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**BRIEF**

# PROMISING PRACTICES FROM LAW ENFORCEMENT'S COVID-19 RESPONSE

**PROTECTING THE PUBLIC**

**STARTING IN SPRING 2020, A NOVEL CORONAVIRUS** infected millions of Americans, resulting in hundreds of thousands of deaths from coronavirus disease 2019 (COVID-19). The pandemic has caused major disruption to all facets of life, including the criminal justice system. Law enforcement agencies, which are tasked with protecting public safety, have faced a fraught operational environment. But challenges introduced by the COVID-19 pandemic also have opened up new approaches to police work, and some reforms brought about by necessity could be worth keeping after the pandemic comes to a close.

To better understand how the COVID-19 pandemic has affected the criminal justice system in terms of the challenges it created and how agencies adapted to those challenges, the Priority Criminal Justice Needs Initiative<sup>1</sup> conducted a series of panel workshops

with representatives of different sectors within the system. One of the key goals of the discussions was to identify which adaptations presented promising practices that agencies should consider continuing beyond the COVID-19 pandemic.

Two panel workshops were held with law enforcement representatives, one of which focused on agency management and the other of which focused on services and operations. Participants represented jurisdictions that are geographically dispersed and that included both large urban areas and smaller suburban or rural areas. There were representatives of police departments and sheriffs' offices and of crime laboratories and universities. A separate community workshop provided input on the broader effects of changes made by law enforcement agencies and the justice system more broadly.



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**THIS BRIEF** HIGHLIGHTS THE CHALLENGES the COVID-19 pandemic introduced, shows how law enforcement agencies adapted to those challenges, describes which adaptations might hold promise even after the pandemic ebbs, and provides suggestions for evaluations to demonstrate the efficacy of such adaptations.

# WHY WAS THE COVID-19 PANDEMIC SO CHALLENGING FOR LAW ENFORCEMENT AGENCIES?

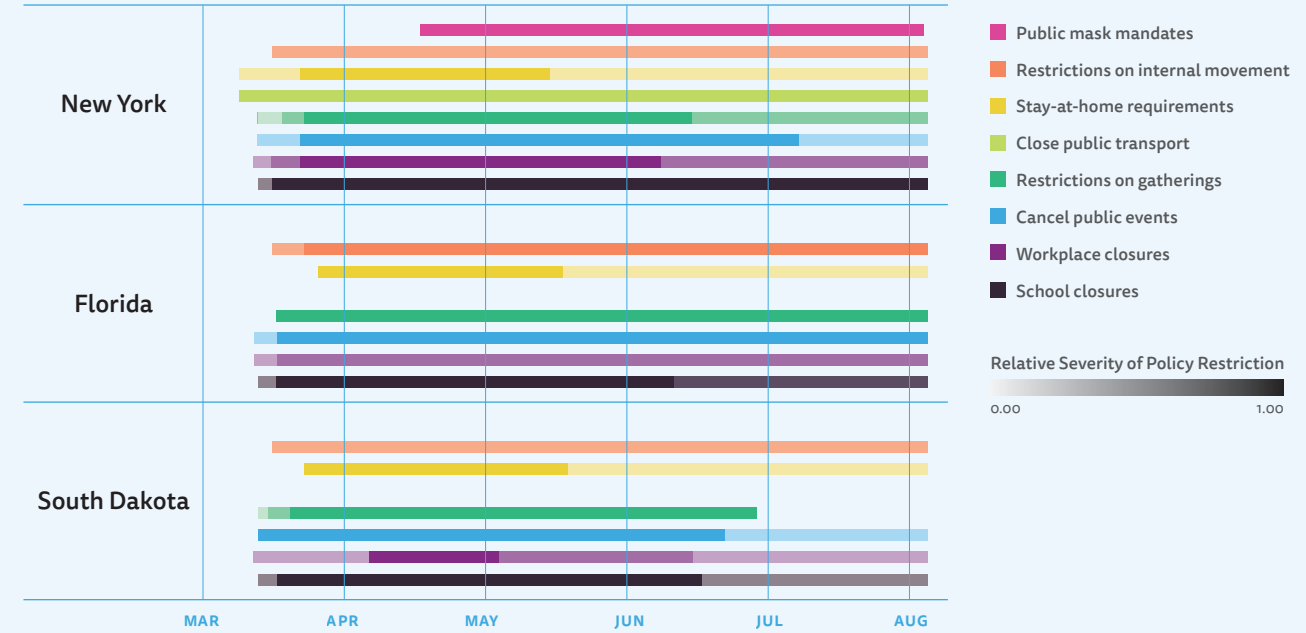
**An Unclear Role in Supporting Public Health Efforts**  
 Like other components of the criminal justice system, the law enforcement community had done some pandemic planning in response to the spread of avian influenza in the early 2000s. Such plans generally noted that officers' potential roles in enforcing public health directives were intended to reduce risk in public locations (e.g., business closures, individual mask-wearing, and social distancing), included more-targeted enforcement of quarantine orders for ill individuals, and also included supporting roles, such as assisting in securing health facilities or testing centers.

In the COVID-19 pandemic, the actual role law enforcement has been asked to play has varied significantly because of the widely divergent measures states and localities have taken to respond to the pandemic. Figure 1 shows variation in how

states responded to the pandemic. For example, New York implemented a public mask mandate in the middle of April, while Florida and South Dakota had no mask requirements as of August 2020. If a jurisdiction responded aggressively, then the police might be asked to enforce such public health directives as wearing masks, closing businesses with indoor or significant in-person contact, or prohibiting events and large gatherings. At the other end of the spectrum, if the public health response in their jurisdiction was limited or weak, police might not be involved in managing public health risk at all. Law enforcement in tourist areas faced a particularly complex environment where they had to deal with their local response and with visitors coming from areas that might have adopted very different response strategies. Some departments that found themselves in such situations were hit hard by the disease.



**FIGURE 1.** States' Responses to the Pandemic Have Varied Widely



Testing [availability for officers was a problem as well]. . . . We had officers that would get some type of symptom and we didn't know if it was COVID or not. . . . For several weeks, that was quite a challenge to have to quarantine an officer just because we couldn't find adequate testing, just because of the hotspot [in our] area.

—Law enforcement operations panelist



### Concerns About Exposure and Illness

Although there are some police services that do not require face-to-face interaction, a considerable amount of police work does. Criminal investigations, which are critical to protecting public safety, require officers to interview victims, witnesses, and suspects and arrest and process suspects. Even more-mundane tasks, such as traffic enforcement, require some level of public engagement, as do such services as fingerprinting for alcohol licenses.

COVID-19 hit some departments hard. Entire smaller departments tested positive for the virus or had to be quarantined because of exposure, requiring other agencies to step in to backfill policing in their jurisdictions. Similarly, cases were reported of police leadership becoming infected, which challenged departments to continue operations when key commanders had to recover or quarantine. According to a national tabulation of publicly reported deaths by the National Law Enforcement Officers Memorial Fund, as of November 2020, more than 156 police officers had lost their lives to COVID-19, which is close to the average number of officers who were killed each year in the line of duty from all causes over the ten years ending in 2019. Panelists noted that operating in pandemic conditions and concern about bringing the virus home to their families were significant stressors and presented mental health challenges for law enforcement staff.

### Changes in Crime During the Pandemic

During the pandemic, crime and service demand have shifted. Although the number of overall calls for service has dropped, some jurisdictions have seen an increase in violent crime, including homicide. Domestic and family abuse also appear to have increased as stay-at-home orders were implemented. In contrast, such property crimes as home burglaries have decreased as more residents stay at home. Multiple crimes

specifically related to the pandemic were reported, such as fraud targeting the elderly and children and hate crimes targeting Asian Americans.

One of the most-troubling trends has been the increase in calls to police about people in mental health distress. While the pandemic has increased stress across the population, including for those who were already experiencing mental health challenges, many social service agencies and treatment facilities have been disrupted, requiring officers to respond to such emergencies. Similarly, data point to significant increases in overdose deaths during the pandemic, and panelists reported increased opioid use specifically. As with access to mental health treatment, access to substance abuse care was restricted as facilities sought to reduce transmission risk to staff and clients, and fear of the virus prevented some individuals from seeking treatment. Beyond the public health effects of the pandemic, the shift in drug usage (coupled with changes in enforcement behavior) has had consequences for the workloads of other criminal justice agencies. For example, panelists from crime labs in particular emphasized a much greater requirement for postmortem toxicology because of increases in overdoses of opioids in particular.



I think a huge factor that we also can't discount is the fact that there's been a reduction in mandatory reporting from mandatory reporters on things like domestic violence [and] child abuse because people haven't been going to school, they haven't been interacting [with people who might report to police].

—Law enforcement operations panelist

### Challenges Associated with Social Unrest

The effects of the COVID-19 pandemic on law enforcement were further complicated by other factors and circumstances. From the outset of the pandemic, both the disease and the response to it became intensely politicized, and there was substantial controversy regarding public health interventions. In some broadly publicized cases, it was law enforcement agencies themselves that resisted taking on—or outright refused to take on—the role of enforcing compliance with public health measures intended to reduce the spread of the virus.



As the country was beginning to deal with the effects of the COVID-19 pandemic, the killing of George Floyd by police officers in Minneapolis, Minnesota, in May 2020 triggered widespread protests and unrest. These protests focused intensely critical attention on law enforcement and on the justice system more generally. The resulting push to cut funding from law enforcement agencies and reallocate it to non-criminal justice approaches for dealing with violence and other societal problems gained significant momentum in some areas. In response, some jurisdictions adopted new policing practices and implemented civilian oversight of justice agencies. Nationwide reactions to even extremely local protest responses by police intensified scrutiny of law enforcement agencies, further complicating the challenge of policing during the pandemic.

Previous analyses have emphasized that for law enforcement to have an effective role in pandemic response, agencies and the public must have close relationships and trust. The combination of the national environment and the protests have strained that trust—in some areas, apparently to a breaking point—which has reduced the opportunity for public safety agencies to contribute to protecting public health during this period. Although limited law enforcement engagement has reduced concerns about the criminalization of compliance with public health regulations, this limited engagement has meant that a possibly important player in reducing the impact of the pandemic on the country faced practical constraints in its ability to do so.

### Budget Pressures

Across the country, the pandemic's massive economic consequences have been affecting municipal budgets via reductions in tax revenue, reductions

in local economic activity, and the need for unplanned expenditures. Although some areas have tried to insulate public safety budgets from the cuts, police departments are not immune. As a result of the economic fallout from the pandemic, police agencies are facing reductions in budgets that are independent of any efforts to defund law enforcement. Such cuts might appear to align with the calls during protests to cut police funding, but they lack a transfer of certain roles and responsibilities from law enforcement to other providers and will therefore create additional issues for the remainder of the pandemic and during the recovery period.

### Impacts from Changes to Other Parts of the Criminal Justice System

Law enforcement panelists noted the connections among the different components of the justice system and pointed out effects that pandemic-related strategies adopted by other components had on police. Panelists expressed some frustration with other components of the system closing down while police have had to keep working and with how those shutdowns have affected the ability of law enforcement to be effective. The decision by a local jail system to restrict intake of new prisoners, for example, limited police options for responding to crime. Officers also were concerned about

the implications of the courts being largely closed down, because the decision of an officer to arrest someone and take them into custody might result in them being incarcerated for an indefinite period before their day in court.

Overall trust in police and government has absolutely been eroded throughout this process. People are not sure who to trust anymore.

—Community organization panelist

# HOW DID LAW ENFORCEMENT AGENCIES ADAPT?

In an effort to limit the infection of law enforcement officers and reduce the flow of individuals into the justice system, many police departments made substantial changes in how they did business. These changes were focused on meeting public expectations of safety and crime response while responding to the changed risk environment. The following are key findings from the adaptations that panelists discussed:

- Many police departments adjusted their strategies for crime prevention and enforcement to limit officer-public contact and reduce the flow of people into the justice system.
- In some cases, departments moved to nonarrest approaches, including greater use of citations as an alternative to arrest. In others, departments merely deferred arrest until after the public health crisis improves, building a backlog of to-be-arrested individuals who will have to go through the system in the future.
- Some departments made significant shifts to virtual service delivery. Although some departments had taken steps toward virtual service delivery before the pandemic, it pushed the changes and increased public receptiveness to online and virtual police response.
- Public communication and community policing were very difficult during the pandemic, but departments had success using such virtual platforms as Facebook Live or Zoom. Reaching some groups required alternative methods, including direct mail.
- Community crime-prevention and violence-interruption efforts were much more difficult because limiting face-to-face contact and restricted entry to hospitals hurt their efforts to connect with crime victims.
- Protecting officer health and safety and, by extension, agency operational capacity required changes in staffing



One of the things that really helped us—was we started doing video conferencing with people so they actually see a police officer taking their report. So that kind of calmed their fears some without actually having an officer respond to take the report.

—Law enforcement management panelist

models (e.g., staff cohorts, or a group of staff that works the same shift), changes in procedures, and the use of protective equipment. In some cases, departments had difficulties with staff compliance with the use of protective equipment, which reduced its effective risk reduction.

- Agencies have shifted their activities to respond to the changed needs in their jurisdictions. Because of a larger number of mental health-related calls, some departments moved staff and resources to cover that increased demand. Others allocated new resources, including using funding provided by federal pandemic response legislation, to increase capacity to respond to domestic and family violence calls.
- Some forensic labs were able to transition rapidly to significantly distributed work models, although agencies that had not invested in technology (e.g., those that were still dependent on paper files) had more difficulty.



If they're a violent offender or state mandated to be arrested and incarcerated, they are going [to jail]. Otherwise right now, people are being referred or they're going through expanded diversion and deflection programs. . . . I would say that that's been a positive outcome, we're finding that, at least in the short term, our folks are not re-offending and are being diverted into treatment alternatives and other things that we may not . . . necessarily have done [before].

—Law enforcement management panelist

# PROMISING PRACTICES TO CARRY BEYOND THE PANDEMIC

In considering the future state of the justice system, law enforcement panel participants identified the following adaptations and innovations that would be valuable to preserve:

- **maintaining virtual access to the courts.** Panelists saw major advantages for criminal justice practitioners (including forensic examiners and police officers) and for citizens in virtual court appearances. The option was viewed as reducing costs for everyone in a time when resource constraints likely will affect both government organizations and individuals.
- **maintaining remote work options and schedule flexibility.** Although remote work options and schedule flexibility were driven by the necessity of minimizing the risk of contracting COVID-19, panelists viewed them as valuable for improving staff morale and retention in the long term. As a result, like in many private-sector firms, remote options were viewed as something to maintain in the longer term where appropriate.
- **continuing use of virtual calls for service and alternative ways to efficiently meet public needs.** The use of web-based reporting and nontraditional responses to some crimes has been explored by some agencies as a cost-saving

measure for some time. The pandemic pushed the adoption of these modes, but their value to the public and the likely significant resource constraints agencies will face argue for maintaining them.

- **using virtual connectivity and new information technology platforms to support leadership and community situational awareness.** In panel discussions, the value of law enforcement leaders being able to connect remotely and get information about what was going on was noted as useful in responding to questions from political leaders or the public. In addition, providing more data resources on department websites was noted as a strategy to strengthen communication when staff were not connecting with people in person. Both appear valuable to maintain.

Panel members also noted that, during the pandemic, it became clear that public safety and public health are not separable in the same way as they might have been previously considered. The effect of the pandemic on police agencies and the potential for law enforcement action to shape the spread or containment of COVID-19 emphasized that the close connection between the two must be considered for planning for the future.

We really hope that the things that have served us well and that it serves society well after, after COVID, are here to stay—you think about people who are impoverished and they're arrested, cited, and they have to make court appearances. If these people have jobs, they could lose their job for having to make that court appearance. Whereas now, . . . they could show up to court remotely for a traffic ticket for a misdemeanor charge. I think that's a net positive for society.

—Law enforcement operations panelist



# WHAT WILL BE NEEDED TO ENSURE THAT PRACTICES ARE FAIR AND EFFECTIVE?

Although the COVID-19 pandemic has provided the basis for a kind of natural experiment for large-scale law enforcement reforms, researchers have identified several questions that aim to determine which strategies and measures have been most effective and therefore which are most valuable to maintain. Such evaluations would support better planning for future pandemics and also could offer insight into how law enforcement agencies can better adapt to resource constraints and be more flexible in ensuring public safety. The following are some examples of evaluation questions that were proposed by the participants:

- What have been the effects of nonarrest policies and actions taken in response to lower-level crimes during the pandemic? Do the initially positive perceptions that there have not been increases in crime hold up over the longer term?
- How has the level of community trust and the public perception of the legitimacy of police departments affected their ability to contribute to managing COVID-19? Have more-trusted departments been more effective or more trusted with access to sensitive data or other resources to enable pandemic response? Are there other roles that law enforcement could productively play in public health response?
- How can areas better plan for future pandemics to limit the conflicts and lack of precision in public health orders (e.g., what businesses were classified as essential, what level of enforcement by police is appropriate or useful) that made law enforcement participation in managing the crisis more difficult and controversial? Can a consensus be reached around definitions and categories to make it possible to respond more quickly, collaboratively, and effectively to future outbreaks?

- How satisfied has the public been with the provision of virtual police services during the pandemic, and how much have those alternative models saved departmental resources?
- What is the extent of the long-term physical and mental health consequences of COVID-19 for law enforcement officers? How has the pandemic affected officer suicide, which was a significant concern before the pandemic?
- What technologies are needed to support more law enforcement practitioners in flexible work models (e.g., systems to better enable dispatchers to work remotely)?
- Given likely funding constraints on departments going forward, what are the implications of the types of programs and initiatives that will be cut? How do such cuts interact with reform efforts arguing for the reallocation of resources from police budgets?

There's a great potential to find out what works and what doesn't in many of these cases. . . . So many of the things that from a research perspective, we've been asking [about] for dozens of years: Does this work? We have the unfortunate opportunity to really use this as an experiment, to really find out what drives crime [and] what helps reduce crime. How do police actions actually influence crime? How does early parole and all these different things, how do they really impact crime rates? . . . We might be surprised by some of the answers, and I think we might be surprised how crime has shifted and how people respond to these different circumstances.

— Law enforcement operations panelist

<sup>1</sup>The Priority Criminal Justice Needs Initiative is a joint effort managed by the RAND Corporation in partnership with the Police Executive Research Forum, RTI International, and the University of Denver on behalf of the U.S. Department of Justice's National Institute of Justice.

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