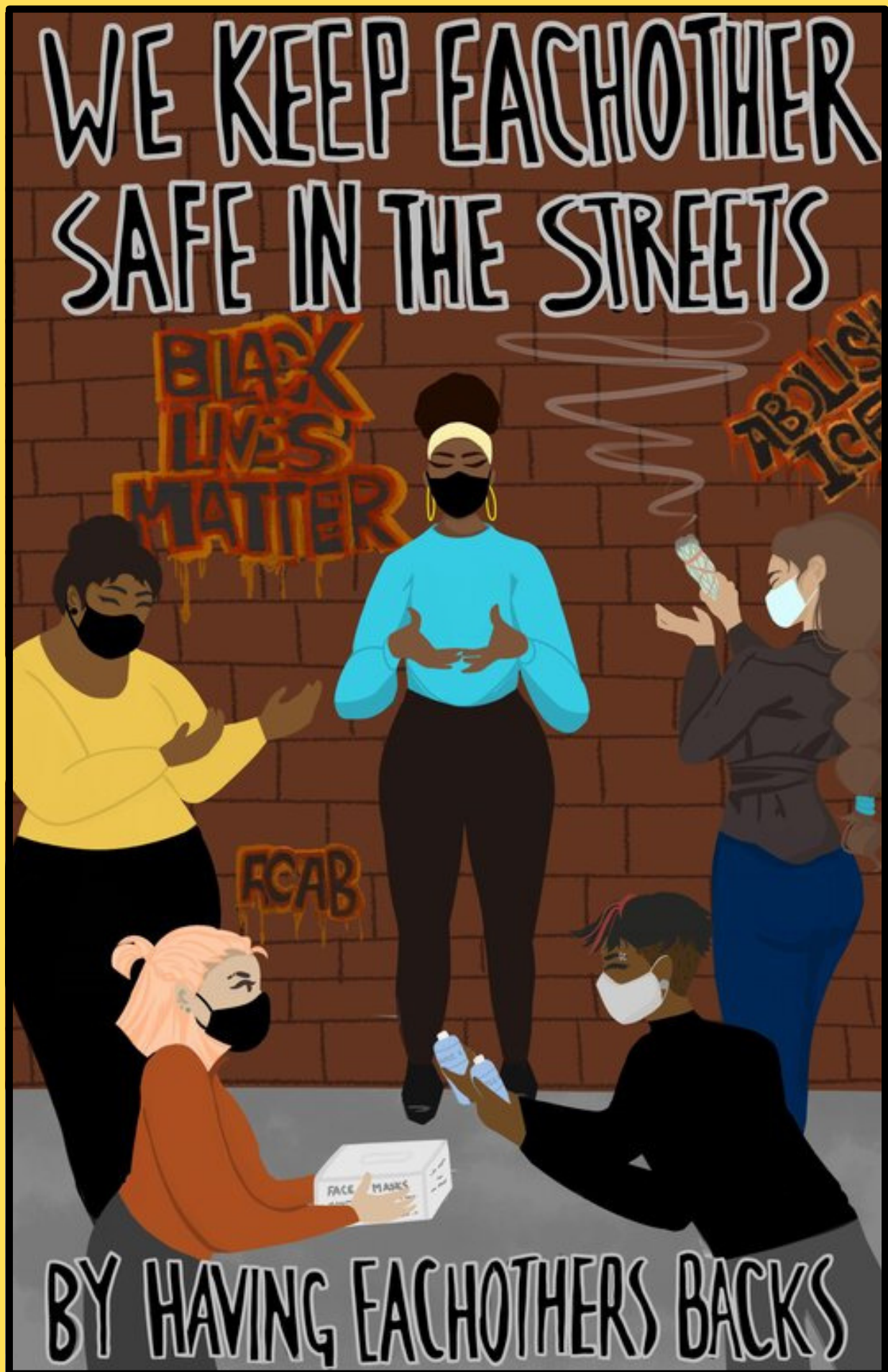


Divesting from Pandemic Policing and Investing in a Just Recovery

**COVID19 Policing Project
#COVIDWithoutCops**

May 2021



"We keep each other safe by having each other's backs" by Nicole Trinidad, with Street Youth Rise Up

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Divesting from Pandemic Policing and Investing in a Just Recovery

The COVID19 Policing Project's October 2020 report, *Unmasked: Impacts of Pandemic Policing*, documented the fallout of policymakers' decisions to police and punish individual behaviors and survival strategies instead of investing public resources into health care, income support, housing, and long-term strategies to address the structural inequalities laid bare by the devastating impacts of the coronavirus on Black, Indigenous, migrant, disabled, incarcerated, and unhoused communities. Not only did this approach fuel rather than curb the pandemic, it gave increased powers and resources to police to target communities already disproportionately impacted by the COVID-19 crisis, austerity economics, and state violence.

As we fight for a just recovery from the pandemic and glean lessons from the past year, it is more clear than ever that the safety and well-being of our communities requires divestment from policing as the default response to any crisis and robust investments in universal, accessible, quality, and sustainable health care, housing, employment, income support, and community-based safety strategies.

What Is A Just Recovery?

“

We can't police our way out of underlying conditions.

— Derecka Purnell, co-founder of the COVID19 Policing Project

”

Just Recovery is a framework for responding to large-scale disasters, including pandemics, that focuses on the pre-existing structural conditions tied to systems of oppression which leave marginalized communities disproportionately vulnerable to the devastating impacts of multiple intersecting crises (economic, environmental, and epidemiological).

Time and time again, when the state's disaster response has failed — through targeted neglect and intensified criminalization — communities have self-organized to respond to acute crises while demanding larger structural change. For example, in the wake of hurricanes Katrina, María, Harvey, and Sandy, Black, Indigenous, and People of Color-led community organizations in New Orleans, Puerto Rico, Houston, and New York organized recovery relief efforts, mutual aid networks, and participatory processes for rebuilding infrastructure, housing, and communications.(1,2)

According to Movement Generation, an Oakland-based justice and ecology project, a Just Recovery is governed by five key principles:

- creating root cause remedies,
- practicing revolutionary self-governance,
- asserting rights-based organizing,
- demanding reparations,
- and advancing ecological restoration for resilience.

“Just Recovery resists disaster capitalism at every step — from the disaster collectivism that models people-powered, heart-centered, socially just relief to the long-term organizing and actions that reclaim the right of peoples to define their economies and govern their communities. By organizing directly to meet our needs, particularly in these moments, we exercise our rights, demonstrate our resilience, and resist the imposition of neoliberal policies at every level. We are inspired by those asserting Just Recovery as a vision and practice, in the wake of disaster, and who are forging a path we must all learn to travel.

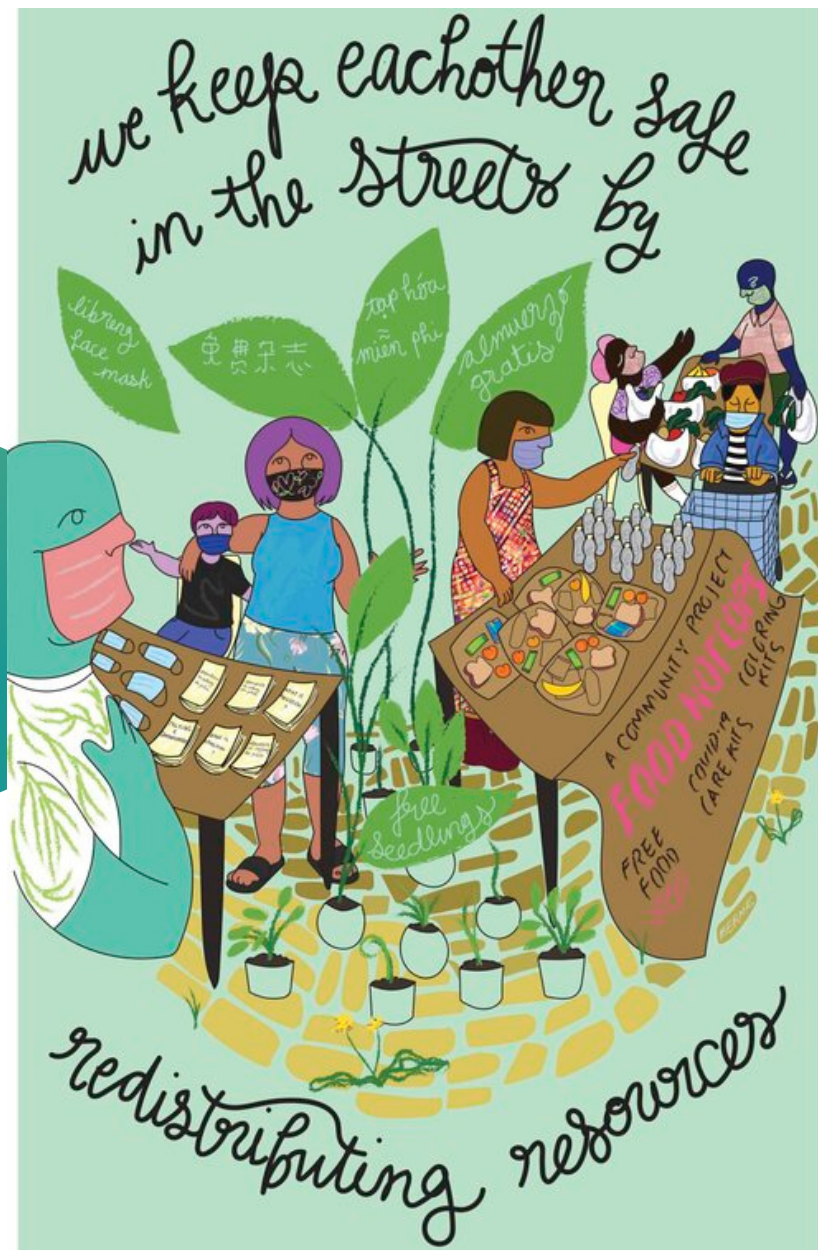
“Disaster collectivism describes the way communities radically come together, both forming new and building on existing networks of mutual aid, to take care of each other in the immediate aftermath of disaster. In these times, people are meeting their own needs their own way and prioritizing care for each other, especially those hardest hit by the disaster, often in the absence of adequate government response. Disaster collectivism sets the stage for long-term collectivity and deep democratic self-governance, and moves communities forward in their own Just Recovery processes.”

— *Movement Generation*(1)

In contrast to the two prevailing state approaches to the COVID-19 pandemic — the punitive enforcement of public health orders or the wholesale abandonment of a collectivized response in favor of white supremacist notions of individual “choice,” blame, responsibility, and risk — a Just Recovery framework is one that centers communities on the frontlines of the pandemic. It calls for

an investment of resources in community-based care on a scale that allows Black, Brown, Indigenous, migrant, disabled, queer and trans, incarcerated and formerly incarcerated people, and similarly affected groups to recover from the ongoing impacts of COVID-19 while simultaneously planning long-term systems of resilience for future pandemics and structural crises.

M4BL's Red Black and Green New Deal and the People's Bailout are two examples of imagining visionary principles and demands for a just recovery from COVID-19 and the climate catastrophes that have precipitated this pandemic and likely others to come.



"We keep each other safe in the streets by redistributing resources" by Peregrine Bermas in collaboration with Axis Lab. Visit bit.ly/solidaritycards for more.

Preventing Diversion of Recovery Resources to Policing

Divestment from pandemic policing and investment in a just recovery starts with ensuring that any remaining Coronavirus Aid, Relief, and Economic Security (CARES) Act funding and the massive injection of resources channeled through the American Rescue Plan Act and federal infrastructure plan are not diverted away from meeting community needs, addressing structural disparities, and building infrastructures of care and support toward building and reinforcing systems of policing and punishment.

CARES Act Funding

Since March of 2020, the federal government has allocated \$850 million for local law enforcement agencies through the CARES Act, while offering individuals paltry stimulus checks intended to keep a faltering economy alive instead of providing long-term income support.(3) State and local governments have redirected CARES Act funds originally intended for rent and mortgage relief, schools, protective equipment for essential workers, health care for incarcerated people, and support and general recovery assistance for individuals, to law enforcement agencies and carceral institutions instead. As a result, in addition to the \$850 million in direct grants from the Department of Justice, police departments have received an enormous percentage of the coronavirus relief money distributed to city and state governments to help communities survive and rebound from the pandemic.

“

Redirection of pandemic resources to law enforcement has literally cost lives and well-being – not only in terms of the increased state violence facilitated by the funds, but in terms of the deadly impacts of failing to meet community needs.

”

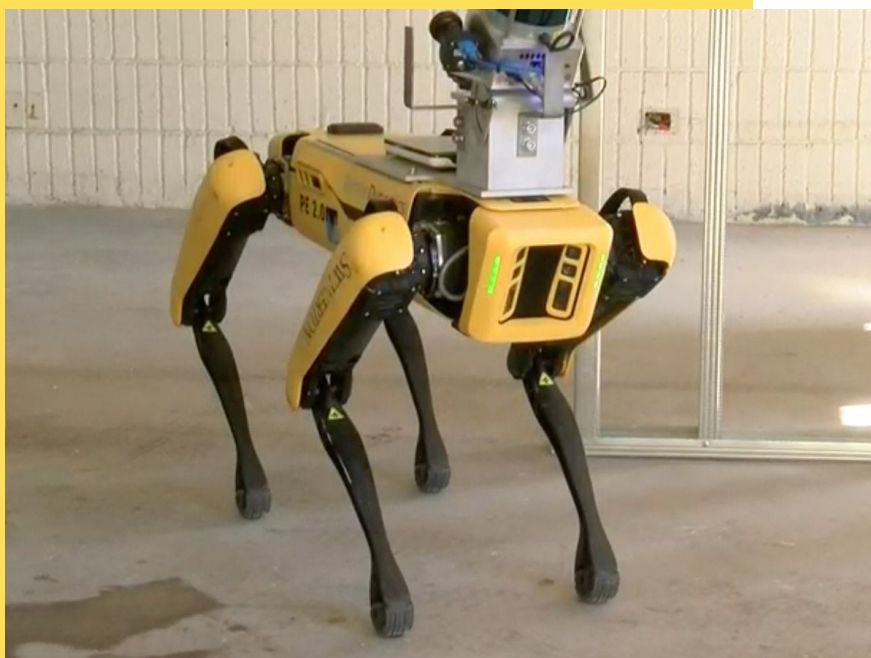
Studies have shown that more than 400,000 cases of coronavirus and 11,000 deaths resulted from evictions, 30% of deaths were associated with a lack of access to health insurance, and 40% of deaths could have been avoided had the U.S. followed public health policies adopted in other countries, including income support and universal health care.(4-6)

Police departments have used CARES Act funding to pad their budgets, raise staff salaries, use and abuse overtime coverage, give “hero bonuses” to cops and jail and prison guards, purchase surveillance technology and military-grade weapons, and create specialized COVID police units that have further criminalized Black, Indigenous, and migrant communities already experiencing targeted policing and high coronavirus infection rates, as described in the *Unmasked* report.

How Local and State Governments Spent CARES Act Funds on Police and Prisons

- The City of Chicago gave \$281.5 million (60%) of its discretionary funding from the CARES Act to the Chicago Police Department for personnel costs.(7)
- Cook County spent \$181.7 million (42%) of its \$428.5 million in CARES Act funds on the sheriff’s office — 97% of which went to payroll costs. The sheriff’s office oversees the Cook County Jail, which had the highest reported rate of COVID infection of any jail in the country. (8)
- In Oklahoma City, \$3 million of CARES Act funds went to “hero bonuses” for jail and prison guards for keeping people locked up in detention facilities where they are at extremely high risk for contracting the coronavirus.(9)
- The City of Houston allocated \$4.1 million from CARES Act funds for police overtime coverage. (10)
- The Honolulu Police Department (HPD) was forced to disband its COVID-19 enforcement unit after repeated violations of the department’s overtime policy. Cops are limited to 20 hour/week of overtime, but many fraudulently claimed to have worked an average of 65 hours/week of overtime on pandemic patrol.(11)
- HPD also spent \$150,045 in CARES Act money to purchase a robotic dog equipped with biometric capability. According to HPD, the robotic dog was used to take the temperature of unhoused people living in a tent city. During Hawaii’s “stay-at-home” declaration, HPD received \$34 million from the CARES Act compared to the \$2.4 million allocated through the Household Hardship Relief Program for families facing eviction and food insecurity.(12,13)

- In Pennsylvania, \$108 million of the \$175 million reserved for rent and mortgage relief was not used for its intended purpose because the state’s application process for receiving assistance was too inaccessible. Instead, this money was redistributed to the PA Department of Corrections for payroll expenses. Of the state’s remaining \$1.3 billion in CARES Act funds, \$968 million went to state prisons and \$226 million went to state police general operations.(14,15)
- In Lafayette, LA, \$11 million of the \$13.8 million the city received in CARES Act money was earmarked for police pay raises and “de-escalation” training following the police killing of Trayford Pellerin.(16)
- Merrillville, IN, gave individual \$4,000 bonuses to cops — twice the amount given to other city employees who actually provided essential services during the pandemic.(17)



HPD used federal pandemic relief money to buy a robot dog, similar to this one. Hawaii News Now.

Long-term Costs of CARES Act Money Going to Cops

Not only does siphoning CARES Act money to law enforcement hamper immediate recovery efforts, it also carries additional long-term costs for cities facing budget deficits. Police pension liabilities burden many local governments who already struggle to pay pension debt, leading to the further defunding and elimination of essential community services like health care, mental health services, youth jobs training, and violence interruption programs.(18) Using CARES Act funds to pay for police overtime coverage and salary raises during the pandemic will only exacerbate the economic toll on city budgets down the road, as some police union contracts base pensions on an employee’s highest earning years.

For example, the Honolulu Police Department’s (HPD) abuse of overtime pay from coronavirus relief funding will cause future “pension spiking” since pensions for sworn officers hired before 2012 are calculated according to the “high three” (three highest paid years); for HPD officers who received overtime pay for COVID enforcement, 2020 will likely be their most lucrative year.(19)

The American Rescue Plan Act

The American Rescue Plan Act (ARPA) signed into law by President Biden on March 11th provides \$1.9 trillion in economic relief through direct payments (stimulus checks), expanded child tax credits, unemployment benefits, and small business loans. ARPA allocates \$350 billion in aid for state and local governments in addition to the aid previously allocated under the CARES Act and the Coronavirus Response and Relief Supplemental Appropriations Act. As of May 10th, cities and states will start receiving the first 50% of their ARPA funding, with the second half arriving in twelve months.(20)

“

Local and state governments have discretion on how to distribute this avalanche of cash coming through coronavirus relief aid. Currently, police departments across the country are poised to take the largest portion of ARPA funds flowing into city and state coffers.

”

That’s because police departments in general take the greatest percentage of city and county budgets compared to other municipal departments like housing, health care, and mental health services. While the \$80 million ARPA set aside for mental health crisis response training explicitly includes cops (which has proven ineffective), the \$350 billion of aid going to local and state governments is largely discretionary and can be allocated to police in a number of ways.(21)

Police departments, police lobby associations, police fraternal associations, and pro-police politicians are already strategizing how to funnel ARPA money to law enforcement. For instance,

- The National Association of Police Organizations (NAPO) lobbied to get cops premium pay as “essential workers” under ARPA provisions for premium payments of up to \$13/hour or \$25,000 total on top of regular wages for essential workers.(22)
- NAPO also lobbied for an additional \$50 billion for FEMA’s Disaster Relief Fund to reimburse state and local governments for COVID-related expenses, including enforcement of public health orders, and an additional \$85.7 billion in aid to cover “financially troubled multiemployer pension plans,” most of which will likely go to law enforcement pension plans which are many cities’ greatest liabilities.(22)

- In negotiations between the City of Phoenix and the Phoenix Law Enforcement Association, city officials agreed to a contract provision giving cops an unspecified amount of premium pay from the \$396 million that Phoenix will receive in ARPA aid.(23-25)
- Governor DeSantis of Florida pledged \$1,000 bonuses for cops from federal stimulus funds. (26)
- Mayor Strickland of Memphis proposed a 9% bonus based on police salaries.(27)
- Mayor Turner announced that some of Houston's nearly \$608 million in ARPA aid would be used to expand police recruit classes.(25,28)
- Mayor Keller of Albuquerque has proposed giving \$9.5 million directly to the Albuquerque Police Department (APD), \$5 million for upgrading APD buildings, \$3 million for gun shot surveillance tech, and \$1 million for APD vehicles.(29)

The American Rescue Plan Act is set to pivotally change the landscape of organizing to defund the police this year as police departments responsible for the murders of George Floyd, Breonna Taylor, Daunte Wright, Adam Toledo, Ma'Khia Bryant, and countless Black people are once again positioned to have their budgets dramatically increase with coronavirus recovery dollars.



Art by Cristy C. Road. Visit bit.ly/solidaritycards for more.

Ensuring Federal Stimulus Funds Support Communities, Not Cops

From the very beginning of the pandemic, organizers have been demanding a Just Recovery framework for distributing resources to support communities bearing the brunt of the COVID-19 crisis. Many are making connections between the allocation of coronavirus recovery funds and the broader movement to defund and divest from policing and invest in community needs and safety, including protection of hard-won victories to reduce police department budgets and staff size following last summer's uprising in defense of Black lives.

As city officials try to justify directing ARPA funds to policing as a response to an uptick in “crime” during the pandemic, organizers are sounding a clarion call to defund police and invest in solutions that strike at the root causes of violence, including economic devastation, housing and food insecurity in the face of a looming eviction crisis, and the absence of universally accessible mental health services in the face of collective grief, in order to address the underlying conditions of community health and safety.

Organizing to Invest ARPA Funds in a Just Recovery

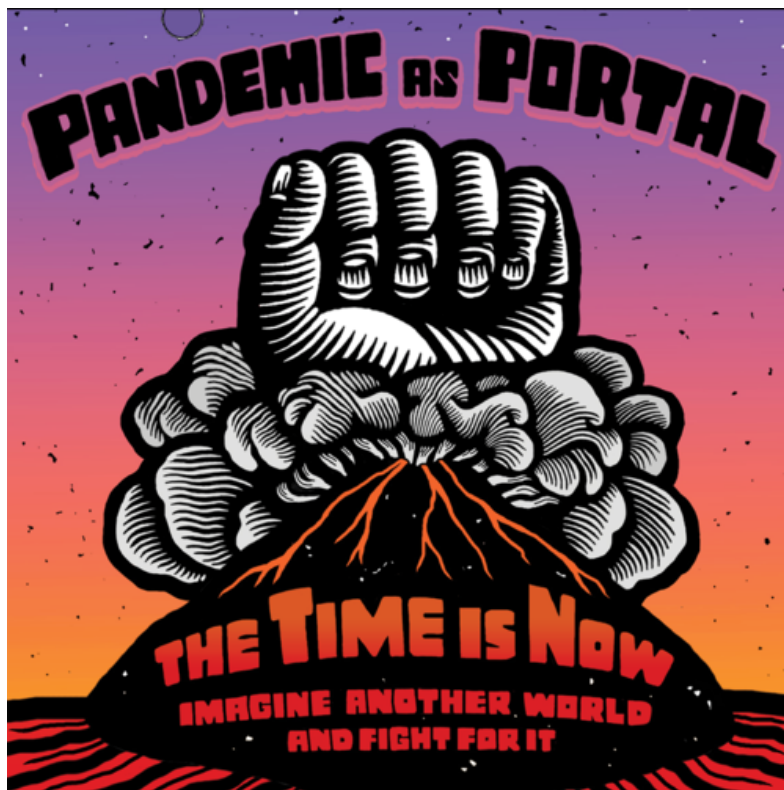
- In St. Louis, organizations leading grassroots campaigns to defund the St. Louis Metropolitan Police Department (SLMPD), including Action St. Louis, Arch City Defenders, and Forward Through Ferguson, have teamed up with Mayor Tishaura Jones to create a people's agenda and task force for how the city should spend its ARPA dollars.
- Poder in Action in Phoenix is organizing to stop premium payments from going to cops and secure premium pay for actual essential workers who continue to support communities on the frontlines of the pandemic.
- In Chicago, the Right to Recovery coalition has created a participatory budget survey asking city residents how they would spend \$1.8 billion in ARPA aid.
- Essential workers, working families, and trade unionists in Oakland have organized an Oakland Recovers Together budget plan for a just recovery.

- Undocumented workers — who have been excluded from all federal coronavirus relief benefits — have successfully waged campaigns in California, New Jersey, and New York to get state governors and legislators to commit discretionary funding from remaining CARES Act and future ARPA funds to provide direct cash assistance to excluded workers.
- In Seattle, organizers with #DefendTheDefund are calling on City Council to prevent ARPA funds from going to the Seattle Police Department and instead create a participatory budgeting process for distributing these funds to communities.
- In New Mexico, People's Budget NM, #FreeThemAll NM Coalition, and NNM & ABQ Standing Up for Racial Justice (SURJ) are responding to proposed increases in local police budgets by tying defund demands to ARPA demands for investments in health care and alternatives to police.

Unlike the CARES Act and other coronavirus relief bills, ARPA funding is largely unrestricted and can be disbursed to provide support through non-profit organizations. Therefore, this is a real opportunity to direct recovery funding to where it is most effective and needed: community-based safety strategies and mutual aid networks.

Together with Borealis' Community Transforming Policing Fund and Civilytics Consulting, we created a factsheet with a budget tool so you can find out how much money your city or state government is estimated to receive, and recommendations for demands to make to your city council and state representatives to ensure that this funding go to toward a just recovery, not more policing. Check it out on the next few pages!

*As of May 10th, you can now find the exact allocation amounts for cities [here](#) and states [here](#).



"Pandemic as Portal" by Kill Joy. Visit bit.ly/solidaritycards for more.



Communities
Transforming
Policing
Fund



COMMUNITY
RESOURCE HUB



ENSURING FEDERAL STIMULUS FUNDS SUPPORT COMMUNITIES, NOT COPS

THE AMERICAN RESCUE PLAN ACT (ARPA)

signed into law by President Biden on March 11, 2021 provides \$1.9 trillion in economic relief through direct payments (stimulus checks to individuals), expanded child tax credits and unemployment benefits, small business loans, and aid to local and state governments.

ARPA allocates \$350 billion in aid for state and local governments in addition to the aid previously allocated under prior coronavirus relief efforts (the CARES Act and the Coronavirus Response and Relief Supplemental Appropriations Act). Unlike funds awarded under these two previous bills, ARPA funding to states and cities is largely unrestricted.

Pandemic-related funding to cities and states should be used to support individuals and communities who have been devastated by the coronavirus pandemic and the economic, housing, and health care crisis it precipitated—Black, Indigenous, disabled, and migrant communities; workers in health care, service, and other disproportionately impacted sectors, including workers in informal and gig economies.

These funds should NOT be used to fill police department coffers or reward individual cops and prison and jail guards who have systematically harmed these very same communities—including through discriminatory enforcement of pandemic-related public health orders and refusing to protect or release incarcerated people during the pandemic.

HOW CAN AMERICAN RESCUE PLAN ACT FUNDS BE USED?



DIRECT AID &
PREMIUM PAY



GOVERNMENT
SERVICES



INVESTMENTS
IN UTILITIES

ARPA FUNDS ARE DESIGNATED* FOR:

- Responding to the economic impacts of the COVID-19 pandemic, including through aid to:
 - households,
 - small businesses,
 - nonprofits, and
 - industries such as tourism and hospitality.
- Providing “premium pay” to essential workers or grants to their employers up to \$13 per hour or \$25,000 per worker over and above their regular wage;
- Providing government services affected by revenue shortfalls due to COVID-19; and/or
- Making necessary investments in water, sewer and broadband infrastructure.**

[*] In order to receive ARPA funds, both state and local governments must submit a certification from the governor or other authorized officer of the state attesting that the state, or local government, needs federal assistance for these purposes to the Department of Treasury.

[**] Legislative analysis of the American Rescue Plan by Holland & Knight, available online: <https://www.hklaw.com/en/insights/publications/2021/03/american-rescue-plan-act-of-2021-summary>

HOW MUCH IS THE FUNDING?

COUNTIES
\$198
PER RESIDENT

CITIES
\$200–\$300
PER RESIDENT

SMALLER CITIES
\$240
PER RESIDENT

- Counties will receive \$198 per resident;
- Cities with more than 50,000 residents will receive an average of \$200 to \$300 per resident (the funding formula for this category takes into account city need);
- Cities with fewer than 50,000 residents will receive approximately \$240 per resident.

→ For comparison, in a typical year, the federal government disburses about \$250 per resident in aid to all local governments serving that resident (e.g., city, county), not including federal pass-through education aid. ARPA aid more than doubles that amount.^{***}

To find out how much your city will receive, check the table at the end of this fact sheet — if your city is not there, you can find aid estimates for 20,000+ local governments in a searchable database created by Civilytics using these links for [City Aid Estimates](#) and [County Aid Estimates](#).

WHEN WILL THE FUNDS COME?

HALF THE FUNDS WILL BE PAID BY MAY 10TH.

The other half will be paid no sooner than 12 months later (May 10, 2022).

NO COVID-19 SUPPORT MONEY FOR COPS!

The following demands relating to the America Rescue Plan Act (ARPA) and CARES Act funding were developed by the Community Resource Hub [COVID-19 Policing Project](#) in consultation with project partners.



CARES ACT FUNDS SHOULD BE USED FOR

Cities and states must provide a full public accounting of how CARES Act funds were spent, including a **detailed accounting of all funds provided to law enforcement.**

Any remaining CARES Act funds **should be used to:**

- Provide personal protective equipment (PPE) to all health care, essential, and service workers;
- Provide for quality health care, vaccination, and medical release for people incarcerated in state and local facilities and immigration detention;
- Provide for public health education through community-based credible messengers;
- Provide for equitable, widespread vaccine distribution with a focus on disproportionately impacted communities;
- Provide no-cost face masks for all individuals using public transportation in accordance with the federal mask mandate.



ANY REMAINING CARES ACT FUNDS SHOULD NOT BE USED FOR

- Surveillance technology, military or law enforcement equipment;
- COVID-19 policing units;
- Police overtime coverage;
- General police department, prosecutor, court or jail budgets.

^{***} Estimate is for 150 of the largest cities. See Lincoln Institute of Land Policy. Fiscally Standardized Cities Database at <http://www.lincolninstitute.edu/research-data/data-toolkits/fiscally-standardized-cities/search-database> and Chernick, Howard, David Copeland, and Andrew Reschovsky. 2020. "The Fiscal Effects of the COVID-19 Pandemic on Cities: An Initial Assessment," National Tax Journal 73, No. 3, (September): 699-732.



ARPA FUNDS SHOULD BE USED FOR

States and municipalities should engage in public participatory budgeting processes to determine how ARPA funds should be spent.

When allocating ARPA funds, the following direct supports to people and communities devastated by the coronavirus and economic crisis should be prioritized:

- Housing assistance, rent and mortgage cancellation or deferment;
- Long-term eviction moratoriums to address the looming and potentially deadly and devastating eviction and foreclosure crisis;
- Permanent, quality, accessible housing for all unhoused people;
- Direct cash assistance and income support for unemployed and underemployed people, including undocumented people, disabled people and caretakers;
- Summer youth employment, educational, and recreational programs;
- Equitable, widespread vaccine distribution with a focus on disproportionately impacted communities;
- Health care, vaccination, and medical release for incarcerated people;
- Non-profit and mutual aid programs—note **that the ARPA specifically provides that the funds can be disbursed to provide assistance through non-profits;**
- Resources for teachers and students to ensure safe, enriching, and supportive educational experiences during the pandemic, including appropriate and consensual mental health services as students return to in-person learning;
- Evidence-based violence interruption programs that do NOT involve law enforcement;
- Violence prevention and interruption through quality, accessible, and universal housing, health care, youth programs, education, employment, cash assistance, and income support;
- Safe, accessible, and ecologically sound transportation infrastructure;
- Library expansion and creation and maintenance of public spaces;
- Arts sector relief funding;
- Free universal high-speed broadband for everyone.



ARPA FUNDS SHOULD NOT BE USED FOR

- **Police, prosecutors, and jail and prison guards should be excluded from any bonuses, income support, “premium payments” or wage supplements offered through ARPA funds;**
- **No ARPA funds should be used for police or correctional staff bonuses, overtime, recruit classes, equipment, or pensions;**
- States and municipalities should not apply to the Public Benefit Guaranty Corporation for aid under the ARPA to cover shortfalls in police pension funds;
- No ARPA funding should be used to train police in mental health crisis response—these funds should go directly to accessible, voluntary, harm reduction based community mental health prevention and treatment services;
- No ARPA funding should be used to conduct sweeps of encampments of unhoused residents in direct violation of Centers for Disease Control guidance. Funding should be directed to long-term, quality, accessible housing for unhoused people;
- States and municipalities should not apply to FEMA's Disaster Relief Fund for funding for police departments (including transit police and school resource officers), prosecutor's offices, jails, prisons or any place of detention.

Biden's Federal Mask Mandates

Since Biden declared a “war on COVID,” he has issued two federal executive orders related to mask-wearing. One requires wearing masks on federal property and the other requires wearing masks for travel on buses, trains, planes, and other forms of public transportation.(30,31) Biden has since extended the order relating to transportation to September 21, 2021. The Centers for Disease Control and Prevention (CDC) issued a separate order in late January mandating mask-wearing in ride-shares as well, which remains unchanged despite the CDC’s new guidance relaxing mask requirement for vaccinated people in other indoor settings.(32,33)

As the case of Kaleemah Rozier illustrates, Biden’s second executive order, in particular, will disproportionately impact Black, Brown, low-income, LGBTQ, disabled, and migrant communities who most rely on public transportation and who already experience intense surveillance and policing at airports, train stations, and bus stops.(34) For instance, advocates for unhoused people in New York City sued the Metropolitan Transportation Authority over a series of COVID-related rules that they say unfairly target people who shelter in the city’s subways.(35)



Biden signs a series of executive orders hours after his inauguration. Chip Somodevilla/Getty Images

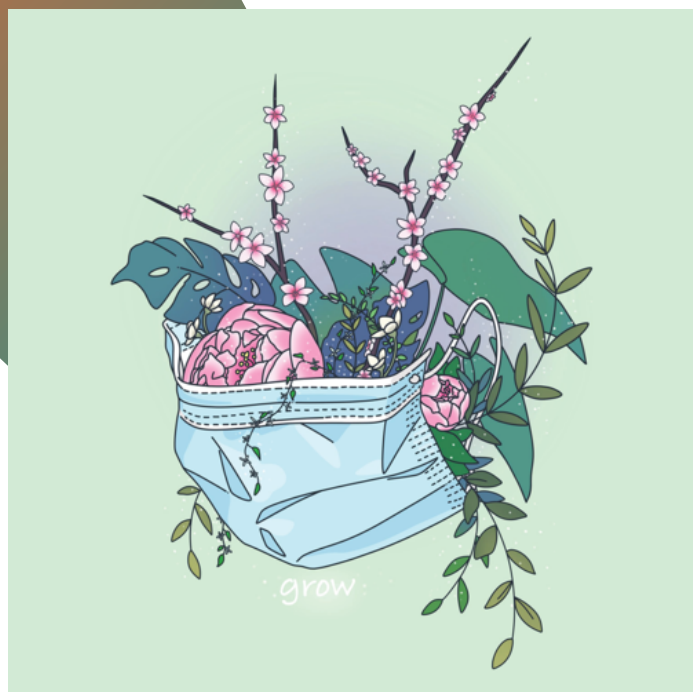
Neither of Biden’s executive orders on mask-wearing offered specific detail on how exactly these orders will be enforced. However, the Transportation Security Administration (TSA) announced that it will impose fines of \$250-\$1,500 for violations of the federal mask law on public transportation, and thus far the agency has cited nearly 2,000 passengers for non-compliance. TSA is coordinating enforcement with federal agencies, local police, and companies in the transportation industry.(36,37)

As is the case with some local and state mask mandates, Biden’s federal executive orders on mask-wearing provide exceptions for certain groups, including disabled people “who cannot wear a mask, or cannot safely wear a mask, because of the disability,” children under age two, and essential workers for whom wearing a mask would “create a risk to workplace health, safety, or

job duty” according to federal rules.(38) However, as highlighted in the *Unmasked* report, exceptions to mask mandates and other COVID-19 public health orders have not provided directives that ban police from arresting, ticketing, and harassing disabled people, unhoused individuals, survivors of violence, and other vulnerable populations who are exempt from mask mandates. Biden’s executive orders, along with local and state mandates, must provide clear guidance on exceptions to ensure people’s safety and eliminate law enforcement from our collective COVID response, including enforcement of mask mandates.

Biden’s federal executive orders mention incentivizing state and local officials to implement or redouble enforcement of mask requirements. It remains unclear how much additional money may have been poured into law enforcement or transit agencies for pandemic policing. For instance, in late January, the Federal Transit Administration (FTA) awarded NJ Transit a \$600,000 grant to install face mask-detecting artificial intelligence and heat mapping systems on one of its lines.(39) This funding would be better spent providing PPE to workers and passengers aboard buses, trains, planes, rideshares, and in all public transportation hubs, and providing and expanding accessible public transportation for everyone.

The Transportation Equity Caucus has been strategizing with organizations across the country to advocate for removing enforcement from transportation. Check out their “Removing Enforcement Strategies from Transportation Safety Programs” webinar series for comprehensive analysis and resources related to this work.



“Grow” by Easul Mims. Visit bit.ly/solidaritycards for more.



“Everyone Needs Somewhere to Rest” by Bridgett Rangel-Rexford. Visit bit.ly/solidaritycards for more.

Vaccination and Criminalization

Widespread racial disparities in vaccine access within the U.S. and across the globe persist — with potentially devastating impacts in terms of ongoing infection and death tolls in Black, Indigenous, migrant, disabled, unhoused, and essential worker communities, as well as in the global South.

Nationally, the CDC reports that among half of the people who have received at least one dose, nearly 63% were white, 13% were Latinx, 9% were Black, 6% were Asian, 1% was American Indian or Alaska Native, and less than 1% were Native Hawaiian or Other Pacific Islander.⁽⁴⁰⁾ In Washington, DC, for example, Black people constitute 46% of the total population, but they constitute 70% of deaths, 55% of cases, and received 31% of vaccinations.⁽⁴⁰⁾ Disparities in vaccine access will also contribute to ongoing structural inequities that are driving uneven impacts of the pandemic in these communities by limiting access to employment and opportunity.

While immigration authorities claimed that they would not engage in enforcement actions at or near vaccination facilities, there were no guarantees made that data collected as part of vaccination efforts would not be shared with law enforcement, including ICE or Border Patrol.⁽⁴¹⁾ As outlined in *Unmasked* and in the work of Mijente and the Just Futures Law Project, databases collecting pandemic-related health information are currently being maintained by private tech companies with no safeguards against law enforcement access. Moreover, police across the country made no such promises. The presence of cops, military, and private security at vaccination sites across the country — and in some places administering the vaccine — raises particular concerns for criminalized communities, as well as domestic and migrant populations that have experienced violence at the hands of U.S. armed forces, and has the potential to further limit vaccine access.⁽⁴²⁾



A NYPD surgeon prepares a dose of the Moderna COVID-19 vaccination at Queens Police Academy. Jeenah Moon/Bloomberg via Getty Images

Additionally, health professionals who sought to ensure distribution of expiring vaccines at the height of vaccine shortages in early 2021 faced criminalization and arrest. One Texas doctor was fired and criminally charged after he distributed six expiring vaccines to high-risk elders and parents, while a Florida paramedic also faced criminal charges for alleged theft of three vaccines to distribute to elderly family members.(43,44)

At the same time, cops and guards continue to place public safety at risk by refusing vaccination — much as they did through much of the pandemic by refusing to wear masks, as documented in *Unmasked*. An estimated three-quarters of the Chicago police department has refused city-administered vaccines, causing concern among public health experts. Similarly low rates of vaccination are reported among New York, Washington, DC, Los Vegas, Columbus, OH, Atlanta, and Phoenix police departments, with Phoenix offering cops \$75 to get vaccinated as organizers call to defund the department and invest in community safety strategies.(45-48)

“I hate to sound like I don’t care, but I really don’t,” Vince Champion, the Atlanta-based southeast regional director of the International Brotherhood of Police Officers, said of low vaccination rates.(46) Widespread refusal of vaccination by police and jail and prison staff while simultaneously refusing to prioritize incarcerated people and criminalized populations for informed and consensual vaccination is increasing risk of transmission, illness, and death.



NYPD officers during protests in NYC in early summer of 2020. C.S. Muncy/Gothamist.

Disparities in vaccine access or discomfort with an experimental vaccine — shaped by the U.S.’s history of eugenicist vaccination practices that have harmed generations of communities of color — can translate into the creation of a two-tiered society based on vaccination status. Three vaccines were initially approved for distribution in the U.S.: Pfizer, Moderna, and Johnson & Johnson. Pfizer and Moderna both require two doses and offer the highest protection against the novel coronavirus. Johnson & Johnson only requires one dose, and was used to target Black, low-income, and transient communities whom officials did not expect to return for a second dose. The differing distribution effects raised concerns that Black people would not have access to the vaccines that offered greater protection.(49) After approximately one month of distribution, the federal government paused distribution of the Johnson & Johnson vaccine — not because of the two-tiered system, but because six women developed serious blood clots after receiving the vaccine, one of whom later died. Limited access and fear of experimentation are not historical facts in Black communities; the federal government makes them present concerns.



"Turbulence" by Emily Regan. Visit bit.ly/solidaritycards for more.

Travel is another place where policing and public health emergency orders collide. Airlines have used “no-fly lists” developed as part of the “war on terror” to ban people who have not complied with mask requirements during flights, and vaccines could be used to regulate air travel as well. (50) An *Atlantic* article about the use of “vaccine passports” in other countries argues that their use

comes at significant cost. It splits society into the jabbed and the jabless, creating the perception that the vaccine is de facto compulsory and that those who refuse [or are unable to access] one will face social exclusion. That division, public-health experts warn, could entrench inequalities and dissuade vaccine-hesitant populations precisely when governments need to shore up their confidence. Perhaps most concerning, the proposal undermines the narrative that we are all in this together by creating a system that benefits those who are open to vaccination at the expense of those who have concerns.(51)

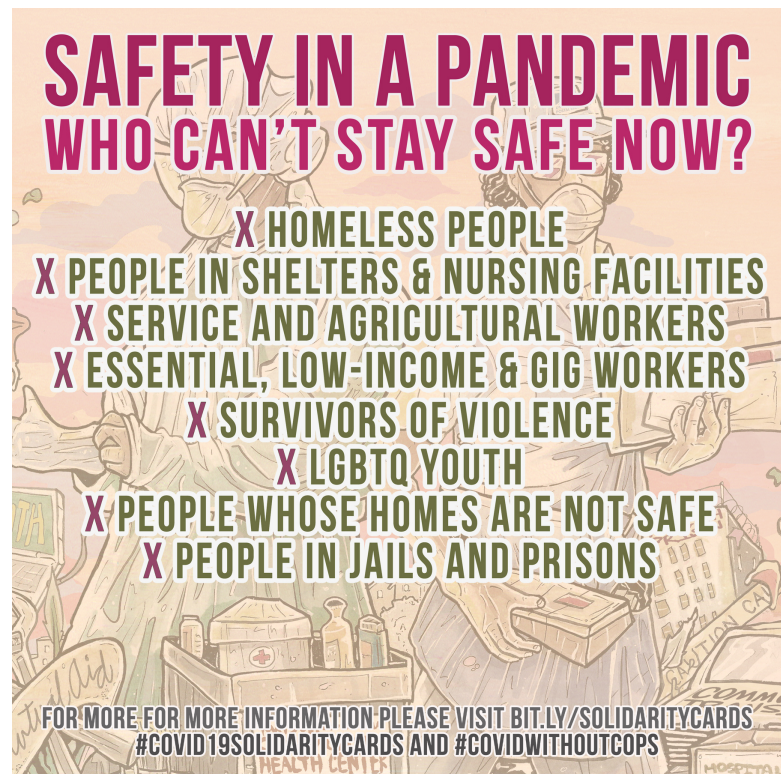
These concerns are only exacerbated by issues of access disparity — for instance, in Israel, where vaccine passports are used to govern access to public spaces and private facilities, Palestinians have been denied or experienced limited access to vaccines freely available to the non-Palestinian population.(52)

Stephen Reicher, a member of a group of behavioral scientists that advises the British government’s pandemic-response committee, was quoted in the *Atlantic* article stating “If you have vaccine inequalities by ethnicity, by race, and also by social deprivation, and you add vaccine passports for basic social activities onto that, you begin to get vaccine apartheid.”(51) Given the ways in which pandemic policing unfolded in the U.S., it is not hard to imagine what enforcement of vaccine passports would look like. There are already reports of event spaces requiring people to show proof of vaccination or rapid COVID test results to gain entry to art shows, dance performances, classes, and more.

These arguments also apply in the transnational context. As Stephen Thrasher argues in the *Scientific American*,

It is morally reprehensible (not to mention epidemiologically self-defeating) that countries can prevent vaccines from crossing their borders and want their own citizens to be able to cross those borders and travel to countries that are denied vaccines — and then use the threat of infection to keep the people of those unvaccinated countries inside them. ... A vaccine passport conflates the notions of biology, nationalism and surveillance.(53)

The CDC has also used vaccinations to shift the landscape of the public health orders under the coronavirus, which may cause additional public confusion and increases the possibility for interaction with law enforcement. On May 13th, the CDC stated that “fully vaccinated people can resume activities without wearing a mask or physical distancing, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidelines.”(54) Thirty-five percent of people in the U.S. are fully vaccinated, and they live mostly in Democrat-led states in the northeast corridor.(55) The vaccination rates are around ten points lower than the national average in the south, where Republican-led governors have begun to roll back coronavirus-related orders. In U.S. colonial territories, some rates are even lower. Micronesia hovers at 15% and the Marshall Islands at 22%.(55)



Art by Cristy C. Road. Visit bit.ly/solidaritycards for more.

Essential workers fear a mismatch between these new guidelines and the health and safety precautions still needed to protect them. In response to the announcement, the president of the United Food and Commercial Workers International Union released the following statement:

While we all share the desire to return to a mask-free normal, today's CDC guidance is confusing and fails to consider how it will impact essential workers who face frequent exposure to individuals who are not vaccinated and refuse to wear masks.

Millions of Americans are doing the right thing and getting vaccinated, but essential workers are still forced to play mask police for shoppers who are unvaccinated and refuse to follow local COVID safety measures. Are they now supposed to become the vaccination police?

With so many states already ending their mask mandates, this new CDC guidance must do more to acknowledge the real and daily challenge these workers and the American people still face.

Vaccinations are helping us take control of this pandemic, but we must not let our guard down. As one of America's largest unions for essential workers, UFCW is calling on the CDC and our nation's leaders to clarify how this new policy will be implemented, how essential workers will be protected, and how these workers will protect the communities they serve.⁽⁵⁶⁾

After the CDC announcement, Democrats in at least seven states lifted their mask mandates.⁽⁵⁷⁾ But many cities may keep their local ordinances in place even though the state guidance has changed, and will subsequently use cops to enforce the local ordinances with arrests or fines. The mismatch between federal, local, and state guidance could be especially troublesome for essential workers, and also teenagers who just became eligible for the vaccine in early May. Local ordinances that still require masks for unvaccinated people would disproportionately impact 12 to 15 year olds whose parents are still skeptical about permitting their children to be vaccinated.

At a press conference to celebrate the CDC guidance and roll back his state's mask mandate, Washington Governor Jay Inslee removed his mask and called the vaccination a "ticket to freedom."⁽⁵⁷⁾ Ironically, the CDC announcement may cause people to violate any remaining orders because at any given city, park, business, store, or restaurant, community members may be subject to different sets of rules based on whether they have received a vaccine.

Model Policy for COVID-19 Response and Future Pandemics

Public Health Orders

- Clear guidance around the meaning, intent, and protocols of public health orders should be rooted in culturally-specific public health and public awareness campaigns from the outset.
- Support for cooperation with public health orders should be coordinated and resourced through community-based credible messengers, not punitive enforcement involving cops.
- Any “stay-at-home,” quarantine, face mask, or other pandemic-related policies must provide clear guidance on exceptions for disabled people, unhoused individuals, survivors of violence, and other vulnerable populations.

Recovery Funding

- Long-term, sustaining universal income, direct cash assistance, and unemployment benefits for everyone (no exclusions based on immigration status, disability, or participation in informal economies). The federal government should deliver assistance directly to individuals and businesses to avoid interference by states.
- Investments in universal health care, equitable vaccine access, comprehensive, accessible, and culturally-specific mental health services (including crisis response), and evidence-based violence interruption programs that do not involve law enforcement.
- Investments in infrastructure, accessible and ecologically sound public transportation, environmental justice assessments, and community-driven disaster response systems.
- Investments in universal and free broadband internet access.
- Prioritize funding to mutual aid networks and community-based safety strategies.
- No recovery funding for law enforcement agencies related to pandemic policing, surveillance, overtime coverage, general operating costs, or any other reason. This includes civilian positions, transit police, and school resource officers.

Housing

- Cancel rent, mortgage, and utility payments and extend federal, state, and local moratoriums to prevent potentially deadly and devastating evictions and foreclosures.
- Increase federal, state, and local funding for rental and mortgage assistance to meet the actual level of need and provide aid for forgiveness of the \$20 billion of renter debt.(58)
- Provide long-term, quality, accessible housing for unhoused people.

#FreeThemAll

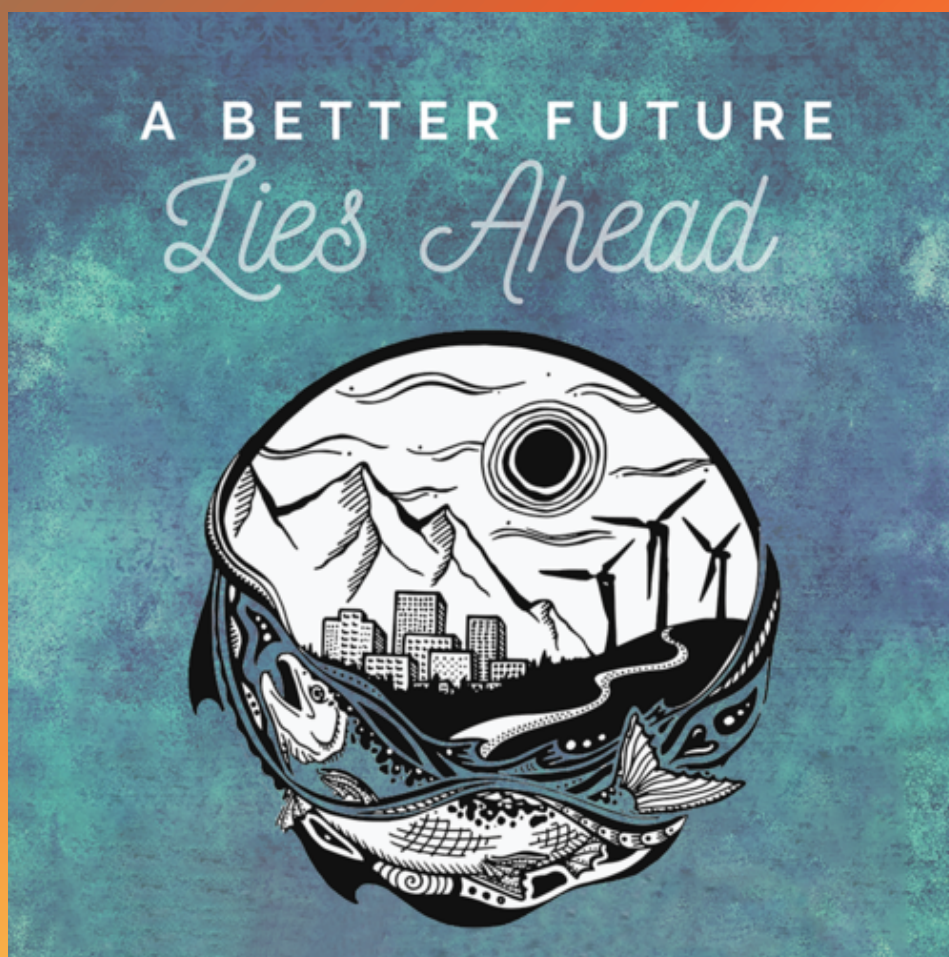
- Release everyone who is currently incarcerated in jails, prisons, ICE detention centers, and locked medical facilities.
- Do not replace detention with house arrest or forced quarantine through the use of electronic monitoring devices.
- Cancel any fines, penalties, or warrants associated with missing court dates due to infection risk or stay-at-home orders.
- Ensure that everyone who is released from incarceration has access to secure housing, cash assistance, and medical care.

No Vaccine Apartheid!

- Eliminate patents on new and existing vaccines and lift export bans on raw materials for vaccine production to ensure an equitable global distribution.
- Vaccination is not a substitute for #FreeThemAll: release from incarceration is the best public health strategy. While people are incarcerated in jails, prisons, ICE detention centers, and locked medical facilities, however, they must have access to consensual vaccination. Change CDC guidelines to prioritize vaccine access to individuals at high risk of infection in detention.
- Federal, state, and local pandemic recovery funds must be directed toward addressing racial and economic disparities in vaccine access and distribution.
- Cancel vaccine passports both domestically and internationally.

Health Data

- Open, transparent, and consensual health data collection and storage that is community-controlled and not shared with law enforcement.
- No public contracts for health data surveillance with private tech contractors who build surveillance technology and data management systems for immigration enforcement, predictive policing, digital prisons, or police spying.
- Contact tracing protocols must include privacy protections (no disclosure to law enforcement, no GPS/cellphone tracking), supports for people who test positive (childcare, elder care, grocery and medication delivery, access to comprehensive, accessible, and free medical care and emotional/mental health support, connection with community, income support, employment protections), and hiring and training of trusted community health workers to conduct contact tracing.



"A Better Future" by Jessica Thornton. Visit bit.ly/solidaritycards for more.

Neoliberal Response

Spending money on cops and criminalization in response to health, economic, and environmental crises

Individual responsibility for compliance with public health, stay-at-home, and quarantine orders; investments of resources in criminalization, stigmatization, and punishment for violations

Surveillance of individuals and communities through contact tracing, imposition of quarantine, and notification mandates without support

Increased access to employment, travel, and leisure activities for vaccinated individuals

Disaster capitalism: individual and corporate profiteering off of health, economic, and environmental crises

Exploited workers and communities will experience the brunt of risk and impact of health, economic, and environmental crises

Transformative Response

Spending money on meeting community needs toward a just recovery from health, economic, and environmental crises

Universal support to facilitate compliance with public health guidance, including income support, access to safe, accessible, long-term housing and universal health care, and public information campaigns through credible messengers

Collective efforts to offer economic, social, and emotional supports including unlimited sick leave, universal, free, quality medical care, including accessible and appropriate self-determining mental health care, child care, elder care, and safe and sustainable spaces to quarantine or recover from COVID, community-based credible messengers

Eliminate structural privileges based on vaccination or antibody status, ensure widespread information, testing, and accessible availability of vaccines, with targeted outreach and access for communities disproportionately impacted by the pandemic, and vaccine distribution by non-military, non-law enforcement personnel

Development of collective, universally available, sustainable resources and systems to enable comprehensive and universally accessible disaster response

Risk is evenly distributed across communities, and frontline and essential workers are given the protection and resources to achieve maximum safety and support for themselves and their families.

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by Molly Costello in collaboration with Lifted Voices.