



NATIONAL FRATERNAL ORDER OF POLICE®

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PATRICK YOES
NATIONAL PRESIDENT

JIM PASCO
EXECUTIVE DIRECTOR

31 March 2020

The Honorable William P. Barr
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear General Barr,

I am writing on behalf of the membership of the Fraternal Order of Police to ask for your help and guidance on a very urgent matter—the treatment of death benefit claims by the Public Safety Officers' Benefits (PSOB) program from families who lost their public safety officer to the novel Coronavirus Disease 2019 (COVID-19). Sadly, we have already lost several public safety officers to the COVID-19 and there is no question that many more will fall victim as the world endures this pandemic.

The Public Safety Officers' Benefits Act (PSOB) provides that the surviving family members of a public safety officer who contracts an infectious disease in the line of duty and dies as a result of its contraction are eligible to file a death benefit claim. This is a novel coronavirus and there are very few established scientific and medical facts about the disease or its impact on the human body, both in the short-term and long-term. We do know it is highly contagious and it is thought to be able to exist in the air and on surfaces for unknown periods of time.

Federal, State and local governments have undertaken extraordinary measures to “flatten the curve” so that our healthcare system can treat as many victims of this virus as they can. This public health crisis has also become a public safety crisis. We depend on our law enforcement officers, firefighters and emergency medical personnel to continue to respond to calls for service and, in far too many instances, they are doing so without adequate personal protective equipment (PPE), which heightens their risk of infection. Law enforcement officers may be called upon to enforce quarantine orders, travel restrictions as well as providing protection for vital supplies and facilities. Social distancing is not an option for these public safety officers. You cannot arrest a dangerous suspect or fight a fire remotely from your home. The public needs to have confidence that their local emergency responders will be able to respond regardless of the public health circumstances of the community.

The vast majority—more than 90%--of these public safety officers are employed by State and local governments many of which have established a presumption for their workman's compensation programs that ensure that the exposure and contraction of COVID-19 will be considered to have occurred in the line of duty. We have also been in regular contact from the outset of this current crisis with the U.S. Department of Labor and are working with officials there to address this issue at the Federal level. Our letter to Secretary Scalia, dated 16 March, is attached.

General Barr, you have always been vocal and unapologetic in your support for rank-and-file law enforcement officers and that support has never been more important than it is today. The men and women on the front lines need to be assured that their families will be provided for in the event that they fall victim to the virus. We have had numerous conversations with officials in the White House and recently participated in conference call with the stakeholder's organizations hosted by the Bureau of Justice Assistance (BJA). We urged them to immediately establish that any death benefit claim in which COVID-19 is a contributing factor in the cause of an officer's death shall be presumed to be a "line of duty injury" as defined in the CFR Part 32.3, unless competent medical evidence establishes that the exposure or contraction of COVID-19 was unrelated to the underlying cause of death. The response to date has been inconclusive, so we are turning to you to expedite this urgent request.

General Barr, our members will continue to do the jobs they have sworn to do at a time of extraordinary personal risk to their health. By establishing this very limited presumption for the PSOB program, you send a loud and clear message that our nation values their service and honors their sacrifice. I look forward to your swift response to this urgent request. On behalf of the more than 350,000 members of the Fraternal Order of Police, thank you for your continued leadership and support for our nation's law enforcement officers. Please do not hesitate to contact me or Executive Director Jim Pasco if you should need any further information on this or any other issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Yoes", with a large, sweeping flourish extending to the right.

Patrick Yoes
National President