

TO: Police Chiefs and Public Safety Directors

FROM: Chief Keith F. Hummel (Ret.)  
J. A. Montgomery Consulting

DATE: Update: April 15, 2020  
Original: April 3, 2020

RE: Law Enforcement Exposures to COVID-19 Guidance  
**UPDATE: COVID-19 Added to list of diseases covered by Ryan White Act**

On April 3, 2020, the Safety Director's Office issued Law Enforcement Bulletin 2020-02. The Bulletin was issued to provide guidance to employers on how to report, investigate and record COVID-19 exposures. The purpose of this follow up bulletin is to inform you that the COVID-19 disease has been added to the list of diseases covered by the Public Safety Officer's Benefits Act. A copy of the BJA notice has been attached for your review.

To establish eligibility for a public safety officer's death or disability due to COVID-19, the PSOB regulations require that the evidence show that it is more likely than not that the virus resulted from the officer's exposure while performing a line of duty activity or action. Incident reports that are detailed and thorough will assist with justifying this requirement.

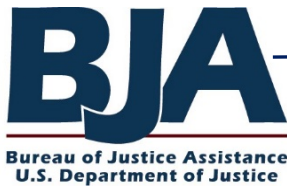
For questions regarding the PSOB Program or filing a claim, visit PSOB's online portal at [www.psob.gov](http://www.psob.gov)

Contact the Safety Director for more information or questions. You can also visit the MEL COVID-19 page at [www.njmel.org](http://www.njmel.org).

Law Enforcement Bulletin 2020-02 is available on the Municipal Excess Liability Joint Insurance Fund's APP. To download the APP, access your phone APP Icon and search for "NJMEL" and the MEL APP can be downloaded for free.

#### Resources:

LEXIPOL Communicable Disease Policy – [info@lexipol.com](mailto:info@lexipol.com) or 844-312-9500  
IACP National Law Enforcement Policy Center; Communicable Disease Prevention Model Policy  
IACP National Law Enforcement Policy Center; Pandemic Flu Planning and Response  
CDC / NIOSH: <https://www.cdc.gov/niosh/programs/psaf/lawenforcement.html>  
OSHA Publications: <https://www.osha.gov/Publications/pub3110text.html>  
CDC / Ryan White Act: <https://www.cdc.gov/niosh/topics/ryanwhite/background.html>  
DOJ / CDC Share the Facts: <https://www.justice.gov/jmd/page/file/1257346/download>



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**PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM  
CORONAVIRUS / COVID-19 UPDATE  
APRIL 2020**

Administered by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA), the Public Safety Officers' Benefits Program provides death benefits to the eligible survivors of public safety officers who are fatally injured in the line of duty, disability benefits to public safety officers catastrophically injured in the line of duty, and education benefits to the eligible spouses and children of fallen and catastrophically injured officers. BJA's PSOB Office is honored to review the more than 1,000 claims submitted each year on behalf of America's fallen and injured public safety heroes and their loved ones.

With the recent outbreak of the novel coronavirus disease, or COVID-19, America's law enforcement officers, firefighters, and other first responders face a new health risk as they continue to selflessly serve their communities.

Under the current Public Safety Officers' Benefits (PSOB) Act and its implementing regulations, conditions caused by infectious diseases, viruses, and bacteria may be found to be an injury sustained in the line of duty.

To establish eligibility for benefits under the PSOB Act in connection with a public safety officer's death or disability due to COVID-19, the PSOB Act and regulations require that the evidence show that it is *more likely than not* that the disease resulted from the public safety officer's exposure to the disease or the virus that causes the disease, SARS-CoV-2, while performing a line of duty activity or action. In general, BJA will find that the evidence shows a public safety officer with COVID-19 contracted it in the line of duty, when (1) the officer had engaged in line of duty action or activity under circumstances that indicate that it was medically possible that the officer was exposed to the virus, SARS-CoV-2, while so engaged; and (2) the officer did contract the disease, COVID-19, within a time-frame where it was medically possible to contract the disease from that exposure. In addition, in the absence of evidence showing a different cause of death, BJA generally will find that the evidence shows a public safety officer who died while suffering from COVID-19 died as the direct and proximate result of COVID-19.

As the PSOB Office receives claims based on COVID-19 exposure, it will work closely with survivors, officers, and agencies to obtain whatever evidence may be needed to support each claim, through all available information, including incident reports and related documents.

For questions regarding the PSOB Program or filing a claim, please do not hesitate to visit PSOB's online portal at [www.psob.gov](http://www.psob.gov) or email the PSOB Director at [AskPSOB@usdoj.gov](mailto:AskPSOB@usdoj.gov).

Guidance documents, like this document, are not binding and lack the force and effect of law, unless expressly authorized by statute or expressly incorporated into a contract, grant, or cooperative agreement. Consistent with Executive Order 13891 and the Office of Management and Budget implementing memoranda, the Department will not cite, use, or rely on any guidance document that is not accessible through the Department's guidance portal, or similar guidance portals for other Executive Branch departments and agencies, except to establish historical facts. To the extent any guidance document sets out voluntary standards (e.g., recommended practices), compliance with those standards is voluntary, and noncompliance will not result in enforcement action. Guidance documents may be rescinded or modified in the Department's complete discretion, consistent with applicable laws. Pursuant to section 3(b)(1)(I) of Executive Order 12988, nothing in this document is intended to create any legal or procedural rights enforceable against the United States, except as the same may be contained within 28 C.F.R. part 32.