

# COVID19 POLICING PROJECT

## The Path Forward: Pandemic Policing or Protection?

During our recent panel event with Haymarket Books, COVID-19 Policing Project co-founder Derecka Purnell said, “We can’t police our way out of underlying conditions.” That remains as true under the Biden administration as it was under Trump.

How do we adapt our organizing strategies in the face of changing pandemic and political conditions as a new administration takes power? Where do we go from here?

If you missed the event, you can check out a recording of [The Path Forward: Pandemic Policing or Protection?](#), a conversation between members of the COVID19 Policing Project and Dr. Marc Lamont Hill, author of [We Still Here](#).



## The Biden Administration and Federal Mask Mandates

Since Biden declared a “war on COVID,” he has issued two 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 [public transportation](#).

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. Last week, 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.

Neither of Biden’s executive orders on mask-wearing offer specific detail on how exactly these orders will be enforced. However, the Transportation Security Administration (TSA) recently [announced](#) that it will impose fines of \$250-\$1,500 for violations of the federal mask law on public transportation. TSA plans to coordinate enforcement with federal agencies, local police, and companies in the transportation industry.

Similar to 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. However, as we covered in



[Unmasked: Impacts of Pandemic Policing](#), 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 supposedly exempt from enforcement. Biden’s executive orders, along with local and state mandates, must provide clear guidance on exceptions to ensure people’s safety while working to remove law enforcement from our collective COVID response.

In the federal executive order where Biden mentions incentivizing state and local officials to implement or double down on mask requirements, “incentives” means pouring more money into law enforcement agencies for pandemic policing rather than providing PPE to workers and passengers on buses, trains, planes, and in all public transportation hubs.

## Enforcement of COVID-Related Public Health Orders

COVID-19 enforcement continues to be uneven across the U.S. While there appears to have been a slow-down of citations and arrests related to actual or perceived violations of public health emergency orders in some cities, it is important to note that there has also been a noticeable decline in media reporting regarding such enforcement measures, including fines, citations, and penalties related to mask-wearing, social distancing, and gathering limits.

- In Tampa, where the mayor had [expanded the city’s mask mandate](#) with a \$500 fine to include outdoor areas in anticipation of hosting the Super Bowl—which proceeded with tens of thousands of in-person fans, despite persistently high coronavirus numbers—there were [no citations issued](#) to people who failed to wear a mask. Images

circulating online that weekend showed [crowds of people](#) gathered in streets and bars, [many without masks](#), raising [superspreader concerns](#).

- In a number of other cities, however, officials clamped down on Super Bowl gatherings. In Honolulu, police issued [185 COVID-related warnings](#) and made 17 citations and arrests on Super Bowl Sunday, and in Charleston, police issued [47 citations](#) for mask violations downtown, adding up to nearly \$5,000 in possible fines.
- In [Nashville](#), where there have been over 500 citations and arrests since pandemic-related orders were put into place over the summer, there has been a downward trend in COVID-related enforcement measures, with a marked decline in citations issued to individuals and businesses over the winter months.
- In Columbia, South Carolina, fire officials issued [over 100 tickets](#) to individuals over the course of one weekend in late January, with fines totalling more than \$10,000. It was one of the city's most aggressive crackdowns since issuing their mask policy.
- In [West Hollywood](#), where 124 people have been issued tickets since the city initiated a mask mandate over the summer, a city compliance manager noted that those who have not paid the \$300 fine within 21 days will have their fine increased by 50%, and then by another 100% if not paid within 55 days.

## Divesting From Pandemic Policing and Investing in Community Health

Currently, pandemic policing diverts public resources to selectively punish individual behaviors and survival strategies when those same resources could instead go towards helping communities recover from illness and financial devastation. The current approach is clearly not working to curb the pandemic and is only deepening harm.

To move toward a more just recovery model, we need divestment from policing as the default pandemic response and robust investments in healthcare, housing, and community-based safety strategies.

One way to do this would be to stop CARES Act funding from going to law enforcement agencies. Since the beginning of the pandemic, the federal government has allocated [\\$850 million per state](#) for local law enforcement from the Coronavirus Aid, Relief and Economic Security



(CARES) Act, while offering individuals a one-time \$1200 economic stimulus payment intended to keep a faltering economy alive, instead of providing long-term income support. And now the Biden administration seems to be following suit with the proposed \$1400 stimulus check. Police departments have used CARES act funding to do things like purchase [surveillance tech](#), which carries chilling ramifications far beyond the pandemic, and create [specialized COVID police units](#) that have further criminalized communities already enduring hyper-policing and high infection rates.

Global models for investing in community care include [Argentina](#), where the senate passed a progressive tax on the millionaire class to pay for public medical care and relief measures.

Instead of pouring CARES Act or stimulus bill monies into more policing, that funding could instead go toward ensuring that everyone has access to safe, stable housing. With the economic crisis, millions of people have been evicted or face eviction with no way to pay back months of accrued rent or mortgage debt. We know that housing is a major social determinant of health, and a recent study found that in states where eviction protections lapsed, nearly half a million people have contracted COVID-19, and nearly 11,000 people have died from the [virus](#).

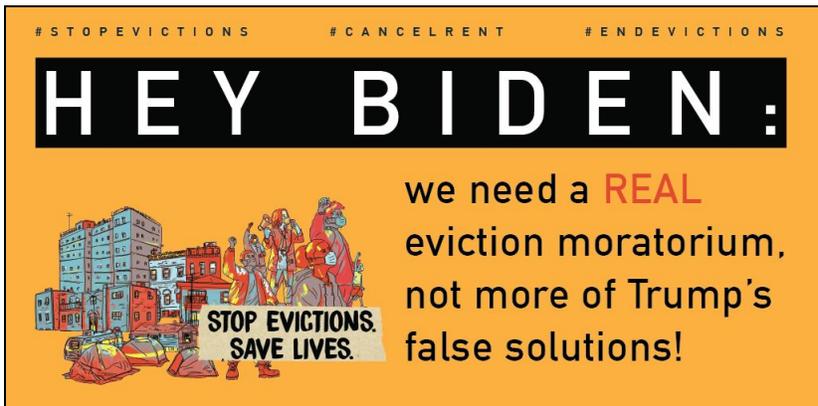
So far, the Biden administration has extended the [federal moratorium](#) on evictions and foreclosures until March 31st, but the

pandemic will continue long past then and people will need long-term housing protections. The federal government said it will provide \$25 billion in rental assistance, but that won't be enough to cover the estimated \$70 billion in [debt](#) that renters are burdened with already.

The new administration must act swiftly on the [demands](#) put forth by housing justice activists to immediately stop evictions, utility shut-offs, and sweeps of encampments of unhoused communities, along with canceling rent and mortgage payments and fines.

## Health Data Surveillance, Tech, and Pandemic Policing Under Biden

The Biden administration touts its pandemic response as one driven by science and data. While this is a welcomed shift away from the lethal, negligent, and anti-science stance of the Trump administration, we should be cautious of how Biden's [national COVID-19 plan](#) frames [health data collection and surveillance](#) as a matter of racial equity.



As we've discussed in a [previous update](#), many of the big tech corporations that are landing lucrative government contracts to capture, store, and broker COVID-related personal health data, ostensibly for public health monitoring and research, are the same companies that collaborate with ICE, CBP, DHS, and local police departments to track and detain Black, Indigenous, and migrant communities, using some of the same surveillance technologies and data management systems for immigration enforcement, predictive policing, and digital prisons. The [COVID-19 FOIA Project](#) exposed how personal health data is collected and shared through secretive contracts between the White House and big tech companies engaged in COVID-19 surveillance, without the knowledge or consent of communities most impacted by the pandemic.

We must demand that the Biden administration immediately cancel these contracts which were created under Trump, require transparency from federal, state, and local agencies around how COVID-19 health data will be used, and support legislation to ban public health departments from sharing contact tracing information with law enforcement agencies and private tech contractors (eg, [NY State Assembly Bill A10500A](#) relating to the confidentiality of contact tracing information).

## **Internationalism or U.S. Militarism in Biden's Plan?**

According to Biden's [National Strategy for COVID-19 Response](#), he plans to bring back the Obama administration's National Security Council Directorate for Global Health Security and Biodefense. What's especially concerning is how this council conflates international strategies to address current and future global health crises with U.S. military interests and policies held over from the "War on Terror" related to bioterrorism.

This raises a number of issues and potential implications for a truly internationalist response as the pandemic continues to surge around the world irrespective of borders.