

Posted 3/17/20

COVID-19: R.I.P. POLICING?

Crime-fighters confront the challenges of Coronavirus

For Police Issues by Julius (Jay) Wachtel. What risks does the pandemic pose to effective policing? To the administration of justice? How are police and other components of the criminal justice system responding? How *should* they respond? And last but not least, is the crisis being used to advance pre-existing agendas?

Police work brings officers into frequent, close contact with colleagues and citizens. Routine interactions are close and personal, and the intimacy skyrockets during an arrest. When officers are called on to provide a service, it's not as though they can postpone or defer a response. Neither is their work only about crime. As Sunnyvale (Calif.) officers [fought to revive an elderly man](#), they didn't know he had been exposed to the virus. And when they were told, they didn't stop. In the end, five cops and two paramedics wound up in quarantine. (Fortunately, their patient turned out not to be infected.) Similar situations are popping up throughout the U.S. For example, in Los Angeles, where [three deputies and five firefighters were recently quarantined](#).

In Kirkland, Washington [the circumstances were far grimmer](#). An adult nursing facility that was placing an unusually large volume of emergency medical calls became the “epicenter” of America’s coronavirus outbreak. At least ten residents and former residents have died from the infection, and seven visitors (one from North Carolina) came down with the virus. Three police officers and thirty-one firefighters – *twenty-five percent* of the fire department – [wound up in quarantine or isolation](#); eighteen were symptomatic.

According to the [Centers for Disease Control](#) the main route of transmission is via virus-laden droplets infected persons expel when they cough or sneeze. Should these land on someone’s mouth or nose they can be aspirated and set off an infection. However, the “good news” is that droplets bearing the virus are relatively heavy and fall to the ground within six feet. Transmission by touching an object or surface on which droplets landed or were deposited, then transferring the virus to oneself by touching the eyes or nose, is thought possible but much less likely.

CDC’s [guidance for law enforcement officers](#) emphasizes that the danger zone is six feet. Regular hand washing is important, as is not touching one’s face “with unwashed hands.” Beyond that, the CDC urges that officers use specialized personal protective

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equipment (PPE) whenever contacting persons believed to be infected. Here's what's needed:

- Disposable examination gloves
- Disposable isolation gown or single-use/disposable coveralls (if unable to wear a disposable gown or coveralls because it limits access to duty belt and gear, ensure duty belt and gear are disinfected after contact with individual)
- NIOSH-approved particulate respirator (i.e., N-95 or higher-level. Facemasks are an acceptable alternative until the supply chain is restored)
- Eye protection (i.e., goggles or disposable face shield that fully covers the front and sides of the face)

Officers are counseled to disinfect their duty belt and other gear with spray or wipes after making any arrest that involves "close contact." They are also advised to launder (but not shake) their clothing. These admonitions aside, the CDC's assessment is that "for law enforcement personnel performing daily routine activities, the immediate health risk is considered low."

Well, that may be so. Alas, even when dispatched, officers typically know nothing about the physical condition of those with whom they might interact on scene. And when they arrive, there is usually little time or opportunity to gather that information. So a few steps seem prudent:

- Require that officers who encounter persons in need of medical assistance don googles and a face mask before they step in to help
- Regardless of the nature of an incident, require that call-takers inquire whether someone with a communicable disease is present and relay the response to dispatchers so they can pass it on
- Insure that pertinent medical information is entered into the dispatch database to forewarn officers who handle future calls involving the same persons or locations

Incidentally, we emphasize the role of dispatchers and databases because of their centrality to safe and effective patrol operations. (For more about that check out "[A Matter of Life and Death](#)").

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Of course, it's not just about officers. It's also about organizations. "If we lose 40 percent of our force, what would police service look like?" Considering what happened in Sunnyvale and Kirkland, that concern, [voiced by a Portland Deputy Chief Chris Davis](#), is hardly far-fetched. During these uncertain, stressful times, having a full complement of officers on hand is a paramount concern. To help keep the peace at besieged retail stores, LAPD and the L.A.S.D. [are putting "more boots on the ground"](#) and shifting detectives to patrol. But police departments are staffed by people, and people get sick. How should agencies prepare for the personnel shortages that coronavirus will inevitably bring? [Steps recommended by the IACP](#) include pooling resources with neighboring communities, canceling vacations, extending shifts and placing off-duty officers on call. Calling in reservists and even retirees are also options.

Well enough. But the chiefs offer one more recommendation, and it's somewhat jarring. Agencies are advised to evaluate "what services require an on-scene police presence versus those that can be handled by alternative means such as by phone or online." In other words, to consider rationing.

To be sure, *what* cops do and *why* can always stand reassessment. That seems particularly apropos when an epidemic's afoot. Consider [what recently befell](#) Miami PD's motorcycle squad. It's on quarantine after Brazil's president, for whom its officers provided security (and with whom they mingled) was diagnosed with the virus. Substantially easing the burden on field resources, though, calls for a lot more than banning motorcades or, another Miami example, [not serving eviction notices](#). But withholding flesh-and-blood cops from calls that have been classified as less pressing is not without major risk. There would certainly be "errors in call classification," perhaps more than a few with grave consequences. And even if nothing bad happens, the deterrence and reassurance benefits of a uniformed police presence would be lost. Natch, these effects would fall most heavily on the long-suffering residents of the high-crime neighborhoods that typically generate the most service requests.

Still, in the "real world" some retrenchment may be called for. Initiatives to limit *who* comes into the system are exploding in popularity. [Courts throughout the U.S.](#) are postponing trials, arraignments and such. Jails and prisons are responding with [lockdowns](#), no visiting allowed. What else can be done? How about the cops? After all, they're the ones who kick off the mess by making arrests. Collin County (Texas) Sheriff Jim Skinner fears that arrestees might waltz in with a lethal present, then spread it through his jail. So [he's urged local police](#) to forego taking non-violent criminals into custody: "Would you arrest if you and your staff had to take custody and care for the person? You may decide that an arrest isn't necessary to protect public safety." A local

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small-town chief agreed: “We do not believe his request is unreasonable given the current situation.”

Sheriff Skinner has plenty of big-time company. Los Angeles County, for example, has used cite-and-release and early release [to reduce its jail population](#) by six-hundred inmates. Meanwhile arrests have reportedly dropped from three-hundred a day to sixty. That’s *a full eighty percent*. [Colorado](#), though, seems an exception. To keep jails and prisons humming as usual it’s made major efforts to keep physical spaces disinfected and to screen new and current inmates for the virus. Actually, screening persons about to be released can greatly benefit the community. Unfortunately, this is a very imperfect world. Our decentralized criminal justice system, which reflects our decentralized political system, doesn’t turn on a dime. Jails and prisons may not be able to round up enough “dimes” to test everyone. So for crimes that are *really* non-violent – say, drunken driving, shoplifting or petty theft – cite-and-release seems an appealing option.

Yes, mistakes in identifying arrestees who pose a threat to society will happen, and we know the communities that would bear the heaviest load (hint: it’s not nine-oh-two-one-oh.)* So it’s crucial that adjustments made during the pandemic be considered as temporary. Yet some are already pouncing on the chaos to advance their agendas. In a long, nicely crafted [opinion piece](#) in the *New York Times*, staff writer Emily Bazelon approvingly mentions King County D.A. Dan Satterberg’s decision to file “only serious violent cases” because of the pandemic. That police have long criticized D.A. Satterberg [for being too easy on offenders](#) isn’t mentioned. Instead, Ms. Bazelon uses his move to support her view that our present crisis provides “an opportunity to rethink how the system treats low-level offenses”:

It also makes sense to stop arresting and incarcerating people for technical — that is, noncriminal — violations of parole and probation. About 4.5 million people live under court supervision around the country. In 2017, they made up 25 percent of new admissions to state prisons, not because they committed new crimes, but for infractions like missed curfew or unauthorized travel. This practice often makes little sense in terms of public safety; it is particularly hard to justify now.

Ms. Bazelon’s opinions are not uncommon among well-meaning observers who haven’t labored in the system’s trenches. But when [The Crime Report](#) breathlessly announces that similar sentiments have been expressed by America’s “top probation and parole executives,” one need pay attention. In an [open letter](#) that warns of the risk posed by the many arrestees “churning” between jails and home, “[Exit: Executives Transforming Probation and Parole](#)” urges major reductions in the number of persons

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placed under supervision, a “drastic” curtailment of arrests for “technical” violations, and a large increase in early releases. Indeed, as [NBC reports](#), the Covid-19 threat has led to such easings throughout the U.S. “Exit,” though, has long pushed for parole and probation systems that are “smaller, less punitive, and more hopeful, equitable, and restorative.” So it’s hardly an impartial observer.

There are also good reasons for acting against “technical” probation and parole violators. Really, minor, isolated breaches land no one in jail. Supervision caseloads, though, invariably include miscreants who are out of control but have not yet been arrested for another crime. A P.O.’s ability to meaningfully sanction problem clients for “technical” violations is an invaluable tool. It’s the bedrock on which probation and parole rest. If only an arrest for a crime will do, where’s the deterrent value? Why place anyone under supervision?

And that was our final point: crises can make for lousy precedent. But rest assured, we’ll be keeping an eye on things. In the meantime don’t forget: six feet!

* ZIP Code for Beverly Hills