Dear Governor Cuomo and Mayor de Blasio,

We, members of the COVID-19 New York Working Group, are writing to express our deep concern with recent efforts by New York City Mayor de Blasio and Governor Cuomo to shift responsibility of social distancing away from government-supported public health education and instead onto individual efforts via increased policing and increased fines. On March 29, Mayor de Blasio announced that the NYPD will begin fining people between $250 and $500 if they do not adhere to social distancing. Governor Cuomo has subsequently doubled these fines to up to $1000 as of April 6, saying at an Albany press conference, “You don’t have the right to risk someone else’s life.”

While we understand social distancing is an imperative public health intervention in the fight against coronavirus, criminalization of coronavirus will disproportionately impact Asian-Americans, people who are Black or Brown, undocumented people, folks experiencing homelessness, and low-income New Yorkers, many of whom are already subject to unfair and abusive targeting by police. Many of these communities are an integral fiber of our essential workforce including but not limited to healthcare workers, grocers, and are part of the food industry who do not have the option to “stay at home” or practice social distancing. As ProPublica reports, an alarming rate of Black and Brown Americans are contracting and dying of coronavirus. They are also the most frequent victims of criminalization laws. The NYC DOHMH recently reported that 28% and 34% of Black and Latinx New Yorkers, respectively, died of COVID-19 while making up 18% and 14% of the population.

Almost 20% of NYPD officers have already tested positive for COVID-19. If we have increased policing of our neighborhoods, there will inherently be an increased rate of transmission. People who have already documented officers enforcing social distancing have noticed a lack of PPE worn by NYPD and officers not practicing social distancing themselves. Additionally, an escalation in incarceration also means the exacerbation of COVID-19 transmission inside jails and prisons, which continue to be the epicenter of the pandemic. The infection rate in New York City jails as of April 9 is 6.59%; that’s 9.23% higher than all over New York State.

Outside of New York State, we have already seen the beginnings of deliberate COVID-19 criminalization. As recently as March 25, officers in a Chicago Police Department station arrested a man who entered the precinct and coughed on them. He was [arraigned for “reckless conduct.”] On March 24, it was reported that The Department of Justice also has plans to [charge people as ‘terrorists’] if purposefully exposing coronavirus to others. Many advocates say that these examples are a pathway to criminalization. As a response to these and similar offenses in countries such as Bulgaria, Canada, Lima,
and South Africa, the HIV Justice Net released a statement voicing that “Communicable diseases are public health issues, not criminal issues.”

As a coalition of healthcare professionals and community advocates – reflective of the ethnic, gender, and sexual diversity within impacted communities – we reference similar legislation that uses criminalization to weaponize discrimination in efforts to jail marginalized civilians. Laws that are not only harmful for the vulnerable communities, but overall public health. They reinforce stigma and prevent people from seeking medical attention and lifesaving care.

We demand the following from Mayor de Blasio and Governor Cuomo:

- An immediate repeal of increased police force for New York State and New York City.
- To implement comprehensive education on social distancing funded with the budget used to increase police presence.
- To decrease police presence in communities as a means to reduce COVID-19 transmissions.
- To free incarcerated people in New York State and New York City jails for the sake of public health both inside and beyond the prison system.
- To include a member of the COVID-19 Working Group to help address concerns of vulnerable people affected by the enforcing of COVID-19 specific policing.

Signed,
COVID-19 Working Group New York

ACT UP NY
Bannon Consulting Services
Callen-Lorde Community Health Center
Chronic Illness and Disability Leaders
Commission on the Public’s Health System
Gays Against Guns
Health GAP
Housing Works
ICAP at Columbia University
Katal Center for Health, Equity, and Justice
New York #MEAction
The PrEP4All Collaboration
Prevention Access Campaign
Reclaim Pride Coalition
SWOP Brooklyn
Treatment Action Group (TAG)
VOCAL-NY
Women’s Prison Association