

COVID-19 and the Effects on Law Enforcement

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Abstract

The Coronavirus, also known as COVID-19, has caused numerous effects that society and law enforcement have had to adjust to. All citizens were required to wear facial masks whenever leaving their residences or when unable to socially distance themselves from others (social distancing requires 6 feet separation between people). Most of the country was shut down and confined to their homes. Since law enforcement officers are first responders, we must be present and ready to always serve. Law enforcement had to learn how to adjust to the new normal of our society. Law enforcement officers still responded to calls for service and have had to learn to adapt. Just about every scene the officer responds to involves subjects wearing masks. Law enforcement has also had to adapt to personnel shortages. Officers contracting COVID-19 and being exposed to infected subjects cause deficits within the agency. As agency leaders, we have to adapt to society's requirements. Leaders must pick up the slack to cover the personnel shortage due to officers being ill or exposed. Agency leaders must incorporate COVID-19, staff, and vaccinations into policy and procedures. The agency also has to address their officers' concerns regarding their rights and beliefs regarding vaccinations.

COVID-19 and the Effects on Law Enforcement

As COVID -19 changed the world around us, it changed how law enforcement would operate and respond to the demands of the citizens we serve. Several changes began within each agency, the exposure to COVID-19 led to new Standard Operating Procedures going into place in almost every police agency across the world. No matter the agency's size, we have all been affected by the disease and changes. Law enforcement is faced with numerous threats to our safety daily, from violent assault, high stress, and exposure to disease (Luna at al., 2010 p. 16.). We have become much more aware of our agencies' occupational health and safety concerns. Most law enforcement had plans on the shelves for riots, natural disasters, or possibly large-scale civil unrest. Plans for a worldwide pandemic were not standard, and we have adjusted and continue to learn and evolve daily. According to the Bureau of Justice Assistance (2010), "Currently, Occupational Health and Safety programs in most U.S. law enforcement agencies are lagging behind programs in the private sector and other agencies around the world. To date, there are no national occupational health and safety requirements specific to the state, local, and tribal law enforcement." (p. 17).

Most agencies turned to the Centers for Disease Control (CDC) for advice to get started as COVID grew and grew. The first guidelines established called for the social distancing of a minimum of six feet, washing hands for twenty seconds while avoiding touching sensitive areas such as eyes, nose, and mouth. Orders to decontaminate clothing and duty gear as soon as possible were given. The first advice is to quarantine for fourteen days when an officer was exposed or believed they had been exposed. Fourteen days of isolation seemed like an excellent choice to contain the spread of the disease, but we soon learned it was not practical as more and more people were affected by the virus. Law Enforcement was "considered critical infrastructure

workers” by the Centers for Disease Control (2020). This designation brought about several different guidelines as we observed how quickly the transmission and exposure could decimate an agency. Officers needed to work after exposure if they displayed no virus symptoms. Procedures to screen officers were put into place that required checks of temperature and the identification of other symptoms, such as cough and shortness of breath, at the beginning of shifts to have enough people to handle calls for service.

Other precautions were suggested and became mandatory within agencies, such as wearing disposable rubber or latex gloves, eye protection, disposable isolation gowns or coveralls, and N95 respirators or face masks (CDC, 2020). Shortages of personnel and Personal Protective Equipment (PPE) nationwide required agencies to develop additional plans for servicing their communities and protecting their employees. Several ideas and concepts have been developed in the face of law enforcement’s new reality, realizing that things may take years to resemble what once was called normal. (Jackson et al., 2020). All these plans influence the citizens and the judicial system. Some have been received well and may become the catalyst for a positive future, while other ideas may fade as their limitations become exposed (Jackson et al., 2021).

Agencies across the country have begun to limit training in large groups to halt the transmission of the virus. Some have stopped in-person training and reverted to online classes so that knowledge and information can still be passed on. Access has been limited in many locations and buildings, barring the public from entry, and limiting the number of officers authorized into certain facilities. Working remotely from home by support staff and certain investigators has taken off to keep down the spread of the virus. Citizens are being encouraged to report certain lower, nonviolent crimes and other issues online or by phone to limit face-to-face

officer and citizen encounters. This reporting style helps reduce the number of officers needed taking some of the stress away from staff with personnel shortages. Many agencies suspended in-person community programs designed to work and engage with the community (Jackson et al., 2021). Law Enforcement across the country has embraced limiting enforcement actions. This includes discouraging low-level, misdemeanor offense on-view arrest and looking for alternative forms of prosecution such as summons or warrant processing. The offender will be arrested later as conditions improve. An issue recognized is that delaying warrant arrests will back up the courts and possibly overwhelm jails as circumstances improve and offenders are again booked. The summons and ticket process has proven somewhat successful as offenders are still being brought into court for adjudication without being brought into a detention facility leading to potential exposure to the staff or arrestee. With schools and courthouses being closed, officers assigned to those jobs are being returned to the ranks of the uniform street patrol to backfill for officers who are out sick or attending to family members. This helps relieve some of the overtime budget stress many departments face (Jackson et al., 2021).

As stated, Occupational Health and Safety programs are now becoming necessary within agencies to protect officers and the public. The Bureau of Justice Assistance from The Department of Justice recommends a three-part approach to implementing programs that will help safeguard personnel within an agency leading to better-prepared officers serving their communities (2010, p. 18). These three parts include knowledge, control and prevention, and maintenance and improvement.

Staffing

When stay-at-home orders were issued to citizens, law enforcement personnel were excluded from adhering to those orders. As first responders, law enforcement must be able to serve and protect at all times. This made law enforcement more at risk of being exposed to the COVID-19 virus. According to Rachel Treisman, “Last year was the deadliest for active-duty law enforcement in nearly a century, with COVID-19 identified as the leading cause of death for the second year in a row.” (Treisman 2022, p. 2). Law enforcement agencies had to adapt due to personnel becoming infected with COVID-19 and having to quarantine and sometimes officers succumbing to the virus. At St. Charles Parish Sheriff’s Office (SCSO), depending on the situation, some officers were out for weeks at a time. All civilian workers were not allowed to report to work since they were not considered essential personnel. At SCSO, the decision was also made to have personnel deemed vulnerable and at a high risk of catching the virus work from home or kept working in a more isolated area to limit contact with others.

COVID-19 and its effects has caused a significant strain on the law enforcement community. Law enforcement has had to adapt to personnel shortages due to the virus. Officers must work their regular shifts and fill in for areas that became critically short due to the effects of the spreading virus. The shortage pertained to all areas of the SCSO: administration, patrol, communications, and corrections. There were times when cross-training had to occur to fill the voids in the regions lacking officer presence. Specialized units, such as School Resource Officers or Court House Officers, were reassigned to short-staffed areas. This was able to happen due to schools and government buildings being closed (Wexler, 2021). The spreading virus, lack of manpower, and changing information regarding the virus could adversely affect the SCSO culture. Leaders in SCSO had to step up and work side-by-side with their officers, filling in

where coverage was needed. They had to continue pushing forward and encouraging their officers to do the same and pull together as a cohesive team (Spain, 2017). The leaders within SCSO also had to be aware of their workers due to the possibility of infection or the stress, mentally and physically affecting them. Working under this type of stress can cause various symptoms to individuals. As the agency leaders, it was imperative to be self-aware of themselves and their officers.

Due to the changing conditions concerning the spread of the virus, some agencies had to suspend in-service training and other training classes. As the virus changed, agencies could resume some training by making some courses available online. According to Jackson et al., “Departments had success using such virtual platforms as Facebook Live or Zoom.” (Jackson et al., 2021, p. 8). The pandemic caused leaders to think of other recruitment methods for the agency. SCSO has started to post job applications that can be completed online on their websites. SCSO has also been promoting open positions by using Facebook. Leaders have been able to get officers to buy in with this option by having the officers share the Facebook feed with others. Jefferson Parish Sheriff’s Office has been advertising through television commercials, websites, and radio commercials. When a potential candidate has been approved for a new hire interview, it can be set up virtually using Zoom.

Correctional Centers suffered as well due to COVID-19. According to Montoya-Barthelemy et al., “Prisoners and correctional staff share an environment known to amplify, accelerate, and act as a reservoir for outbreaks of respiratory diseases. Correctional administrators have extraordinary power over an institution’s disease response, and guidance and collaboration from the wider health system will be essential.” (Barthelemy et al., 2020, p. 16). Offenders inside correctional centers are usually confined in smaller dorms and cannot socially

distance themselves from others. Some individuals incarcerated do not practice good hygiene habits, such as washing hands, showering, and getting clothing cleaned. This causes a hazard for corrections officers and other offenders.

Correctional officers can become more exposed due to “Uncontrolled physical contact due to prisoner movement or engage in altercations” (Montoya-Barthelemy et al., 2020, p. 28). According to Amber Widery (2020), “In addition to reducing arrests, authorities have also implemented some of the following strategies: reducing jail admissions, release people from jails and prisons when possible, reducing unnecessary contact, visits and technical violations for people on probation and parole, eliminating medical copays for correctional medical visits and testing, reducing or suspending prison visitation, and reducing or eliminating the costs of phone calls and video communications.” (p. 3). SCSO leaders have had to make decisions to change how things in the facility are handled for the safety of the corrections officer and those incarcerated.

Effects on the Staff

Protecting employees from themselves when they forget to wear a mask going into an unknown place has proven to be an almost unbearable task. As supervisors, we try to make sure we always keep our fellow officers safe because of the pandemic; this has become virtually impossible. As stated by Sgt. Lesley Kenyon, “We’re good at recognizing visual threats and taking the appropriate precautionary measures to avoid catastrophe in those situations. What we’re not good at is protecting ourselves against this invisible killer” (Kenyon, 2020, p. 3). We prepare for so many expected and unexpected dangers in this line of work, but the COVID-19 virus has been an invisible and silent killer. COVID-19 has become a new threat to law enforcement; like any other citizen, we are all at risk of being exposed to this virus. The

difference is that police, like most other essential agencies, must respond to calls and complaints that further expose them to this virus. The struggles of the day-to-day operations when dealing with complainants and suspects and making sure you wear a mask correctly for your safety are almost impossible. It is hard for people to hear or understand you when you are wearing a mask, and you put yourself at more risk when removing the mask to allow yourself to communicate appropriately. The notion of protecting officers from themselves as it pertains to this virus means we must ensure officers are properly wearing their masks and practicing social distancing whenever we can.

With mask mandates, the element of wearing a mask for protection has now become a way for suspects to conceal their identities now without trying. Due to PPE shortages, a protective face covering has now become whatever type of cloth or clothing item you choose to cover your face with. Wearing a ski mask in eighty-to-ninety-degree weather is now expected. It is hard to believe that it is ok to walk into a place of business with attire that would once make everyone feel you are about to rob the site to conduct regular business. The wearing of masks has further complicated investigations to the point where it has become almost impossible to identify suspects. This hindrance has affected clearance rates and will continue to be a problem until the virus is eradicated.

As stated by Nick Daughtery (2020), the coronavirus is affecting more than just our health. For some, our entire financial well-being is potentially turning upside down as overtime, and part-time jobs have been all but eliminated. For others, our spouses are facing layoffs, furloughs, or reduction in work hours. When we look at the effect COVID-19 has had on our finances; the year 2020 has probably been one of the most financially strained years for law enforcement officers. With businesses closing and the possibility that some will never reopen

again, the extra duty income lost from these businesses has devastated officers. Like most police officers, we work additional or part-time jobs to fund those things that our regular paychecks will not cover. Extra duty pays for vacations, private school, boats, our hobbies, and just about all the fun things we like to do when we are off.

In sharing an experience with the team, catching the COVID-19 virus in August 2020 was a real eye-opener for me. I had to stay home for fourteen days, with no extra duty income, but being prepared for a rainy day and having money saved helped make this an easy transition for me. Luckily, I only had minor symptoms, and mostly I was asymptomatic, but my wife and daughter tested positive during the same time I had it. I later learned after returning to work; there were many of our coworkers were still working with many of the COVID-19 symptoms but refused to get tested because they could not afford to miss two weeks of extra-duty pay. This was infuriating because they were being so selfish and not realizing how many people they may have infected at the time. Their selfishness may have caused the death of a co-worker's loved one or who knows who else. COVID-19 not only affects those persons whom you work with, but many of us have taken this virus home, and it has affected many of our parents, grandparents, aunts, and uncles as well.

Randy Sutton (2020) stated, "Our law enforcement officers are on the front lines of a very new war. It is a war not against crime but a disease." (p. 2). In Louisiana, the family of a law enforcement officer whose death is COVID-19 related, is entitled to the same benefits as an officer killed in the line of duty. These benefits will not replace the loss of their loved one, but it helps bring financial stability to the family.

Inside Edition staff (2022) reports, "As of December 31, 2021, 458 federal, state, tribal and local law enforcement officers died in the line-of-duty in 2021. This is an increase of 55%

from the 295 officers killed during the same period last year and is the highest total line-of-duty officer deaths since 1930 when there were 312 fatalities,” the report said. However, the report said that of the 458 fatalities, 301 were caused by COVID-19. (p. 1)

At the East Baton Rouge Sheriff’s Office, we have lost three members from our department due to COVID-19. Two were correctional employees, and one was from the training division. All were given line of duty death benefits.

Mandates and Changes

The COVID-19 pandemic started at the end of 2019, surged in 2020, and continued through 2021. Over this time, COVID-19 has taken various forms, especially after a vaccine was created. There are multiple versions of the vaccine, and some vaccines require a booster shot. Over the last two years, the law enforcement profession has battled whether the vaccine should be directed to keep employment. These mandates have created a divide across the nation and inside departments. Law enforcement leaders must navigate the pandemic in their communities and the organization, but they now must navigate vaccine mandates.

Vaccine mandates have been around in the United States since the Revolutionary War. In 1809, Massachusetts passed the first immunization law and required the public to receive the vaccine for smallpox. In 1905 the United States Supreme court upheld that States could pass and enforce vaccination law. The freedom of individuals must be subordinated to the common welfare. This was determined in the court case *Jacobson v. Commonwealth of Massachusetts*. (Smith, Wood, & Darden, 2011)

The United States saw a similar pandemic during the influenza epidemic. In 1946 and 1947, a vaccine was created for influenza “a,” but after the release of the vaccine, the virus

mutated, and the genetics of flu changed and made the vaccine less effective (Smith, Wood, & Darden, 2011). This is something that America is currently facing with COVID-19. Since its inception, it has been genetically modified, and most recently, a new strand was identified known as “Omicron.” The United States Supreme court ruled in early January 2022, (Independent Business v. Department of Labor Ohio v. OSHA, 2022) that Occupational Safety and Health Administration cannot mandate the vaccine as they have not received that authority from Congress.

As we continue our fight against COVID-19, we, as leaders must prepare for the mandates, increase calls, community shutdowns, mask mandates, and ultimately the loss of any staff. COVID-19 requires agencies to change rapidly, and this change can have significant impacts on the team, the public, and the agency leader.

Agencies requiring the vaccine will undoubtedly change the entire agency. Many agencies have already made the vaccine a requirement and have lost staff members who do not want the vaccine, and some staff members are putting their leader in a tough spot and forcing the leader to decide to terminate that staff member. Agency leaders also must consider any exemptions, whether they are for religious beliefs or accommodation for someone with a disability. While we continue to navigate the legality behind the mandate, many agencies create safe workstations, reassigning staff, allowing staff to work remotely, and minimizing interaction with the public.

Another change is the use of PPE - over the last two years, it has become common to see police officers wearing masks and gloves everywhere and on every call. Eureka County Sheriff's Office requires PPE when needed on a medical call which has proved to be pivotal as the use of this equipment has kept deputies working versus having to be sent home to quarantine. Because

of this order, morale during the pandemic has increased because the deputies feel they can do their job and not worry about being stuck at home.

During these trying times, every leader has become an adaptive leader. Every leader has had to remain flexible as COVID-19 evolves, research comes out, and the updates the Center for Disease Control releases. One of the most important aspects of being an adaptive leader is encouraging others. Leaders must encourage their staff to take care of themselves and remain healthy while working. Living with COVID-19 is the new normal, and the leader cannot allow the negativity to flow through the agency.

St. Charles Parish Sheriff, Greg Champagne, has adapted to the pandemic and vaccine mandate. The Sheriff's Office currently does not require the vaccine; however, they encourage it. If you work for the Sheriff's Office, are vaccinated, and contract COVID-19, you are placed on administrative leave, and the Sheriff's Office pays for you to be out. If you are not vaccinated, you must use your sick time. Because immunizations are not public, how many deputies are vaccinated; this example shows how Sheriff Champagne adapts to COVID-19 and the potential vaccine mandates.

Many locations across the nation have attempted to make the vaccine required, and many police officers and police unions are fighting back. This conflict between agencies and associations creates significant internal stress within the agency. Nobody knows what will happen, so everyone is walking around on eggshells. These conflicts within the organization produce the most stress for staff members (Nash, 2017).

So many law enforcement agencies are currently understaffed. Being understaffed puts a strain on others as more and more shifts must be covered, as officers must be quarantined if

exposed to COVID-19 or test positively. Moreover, some agencies looking to require the vaccine are looking at a mass exodus situation where officers walk away from the agency. This puts a significant burden on the department to recruit and retain officers, but agency leaders now must navigate covering shifts and prevent burnout. For example, Seattle Police Department has implemented their “emergency staffing model” to help cover shifts as some officers cannot work as they have not received the vaccine. This emergency order required a full deployment of all on-duty sworn personnel, including detectives and other non-uniformed services (Taylor, 2021). The strain placed on the personnel affects their professional lives and personal lives. The overtime is worth it for some officers, but some officers would rather have time off.

During these challenging times, communication from agency leaders is vital. Effective communication throughout the agency creates a culture of honesty and transparency. While every staff member may not agree with the leader, communication is central to everything that happens in the workplace (Long, 2019). Our leaders must communicate any updates regarding the vaccine mandates, PPE requirements, or any other information the agency needs.

Conclusion

More now than ever, law enforcement leaders need to communicate effectively. Based on beliefs, it is a fact that agencies will lose officers due to the vaccine mandate. The leader’s job is to motivate, satisfy, produce, and develop current and incoming employees. This begins and ends with effective communication (Long, 2019). This communication should not just be directed at employees; it should be directed to the communities they lead. Whether Law enforcement leaders are making good or bad decisions, they are cementing their legacy during these times with their mindset, relationships, aspirations, courage, and planning for the future (Blankenship, 2017).

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