-01/coronavirus-has-sparked-racist-attacks-on-asian-australians/11918962>

This is one of a series of short, speculative papers developed by the UCL Jill Dando Institute during the current pandemic. It is edited by Nick Tilley and Gloria Laycock and published by University College London. The raison d'être of the series is fully described at: <https://www.ucl.ac.uk/jill-dando-institute/research/covid-19-special-papers>