

COVID19 POLICING PROJECT

More States Issuing COVID-Related Public Health Orders

As COVID-19 infection rates continue to skyrocket across the country, more states are issuing travel advisories and enacting 14-day quarantine requirements for people returning from out-of-state, as well as instating (or reinstating) and more strictly policing public health orders such as mask mandates and group gathering restrictions.

Be sure to check covid19policing.com for current state restrictions and quarantine requirements, especially if you are planning to travel to another state!

We are continuing to track the enforcement of these public health and quarantine orders as they shift.

- Please check our [enforcement tracker](#) to see how these orders are being enforced where you live.
- If you experience or hear about police stops, arrests, fines, tickets, etc. related to COVID-19 orders or quarantine enforcement, or increased risk of exposure to COVID-19 through protest policing tactics, please add it to our secure database using our [reporting form](#) or by emailing us at covid19policing@gmail.com.

Policing the Pandemic

As the country continues struggling to slow down the rates of infection and officials continue putting into place public health orders that are focused on individual behaviors, we anticipate that growing surveillance and criminalization will be the response. Already we are seeing stories showing the expansion of policing and rise in arrests and fines for order violations.

- ❖ The [Michigan Governor declared enforcement of her public health orders a priority for state agencies, including state police.](#)
- ❖ In Honolulu, the [police chief announced a 160 officer “COVID enforcement team” who will cite, charge, and arrest people violating public health orders, as well as an enforcement hotline. Police issued over 200 citations this past weekend.](#)
- ❖ In Savannah, the [mayor deputized 25 employees as city marshals](#), able to issue citations for violating the mayor’s emergency mask order.

- ❖ In south Florida, [police arrested a gym owner for failing to comply with the mask mandate and have announced that they will begin random checks](#) on buses and at terminals to enforce the mask order.
- ❖ In Key West, [two people who had tested positive for COVID-19 were arrested and jailed overnight](#) after their property manager reported that they were violating a quarantine order to police.
- ❖ In Chicago and New York City, among other cities, [officials are using people's social media to help track compliance of quarantine orders](#).
- ❖ In New York City, the [Mayor announced checkpoints](#) at bridges and tunnels for motorists entering the city.

While all this unfolds, we know that racial and economic disparities in policing patterns persist under COVID-19 public health orders. Black, Brown, unhoused, and other marginalized communities are more heavily subject to enforcement of these orders (read more about our preliminary data findings on COVID-19 enforcement below.) **Last week, [Nashville police arrested a 61-year-old houseless Black man for violating a mask ordinance](#).**

According to officials, it was the first such arrest of its kind in the city during the pandemic; meanwhile, images continue to circulate of mass violations in [tourist and party hot spots](#), a juxtaposition that the Metro Public Defender's office [pointed out](#). Since then, the [interim police chief has announced that stricter enforcement of the city's mask requirement](#) would be a top priority moving forward; [police issued 54 citations and a number of arrests over the weekend](#).

Meanwhile, in Pennsylvania, [a 35-year-old white man fired at police with an AK-47 after refusing to wear a mask](#), and was taken into custody alive after being shot twice and sustaining non-life-threatening injuries.

COVID-19 and State Surveillance

We know that [state surveillance is continuing to expand](#) under the COVID-19 public health crisis, particularly through data collection and sharing, and that this is directly tied to surveillance capitalism and the state's carceral approach dealing with public health. As the [COVID-19 FOIA Project](#) notes, we must stay informed and organize to ensure that measures taken during this public health crisis are not misused to further harm Black, Brown, and immigrant communities through deportation, criminalization, and exploitation. Learn more about surveillance expansion and the COVID-19 FOIA Project's recommendations in their [surveillance advisory](#).

COVID-19 is exacerbating existing policing patterns

It's imperative that we monitor what's happening, track information, share resources & organize to protect ourselves.

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COVID-19 FOIA PROJECT

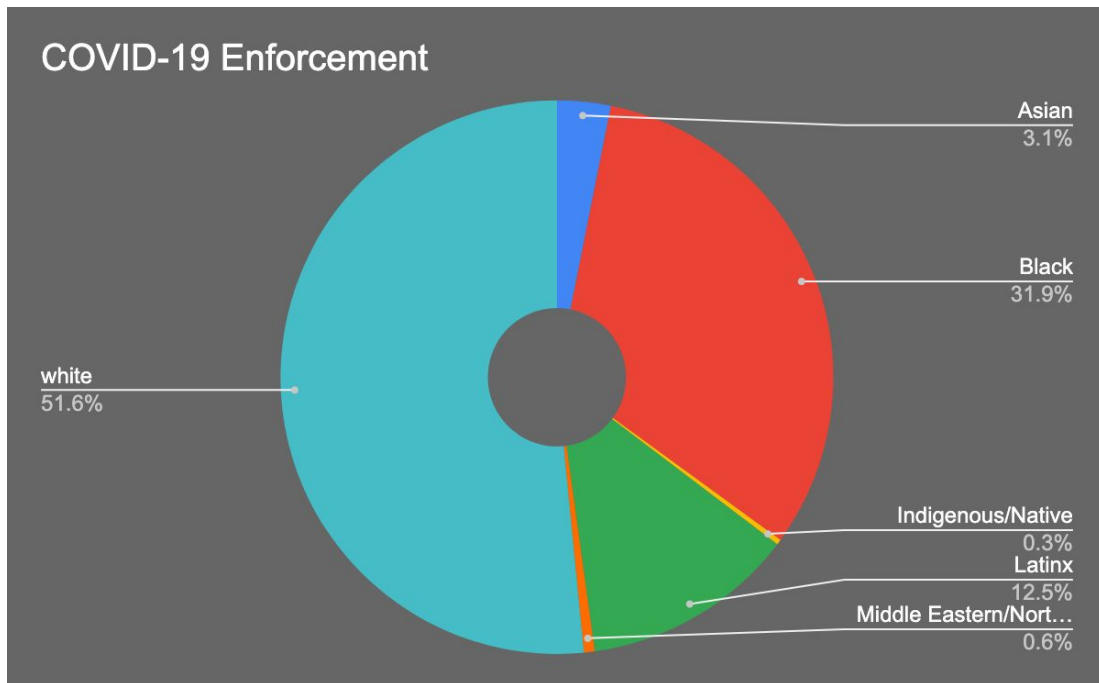
Preliminary Data Analysis and Findings

Our team is excited to share with you some of what we've been learning about COVID-19 policing from tracking the enforcement of emergency public health orders.

We know that the co-pandemics of COVID-19 and state violence are deeply interconnected. Black, Brown, Indigenous, and migrant communities who bear the brunt of the COVID-19 outbreak are also subject to the most punitive enforcement of emergency public health orders.

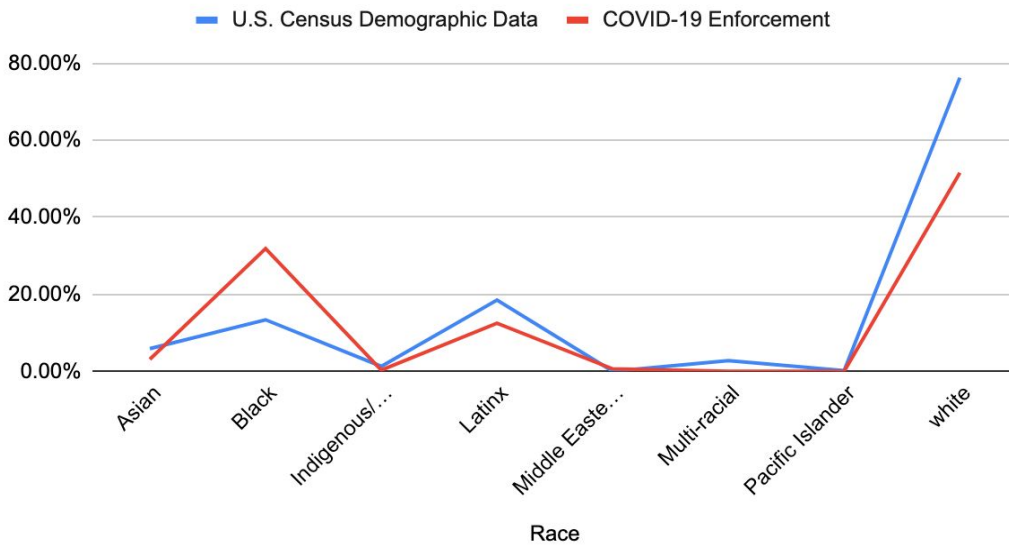
Below is a visualization of racial data we collected on arrests, citations, stops, and other enforcement actions by police for alleged violations of social distancing, gathering limits, mask-wearing, curfews, quarantine, and stay-at-home orders. We collected this data by searching through news reports and police press releases dating back to early March.

there are **racial disparities** in the patterns of policing under COVID-19 public health orders

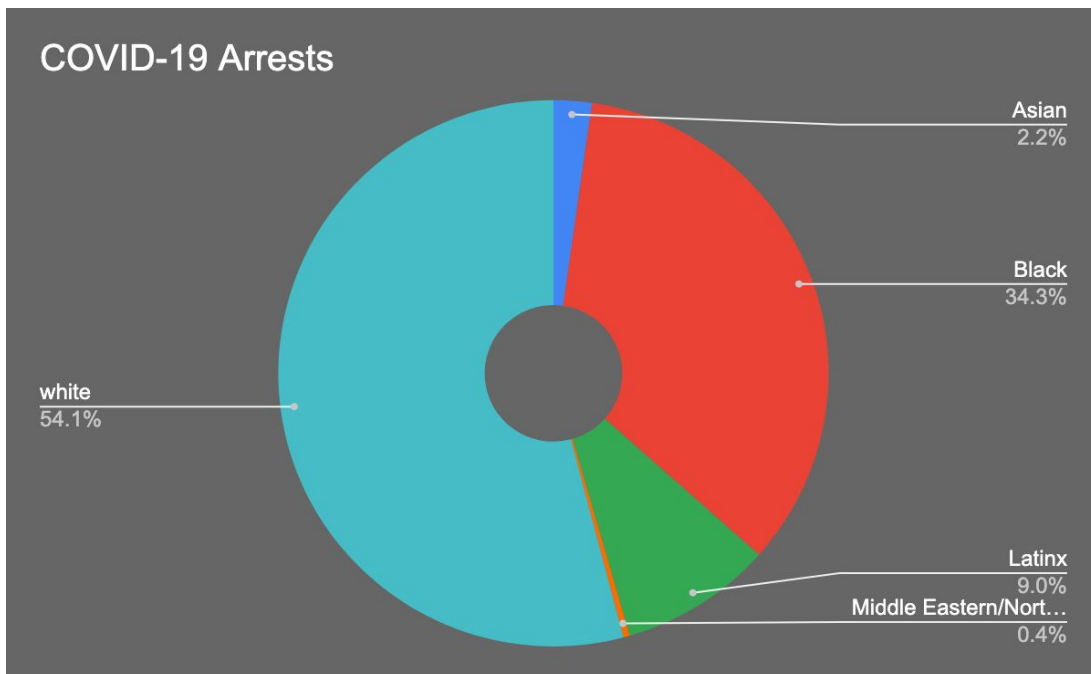


BIPOC communities are more heavily subjected to COVID-19 enforcement than white communities, and Black communities in particular are twice as likely to be policed and punished for alleged violations of emergency public health orders.

U.S. Census Demographic Data and COVID-19 Enforcement



This becomes clearer when we look at enforcement data next to U.S. Census demographic data. The largest disparity is between Black people, who account for 32% of documented COVID-19 enforcement but only 13.5% of the population, and white people, who account for 51.6% of COVID-19 enforcement and who make up over 76% of the population.



The data on arrests is very similar to trends we saw in overall enforcement, where Black people were more likely to experience arrest for an alleged violation of public health orders. This disparity is greater for arrests than all other types of enforcement combined.

What we found to be even more illuminating than the numbers are the descriptions of people's experiences of COVID-19 policing, which put into context the lived realities of how enforcement is being carried out and who it is impacting. Here are **five key findings**:

- 1. COVID-19 exposure is being criminalized as a “terroristic threat.”** There are many documented incidents of individuals being charged with making “terroristic threats” after spitting, coughing, or throwing bodily fluid on or in the direction of police and sometimes other people. The charges vary by degree, ranging from a Class A felony for an “act of terrorism” to, more commonly, a second-degree felony for “terroristic threats during an emergency.” In some ways, this finding parallels the history of HIV criminalization where knowingly or unknowingly exposing others to possible modes of transmission carried criminal penalties including incarceration — and has been used to criminalize acts that carry little to no transmission risk.
- 2. People who have attempted to use COVID-19 disclosure as self-defense against police violence are being charged with “perpetrating a biological weapon hoax.”** In certain situations, people have tried to protect themselves from police contact or even de-arrest themselves by telling police officers that they had coronavirus. Regardless of whether someone had previously tested positive for the virus or had symptoms, COVID-19 disclosure was treated by police as a hoax. A violation for the perceived hoax of COVID-19 exposure is considered a Class C felony in some states. Meanwhile, police tactics have been increasing the risk of COVID-19 exposure — what some organizers have called “viral police violence.”
- 3. COVID-19 enforcement reinforces “broken windows” policing against Black, Brown, Indigenous, migrant, disabled, queer, trans, sex working, and unhoused communities.** There are multiple examples where someone was arrested, cited, or stopped by police for reasons unrelated to COVID-19 but then charged with violating an emergency public health order. Often this happens in the context of police targeting marginalized communities for charges such as disorderly conduct, loitering, open container, and other “quality of life” crimes, and then adding violations relating to social distancing, gathering limits, and curfew on top of these charges. The data suggests this goes in the other direction as well; COVID-19 enforcement, especially during the earlier “shelter-in-place” period, often involved police stopping people for violating stay-at-home orders and then charging them with offenses related to “broken windows” policing policies.
- 4. COVID-19 emergency orders have led to charge enhancement and stacking.** Charges have been enhanced under the declared state of emergency. For example, a person who was charged with robbery in Texas had this charge enhanced to a first degree felony because the alleged robbery occurred during a disaster declaration. *In the midst of a historic economic crisis, people are being more heavily punished for “crimes of*

survival,” leading to increased prison sentences and fines. Charges for “failure to obey emergency orders” are often stacked on top of other charges brought against an individual, including assault and child endangerment. In situations that involve contact with police, these additional charges have included aggravated assault on a public safety officer, menacing, and reckless endangering.

- 5. Enforcement is happening not only through COVID-19 emergency public health orders but also through permanent state laws regarding infectious disease.** In Pennsylvania, the [Disease Control and Prevention Act of 1955](#) (35 P. S. § § 521.1—521.21) was invoked to enforce the state’s stay-at-home order. It includes requirements for mandatory quarantine, surveillance, and reporting. Early on in the pandemic, state officials cited this act in order to [withhold information from the public on the number of confirmed COVID-19 cases](#). This raises the question of how permanent laws concerning COVID-19 health data surveillance could be codified into existing statutes and what implications this could have for data privacy and enforcement as the pandemic continues.