



Illinois

## **An Open Call for Law Enforcement Agencies in Illinois to Prioritize Public Health During the COVID-19 Pandemic**

As the Coronavirus Disease 2019 (COVID-19) pandemic spreads rapidly throughout our state, it is critical for law enforcement agencies to modify their usual practices to protect the health of both officers and members of the public. The lack of available testing, lengthy incubation period, and chance that many infected people may never develop symptoms means that officers often won't know whether or not a person has been infected. Officers must therefore assume that anyone—including themselves—can be an asymptomatic, unknowing carrier of the virus that causes COVID-19.

Public health experts suggest that preventing further spread requires reducing the number of opportunities for exposure and educating the public on the importance of social distancing and compliance with public health orders. Questions have been raised about the role of law enforcement during this time, especially about what role law enforcement plays in assuring that the public is complying with public health orders, such as stay at home orders.

This letter identifies key actions law enforcement agencies must take in their efforts to enforce general laws and ordinances, as well as any public health orders.

### **Officers Must Make Fewer Stops and Arrests to Reduce Risk of Exposure**

Every day, law enforcement officers interact with members of the public in the course of pedestrian stops, traffic stops, welfare checks, and the execution of warrants. Each of these interactions presents an opportunity for the virus to spread from an infected member of the public to an officer, then to that officer's colleagues, family members, or other members of the public with whom that officer interacts. Local lock-ups and county jails also present an opportunity for wide dissemination of the virus.

Therefore, law enforcement agencies must instruct their officers to:

- 1. Drastically limit all contacts, including pedestrian stops and traffic stops, to situations where there is an imminent threat of bodily harm or violence.**
- 2. Take necessary precautions, including practicing social distancing and wearing personal protective equipment ("PPE"), when they must make contact with a member of the public.**

**3. Only take individuals into custody as a last resort.**

- a. Officers should maximize the use of cite and release for as many criminal charges as possible.
- b. Arrests should be limited to situations where there is an imminent threat of bodily harm or violence.
- c. Officers should avoid arrests for all non-violent offenses, including offenses related to substance use. Officers should also avoid arrests based on outstanding warrants and work with chief judges in local counties to immediately suspend all warrants, especially warrants related to alleged probation violation, missed court dates, and financial penalties.

**4. Provide appropriate medical care and access to sanitation to the limited number of people taken into custody.**

**5. Isolate any arrested person showing symptoms, and remove people in vulnerable populations from crowded settings, in accordance with public health recommendations.**

**Officers Must Focus on Education on, and Voluntary Compliance with, Public Health Orders to Stay Home**

As officers seek to enforce a public health order instructing members of the public to socially distance, stay home, and only leave their home for essential activities, they must follow this guidance themselves. Rather than issuing citations or making arrests for violations of these orders and putting more people at risk of exposure, officers should seek to educate those individuals and encourage their voluntary compliance.

Many people may not understand the reasoning behind a public health order, or be aware of its full scope, including how officers will enforce it. Law enforcement agencies must make the following commitments, in writing:

- 1. Officers will promote compliance with public health orders through education and requests to disperse, not arrests or ticketing. If several attempts at education are not persuasive, officers will seek a cease and desist order before resorting to tickets or arrest.**
- 2. Officers will assume individuals walking or driving their cars alone or in small groups are engaging in an essential activity, such as exercise and caring for a pet or family member, and will not question, cite, or arrest those individuals.**
- 3. Officers will not set up checkpoints to enforce any public health ordinances, even in the case of extreme emergency.**
- 4. As a means to reduce arrests, officers must communicate with a supervisor (in larger forces) and obtain approval before making an arrest under the order. Supervisors will**

**first explore whether the officer has already used other means of achieving compliance.**

**5. Officers will follow existing prohibitions on racial profiling.**

- a. Such prohibitions include refraining from targeting certain communities for enforcement, while still being responsive to calls for service from those communities. They also include refraining from using race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity to any degree in conduct a stop, frisk, search, or arrest, unless relying on those characteristics relate to the description of a specific suspect.