

Recommendations for Demonstrators, Law Enforcement and Public Health Agencies for Reducing COVID-19 Transmission During Civil Protests

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Introduction

Public health experts are raising alarms that the civil unrest during this COVID-19 pandemic, catalyzed by George Floyd's murder and in pursuit of anti-racism and anti-police brutality reforms, may increase SARS-CoV-2 community transmission and contribute to increased incidence of morbidity and mortality ("Open Letter Advocating for an Anti-racist Public Health Response To Demonstrations against Systemic Injustice Occurring during the COVID-19 Pandemic" signed by 1,288 public health professionals. <https://drive.google.com/file/d/1Jyfn4Wd2i6bRi12ePghMHtX3ys1b7K1A/view>; "Protecting the Public's Health During Protests Against Systemic Racism" June 17,2020 <https://ccdd.hsph.harvard.edu/2020/06/17/protests-systemic-racism/>) This risk impacts all in attendance, including protestors, law enforcement officers, journalists, and bystanders. To date no comprehensive and specific safety recommendations for these activities address what the three main stakeholders —demonstrators, law enforcement and public health agencies-- can do to mitigate risk for anyone who attends, as well as their household members, and reduce community transmission. The following recommendations take a harm reduction approach to decreasing the transmission of the virus during civil rights protests, with a focus on the role of protesters and observers, law enforcement personnel, and public health officials.

Background

Epidemiological studies show that large, crowded, and loudly expressive events that involve shouting or singing increase the spread of SARS-COV-2, causing COVID-19 outbreaks (1,2). Recent studies show as many as 50% of infected cases are asymptomatic, making close physical proximity to potentially infected individuals dangerous (3,4). Asymptomatically infected people are unaware of their contagiousness, but nonetheless spread the virus.

Tear gas and other lachrymators such as pepper spray have been used at many protests. Tear gas is the commonly used term for up to 15 chemical compounds, and 2-chlorobenzalmalonitrile is frequently identified in U.S. law enforcement usage (agent CS under military classification). Oleoresin capsicum and its synthetic form, piperonyl butyrate or capsaicin II, are in "pepper spray" and its military grade agent spray. Tear gas and other agents cause sneezing, coughing, and tearfulness thereby leading to further spread among all in attendance, protestors,

observers and law enforcement officers alike (5,6). Additionally, the induced pain increases the likelihood that people will touch their face which may also accelerate the spread of the SARS-COV-2. Military recruits exposed to tear gas had nearly a 2.5 times higher risk of acute respiratory illness after exposure compared to the period prior to exposure, with increasing risk at higher exposure concentrations (7, 8). This indicates another mechanism by which tear gas can increase the probability of COVID-19 illness.

The right to join others in protest or peaceful assembly is critical to a functioning democracy. Speech and assembly are core Constitutional First Amendment freedoms. Protests against injustice are an essential activity to call attention to and combat civil rights violations and structural racism. As abstinence in the form of strict adherence to stay-at-home orders is an unacceptable response, tantamount to silence or inaction, harm reduction during and following these protests will reduce the risk of SARS-COV-2 spread in our communities. The responsibility of law enforcement officials to uphold the law includes the responsibility to protect the rights of individuals to assemble.

Protestors themselves do not control all of the factors contributing to risk. Law enforcement officials control the rules of engagement, including the circumstances when booking and incarceration are employed rather than citation. Public health authorities perform or facilitate testing, early diagnosis, contact tracing, and treatment. All of these actions can reduce the risk of spread of COVID-19. Comprehensive recommendations for protestors, law enforcement and public health agencies are needed to reduce transmission during and after protests in their communities.

How can persons attending group protests reduce the risk of SARS-CoV-2 spread?

At the Protest: All protesters, journalists, public safety personnel, bystanders, and public officials attending protests should wear facemasks covering their mouths and noses at all times and goggles to protect against tear gas and pepper spray. We recommend demonstrators attend protests with persons they have sheltered-in-place with, such as household members. They could carry extra facemasks to distribute to others who are not wearing facemasks. They should carry hand sanitizer, use it often, share it liberally with others, and minimize the sharing of personal

items, such as cell phones. If they do share them, wipe them down with an alcohol wipe before reusing it. Always maintain at least 6 feet of physical distance from any other person (two arms lengths). Consider alternatives to loud chanting, singing, and shouting. Examples include use of drums and other noise makers and carrying signs. Consider the effect of contemplative, soulful, soft chanting as a dramatic way to protest in public. To protect their fellow protestors, protestors should stay home if they have potential COVID-19 symptoms.

After attending a Protest: We recommend persons attending self-quarantine when they return home. This is especially important when their household members are at high risk for COVID-19 (e.g., adults age 60 and older, household members with diabetes, or underlying heart and lung diseases). Wearing a mask and physical distancing from household members while at home during the period after the protest may suffice if self-quarantining is not possible. In either case, demonstrators should check their temperature and monitor themselves daily for symptoms of COVID-19. They should immediately consult a healthcare provider and obtain SARS-COV-2 testing if fever, shortness of breath, cough, sore throat, diarrhea, loss of smell or taste, or headache develop in the days following the protest event.

The Role of Testing: We recommend all persons attending consider obtaining viral diagnostic testing after they attend a demonstration, even as an observer. They should notify any fellow protestors, isolate themselves from their household and notify a physician if they test positive. However, it is less clear what a negative viral diagnostic test means. There is considerable uncertainty about the accuracy of viral diagnostic tests in asymptomatic persons (9). Tests performed after an exposure but before symptoms have developed can be falsely negative (10). Because the median incubation period is approximately 5 days, we recommend obtaining testing 5-7 days after attending a protest. While a negative test approximately 7 days after exposure reduces the likelihood that one is infected it does not eliminate it completely. One is not guaranteed to be COVID-free on the basis of a single test early in the infection. Furthermore, persons may attend demonstrations on multiple days, each time risking new exposure to SARS-COV-2. The probability of infection likely increases as the number of protests attended increases. Research is needed to inform how often potentially exposed individuals should get a test. Likewise, it is unclear when self-quarantine described above should cease if attending

multiple protests. Recommendations regarding testing of asymptomatic persons should be updated as more is learned about the risk of contracting SARS-COV-2. These testing recommendations apply to protestors, law enforcement personnel, official observers and bystanders.

We recommend that demonstrators organize a phone tree to notify persons attending a protest about anyone that becomes ill – signaling a need for testing. Activists groups and coalitions should develop internal strategies for encouraging members to notify them if they test positive for COVID and for then safely sharing this information with their fellow protesters who were potential contacts.

How can law enforcement agencies reduce the risks of SARS-CoV-2 spread?

Law enforcement officers and field support staff should wear facemasks covering their mouth and nose at all times on duty or when transiting to duty areas. Facemasks should remain on whenever speaking with protestors, other officers, or field workers.

Since tear gas and other agents may accelerate the spread of the SARS-COV-2, law enforcement agencies should not use these tools among peaceful protests. Likewise, procedures commonly employed to subdue or arrest protestors – and observed in video and photographic accounts of recent protests – can spread SARS-CoV-2. These include removing face masks, handcuffing and seating protestors shoulder-to-shoulder for prolonged periods in buses. These approaches do not permit safe physical distancing, prevent mouth or nose covering with coughing or sneezing, and cause contact with surfaces that harbor virus.

We urge law enforcement agencies to consider the following recommendations. Facemasks that remain on with adequate space for breathing are essential. Provide clean masks to protestors who do not have one, for their protection and for the protection of law enforcement officials.

Additionally, police transport vehicles are often crowded and unsafe for transporting protestors and law enforcement officers. Instead, consider issuing citations and court summons on site. Face masks and physical distancing throughout the process will reduce the risk of infection spread.

Local jails may be poorly ventilated and over-crowded. Close confinement during the COVID-19 pandemic is unhealthy for protesters, law enforcement and corrections officers alike. Arraignment may be necessary, but consider rapid processing and release of non-violent protesters to return for legal hearings later. Where incarceration is required, facemasks, frequent handwashing with soap and water, and physical distance are important to protect all in a jail environment from SARS-COV-2. Lastly, avoid using the public health term “contact tracing” to apply to law enforcement activities. Contact tracing is an essential public health tool for reducing COVID-19 transmission. Its use outside of public health will confuse the public and reduce trust in public health.

How can local public health agencies reduce risks of SARS-CoV-2 spread in connection with protests?

Public health departments should issue and publicize official guidance to reduce SARS-COV-2 spread (“Los Angeles County Department of Public Health Protocol for Law Enforcement Responding to Protests”

<http://publichealth.lacounty.gov/media/Coronavirus/docs/service/GuidanceLawEnforcementProtocol.pdf>)

It is vital that public health increases the availability of test sites in the community and ensures existing community testing resources remain open. Rather than close testing sites due to safety concerns, which risks disproportionately harming the individuals and communities already most burdened by the COVID-19 pandemic and by racism, public health agencies could innovate drive-through and other forms of pop-up and mobile testing opportunities for COVID-19 hot-spots to address urgent and changing needs.

As demonstrations continue and spread, public health departments should engage with community members further to provide outreach testing and diagnostic services for persons attending protests, law enforcement officers and journalists. This might include working with formal and informal community leaders to develop resources and coalitions to develop SARS-COV-2 testing and case-finding approaches, contact tracing, and rapid treatment, where COVID-19 develops. Together they can create social marketing campaigns to improve adherence

to facemask use, physical distancing, handwashing, and testing and treatment recommendations. They may partner with community leaders, community health partners (e.g., *promotoras de salud*) and local media to disseminate messages that emphasize harm reduction during protests as a feasible and effective tool to prevent COVID-19. They should ensure policies and procedures that protect privacy of SARS-CoV-2 test results and treatment and confidentiality of contact tracing information above and beyond regulatory minimum standards.

Conclusions

COVID-19 has disproportionately harmed communities of color across the nation. First responders have also been affected due to their work. Everyone has a stake in reducing the risk of the spread of SARS-CoV-2 to themselves and their families. We encourage all stakeholders to actively engage with one another and adopt policies and practices to reduce transmission in their families, communities, agencies, and jurisdictions. SARS-CoV-2 is a novel virus and the rapidly growing knowledge base instructs us daily. These recommendations should be updated as our knowledge evolves.

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