



May 2020

# Public Safety During COVID-19 and Beyond:

## Recommendations for Protecting Public Health and Our Civil Rights

All people deserve to feel safe in their homes, communities, and country. Safety is a civil and human right without which people cannot thrive and democracy cannot function. Yet the COVID-19 pandemic has exposed the institutional and historical flaws in our approach to public safety. In some places, police have begun to enforce public health orders through stops, arrests, and uses of force—practices that already disproportionately affect people of color and poor people. This has magnified the intersection between unconstitutional or harmful policing, misguided responses to public health, community trust of law enforcement, and confidence in our democratic systems.

It is imperative now more than ever that departments across the country commit to the principles of health, fairness, and accountability to ensure our response to the pandemic is grounded in a public health approach—one that ensures effective and equitable protection of all our communities during and beyond COVID-19. People of color and police officers are at an increased risk of infection, revealing the shared interest in protecting public health and safety that already existed. Finding this common purpose is critical to addressing the distrust in police borne out of our country's fraught history of policing that imposed state sanctioned violence and discrimination against people of color—from enforcement of Jim Crow laws to modern day surveillance of communities of color. Law enforcement must address this history to build trust and legitimacy, which are more necessary than ever for working together to confront the global health crisis.

An effective response to the COVID-19 pandemic requires the protection of our civil rights. This crisis highlights how we can recalibrate the law enforcement system to achieve sustainable reforms that protect public health and safety. If departments across the country adopt the following recommendations, our country could emerge from this crisis with more effective and equitable policing practices that should live on beyond COVID-19.

# **Principle 1: Prioritize a Public Health Response to a Public Health Crisis**

## **Recommendation 1.1: Rely on state and local agencies to enforce public health orders.**

A public health crisis demands a public health response, not a [law enforcement response](#). Physical arrests undermine the very goals of public health orders—physical distancing to curb the spread of COVID-19—and jeopardize the health of community members and officers. State and local health agencies should take the lead in enforcing public health orders, not police. These agencies should set up call lines for complaints of public health order violations that divert calls from law enforcement.

To the extent that law enforcement agencies face questions regarding public health orders, their responsibility should be limited to communication, education, and awareness to inform people about the public health directives. Officers should be prepared to refer people to the services provided by the state and local health agencies. People who do not comply with the orders should be issued warnings and referred to the state and local public health agencies for follow up.

Problems arising from enforcement of public health orders requiring facial coverings or physical distancing have a simple answer—face masks. State and local governments must provide face masks for [officers and community groups to distribute](#), especially in communities of color and poor communities that have been hardest hit by COVID-19. By facilitating public health and safety, jurisdictions will also normalize the wearing of face masks to reduce biased targeting.

## **Recommendation 1.2: Champion investment in social service programs.**

Cities and states should use social service providers and outreach workers to act as the primary agents for COVID-related issues. This includes public education for communities—especially communities of color—about the importance of protecting themselves against COVID-19 by physical distancing and staying home. Service providers should also be the ones to help people get the resources they need to keep themselves safe and to develop holistic non-punitive responses to the health crises. This includes coordinating efforts to deliver food, identify distribution and testing centers, distribute face masks, [provide transportation for sick patients](#), and deliver medications. Because of their first-hand experience responding to crises, law enforcement agencies are uniquely positioned to advocate for increased investment in social service programs.

Considering the uptick in 9-1-1 calls for intimate partner violence and child abuse, states and cities must adopt a mental health-first approach and ensure that qualified mental health experts practice de-escalation techniques. These experts are also critical for meeting the mental health needs of hate crimes victims, who experience greater levels of post-traumatic stress, anger, anxiety, and depression than similarly situated victims of non-bias related crimes.

## **Recommendation 1.3: Require all officers wear personal protective equipment (PPE).**

Law enforcement agencies—with help from state and local governments—must ensure all police officers have cloth face coverings or masks and other PPE when interacting with the public to protect themselves and others from COVID-19 and to serve as role models for communities. Departments must also require officers, who are public servants, to wear cloth face coverings or masks to prevent cases such as the [recent video](#) showing a police officer without a face covering coughing on people to intimidate them. And officers who expose people—intentionally or unintentionally—must be held accountable.

**Recommendation 1.4: Engage communities to ensure transparency and accountability before adopting technologies to monitor public order violations and public health issues.**

Law enforcement agencies have the capability to [use drones](#) to monitor people for public order violations and to identify those who are sick. Because people of color and poor people are disproportionately affected by the pandemic, they are more likely to be targeted and have their civil rights violated. New surveillance tools and data gathering techniques that can assemble detailed information about any person or group create a heightened risk of profiling and discrimination. Clear limitations, robust audit mechanisms, transparency, and community engagement are necessary to make sure that if these tools are used it is in a responsible and equitable way.

## **Principle 2: Practice Fairness, Promote Equity**

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**Recommendation 2.1: Prioritize bias-free policies and practices.**

Since the outbreak, there have been incidents of police targeting Black men both [for wearing face masks](#) and for [not wearing face masks](#), highlighting how responses to the pandemic are weaponized against people of color. Law enforcement agencies must acknowledge how bias—both explicit and implicit—influences decisions officers make and provide anti-profiling and bias-free policies and trainings for all officers. Supervisors should also closely monitor department operations to detect and address biased enforcement activities.

**Recommendation 2.2: Stop making arrests and detentions to the maximum extent possible.**

Every interaction between police and community members increases the risk of spreading COVID-19. Arresting and booking people directly jeopardizes the health of officers and community members. This is especially true of people of color and poor people who are contracting and dying from COVID-19 at [disproportionate rates](#). These interactions can also escalate into excessive use of force, further undermining community trust at a time when it is most needed. To stop the flow of people to jail, law enforcement agencies should stop making arrests and detentions for offenses that pose no imminent harm to others and are [not a threat to the public safety](#) to the maximum extent possible. This includes technical violations of probation or parole.

**Recommendation 2.3: Stop criminalizing vulnerable communities.**

[Unhoused people](#) are especially susceptible to the pandemic—someone can't stay home when they have no house. Law enforcement agencies should push their state and local governments to take preventative measures to provide restrooms, handwashing facilities, hygienic products including sanitizer, face masks, and housing, including [hotel rooms for safe isolation](#), to this vulnerable population. Departments should stop enforcing offenses that criminalize unhoused people, such as panhandling, loitering, and encampment sweeps. [Social service providers](#) should be the ones responsible for helping these communities access the resources and assistance they need during the pandemic.

Police encounters with people with physical and mental health disabilities, substance use disorders, and unhoused people are more likely to involve the [use of lethal force](#). Officers may interpret someone ignoring a command or atypical behaviors as noncompliant or threatening—which holds true as officers enforce public health orders. Law enforcement agencies must collaborate with the mental health community to train officers to identify people with physical and mental health disabilities, or substance use disorders, and rely on mental health professionals to resolve encounters without resorting to arrest or the use of force. Crisis intervention training would help prevent officers from misinterpreting atypical behaviors shown by these vulnerable communities.

Young people, especially teens, face particular difficulties as a result of public health orders and school closures. As summer jobs and other programs are cancelled in many places, young people are left with few options for employment, social gatherings, and travel. Law enforcement agencies must understand the challenges youth have and will continue to face in the coming months and avoid arrests for minor or status offenses, including violations of physical distancing and other COVID-19 related mandates. Instead, officers should identify and [divert](#) youth to social service agencies that provide services to young people, including housing, meals, and educational and counseling opportunities. State and local agencies should also [develop programs](#) to provide youth with computers and internet access to close the [digital divide](#) for poor students and students of color as schools move to online learning.

#### **Recommendation 2.4: Respond to increased hate crimes with training and outreach.**

This crisis has precipitated a sharp increase in hate incidents and hate crimes targeting [Asian Americans](#) and people of color, immigrants, the LGBTQ community, Muslims, Jews, and people with disabilities. Law enforcement officials must acknowledge the damage hate and intolerance have on overall community safety. This includes conducting outreach and public education to targeted communities and police prioritizing hate incidents and crimes and documenting and investigating every reported hate crime. Continued engagement with anti-hate organizations is critical, as they serve as a bridge between targeted communities and law enforcement for reporting purposes.

Departments must be able to communicate with all communities during this public health crisis—including those that may not be proficient in the English language to adequately meet their needs. Police must ensure they have legally required interpreter and translation services necessary for education and assistance for any public health needs, including reporting hate incidents.

#### **Recommendation 2.5: Cease immigration enforcement.**

Immigrant communities should be able to ensure their safety and well-being in a pandemic without fearing they will end up in detention for [seeking medical care](#) or [going to a food bank](#). Law enforcement agencies, including ICE, should not be granted warrants to target undocumented people, especially for simply accessing resources to meet their needs for survival. Law enforcement agencies should also stop notifying ICE when undocumented people will be released from custody.

## **Principle 3: Commit to Accountability and Transparency**

### **Recommendation 3.1: Collect data to ensure accountability and learn from the current responses for future outbreaks.**

Consistent with privacy laws, departments should collect and publish data on COVID-19 related calls for service, enforcement activities, and demographic information, including the race and gender of the officer and community member for any stops, arrests, citations, or uses of force. Demographic data should be disaggregated by race. It is imperative that law enforcement agencies monitor their response to the pandemic and the results. Analysis and review will allow police to learn whether their responses equitably and effectively balanced public health with public safety and to use those lessons for future crises and to address the lack of services for underserved communities such as people with disabilities, poor people, unhoused people, immigrants, LGBTQ people, and Black and Brown people.

### **Recommendation 3.2: Provide training on proper COVID-19 responses and hold officers accountable for violations.**

In the interest of protecting community and officer health and safety, departments should at minimum adopt the COVID-19 related policies above. Departments must train officers on these policies and continually educate and update them about the pandemic as it unfolds. Supervisors should monitor all law enforcement activities, for example, by reviewing incident reports and citizen complaints to ensure officers are following new or amended directives and hold them accountable for policy violations.

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The Leadership Conference on Civil and  
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Law Enforcement Action Partnership (LEAP)

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American Atheists  
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