

COMPULSORY WEARING OF FACEMASK FOR COVID-19 PREVENTION AND CRIME IN RIVERS STATE

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ABSTRACT

The Covid-19 disease outbreak took the world unaware and was declared a pandemic by the World Health Organization (WHO) in March 2020. To prevent the spread of the disease, total lock down was imposed globally. As the disease evolved, the lockdown was gradually eased, and to prevent community spread, compulsory use of facemask in the public space was introduced by government at all levels amongst other preventive measures. The use of face mask has been part of human experiences, as it is worn either for cultural events or for medical purposes. Cultural and medical reasons for masking were acceptable because they performed very important functions of entertainment and social solidarity for the former and protection from spread of diseases for the latter. However, with the compulsory wearing of facemask in the public, the possibility of some individuals taking advantage of this situation to commit crime in Nigeria formed the basis of this study. Using the Anonymity theory of Philip Zimbardo (1969), the study relied on secondary data, and primary data was collected through Focus Group Discussions with security operatives in Rivers state. Thematic and content analysis were used to analyse the elicited data. It is revealed from the study that there were reports of incidents across the world and indeed in Nigeria of criminals who disguised with face mask for Covid-19 prevention to commit crime. The study also revealed that facemask provided incentive for criminality and hinder investigation of crime suspects by law enforcement agents. The study recommends amongst others that government and private institutions should upgrade their surveillance technology since the conventional ones have been proven to performed poorly when face mask for covid-19 prevention is worn.

Keywords: Face mask, Covid-19 Pandemic, Criminality, Anonymity Theory.

INTRODUCTION

The World Health Organization (WHO) declared the COVID-19 outbreak a pandemic in March 2020. Since then, the pandemic has had an unprecedented impact on peoples' lives around the world. Countries have responded by imposing a variety of public health measures and implementing stimulus programs to help protect individuals and companies. Changes in behaviour because of the pandemic whether the behavior of individuals, companies, or governments have in turn presented criminals with new opportunities to commit crimes.

In Nigeria, the nationwide spread of the Covid-19 virus led the Federal government to put certain measures in place to contain the virus. The available information on the virus and the welfare of her citizenry were guiding beacons in periodic restrictions to maximize containment. Educational and religious institutions were the first bodies restricted before containment measures extended to non-essential services (Onyeji, 2020). The Federal Government with the aid of different ministries and governmental agencies put up a formidable response in the fight against COVID-19. President Buhari set up a 12-member task force, chaired by the secretary to the federal government, Mr Boss Mustapha and Dr Sani Aliyu as the national coordinator (Ameh, 2020). The task force had the mandate to champion the battle against COVID-19 in the country by creating a workable National Response Plan that would be revised daily as requirements change. The strategy must follow international best practices while considering the local circumstances prevailing in the country. The Task Force was given six months to fulfil its mandate (Ailemen, 2020).

In addition, the Nigeria Centre for Disease Control has been given responsibility for managing COVID-19 readiness, diagnosis, and response efforts in the country. The NCDC regularly updates its website and social media outlets with new information about COVID-19 cases, hospital discharges, and fatalities. The World Health Organization and the U.S. National Center for Chronic Disease Prevention and Health Promotion have issued a list of precautions, including but not limited to the following: regularly washing hands, refraining from touching one's face (especially the mouth, nose, and eyes), ending handshakes and hugs, not sharing belongings, disinfecting common areas, maintaining personal space when possible, not eating or drinking in public, and mandating the use of face masks in situations where these measures are impractical. To combat the spread of covid-19, the Nigerian government has passed legislation mandating the use of face masks in public (Akwagyiram,2020). Therefore, not wearing a face mask in public is now a crime (Onyekachi, 2021). It has been noted, however, that public face-mask use for the purpose of preventing the spread of Covid-19 may instead encourage criminal behavior. In response to the government's mandate that citizens wear face masks in public, a wide variety of mask colors and styles have evolved, leading to unforeseen social repercussions like an increase in criminal activity. Against this background, this study examined the possibility of people committing crime with the compulsory use of facemask in the public since covering of one's face in the public is now legalized.

Conceptual Clarifications.

This sub section is meant to explain and clarify the major concepts in this study.

- i. **Face Mask:** Face mask is one of the several protective devices used in the hospital and other health related settings to protect both the health care providers and their clients from airborne diseases and other harmful substances. Face masks are divided into two major categories namely, medical, and non-medical face masks. The medical face masks include surgical face masks (Procedure facemask) and N95. According to WHO, these face masks are usually tested by a set of standardized test methods that aims to balance high filtration, adequate breathability and optionally, fluid penetration resistance. The medical face masks are essentially prioritized for health care providers in the hospital environment and other health care settings. The non-medical face mask, also known as homemade facemasks, are made from cotton fabrics. The homemade facemask became popular following government directives that it should be worn in the public to prevent community spread of Covid-19 and to stem the shortages of medical face masks which are essentially prioritized for health care providers. With the directive by government that citizen should compulsorily wear facemasks in the public, different shades and styles of face mask emerged, throwing up certain unintended social consequences such as crime.
- ii. **ii Crime:** Crime is like other concepts in the social sciences which has no generally accepted definition. Dembo (2018) defined crime as an act or omission against public interest and which is prescribed by law enacted by the legislature in the overall interests of the society, and to which prescribed punishment is attached in the event of violation and it involves four major principles which are public wrong, moral wrong, law and punishment for the criminal. Crime is also seen as a violation of the rules agreed to be respected by all members of the society, upon which the rest members of society mete sanction upon those guilty of the violation. It is for the same reason that the legal system views crime as a public and moral wrong. According to Okafor, (2019), crime is held to be an offence, which goes beyond the personal and into the public sphere, breaking prohibitory rules or laws, to which legitimate punishments or sanctions are attached, and which requires the intervention of a public authority for crime to be known as such, it must come to the notice of, and be processed through an administrative system or enforcement agency. As a result of the compulsory use of facemask in the public for the prevention of covid-19 disease, criminals saw an opportunity to hide their

faces behind the face masks to commit crime such as robbery, Jail breaks and escape from prisons, kidnappings etc.

Theorizing the Links Between Face Mask and Crime: The Anonymity Theory.

Philip Zimbardo (1969) of Stanford University proposed the theory that when people's identities are concealed, they are more likely to engage in disruptive, aggressive, or unlawful behavior. The primary premise is that when someone puts on a mask, they become unidentifiable, inaccessible, and untraceable. Many people cherish anonymity because it allows them to exercise other rights, such as privacy or autonomy. Dark web anonymization services have had a profound impact on law enforcement's capacity to conduct traditional forms of surveillance during the past few years (Aaron, 2020). Anonymity is generally recognized as normal in many other contexts (such as when talking to a complete stranger or making a purchase in a store). There are several reasons why someone could want to remain anonymous. When the donors of such acts of kindness prefer not to be publicly recognized, they are often carried out in secrecy. One possible response to feeling attacked is to seek protection in anonymity. For fear of reprisal, a witness to a crime may prefer to remain anonymous when reporting the incident. In order to avoid detection, criminals may choose to act anonymously. The passage of time or the destruction of identifying material might accidentally generate anonymity.

With more people donning face masks to curb the spread of the coronavirus, some criminals are taking advantage of the situation. Being anonymized has always been associated with more deviant and criminal behaviour, ranging from bank robberies to shop burglary. Studies have found people who wear masks feel more enabled and empowered to do things that they normally would not have done if their face was seen in public. To this extent, someone who otherwise would not have committed a crime, could use face mask as an opportunity, because they feel more protected and concealed. And, of course, this makes those who have committed crimes anyway harder to identify. We are adopting this theory because it has helped to establish the relationship between compulsory wearing of face mask in public and crime

Review of Related Literature.

Masks have increased in popularity around the world, initially as a precautionary measure and then as a mandatory safety measure mandated by governments and enterprises. Additionally, there has been a rise in the number of incidents when suspects wore masks and/or latex gloves. However, law enforcement officials report an increasing number of criminals taking advantage of the outbreak. In March 2020, for instance, the Associated Press reported that two men wearing surgical masks similar to those used by many racegoers at Aqueduct Racetrack in New York stole three workers at gunpoint of \$250,000 in cash. In the past few weeks, masked robbers have committed crimes in North Carolina, Washington, DC, and elsewhere (Associated Press, 2020). Smart criminals know that by donning a face mask in public, they can avoid detection while committing their crimes. According to Associated Press (2020), Richard Bell, police chief of the small Pennsylvania town of Frackville, revealed that seven recent armed robberies occurred in the area, and that all of the perpetrators wore medical-style masks.

Increased use of facial coverings as a means of concealing identity among criminal suspects was reported by Rawlinson (2021) in the Guardian, a British international online daily. In March of 2020, charity executives were reportedly concerned about masked gang members posing as minors to sell drugs, as reported by Rawlinson. "From the police's perspective, all they see is a young person being careful, rather than someone they may suspect of dealing drugs." Rawlinson added that in April of 2020, robbers wearing "protective Covid-19 masks" stole a man's car from his drive as he unloaded groceries. Victim: "My neighbor informed me they were using the protective masks used in hospitals for coronavirus. I would call this a case of convenient stealing. Sick opportunists took advantage of the circumstance by using it as a cover to steal my automobile.

Unfortunately, robberies aren't the only affected area of society. At least nine detainees and a large number of correctional guards have died from the illness in the notorious Cook County Jail in Chicago. One inmate escaped on May 2, 2020, thanks to the policy of giving inmates a new mask every day and requiring employees to wear masks at all times. In order to escape from prison while serving time for gun charges and breaking bond in a narcotics case, inmate Jahquez Scott wore a mask and assumed the identity of another inmate, Quitin Henderson (Dazio, 2020). The widespread use of masks in modern culture has presented law enforcement with new challenges beyond the unusual occurrence of jailbreaks. Masked robbers, in the pre-pandemic era, had to remove their masks as soon as they left a bank or business. However, doing so posed the risk of being captured on camera or tracked through mobile device (Dazio, 2020). They may now go about their business with their masks on and not worry about being photographed. According to the police, the male suspect is using a mask to avoid detection in light of the new coronavirus rules. The criminal makes a request for smokes, hands over an expired bank card, and makes off with the loot.

Surveillance footage from a convenience shop in Connecticut on March 26, 2020, depicts a man wearing a surgical mask and carrying a gun. The suspect is widely thought to be William Rosario Lopez. It is impossible to quantify how many criminals are exploiting the pandemic to conduct crimes, but law enforcement officials are confident that the number is rising (The Associated Press/AP).

In her Covid-19 series, Sheard (2020) from the University of Leeds' School of Law argued that face masks worn for the purpose of preventing the spread of Covid-19 could instead facilitate criminality. She added that criminals might be able to evade surveillance and witness evidence by hiding behind face masks. This could open the door for robberies at businesses like casinos, jewelry stores, liquor stores, and fast food restaurants. She also claims that criminals can better blend in at establishments where a facemask would normally trigger suspicion, making them more amenable targets for street robberies, stealing, assaults, and public disorder. They can blend in with other consumers wearing face masks and get closer to valuables without drawing the attention of store employees or security guards.

Humans are excellent at recognizing known faces, and facial recognition algorithms have improved at spotting patterns, but masks provide new challenges. Dodsworth, as referenced in McGee (2020), states, "A lot of witnessing is already problematic." Moreover, he said, "Even when a group of individuals see the same incident, one person will see someone with a moustache and a cap, while another would see someone with a beard and sunglasses." In the course of their investigations, law enforcement officials are hampered by all of these factors.

The post-covid-19 mask awareness face recognition system was investigated by Dharanesh and Rattani (2021). Experts claim that facial recognition software is already being used in a variety of industries, including security and immigration checks, medical diagnostics, financial transactions, and consumer goods. They said that research conducted after the SARS and Ebola pandemics showed that facial recognition systems performed poorly when people wore masks. Because of this, they suggested developing a face recognition system that is "mask aware," meaning it can distinguish between persons with and without facial masks.

Ayodele's (2011) study, done in the Nigerian environment before the COVID-19 outbreak, reached similar conclusions, arguing that masks, in all their guises, protect their wearers from being publicly identified by hiding their identities. He looked at the complicated relationship between masks and criminal behavior in Nigeria, particularly among security agents, and came to the conclusion that unrestrained mask use poses a threat to security and increases the propensity for criminal behavior in Nigeria, even when it is sanctioned by the law. It implies there is an immediate need for government personnel, particularly security officers, to take off their legal masks.

MATERIALS AND METHODS.

This is a qualitative study, and it adopted the exploratory research design. Exploratory research design is used when there are few or no earlier studies to refer to or rely upon to predict outcome. Data was collected from both primary and secondary sources. The primary data was collected through Focus Group Discussions with security operatives in three (3) locations within the Nigerian Police in Port Harcourt. The three locations were the State Area Command located at City Centre, State Police Criminal Investigation and Intelligence Department located at 25 Hospital Road, and Police Special Area located at Rumuokoro. Each of these locations had 6, 8 and 10 participants respectively. The participants were officers who agreed to participate in the study. The results from the focus group discussion were transcribed and analysed. The secondary data was collected from sources such as journals, online newspapers and publications by crime experts and academics, textbooks, and magazines. Thematic and Content analysis was adopted to analyze the data obtained from our both primary and secondary sources.

FINDINGS

Covid-19 Face Mask Regulations and Crime Scenarios in Nigeria.

Following the rise in cases of Covid-19 infection in Nigeria, a new federal regulation, the (Covid-19 Health Protection Regulations 2021) was signed by President Muhammadu Buhari on 26 January 2021 and it became operational in all parts of Nigeria (Onyekachi, 2021). According to Onyekachi, this regulation made the wearing of face mask in the public compulsory, consequently its violation became a crime in all parts of Nigeria. In addition, the states also enacted laws on compulsory use of face mask in public places to compliment the regulation signed at the federal level. However, compulsory use of face mask in the public brought several crime scenarios in Nigeria.

In many cities in Nigeria, eyewitnesses alleged that the genuine "EndSars" protest of October 2020 was hijacked by face mask wearing hoodlums and gangsters to commit heinous crimes of looting, burning down of public infrastructures, and setting prisoners free in many prisons in the country. Hiding behind face masks, these hoodlums blended into peaceful protesters to wreak havoc.

In Enugu state of Nigeria, gun-wielding bandits have robbed a popular supermarket, Uzorbest Super-market Limited, at Onu Asata Junction of Enugu metropolis carting away goods worth over N1 million (NAN, 2021). The super-market attendance, Mr Sunday Ngwoke, told NAN that the bandits numbering about 15 were wearing black face masks and one of them kept shouting "load these bags quickly"

Azubiike (2020) reported in the daily post that suspected Sea Pirates terrorizing waterways within Kalabari route of Rivers state attacked a passenger boat with passengers on board. The report went further to state that the suspected sea pirates were on Civil Defence Uniform and wearing face mask when they carried out the operation.

Oye (2021) of the online news outlet, the Royal news reported on October 30, 2021, that the Kogi State Governor, Yahaya Bello, says criminals are now abusing face masks meant to curtail the spread of COVID-19 to conceal their identities and rob people across the country. The governor made this claim at the formal reception of delegates of the Nigerian Media Merit Awards in Lokoja, the state capital on Friday, October 29, 2021. According to Governor Yahaya Bello, "In fact, criminals are even using the face mask to disguise; they close their faces and lodge in hotels, they go to places, so you can't identify them".

Confirming the alarm raised by Governor Yahaya Bello, the mother of his Chief of staff was kidnapped by gunmen around Nagazi area of Okene in Kogi state. This was reported by the Sahara Reporters, New York, on December 14, 2021. According to the Sahara reporter, the neighbour of the abductee said the gunmen wore face masks and were dressed in black suits.

On the 11th of November 2021, the Vanguard Newspaper reported that the palace of the royal father of Ikomilokpo in Benue state was invaded by unknown gunmen, who then killed his brother

and abducted his sister. The brutal attack, according to an eyewitness, was spear headed by a community member who used facemask to hide his identity.

Similarly, in Ogun state, Mr Ifeoluwa Adediran of premium times reported on August 30, 2021 that suspected kidnappers, one of which wore black face mask, was shot dead by the police. According to the police spokesperson, Mr Abimbola Opeyemi, one of the diseased suspects had a black face mask on to cover his identity.

In another development, the Oyo State commander of the Nigeria Hunters Council, Comrade Taoheed Olanrewaju, reported on the Nigeria Tribune of October 25, 2021, that the armed men who attacked Abolongo Custodial Centre in Oyo State disguised in black dresses and face masks to hide their identities. Speaking to the Nigerian Tribune who were at the prison, Olanrewaju said he was called by his men at about 9: 55p.m that there were gunshots at Abolongo Custodial Centre. He said: "I mobilised the men and got there at 10:23 p.m. and from where we laid, we could see them (gunmen) wearing black dresses and black face mask."

Face Mask and Crime in Nigeria: Law enforcement Perspective.

This section presents and discusses the outcome of the Focus group discussions (FGD) with law enforcement agents in Port Harcourt, River's state.

Group 1 (6) Participants in State Area Command, City Centre, Port Harcourt:

All the participants confirm that wearing of face mask in the public promoted criminal activities during the covid-19 pandemic. This is because it hides and conceals the wearers' identity. One of the participants said an incident occurred in 2020 in a street at St. Johns, Iwofe where an unidentified person who wore face mask for covid-19 prevention snatched a lady's bag and ran away. The lady didn't report the matter officially to the police, but she confided in an officer who is her friend (FGD, 2022).

Participants said when people wear face mask, they feel concealed and protected against been identified. According to the participants, there are cases of broad day robbery, rape related crimes during the covid-19 period when everybody compulsorily wore facemask. According to them, though these cases were not documented but were reported by some aggrieved members of the society (FGD, 2022).

The participants in this group reaffirmed that facemask hinders identification and investigation of crime suspects. This is because face masks conceal wearer's identity, and this makes it difficult to recognise and investigate suspects. However, they said that with the use of forensic examination, such culprits can be unravelled (FGD, 2022).

Group 2 (8) Participants from State Police Criminal Investigation and Intelligence Department, 25 Hospital Road, Port Harcourt:

One of the participants said," there was a reported case in Diobu in February 2021, a Bolt driver was called by some unknown men who wore facemask, for a ride from Agip to Rumigbo axis. It was reported that they killed the driver and took the vehicle. Unfortunately for them, the vehicle was tracked and found in Diobu, however, the culprits were not found and investigations on-going (FGD, 2022). Another case was reported at Elechi Amadi Polytechnic in (2021) where people on facemask broke an ATM on the campus and made away with some cash (FGD, 2022).

All participants in this group strongly believe that wearing of face mask in the public could hinder the investigation of crime suspects by law agents. They said since face masks conceals the wearers faces and hinders recognition of the person, it is difficult to identify and investigate criminals. According to the officers, though it is somehow difficult to investigate criminals with the use of facemask, however, it can be investigated through assumption, imagination and the use of forensic technology (FGD, 2022).

According to the officers in this Focus group discussion, they said that people use facemask to disguise themselves to commit crime. All the participants agreed that the mandatory use of face mask in public could inspire and embolden criminals to commit crime. The participants told the researcher that due to the legal backing of the compulsory use of face mask in public, people who

wear mask are no longer viewed with suspicion, so they commit crime and blend easily into the crowd without being suspected (FGD, 2022).

Group 3 (10) Participants: Police Special Area located, Rumuokoro, Port Harcourt:

The officers during the discussion told the researcher that it is difficult to identify or recognize someone who is on face mask. According to one of the officers, an incident happened at Rukpokwu in (2021) where a man with facemask allegedly had indecent sexual contact with a lady. The matter was reported and investigated by the Rumuokoro Police Station, and it was discovered that it was a case of indecent touch (FGD, 2022).

DISCUSSION OF FINDINGS

Wearing of face mask or face covering has been part of human experiences. It is worn either for cultural events or for medical purposes. Cultural and medical reasons for masking were acceptable because they performed very important functions of protecting people from the spread of droplet diseases, and it promoted social solidarity and entertainment. Nevertheless, compulsory wearing of face masks in the public has engendered latent functions leading to criminality. Since the advent of the Covid-19 pandemic, government at all levels in Nigeria has shown uncommon commitment to the wearing of face masks in public and even went ahead to enact laws to make it legal. Government's intention was noble in that it would help to prevent community spread of the Covid-19 disease and enable people to move around to attend to their businesses, means of livelihood and to open the economy.

From the literature and FGD, it is proven that wearing of face mask in the public leads to crime during covid-19 pandemic. With more people donning face masks as a legal requirement to curb the spread of the coronavirus, some criminals are taking advantage of the situation. Wearing face mask anonymizes and makes the wearer non identifiable. This agrees with the work of Ayodele (2011) which argued that Mask, in its various forms and shades, provides cover to its wearers, encourages anonymity, which, in turn, gives wearers immunity from public identification. Also, Sheard (2020) agreed with the position of Ayodele (2011) when she stated in her series on Covid-19 that public wearing of face mask could facilitate crime because of the anonymity that it confers on the wearer. Also, the above findings are in tandem with the findings from the FGD, 2022.

Also, findings from the FGD and existing literature shows that wearing of face mask tend to embolden criminals to commit crime. Philip Zimbardo (1969) in his anonymity theory showed that people whose faces and names are covered tend to behave rudely, aggressively and illegally. People who wear masks feel more enabled and empowered to do things that they normally would not have done if their faces were seen in public. Again, with the legal backing accorded public masking to prevent Covid-19, Dazio (2020) argued that criminals could be inspired to commit crime, avoid police suspicion and blend easily into the public unhindered. This has been the case globally in this Covid-19 pandemic. From our literature review, we found that it has been reported copiously from the USA and the UK that robbers wearing face masks go into supermarkets to commit robbery. Others wore face mask and escaped from the prisons. In our environment, bandits wearing security agents uniform and face masks have looted supermarkets for example in Enugu and there are also reports that kidnappers wearing face masks kidnapped people on passengers' boats in River's state. Also, governor Yahaya Bello of Kogi state has also raised alarm that criminals are abusing the Covid-19 face masks by using it to disguise finding gunmen who wore face masks and dressed in black suits.

Lastly, from the FGD and the reviewed literature, it shows that the use of face mask hinders the investigation of crime suspects by law enforcement agents. Ordinarily, it is problematic for eyewitnesses to give the same account of an incident says Dodsworth cited in McGee, 2020. It then becomes more problematic when suspects wear facemasks and witness testimony become difficult during prosecution. Sheard (2020) alluded to this point and opined that the anonymity that facemasks provide could allow potential offenders to avoid detection by CCTV or prosecution using witness testimony. According to crime experts, when a group of people witness the same

crime event, they tend to give different description of the suspect making investigation difficult for law enforcement agents. Besides experts says compulsory face mask-wearing in public could also complicate crime investigations, as facial recognition system which has become an increasingly important part in tracking criminals (McGee, 2020) become degraded. The research done by Dharanesh and Rattani (2021) have shown that the performance of face recognition system is severely degraded in the presence of face mask worn during Covid-19 pandemic. The above findings agreed with the position of Aaron (2020), who argued that anonymity tools such as face masks used on the dark web by criminals and malicious users have drastically altered the ability of law enforcement to use conventional surveillance techniques. Therefore, the use of face mask could hamper investigation of crime suspects by law enforcement agents.

CONCLUSION

Since wearing face mask is currently required as a preventive measure against Covid-19 disease, we have also shown in the above discussion that it has the latent consequence of leading to criminality in the society. Indeed, crimes with the reference wearing face mask have already been recorded all over the world including Nigeria. Therefore, it is important that government and private institutions be aware of this so, they can put basic security measures in place to checkmate the activities of criminals.

RECOMMENDATIONS

In view of the above, the following recommendations are outlined below.

1. The police and other security agencies should consider offering relevant crime prevention advice to the public. They should enlighten the masses on the possibility that people wearing face mask for Covid-19 prevention could take advantage of it to commit crime. Therefore, close monitoring of such people is very important.
2. The government and private institutions should upgrade their surveillance technologies because the present ones have been proven to be less effective. To this end, institutions should invest in technologies/system that could be used to recognize the identity of the subject even when disguised with face covering/face masks.
3. For the fact that wearing face mask emboldens criminals, security agencies should specify generally acceptable types of facemasks to be worn in public so it can help in identifying suspicious masks.
4. The government and private institutions should also invest on high technology forensic machines that would enable the police to investigate face mask wearing criminals who might not be identified by surveillance cameras.

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