



The Washington Report

The Newsletter of the National Association of Police Organizations
Representing America's Finest

April 9, 2020

Coronavirus Response Updates: Paid Sick Leave & Emergency Funding

House Democrats have started to pull together their priorities for a phase 4 coronavirus stimulus package (“Phase 4”) and NAPO is actively working to ensure the needs of our members are reflected in it. As the second and third coronavirus response packages Congress passed on March 18 and 27 are being implemented, several issues have risen that NAPO is working to fix in Phase 4. The first concerns how the federal government is implementing the new coronavirus-related paid sick leave policy passed as part of the Families First Coronavirus Response Act (FFCRA) and its impact on first responders. The second regards the allocation of the \$850 million in Coronavirus Emergency Supplemental Funding through the Byrne Justice Assistance Grant (Byrne JAG) program and the need for additional, direct funding to local agencies. Lastly, we are pushing for first responders to receive hazard pay for their efforts on the front line of this public health crisis.

Families First Coronavirus Response Act: Sick Leave Regulations

On April 1, the United States Department of Labor (DOL) issued a [temporary rule](#) implementing the FFCRA, the second coronavirus stimulus that was signed into law on March 18. This bill provides for an additional 80 hours of sick leave related to COVID-19 exposure and illness. However, in the rule, the DOL included a sick leave exemption for “emergency responders”, which includes law enforcement. The DOL regulations allow first responder organizations to opt out of the 80 hours of COVID-related paid sick leave. NAPO is concerned that officers will have to use their own sick or personal leave when they are directed to stay home by their supervisors to quarantine or isolate themselves due to possible exposure to COVID-19.

The reasoning for this exemption (on page 36 of the [rule](#)) is that the DOL wants to ensure that localities have enough officers on the force to still be able to provide the essential service of public safety. While this might make sense for the temporary expansion of the Family and Medical Leave Act under the bill, it is meaningless in the context of paid sick leave. Emergency responders are going to contract COVID-19 and they are going to be exposed to people who have COVID-19, increasing the chance that the agency will likely order them quarantined and they will not be at work. The sole question is not whether the employer’s staffing will be lowered – it will – but rather who is going to pay for the employee’s absence. Under the DOL rule, it will be the employee paying for it and not the employer. It does not make sense that law enforcement officers who are in the line of fire – many without proper PPE or any at all – are penalized for something out of their control.

NAPO is working with Congressional staff to fix this issue so that should any law enforcement agency order an employee home and not allow them to return to work due to potential COVID-19 exposure, the employer will provide up to 80 hours of paid time off and it will not be taken from the employee’s accrued personal

leave. Another option we are pursuing is additional funding that goes directly to localities to either pay for or reimburse the cost for COVID-19 related time off for officers.

Coronavirus Emergency Supplemental Funding (CESF) through Byrne-JAG

The Bureau of Justice Assistance (BJA) has released the list of eligible allocations for CESF for current (FY 19) Byrne JAG grantees: <https://bja.ojp.gov/program/fy20-cesf-allocations>. The allocations were determined by the Byrne JAG program standard formula. There are many issues with these allocations as they are not based on need during this crisis, but rather an arbitrary formula that is meant to fund state and local criminal justice programs. For those localities without current funding, BJA has set aside \$58 million in grant funding. NAPO is working with Congress and other national law enforcement organizations to ensure state and local agencies get the resources they need whether from the \$850 million in CESF, the \$48 billion in FEMA Disaster Funding or an additional pot of funding that allows localities and agencies to get direct access to funds.

NAPO strongly supports creating an additional pot of money that localities can access directly in Phase 4 that can help pay for PPE, overtime, retention, and COVID-19 related paid sick or administrative leave.

Go to the BJA website to apply for CESF grant money and for more information:

<https://bja.ojp.gov/funding/opportunities/bja-2020-18553>

Hazard Pay for First Responders

In addition to the paid sick leave and CESF funding issues, NAPO is pressing Congress to provide funding through FEMA directly to localities to pay state and local first responders hazard pay. Not all first responders qualify for the stimulus checks and they are out on the front lines of this pandemic, with many of their families in home lock-down. While it may not be possible for every first responder to receive hazard pay, at least those who work in areas significantly impacted by the virus should receive it. President Trump and Treasury Secretary Steven Mnuchin both mentioned support for this in recent [TV interviews](#).

NAPO worked with Representative Bill Pascrell, Jr (D-NJ), co-chair of the House Law Enforcement Caucus, on this [letter to Speaker Nancy Pelosi and Minority Leader Kevin McCarthy](#) that calls on additional federal funding to allow departments in need to be reimbursed for PPE purchases and cover overtime and staffing expenses, extending hazard pay to first responders in severely impacted areas, sick leave for self-quarantining first responders, and a presumption to ensure first responders who contract COVID-19 are eligible for Public Safety Officers' Benefit (PSOB) program death and disability benefits. Rep. Pascrell is joined by Rep. John Rutherford (R-FL), co-chair of the Law Enforcement Caucus, and Reps. Peter King (R-NY) and Mike Bost (R-IL), co-chairs of the House Fire Caucus, in urging their colleagues to support and sign on to this letter.

Speaker Pelosi has stated that she expects to provide additional desperately needed resources for first responders in the Phase 4 legislation. While the House is actively preparing for Phase 4, the Senate is only starting to consider it. We are working with both House and Senate staff to ensure all parties understand and support these pressing issues.

NAPO Urges PSOB to Establish Presumption All COVID-19 Exposures in Line of Duty

NAPO is urging leadership of the Department of Justice to issue a new policy memorandum for the Public Safety Officers' Benefits (PSOB) Program stating that any public safety officer who perishes from COVID-19 is presumed to have contracted the virus in the line of duty, and are thus eligible for PSOB death benefits. NAPO sent a [letter](#) on March 31 to the Director of the Bureau of Justice Assistance (BJA), Michael

Costigan, making this request. There is precedence for the Director of the BJA to issue such policy memos and we strongly believe officers deserve to know that their families will be taken care of as they go out and work in this dangerous and uncertain time. If we cannot make this change through regulation, we will pursue it legislatively.

While the PSOB Program does cover line of duty deaths and disabilities due to infectious diseases, we feel strongly that COVID-19 is unique and presents its own challenges in proving line of duty exposure. While with most other infectious diseases, it is easy to pinpoint the source and details surrounding the exposure, but this situation is more difficult with the new coronavirus and its asymptomatic spread. Every day, we are learning more about COVID-19. First it was believed it could only be spread by close human contact. Now, experts think that it can also be spread through the air. Individuals can be carriers of COVID-19 without being symptomatic. Further, up until the past week, most states have not implemented stay-at-home orders and a majority of officers have been interacting with members of our communities without PPE. Many officers are continuing to work without PPE across the country.

Knowing how and when an officer is exposed is proving to be difficult. While an officer can try to document and report all interactions with individuals exhibiting symptoms, it may be a person who is asymptomatic that could have infected the officer or an unclean surface the officer came into contact with while on duty. Another challenge is that testing is not widely available and it is difficult to get tested even if it is available.

It is vital that officers' families know that they will get the benefits they deserve if their loved one succumbs to this terrible virus. By presuming a COVID-19 exposure happened in the line of duty, the PSOB Program will bring peace of mind to the families of officers who gave their lives to serve and protect our communities during this time of crisis.

NAPO Executive Director Testifies Before Commission

On April 1, NAPO Executive Director Bill Johnson testified before the President's Commission on Law Enforcement and the Administration of Justice Working Group on Law Enforcement Recruitment and Training on NAPO's priorities.

Johnson spoke on the need for agency leadership and politicians to publicly support officers and stated that the current media environment officers have found themselves working in is detrimental to retention and recruitment. He then highlighted NAPO's support for increased penalties for violence against officers. The reckless language used by many politicians and community leaders has led to an increase in officer assaults and NAPO strongly believes that increased penalties make important differences in the attitudes of criminals toward public safety officers and ensure protection for the community.

Johnson then touched on the need for legitimate workplace and adjudicative rights for officers and recommended the Commission publicly support a National Law Enforcement Officer's Bill of Rights. We hold our officers to the highest standards, and we expect our officers to afford every citizen respect, dignity, compassion, and fairness. Officers are expected to enforce the law strictly based on the law, not based on politics, gender, or race. But it is vital to emphasize, particularly as it regards training and enculturation, that officers, like any other persons, can be expected to treat others the way they are treated themselves. If officers are consistently exposed to a corrosive climate of suspicion, distrust, second-guessing and heavy-handed or arbitrary discipline, then we cannot feign surprise when those same officers accrete a similar worldview of the social environment outside the department. On the other hand, everyone benefits when a sense of fairness, mutual respect, and benefit of the doubt is recognized as not just being expected *from* officers, but as being owed *to* them as well.

Johnson pointed out that collective bargaining can go far in protecting officers' due process rights in internal investigations. It has also proven important in recruiting and training officers. However, there are public safety agencies across the country that do not benefit from a productive partnership between the agency and employees. Currently, many states do not allow public safety employees the fundamental right to bargain with their employers. History shows that denying workers the right to bargain collectively causes poor morale, the waste of resources, unsafe and inadequate working conditions, and low productivity. Ultimately, it is the public's safety and security that is jeopardized by such poor working conditions for officers. Johnson urged the Commission to support granting all law enforcement officers in all 50 states the right to discuss workplace issues with their employers.

In addition to the role officer rights and unions play in recruiting and retaining officers, benefits also play a key part. A [recent study by the National Institute on Retirement Security](#) shows that retirement and health benefits are closely tied to job satisfaction. Protecting and preserving public pension plans is a top priority for NAPO. Johnson stated to the Working Group that this is not a labor issue, it is a public safety issue. Cities who have downgraded their pension plans or switched to defined contribution plans have seen qualified, trained officers leave for other jurisdictions who provide defined benefit plans. They also find it harder to recruit new officers to replace those who have left. This is a very difficult profession that does not pay a lot of money. Protecting the benefits these officers deserve is one of the best ways of ensuring officer retention and increase recruitment.

In addition to protecting public pensions, Johnson pressed the Working Group to support the repeal of the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP). The GPO and WEP were meant as a "leveling" response but only serve to hurt public safety officers. Total repeal of both GPO and WEP would preserve the retirement security of those who selflessly serve and protect our communities.

Johnson took the opportunity which he had the Commission's attention to also highlight our priorities regarding officer safety and wellness, including expanding support for peer mentoring programs and the importance of confidentiality in those programs, and covering post-traumatic stress disorder under worker's compensation laws, all of which impact officer retention.

NAPO appreciated the opportunity to share these insights with the Working Group, and urges them to carefully consider them moving forward, as the Commission's recommendations will greatly impact our officers.

NAPO in the News

On April 3, NAPO Executive Director Bill Johnson was interviewed for a Washington Examiner article entitled, "Coronavirus Crisis Raises Specter of Civil Unrest, Experts Say". The article examines the possible breakdown of society if the coronavirus crisis continues unabated and people are unable to support themselves and lose trust in the government's ability to serve and protect them.

Johnson stated:

"It's a broad-based concern in terms of people being out of work, maybe neighborhood stores closing, people being concerned about assistance and unemployment benefits running out," said Bill Johnson, executive director for the National Association of Police Organizations. "Not so much because of the virus but because of the downturn in the economy, people being out of work, and that sort of thing. Typically, you're going to see an uptick first in property crime and, hopefully, it won't happen, but you'll have an increase in other types of crime as well."

‘If there’s not enough police healthy to respond, then what happens, I think, that other departments, sheriffs’ agencies, state police, National Guard, private security, will pick up that slack,’ said Johnson, adding that National Guard activations in each state could be made so that the military is enforcing curfew and keeping the public safe while police respond to emergencies. ‘One silver lining is that it seems so far that the sickness, illnesses, the deaths are not everywhere at once at the same level. It’s peaking in New York, New Jersey. It may be emerging in Florida, New Orleans.’

In New York City on Tuesday, [5,600](#) officers were not working because they were sick, which is almost 15% of the force. But absences in large forces is different than a small sheriff’s department that may have a total of 12 employees and have four out sick. Departments will rely on pacts with others to supplement absences, Johnson said.”

The full article can be viewed here: <https://www.washingtonexaminer.com/news/coronavirus-crisis-raises-specter-of-civil-unrest-experts-say>

NAPO will continue to ensure our members’ voices are heard loud and clear on the Hill, with the Administration, and in the media. If you have any questions about the publication cited above, please contact Bill Johnson at: bjohnson@napo.org.

The 27th Annual TOP COPS Awards® Dinner: UPDATE

In light of the current restrictions regarding the coronavirus put in place by the State of Maryland, the Washington, D.C. government, the President’s Coronavirus Task Force, and the U.S. Centers for Disease Control (CDC), we have made the difficult decision to postpone the 2020 TOP COPS Awards® Dinner until later this year.

We have rescheduled the TOP COP Awards® Dinner for Sunday, October 18th at the JW Marriott Beach Resort in Marco Island, Florida. The Event will be held in conjunction with NAPO’s previously scheduled Attorney Seminar. Please check our [website](#) in early Summer for additional details and updates.

NAPO Supports Temporary Tax Relief for First Responders

NAPO pledged its support for the Helping Emergency Responders Overcome Emergency Situations (HEROES) Act, H.R. 6433, introduced by Representative Bill Huizenga (R-MI), which would provide a temporary federal income tax holiday for first responders making up to \$150,000 annually from February 15 through June 15, 2020.

The tax holiday would cover law enforcement officers, corrections officers, firefighters, EMT’s, paramedics, pharmacists, nurses, nurse practitioners, physician assistants, hospital and licensed medical facility support staff, and senior care facility staff who work in a county with at least one person who has tested positive for Covid-19. The bill would give the Secretary of the Treasury the power extend the tax holiday for up to an additional three months if needed.

Law enforcement officers and emergency responders are on the front lines of the coronavirus crisis our nation is facing, serving and protecting our communities, often with little to no personal protective equipment (PPE),

putting themselves at high risk of exposure to this very communicable disease. While our officers are in our communities facing the unprecedented threat of the coronavirus, many of their families are in home lock down, creating financial hardship on top of the stresses of the job. Providing temporary federal income tax relief for first responders while they are serving their communities in this time of crisis is the right thing to do to honor their bravery and sacrifice.

COPS Director Pens Letter to NAPO Members

The Director of the Community Oriented Policing Services (COPS) Office and Executive Director of the President's Commission on Law Enforcement and the Administration of Justice, Phil Keith, penned a letter to all NAPO members on the work of the COPS Office and the Commission and the importance of NAPO's partnership and asked us to send it out. Please see [the letter](#) below.

NAPO appreciates our close relationship with Director Keith and the Department of Justice and we look forward to continue working with him to ensure our members get the resources and support they need.



U.S. DEPARTMENT OF JUSTICE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES

COPS

Office of the Director
145 N Street NE, Washington, DC 20530

Dear NAPO Members,

Just in the weeks following a stakeholder meeting with the NAPO Executive Director and staff, our nation is now facing the COVID-19 virus with implications throughout America and the world. At the COPS Office we want grantees, stakeholders and first responders to be fully aware of adjustments being made to confront COVID-19 work-related issues, grant-related challenges and communications with law enforcement first responders and stakeholders. Additionally, I want to provide a brief update on the work of the President's Commission on Law Enforcement and the Administration of Justice.

The U.S. Department of Justice, via the Deputy Attorney General, was given guidance on the government protocols related to staffing and reinforcing the top priority of protecting the Department's employees. The COPS Office immediately responded by allowing our staff to work remotely and not report to our office building. Although there are still some staff reporting to our office, the majority are working from home. We have tested our capability to work remotely and are ready to continue the work of the COPS Office in a seamless manner. All of our program staff are equipped with laptops, cell phones and other electronic devices to keep the COPS Office in a "full service" mode for thousands of grantees, law enforcement first responders and stakeholders. It is important to visit our website to gain the most up-to-date information on extensions to solicitations, monitoring reports, and other critical items impacting grantees and applicants, as well as the important work we are doing jointly with the law enforcement field on officer safety and wellness.

In recent days we have seen the dramatic impact the COVID-19 virus is having on our first responders. Our thoughts and prayers go out to each law enforcement member, their respective departments, and their families during these most trying times. Officer safety and wellness continues to be a priority for Attorney General Barr and President Trump. The DOJ is making every effort possible to assist state, local and tribal

law enforcement agencies and the many heroes serving their communities. At the COPS Office we want to make sure we are hearing from the field and giving back to the fullest degree possible.

Recently, Attorney General Barr delivered a video message to our most valued law enforcement officers, thanking them for their incredible service and sacrifice, especially during the pandemic COVID-19 virus that is devastating our communities. The Attorney General routinely thanks law enforcement for their efforts; however, in this message he wanted to place a special emphasis on his support for law enforcement, ending his remarks with the statement that he “has your back.” This tribute to law enforcement is felt throughout the Department of Justice and by President Trump.

NAPO is a strong advocate for the men and women serving in law enforcement, especially when addressing officer safety and wellness. Most recently, NAPO was well represented by the President of NAPO at the DOJ Officer Safety and Wellness Working Group meeting held in Washington, D.C. on March 9, 2020. During this most recent session, the discussion focused on small and rural law enforcement agencies as they experience the worst of human misery, abuses and other tragedies as do other law enforcement agencies.

Let me now turn to the work of the President’s Commission on Law Enforcement and the Administration of Justice. The Commissioners, working group members and staff have been working tirelessly to complete their work. On February 27th, the Commission held its first full meeting during the IACP Officer Safety and Wellness Symposium in Miami. The focus of the meeting was on law enforcement officer safety and wellness, hearing from a number of working groups and witnesses providing testimony on a wide range of challenges. Valuable and powerful testimony was provided to the Commissioners and those in attendance. Many of the Commissioners and working group members attended symposium sessions to gain further insight into the challenges faced by today’s law enforcement professionals. The Commission hearing room was full of observers, witnesses, working group members, the press, and the community at large. We came away from Miami with a deep appreciation for the issues and challenges, but also with some recommendations on how to improve the various approaches to officer safety and wellness.

Since the President’s Commission meeting in Miami and due to the pandemic COVID-19 virus, the Commission and staff have adopted a new approach to meetings so this important work can continue. Each week, the Commission is holding two to three teleconferences, hosting panels of subject matter experts during each session. At this time, the sessions are working well and the testimony is rich and robust, addressing the topics necessary for discussion.

Nearly 200 professionals are involved with the work of the Commission, including more than 150 working group members, 17 Commissioners and nearly 30 staff and DOJ leadership members. The meeting between COPS Office leadership and NAPO’s Executive Director will ensure that the ideas, research and focus of the membership of NAPO are conveyed to the full Commission. The active role of NAPO in the President’s Commission is sincerely appreciated, and will help to shape the Commission’s final report.

Sincerely,



Phil Keith, Director
Office of Community Oriented Policing Services

Please monitor NAPO’s website, www.napo.org, and Facebook page: National Association of Police Organizations, and follow us on Twitter at NAPOpolice for breaking news and updates.