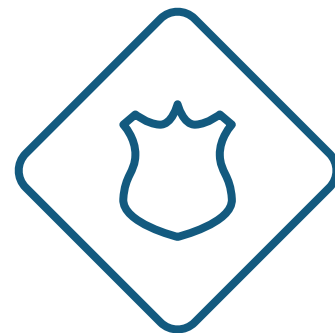


# APPROACH TO ENFORCEMENT FOR ORDER IN COUNCIL, MINIMIZING THE RISK OF EXPOSURE TO COVID-19 IN CANADA (MANDATORY ISOLATION).



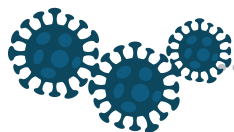
On March 25, 2020, the Government of Canada implemented an Order, *Minimizing the Risk of Exposure to COVID-19 in Canada (Mandatory Isolation)*. The objective of this Order is to minimize the travel-related risk of introduction and spread of COVID-19. The Order requires all persons who enter Canada whether by air, land, rail or sea, to isolate for 14 days from the day upon which they entered Canada. This Order is in effect from March 25, 2020 to June 30, 2020.

COVID-19 has been clearly demonstrated to cause severe, life-threatening respiratory disease. The Order is intended to help prevent the spread of COVID-19 in Canada and to flatten the epidemiologic curve of the disease to help save Canadian lives. It also aims to minimize the impact of COVID-19 on the Canadian health care system, which could be overwhelmed if cases of the virus were to significantly spike within Canada. This Order supports Canada's continued focus on limiting the introduction and spread of COVID-19.

Under the terms of the Order, there are two main categories of travellers in Canada: those with symptoms (mandatory isolation) and those without (mandatory self-isolation/quarantine). All travellers entering Canada must, without delay, isolate themselves and remain in isolation until the expiry of the 14 day period that begins on the day on which the person enters Canada. They must also monitor themselves for signs and symptoms of COVID-19 until the expiry of the 14 day period and if they develop signs and symptoms, follow instructions provided by the local public health authority.

## The direction being provided for symptomatic travellers (mandatory isolation) includes the following:

- ▶ They must go directly to the place where they will isolate and stay there for 14 days
- ▶ Use private transportation only—no travel on public transit is allowed
- ▶ Stay INSIDE their home
- ▶ Not leave their place of isolation unless absolutely necessary (for example to seek medical attention)
- ▶ Not have visitors and limit contact with others in the place of isolation, including children
- ▶ Not isolate in a place where they will have contact with vulnerable people such as older adults and individuals with underlying medical conditions



**Anyone with symptoms who does not have a suitable home in which to isolate will be required to isolate for 14 days in a facility designated by the Chief Public Health Officer of Canada.**

The direction being provided for those without symptoms (mandatory quarantine/self-isolation) includes the following.

**They must:**

- ▶ Go without delay to their place of self-isolation and stay there for 14 days
- ▶ Remain in the vehicle as much as possible, and not make any unnecessary stops along the way
- ▶ Not go into community settings
- ▶ Monitor their health for symptoms of COVID-19
- ▶ Arrange to have someone pick up essentials like groceries or medications
- ▶ Not have visitors
- ▶ Stay in a private place like a yard or balcony if they go out for fresh air. Keep a distance of at least 2 arms lengths (approximately 2 metres) from others

Failure to comply with this Order is an offence under the *Quarantine Act*. Maximum penalties include a fine of up to \$750,000 and/or imprisonment for six months.

Further, a person who causes a risk of imminent death or serious bodily harm to another person while wilfully or recklessly contravening this Act or the regulations could be liable for a fine of up to \$1,000,000 or imprisonment of up to three years, or to both.

## Police discretion

Despite the unique and unprecedented nature of the Covid-19 pandemic, the rule of law and the fundamental principles of police independence and discretion are not altered. Those principles still apply as per well-established rules.

**In short :**

- ▶ When enforcing the law, police officers benefit from discretion, which while not absolute, allows them to determine how they will enforce the law.
- ▶ Police officers are independent of the government when fulfilling their core law enforcement functions.

Those principles deal with two different types of direction where core law enforcement functions are concerned – operational direction to police officers in keeping with the chain of command and political direction to the police from the government.

Although it is not absolute, police officers do enjoy considerable discretion in how they enforce the law. Police officers may be provided direction within their chain of command where their core law enforcement functions and operations are concerned.

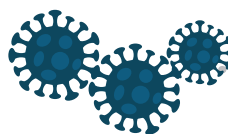
## Graduated approach to enforcement

**Public Health Agency of Canada (PHAC)**

The Public Health Agency (PHAC) is recommending a risk-based, measured approach to non-compliance. PHAC is actively engaged with symptomatic travellers to facilitate compliance with the requirements of the Order in Council. At all points of entry, PHAC quarantine officers identify symptomatic travellers and confirm whether the traveller is able reach their location where they will isolate without boarding a public conveyance. Further, in many parts of the country, PHAC offers transportation to the place where the traveller will self-isolate. Where such transportation is not possible, or where the traveller may expose vulnerable people in the place of isolation, the traveller is placed in a designated quarantine facility.

PHAC efforts will be also focussed on compliance promotion, including promoting awareness of the requirements of the Order through hand-outs provided to travellers at the point of entry, through telephone communication and text messages, as well as a first phase of compliance verification through phone calls with travellers.

Please note: Taking a person into custody is likely not the best approach to enforcing self-isolation and may place at risk staff and other persons arrested and held at the place. Dealing with the virus in the correctional system is very challenging and a person should not enter that system unless absolutely necessary. Placing a person who may have the virus into cells must be a last resort and only when all other options have been exhausted.



**When we receive a complaint of a breach the police may wish to consider doing the following depending on who they are dealing with:**

- ▶ **Education** – Speak to the person and inform of the law under the Mandatory Isolation Order. Explain the importance of voluntary compliance and potential consequences of non-compliance. Remind them of their civic duty to protect their fellow citizens from a potentially deadly virus.
- ▶ **Encouragement** – Speak to the person and give an official warning to ensure compliance.
- ▶ **Mandate isolation** – work with Public Health Officials and potentially Canada Border Services Agency (CBSA) staff to hold them in a designated quarantine facility.

- ▶ **Enforcement** – Issue an Appearance Notice with a Court date for breach of the *Quarantine Act* or issue a summons.
- ▶ **Arrest** – When necessary, arrest the person if non-compliant, release if possible by least intrusive means or by way of Undertaking with conditions.
- ▶ **Exceptional circumstances** – Willful and continued non-compliance, arrest and hold for bail hearing – LAST RESORT. Could engage with PHAC for input.

**Underlying Principle:** Prior to considering enforcement action, as it relates to the laying of charges, it is of primary importance that officers investigate complaint allegation(s) so as to determine the elements exist in order to establish probable grounds that an offence has been committed.

## **WE CAN ALL DO OUR PART IN PREVENTING THE SPREAD OF COVID-19.**

### **FOR MORE INFORMATION, VISIT**

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**Canada.ca/coronavirus** or contact **1-833-784-4397**

