

COVID-19 Rapid Response Impact Initiative | White Paper 7

# Policing in a Time of Pandemic: Recommendations for Law Enforcement

April 10, 2020



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GEORGETOWN LAW



This white paper notes the novel law enforcement challenges created by COVID-19 and describes the different approach police must take in light of these challenges in order to serve their traditional public safety function. Traditional law enforcement practices such as stops, searches, and arrests currently create a substantial risk of infection for police, suspects and community members alike. We conclude that until stay-at-home and social distancing orders have been lifted, law enforcement agencies should suspend enforcement measures requiring close proximity or physical contact between law enforcement personnel and members of the public, except in cases where the failure to stop, search, or arrest a suspect creates an imminent danger of death or serious bodily injury to police officers or others. In particular, stay-at-home orders should not be enforced through arrests; instead, police should give oral or written warnings whenever possible, and the police role should focus on public education and connecting citizens to essential services. While citations and fines may at times be appropriate, states and municipalities should be cognizant of the hardship posed by fines during a period of economic crisis, and should consider suspending payment requirements for the duration of the crisis, with future consideration of blanket fine forgiveness programs and/or a retroactive income-based sliding payment scale. We also address some of the unique law enforcement challenges associated with protecting populations most at risk of violence and discrimination.<sup>3</sup>

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The authors thank Brandon del Pozo, Senior Fellow at the Georgetown Law Innovative Policing Program and former Chief of Police, Burlington VT and former NYPD for his input into this white paper, and we thank Brandon Heath and Rebecca Iafrazi, both Georgetown Law Students enrolled in the Innovative Policing Practicum, for their invaluable research assistance.

<sup>3</sup> While every effort has been made to ensure the accuracy of all information in this white paper, events are changing rapidly and the discussion and recommendations herein are based on information available at the time. Please contact the authors with any corrections or updates to this information; we will make corrections as needed or issue a revised version if circumstances change in a manner that fundamentally alters the recommendations contained herein.

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# 01 Summary

The COVID-19 pandemic has brought “business as usual” to a crashing halt for all Americans, and created unprecedented challenges for law enforcement agencies and America’s criminal justice system. This white paper summarizes some of those challenges and urges law enforcement agencies, states, and municipalities to adopt a radically changed approach to policing to further public safety in this new landscape.

At a moment when all close contact poses a risk of infection and the CDC recommends maintaining a six-foot distance between individuals, police methods such as police stops, pat-downs, searches, and arrests pose a serious risk of infection both to police officers and to suspects and arrestees. The booking process, imprisonment, and constitutionally required court hearings present additional risks both to arrestees and to police, jail, and court personnel. This creates an apparent paradox for law enforcement: traditional approaches to crime prevention and response rely heavily on custodial arrests and jail time, but during the current crisis, traditional approaches to policing are, in all but a few situations, likely to cause more public harm than they prevent. To address this seeming paradox, during this crisis **enforcement measures requiring close proximity or physical contact between law enforcement personnel and members of the public should be suspended, except in cases where the failure to stop, search, or arrest a person creates an imminent, grave danger of death or serious bodily injury to police officers or others. Further, suspending most custodial arrests is not enough. For at least as long as this crisis lasts, law enforcement agencies, states, and municipalities should also suspend or eliminate most or all fines.**

Even as police confront how to modify their responses to the “usual” calls for service and crime prevention, they are faced with an entirely new challenge: how to further public safety through the enforcement of state and local stay-at-home orders. Meeting this challenge effectively requires that

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our communities recognize that the stay-at-home orders already affecting Americans in more than forty US states present unique burdens and compliance challenges for low-income Americans, particularly low-income people of color. People in these communities are less likely to be able to work from home or have access to paid sick leave, are more likely to live in overcrowded, un-airconditioned homes in densely populated urban settings, and have a history of being overpoliced, which reduces confidence in the legitimacy of government directives. Preliminary evidence suggests that poor and minority communities are also being [hit hardest](#) by the virus itself, becoming hospitalized and dying at higher rates.

People earning low incomes, especially low-income people of color, thus may be both more likely to violate (or appear to violate) stay-at-home orders, and more at risk of being harmed by aggressive police enforcement of stay-at-home orders. These risks may increase the longer stay-at-home orders remain in place, as boredom and frustration with the restrictions sets in, especially among young people, and the weather gets warmer.

Municipalities should be aware of this challenge and develop strategies now for maximizing adherence to stay-at-home orders, even as they recognize that it is not realistic to demand that everyone stay at home all the time, and that seeking this level of compliance would result in enforcement measures that further exacerbate the health and safety challenges already experienced by many low-income Americans and communities of color.

Policing can be more meaningful and effective when enforcement does not rely on arrests and fines. **To maximize the public safety impact of stay-at-home orders, enforcement should focus on education and assistance, fueled by heavy doses of compassion and courage. These efforts should include plans for seeking out vulnerable people, assessing their needs, and connecting**

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**them with the services and resources they need.** Police can play an instrumental, but not sole or even primary role, in this effort.

The final policing challenge this paper addresses involves a dynamic that is, sadly, anything but new. As in all times of crisis, the US has seen a surge in hate crimes and harassment of certain groups. In the current crisis, people who are or appear to be ethnically Asian have been particularly subjected to mistreatment and abuse, but there are indications that fear, ignorance, and opportunity are increasing discriminatory and hate-based acts more broadly. Law enforcement should redouble its efforts during this time to protect all people from such treatment and to assure them that the state will stand with them during this crisis.

Woven throughout this paper is the recognition that police cannot serve the public effectively unless they too receive care, consideration and candor. First, we should make every effort to protect police from becoming infected with this novel coronavirus. The potential for widespread illness among law enforcement personnel is not only a significant public health risk in itself, but a tremendous source of anxiety for officers and their families. Second, we should clearly communicate to the law enforcement community timely and accurate information about COVID-19 and the efforts state and local governments are making to protect police and the broader community. Third, we should clearly and consistently communicate expectations for how police should, and should not, enforce the law during this crisis.

# 02 Background: Unprecedented Challenges for Law Enforcement

As of April 9, 2020, there were nearly [430,000](#) confirmed cases of COVID-19 in the United States and nearly 15,000 deaths. However, public health experts believe the number of infections and deaths has been radically [undercounted](#), due to testing and reporting flaws. These numbers rise daily, and public health experts warn that they will probably continue to do so for weeks or months to come. Over forty US states have issued statewide [stay-at-homeorders](#), and in those that have not, most residents are subject to municipal and countywide stay-at-home orders. [Schools are closed](#) across the nation, as are most non-essential businesses, and millions of Americans find themselves suddenly [without income](#) as business closures produce mass [layoffs](#) and [independent contractors independent contractors](#) find themselves without clients.

COVID-19 and the associated stay-at-home orders and sudden economic collapse have led to increased challenges and stress for all Americans, leaving those who are already vulnerable on the brink of disaster. First responders and health care professionals are fortunate in that most remain employed, but unfortunate in that the nature of their work places them and their families at increased personal risk of infection, creating tremendous additional stress even as they struggle to adapt to overwhelming and rapidly changing threats.

Law enforcement faces a unique set of challenges. On a daily basis, society asks those who enforce the laws to take risks that can be minimized but not eliminated. Police officers are essential employees, and the nature of their work involves frequent close contact with members of the public, including the close physical contact necessitated by searches and arrests. Even in a time of crisis, when many others are remaining at home, police and other law enforcement personnel, like nurses, health aides, grocery store cashiers and convenience store clerks, do not have the luxury of teleworking. While preliminary data suggests that the coronavirus pandemic has led to a [drop](#) in a [broad range of crimes](#) in some major US cities, violent crime is up in some cities: in Philadelphia, for example, while crime generally is <https://ethics.harvard.edu/policing-pandemic>

## Background: Unprecedented Challenges for Law Enforcement

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down, [shootings have surged](#) since the onset of the coronavirus crisis. In other places, violent crime appears unchanged. In Washington DC, for instance, the number of violent crimes, including homicides, reported in the month between February 27 and March 29, 2020, was [virtually unchanged](#) relative to the same period in 2019.<sup>4</sup>

Even where overall crime rates are falling, the frequency of certain crimes seems to be rising. Domestic violence rates appear to be [rising in many places](#), for instance, as economic stressors increase and victims are forced into close proximity with abusers as a result of stay-at-home orders. Anti-Asian hate crimes and discrimination also appear to be rising, as fear of what President Donald Trump and members of his administration have repeatedly termed the “Chinese virus” leads to an increase in [threats and assaults](#) against those of [Asian origin or appearance](#). In some cities, robberies and thefts from [convenience stores](#) are reportedly rising as desperate people run short of supplies.

This current crisis creates what might at first glance appear to be a paradox for police. The first task of police is ensuring public safety, and traditionally, police in the United States have viewed stops, searches, and arrests as a fundamental tool for crime prevention and response. In 2017, for instance, the last year for which public data is available, the Washington DC Metropolitan Police Department made a total of 34,136 arrests, and law enforcement agencies in the city arrested an additional 19,054 people, bringing the total number of [annual arrests](#) in DC up to 53,090 in a city with a total population of just under 700,000. This works out to roughly 145 arrests each day.

Even in ordinary times, many critics of policing and the criminal justice system argue that the American criminal justice system relies far too much on arrests, prison sentences, fines, and fees; critics note

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<sup>4</sup> In 2020, DC saw 249 violent crimes, including eleven homicides, between February 27 and March 29, 2020, compared to 254 violent crimes and ten homicides between February 27 and March 29, 2019.

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## Background: Unprecedented Challenges for Law Enforcement

that this approach has little demonstrable impact on reducing serious crime, and while the research is not entirely dispositive, some analyses suggest that the traditional approach in fact has a “[criminogenic effect](#),” fueling more crime and recidivism. Arrests, prison sentences, fines, and fees also have numerous socially detrimental second-order consequences. These include mass incarceration, disparate impact on people of color, and severe damage to the economic and social fabric of poor communities, to name just a few.

Regardless of one’s views on the overall costs or benefits of America’s traditional approach to policing, however, there can be little doubt that during this current public health crisis, the putative benefits of stops, searches, and arrests are counterbalanced by a substantial likelihood that such practices will lead to a further spread of COVID-19, placing law enforcement personnel, criminal suspects, and ordinary members of the public alike at increased risk of infection, illness, and death.

**Thus we have an apparent paradox: The very practices upon which police typically rely to enhance public safety are those that are now most likely to endanger public safety.** This is because stops, searches, and arrests all involve, at a minimum, close physical proximity, and searches and arrests require close and sustained physical contact between police officers and suspects. It goes without saying that searches require officers to physically touch suspects, running their hands over suspects’ clothing, reaching into pockets, and the like. Custodial arrests require officers to handcuff suspects and transport them to police stations for booking, often in the back of patrol cars; during the booking process, arrestees are searched again and fingerprinted by station personnel, then placed in small cells where they are often crowded together with other arrestees. Even those who are released immediately after arraignment typically spend several hours in custody; those who are detained pending trial may spend weeks or months in overcrowded jails.

## Background: Unprecedented Challenges for Law Enforcement

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The evidence thus far highlights the risk of infection both for police and jail and prison inmates. Nationwide, the Police Foundation estimates that more than [6 percent of law enforcement officers nationwide are currently unable to work](#) due to COVID-19 illness or exposure. As of April 9, 2020, in New York City, nearly [20% of uniformed NYPD officers](#) were unable to work due to illness or self-quarantine following known COVID-19 exposure, and twelve NYPD officers have already died of the infection. In New York City's jails, nearly half of all prisoners have been [quarantined](#) due to COVID-19 symptoms or exposure as of March 29, and in a setting in which preventing physical proximity is virtually impossible, the number of infected prisoners is [expected to rise](#) rapidly. As of April 9, an estimated 65% of New York city prisoners had been exposed to the virus, along with 488 city corrections officers.

# 03 Law Enforcement Responses to the COVID-19 Crisis

Around the nation, law enforcement agencies are struggling to respond to the new challenges posed by the COVID-19 pandemic. Many jurisdictions and agencies are re-evaluating their policies and practices on a daily basis and issuing updated guidance accordingly. Although the rapidly evolving crisis makes generalizations difficult, several trends have emerged in how law enforcement and other criminal justice system actors are responding.

## *Efforts to Ensure Officer Protection*

Across the nation, police departments are seeking to equip officers with personal protective equipment (PPE) such as gloves, disinfectant wipes, and masks, a task rendered more difficult by the nationwide shortage of such items; nationwide, nearly half of police departments say [they lack sufficient PPE](#). The International Association of Chiefs of Police (IACP) has issued suggestions for [organizational readiness](#), and many departments are taking heed. [Common officer-protection adjustments](#) that law enforcement agencies are making include suspending training, holding roll-calls outdoors, limiting police contact with the public by reducing or eliminating police response to non-emergency incidents, taking telephone reports for minor matters rather than sending officers, suspending public access to precinct and station facilities, and having dispatchers seek to screen for COVID-19 exposure or symptoms during calls so officers can wear appropriate PPE when responding in person.

## *Reducing Custodial Arrests for Minor Crimes*

Numerous police departments around the nation are also taking steps to reduce the number of custodial arrests, generally by discouraging or prohibiting custodial arrests for misdemeanors and for crimes that do not present an immediate threat to public safety.

## Law Enforcement Responses to the COVID-19 Crisis

### *Reducing Custodial Arrests for Minor Crimes*

In Chicago, for instance, a new police department [special order](#) directs officers, when possible, to “use an Ordinance Complaint Form or an Administrative Notice of Ordinance Violation (ANOV) rather than a physical arrest to enforce certain misdemeanor offenses.” In [Rockford, Illinois](#), officers have been directed to “issue a Notice To Appear and not perform a custodial arrest for misdemeanor crimes.” In [Phoenix, Arizona](#), and [Detroit, Michigan](#), police departments are directing officers to issue citations in lieu of custodial arrests for misdemeanors. Philadelphia police have been directed to avoid custodial arrests for most non-violent offenses and instead pursue arrest [warrants](#) that can be served at a future date.

In [Dakota County, Minnesota](#), Sheriff Tim Leslie told researchers from the Police Executive Research Forum that local police and deputies have been encouraged “to limit their discretionary arrests to avoid jail. Let’s keep the inmates we have healthy. And it has been effective. We have gone from having 230 in custody last week to 140 today. There’s less chance of passing the infection on to the inmates, medical staff, and corrections officers when we have less people and less turnover of inmates.” In [Jefferson County, Colorado](#), the sheriff’s office has directed deputies to limit traffic stops to motorists jeopardizing the public’s safety and avoid low-level warrant arrests when possible. In Washington, D.C., police have expanded the use of [citation release](#) in lieu of custodial arrests. In [Houston, Texas](#), the Houston PD has geared COVID-19 enforcement mainly towards businesses rather than individuals, with only verbal warnings given if businesses agree to comply with shutdown orders. While officers are allowed by law to issue citations or make arrests for those who refuse to comply, department policy allows citations only with notification and approval of supervisors, and arrests require the presence and approval of supervisors and notification of shift lieutenants.

## Law Enforcement Responses to the COVID-19 Crisis

### *A Patchwork Approach*

Different jurisdictions are approaching the challenge posed by the pandemic in widely varying ways, creating a patchwork quilt of inconsistent enforcement policies. Even as many departments are reducing both custodial arrests and citations in response to this unprecedented crisis, demands for law enforcement are rising in many parts of the country. And as stay-at-home orders grow more widespread and restrictive, some cities and states are turning to traditional police enforcement methods to ensure public compliance—even though physical contact between police and members of the public increases the risk of infection to police officers and others.

In New Jersey, for instance, a man was [arrested](#) and charged with “terroristic threats” after deliberately coughing on a grocery store employee and declaring that he has COVID-19, and a couple was charged with five counts of child endangerment for [hosting an outdoor party in front of their home](#). In New York, [police arrested a bar owner](#) who allowed a dozen people into his bar to drink and gamble. North Carolina police arrested a man who [falsely claimed](#) in a Facebook Live video to have tested positive for COVID-19, while South Carolina police arrested a man who [faked a doctor’s letter](#) claiming he had tested positive. In Pennsylvania, a woman was [arrested](#) after deliberately coughing on food items at a grocery store.

In Hawaii, Honolulu police [arrested eight people](#) for violating stay-at-home orders, and in Orlando, police arrested a [homeless man](#) for violating a coronavirus curfew. In Rhode Island, Governor Gina Raimondo ordered state police to conduct [traffic stops](#) of cars with New York license plates to identify visitors from New York, who are subject to mandatory state self-quarantine orders. She subsequently [extended](#) this to all cars with out-of-state plates. Police in other states, such as [Delaware](#) and [Florida](#), are following suit.

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## Law Enforcement Responses to the COVID-19 Crisis

### *A Patchwork Approach*

What's more, some departments have chosen to increase enforcement efforts out of fear that the chaos and economic distress caused by the crisis may cause an increase in crime. As a result, many police departments continue to make custodial arrests for minor offenses, increasing the risk of infection to officers, arrestees, and others. In [Boston](#), for instance, police arrested a man for stealing a package containing a pair of sneakers from an apartment building lobby, while in [Miami](#), a homeless man was arrested for stealing beer, bottled water, and detergent. In Lancaster, Pennsylvania, police arrested a woman for public [drunkenness](#); in Warwick, Rhode Island, police arrested two men for attempting to steal [tire rims](#) from a car. In [Washington](#) state, police arrested three men for attempting to steal wire from a construction site, while Ohio police arrested a [purse snatcher](#) and Levittown, Pennsylvania, police arrested a man for [marijuana possession](#).

In the absence of clear and consistent guidance from public health experts and nationally respected political and law enforcement leaders, America's [18,000 law enforcement agencies](#) will likely continue to adopt a [wide range of approaches](#) during the COVID-19 crisis, sowing confusion for ordinary people, who will encounter significant variance in police practices from town to town, county to county, and state to state.

Still more crucially, the continued use of custodial arrests for non-violent crimes will undermine efforts to slow or prevent the spread of COVID-19. As more and more officers are exposed to COVID-19 themselves and become unable to work due to illness or quarantine, law enforcement agencies will also find themselves [hamstrung](#) in their efforts to provide protection to vulnerable communities and to prevent and respond to serious violent crime.

# 04 Towards a Consistent, Public Safety-Oriented Approach

As of this writing, at least 311 million people in forty-one states, three counties, eight cities, the District of Columbia, and Puerto Rico, are subject to stay-at-home orders, according to a *New York Times* [estimate](#). Increasingly, these orders are mandatory, and all of them were adopted over a period of just a few days. These state and local directives drastically restrict the ability of millions of Americans to work, move about outside their homes, and interact with friends and even family members. Of necessity, the recent stay-at-home orders were drafted and issued quickly and in a climate of fear, with no public debate and little time for thoughtful deliberation. But while the public health argument for social distancing and a dramatic reduction in travel and person to person contact is unquestionable, the rush to create new categories of criminal offenses creates dangers of its own.

Historically, the burdens of both wartime restrictions and public health-based restrictions on movement and behavior have fallen unequally on different groups, even when those restrictions were mandated in good faith. The poorest Americans, particularly people of color, are already more likely than other Americans to be the subjects of punitive law enforcement practices. Today, both history and common sense tells us we should be exceedingly attentive to how—and against whom—such directives are drafted, interpreted, and enforced.

There are several issues state and local legislatures should address when drafting and implementing stay-at-home orders, and that law enforcement personnel should keep in mind when enforcing such orders.<sup>5</sup> It is easy to fall back on traditional approaches to law enforcement when exigent circumstances do not allow for careful deliberation—but legislatures and law enforcement agencies should recognize

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<sup>5</sup> While we have focused this document on law enforcement, we are mindful also that policing is largely dictated by the laws we ask them to enforce and that the impact of policing is dictated largely by the penalties included in those laws. In other words, to ensure that policing is done effectively and ethically, we must look not only at how police enforce laws, but at what laws we ask them to enforce.

## Towards a Consistent, Public Safety-Oriented Approach

that it is the unique exigencies of the current COVID-19 crisis that require a radically different approach to keeping the public safe.

Consider this: In New York City, [homicide killed 318 people](#) in 2019. As of April 9, 2020, COVID-19 [killed at least 4778 people in New York City](#) over a period of just a few weeks. And as noted above, the disease spares neither police officers nor criminals: already at least [twelve New York City police officers are among the dead](#), and new infections are spiraling in the city's jails among both inmates and corrections officers.

Even under “normal” circumstances, the impact on public safety of arrests and incarceration is [debatable](#). **In the context of the current pandemic, arrests and incarceration for all but the gravest crimes will do more harm than good to public safety.** In particular, locking up individuals for violating COVID-19 stay-at-home order is a “cure” at least as bad as the disease itself.

For this reason, legislatures and law enforcement must be thoughtful and creative in taking action to encourage and enable adherence to and enforcement of these laws.

This approach begins with the recognition that at times, violations of stay-at-home orders may be driven by economic desperation or by unsafe home conditions (including extreme overcrowding or domestic violence), and police can play a vital role in addressing the conditions that may give rise to such stay-at-home order violations. With 24/7 deployment and communications capabilities, links to a wide range of municipal service providers, and a mission that calls for placing service before self, police officers have a unique ability to provide vital public health information and assistance to American communities, particularly to those who are most vulnerable in times of crisis. Police can be mobilized to ensure that members of the public are aware of stay-at-home orders and social distancing guidelines, and that



## Towards a Consistent, Public Safety-Oriented Approach

they know when and how to access health care, police protection, and other emergency services. Police can also be directed to identify people most in need of help and connect them with services they need.

Police should seek to differentiate between stay-at-home order non-compliance that is motivated by a deliberate indifference to the health risk posed by ignoring such orders, and non-compliance that is motivated by economic exigency or concerns about physical safety in the home. When economic or safety concerns are driving non-compliance, police should be empowered to take appropriate action to link residents to needed services, including emergency provision of food and medicine or emergency relocation of individuals at risk of domestic violence.

Often, this will also require legislative action and emergency budget authorities. Police leadership can empower officers to be most effective by arming them with information about available resources, and by clarifying sometimes confounding interpretations of stay-at-home orders to help ensure fair and consistent enforcement.

Whenever possible, police should be directed to encourage voluntary compliance with stay-at-home and quarantine orders, providing information and assistance rather than taking a punitive approach. Some jurisdictions appear to offer models for how to approach stay-at-home enforcement with this focus on education and animated by empathy. In Washington DC, for example, [regional agencies](#), including DC's Metropolitan Police Department, are instructing officers to seek first to educate. DC's Chief Peter Newsham has said that officers may only arrest someone for a stay-at-home violation *with permission from the watch commander*—and instructed that the watch commander “shall consider all other options” before making an arrest or issuing a citation. Arlington Police, “recognizing there is confusion” and that “this is a difficult time for everyone,” has told officers to take an opportunity to “educate the

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## Towards a Consistent, Public Safety-Oriented Approach

the public” and use criminal enforcement only as “a last resort.” Similarly, in [San Francisco](#), a police department spokesman told reporters, “We are not interested in using a criminal justice approach for a public health challenge . . . This is about educating the public about voluntary compliance.” Approaches like these will not undo habits and history overnight, but they are at least headed in the right direction. What remains to be seen is whether these intentions are carried out, particularly if stay-at-home orders remain in place as the weather warms, children (and adults) grow bored and frustrated with extended periods of confinement, and some members of the public clamor for “stricter enforcement.”

When individuals refuse to abide by stay-at-home or quarantine orders out of deliberate indifference, police face a dilemma. The refusal by some individuals to abide by such orders creates an increased risk of infection to all members of the public, but arresting and jailing scofflaws also creates a [risk of infection to police officers, station and jail staff, and other prisoners](#). In such situations, legislators and law enforcement leaders need to carefully balance the risks and look for creative solutions. Sometimes, mandatory home quarantine may be a preferred, if still extreme, response to violations of stay-at-home orders. In some states, police have turned to [electronic surveillance](#) to enforce quarantine orders. Under extreme circumstances, such surveillance may be justified on an individualized basis. This should require an individualized finding by a court, and should not be at the discretion of law enforcement officers, however.

As they formulate, adapt and enforce stay-at-home orders, legislators and law enforcement leaders must directly confront two American dynamics to ensure that such directives are created and enforced fairly and effectively. First, public officials, communities, and law enforcement must grapple honestly with our nation’s history of unequal law enforcement against disfavored groups, particularly during times of crisis, and recognize the need to take deliberate measures to ensure a different path through the current crisis. Secondly, legislators in particular should recognize that fines for stay-at-home order

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or quarantine violations risk creating a two-tiered system in which the freedom to roam, and the corresponding ability to infect others, are determined not by the likelihood of disease transmission or the urgency of the need to violate the order, but rather by the wealth of the violator. For low-income Americans, even relatively small fines can be [crippling](#). To the affluent, however, fines for stay-at-home or quarantine violations can be easily shrugged off. A one-size-fits-all approach to citations may thus worsen existing income disparities and ultimately harm public safety.

# 05 Conclusion and Recommendations

In the present crisis, traditional policing practices such as stops, searches, arrests, and imprisonment pose an acute threat to public health, including the health and safety of officers. Legislators and law enforcement leaders must recognize this and develop an approach to policing that focuses on providing residents with information and access to vital services, while limiting fines and citations and reserving arrest and imprisonment for only the gravest crimes. Enforcement of stay-at-home and similar directives should be deliberate, restrained, and closely monitored.

## *Recommendations for Law Enforcement, Legislators, and Municipal Authorities*

### **Short-term Measures:**

- Abide by [CDC](#) and [IACP](#) recommendations for health, safety, and organizational readiness.
- Immediately suspend enforcement measures requiring close proximity or physical contact between law enforcement personnel and members of the public, except in cases where the failure to stop, search, or arrest a suspect creates an imminent danger of death or serious bodily injury to police officers or others.
- In particular, stay-at-home orders should not be enforced through arrests. Instead, police should give oral or written warnings whenever possible, focusing on public education and assistance rather than on a punitive approach to enforcement. Arrests for stay-at-home violations should be made only with the advance permission of high-level police supervisors and after all other options have been determined not feasible. Where arrests are deemed necessary, detention should be in the form of sequestration at home rather than incarceration in jail or prison. Time-limited electronic surveillance in the form of ankle-bracelet monitoring may be appropriate as a last pre-incarceration resort, with robust judicial safeguards.
- While citations and fines may be necessary for repeat offenders in the absence of extenuating circumstances, law enforcement agencies, states, and municipalities should suspend or eliminate most or all fines during this crisis.

## Conclusion and Recommendations

### *Recommendations for Law Enforcement, Legislators, and Municipal Authorities*

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- Police chiefs, sheriffs, and other law enforcement leaders should communicate about such changes in policy and practice repeatedly and widely to ensure that personnel at all levels and in all positions, from patrol officers and first-line supervisors to dispatchers, civilians headquarters staff, and command staff, clearly understand changed requirements and the reasons behind them.
- Legislators should assess available resources for assisting those in crisis and, if necessary, establish emergency funds to provide food, medical care, or alternative shelter to those who would otherwise face extreme privation or risk domestic violence as a result of stay-at-home orders.
- State and local governments should immediately determine the role that police can play in plans for seeking out vulnerable people and providing them with public health information, assistance on how to access services, and immediate protection from violence and discrimination. This may involve temporarily reassigning some law enforcement officers from patrol or administrative duties to other public safety missions, such as food distribution or transportation.

#### **Longer term:**

- States and cities should consider blanket forgiveness of fines issued during this period, and/or develop a retroactive sliding scale of fines based on taxable income, to prevent those who are already most vulnerable from being disproportionately harmed by fines.
- State and local legislatures should work now to develop sliding-scale approaches to fines to be used during similar crises in the future.
- Departments and municipalities should evaluate the impact of changed practices to determine which changes can/should be permanent. This crisis creates a vast natural experiment on the impact of changed policing practices, and departments and municipalities should, whenever possible, seek to collect data and subsequently undertake a comprehensive review of how pandemic-related changes correlate with crime rates, calls for service, changes in expressed levels of community trust in police, officer morale and satisfaction, etc.