

April 7, 2020

The Honorable Bryan K. Barnett
President
National Conference of Mayors
1620 I Street, N.W.
Washington, D.C. 20006

Chief Steven Casstevens
International Association of Chiefs of Police
44 Canal Center Plaza, Suite 200
Alexandria, VA 22314

Dear Mayor Barnett and Chief Casstevens,

Every day, police officers and other uniformed personnel risk their lives in the name of public safety. These past few weeks, the risk that comes with their service has increased exponentially. COVID-19, a communicable disease capable of being transmitted by asymptomatic carriers, surviving for days on surfaces, and lingering in the air, has presented a new challenge to departments concerned not only with protecting their officers' health and safety, but also their officers' families, and the other members of the public they interact with.

Nowhere in the country is this more evident than New York City where COVID-19 has taken a devastating toll on first responders. The NYPD announced that, as of Friday, one out of every six officers is out sick or in quarantine¹. More than 6,500 officers – about 18% of the entire force – had called in sick². This is a stark contrast to the usual 3% who are out sick. Of those, more than 1,500 officers had tested positive for COVID-19.

The risk to public safety – and, in particular, to our first responders and law enforcement – isn't restricted to direct interactions with individual officers. These officers, like the rest of us, have families that are put at risk every night when they return from a shift. Given how long a person can be asymptomatic while infected, there is also a risk to any member of the public that the officer interacts with. Given these dire circumstances, we believe that extraordinary measures are needed to mitigate the heightened risk of serious, and even fatal, medical complications for officers.

Routine police enforcement of everything from littering to violent assault regularly requires officers to make many physical contacts per shift with multiple members of the public, other officers, and emergency and medical personnel. This level of contact in current enforcement practices heightens the risk of COVID-19 spreading amongst our most urgently needed public

¹ <https://www.nytimes.com/2020/04/03/nyregion/coronavirus-nypd.html>

² <https://www.nytimes.com/2020/04/03/nyregion/coronavirus-nypd.html>

servants, as well as amongst our elderly and medically vulnerable populations who rely on police for assistance, especially at a time like the present. Limiting unnecessary contact as much as possible at this moment is crucial to stopping the spread of this virus.

As such, we believe there is a strong need to mitigate the risks associated with a COVID-19 outbreak by:

1. Protecting Police Officers During Public Interactions

To protect officers during public interactions, it is vital to give them discretion to address violations of law with verbal warnings and citations. In addition, officers should have discretion to use custodial arrests when they believe that releasing someone will pose a threat to public safety and that conclusion is confirmed by a supervisor on-scene based on the totality of the circumstances, including the threat to public health by taking a person into custody.

For interactions where officers feel compelled to take enforcement action but where custodial arrests unnecessarily increase the public health threat of spreading the virus, the officer should give serious consideration to issuing a citation by temporarily detaining the person with appropriate Personnel Protective Equipment (PPE) (gloves and N-95 masks) and obtaining their identification information. These tactics are being used successfully in Washington DC, Los Angeles, and Dallas³, with no noticeable reduction in the level of public safety.

Along with the distribution of PPE to officers, departments should expeditiously develop policies relating to regular cleaning of cruisers, precincts, holding cells, and work spaces to prevent the spread of coronavirus. Officers should not be left to develop ad hoc procedures to keep themselves and others safe.

2. Reassigning Officers from Operations to Emergency Services

Plainclothes police officers and other members of service typically assigned to enforcement of non essential operations, such as parking tickets, should be reassigned to uniform patrol duty in marked vehicles for high visibility to serve the community. These types of activities include: assisting the elderly, providing assistance to those needing tests, distributing hand sanitizer, soap, and other essential materials to homeless people, helping those in need of emergency medical services, those stranded without transportation, and those who are in need of shelter. Officers should check in with and make accurate information available about COVID-19 and “Safer at Home” strategies, as well as providing information available to people potentially trapped with abusive partners or family members. Officers should be called upon to help distribute masks, gloves, and other protective materials to hospitals and other medical personnel and to distribute pre-paid phones so people can access accurate information.

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<https://www.wsj.com/articles/coronavirus-pandemic-changes-policing-including-fewer-arrests-11585301402>

3. Reporting contact with people who have tested positive for COVID-19

If an officer tests positive for COVID-19 or learns that they have come in contact with someone who has tested positive, that information must be reported up the chain of command, along with information about all other people the officer has been in contact with. This way, supervising officers can inform the officer's potential network of viral contamination. This is crucial for limiting the spread of the virus through police and other emergency personnel departments. At a minimum, large departments should publish, through the media or other public communications, the commands or geographic locations where the officers with confirmed COVID-19 last interacted with the public.

4. No Chronic Sick Day Penalties

Officers across the country are calling in sick repeatedly because they have symptoms of COVID-19 or have been in close contact with someone who tested positive. Officers in this situation should not be penalized for calling out sick during this time. Officers should not have to weigh the future of their careers against the threat of spreading COVID-19 to their co-workers, family, and other emergency personnel.

At the same time, law enforcement agencies should work to roll out rapid testing, as exemplified in Detroit where 150 first responders were cleared to return to work through use of the new Abbott Laboratories test.

During these difficult times, keeping our first responders healthy is crucial. We believe that employing the COVID-era emergency policing practices listed above will help prevent and mitigate potential outbreaks of the virus within police departments, allowing them to continue serving the public in this time of need.

Sincerely,

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