

A QUICK REFERENCE GUIDE TO GOVERNMENT DEATH BENEFITS FOR LAW ENFORCEMENT

This is a quick guide to benefits which can be awarded in the tragic cases of a law enforcement officer's death. This is sensitive information that should not be taken lightly. This guide should not be considered a complete accounting of all benefits which can be awarded in the care of a law enforcement death and it should not be used as an official guide to law enforcement death benefits. Each state and in some cases cities and/or departments/agencies can have additional benefits plans for their respective States, Cities, Departments and/or Agencies. This guide is meant to be a general quick reference guide and is meant to quickly aid and assist families and/or departments as to what benefits are available to law enforcement officers who make the ultimate sacrifice for the jobs they performed.

GOVERNMENT BENEFITS TO BE CHECKED IN CASE OF OFFICER DEATH

- State Group Life Insurance
- Optional State Life Insurance
- Death in service (not in line of duty)
- State Police Death Benefit Fund - up to \$25,000 to beneficiary
- Meadows Insurance - individual policy - \$10,000 accident policy
- State Police Association - \$5,000 natural death, \$10,000 accidental, \$2,500 family member.
- Veteran's Benefit - \$300.00 burial
- Line-of-Duty Death Benefits

The following is a listing of benefits ***which may be available*** to the beneficiaries of officers killed in the line of duty or officers who die as a result of duty-related injury or illness. This information should be made available to the person who is acting as the liaison officer with the member's family. In order to complete most of the applications for benefits listed, the family should be instructed to request at least 12 certified copies of the member's death certificate.

FEDERAL BENEFITS

Public Safety Officers' Benefits Act (PSOB)

The PSOB Act provides a \$315,746.00* benefit to the eligible survivors of a public safety officer whose death is the direct result of a traumatic injury sustained in the line of duty. The Act also provides the same benefit to public safety officers who have been permanently and totally disabled as the direct result of a catastrophic personal injury sustained in the line of duty. The injury must permanently prevent the officer from performing any gainful work.

*Beginning on October 1, 1988, and on each October 1st thereafter, the benefit will be adjusted by the percentage of change in the Consumer Price Index.

Eligible Public Safety Officers

A public safety officer is a person serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, fire fighter or member of a public rescue squad or ambulance crew. Law enforcement officers include but are not limited to police, corrections, probation, parole and judicial officers. Volunteer fire fighters, members of volunteer rescue squads and ambulance crews are covered if they are officially recognized or designated members of legally organized volunteer fire, rescue or ambulance departments. 25

Benefits Guidelines

A public safety officer's death or total and permanent disability must result from injuries sustained in the line of duty. "Line of duty" means any action that the public safety officer is authorized or obligated to perform by law, rule, regulation or condition of employment or service. If law enforcement, fire suppression, rescue or ambulance service is not a person's primary function, then to be covered by the Act, that person must be engaged in his or her authorized law enforcement, fire suppression, rescue or ambulance duties when the fatal or disabling injury is sustained.

Eligible Survivors

Once the U.S. Department of Justice approves a claim for death benefits, the benefit will be paid in a lump sum as follows:

- If there is no surviving child of the deceased officer, to the surviving spouse
- If there is a surviving child or children and surviving spouse, one-half to the child or children in equal shares and one-half to the surviving spouse
- If there is no surviving spouse, the child or children of the officer in equal shares
- If none of the above, the benefit shall be paid to the individual designated by the officer under his or her most recently executed life insurance policy, provided that the beneficiary survived the officer
- If there is no surviving spouse, child or children, and there is no life insurance policy, the survivor's parents will receive equal shares of the benefit
- A public safety officer cannot name their own beneficiaries under the Act. Under the Act, "child" means any natural, illegitimate, adopted, posthumous child, or stepchild of a deceased public safety officer who is:
 - 18 years of age or younger
 - 19 through 22 years of age, who has not completed four years of education beyond high school, and who is pursuing a full-time course of study or training.
 - 19 years of age or over and incapable of self-support because of a physical or mental disability.

Limitations and Exclusions

No benefits can be paid if:

- The death or permanent and total disability was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his or her own death or permanent and total disability.
- The public safety officer was voluntarily intoxicated at the time of death or permanent and total disability.
- The public safety officer was performing his or her duties in a grossly negligent manner at the time of death or permanent and total disability.
- To a claimant whose actions were a substantial contributing factor to the death of the public safety officer.
- To military law enforcement officers or to any of their survivors.
- Deaths or permanent and total disabilities resulting from stress and strain, occupational illness, or chronic progressive or congenital disease such as heart or pulmonary disease are not covered by the Act, unless there is a traumatic injury which is a substantial factor in the death or permanent and total disability.

Interim Payment

When the U.S. Department of Justice determines upon showing of need and prior to taking final action that a death benefit will probably be paid, an interim benefit payment not exceeding \$3,000.00 may be made to the eligible survivors.

Tax Exemption

The Act ensures that the benefit will not be subject to execution or attachment by creditors. The IRS has ruled that the benefit is not subject to federal income tax. (Revenue Ruling #77-235, IRB 1977-28)

Filing a Claim

Federal Line of Duty Claims should be filed through a department's personnel division.

Public Safety Officers' Benefits Program: Educational Assistance Benefits (PSOB)

The Public Safety Officers' Benefits (PSOB) Program includes the Public Safety Officers' Educational Assistance (PSOEA) Program, which expands on efforts started under the Federal Law Enforcement Dependents Assistance (FLEDA) Act (Public Law 104-238 (PDF or ASCII)) of 1996. The PSOEA Program provides assistance for higher education for the spouses and children of federal, state and local public safety officers who have been killed or permanently disabled in the line of duty. The Act was amended in 1998 (Public Law 105-390 (PDF or ASCII)) to include educational assistance to spouses and children of state and local public safety officers.

The educational assistance may be used to defray relevant expenses, including tuition and fees, room and board, books, supplies and other education-related costs. As of October 1, 2008, the maximum award for a full-time student is \$945.00 per month of class attendance for a maximum of 45 months. (All award amounts are proportionately less for part-time students.) All PSOEA awards must, by law, be reduced by the amount of other governmental assistance that a student is eligible to receive.

This program (PSOB) has three primary purposes:

1. To enhance the appeal of service in public service agencies.
2. To extend the benefits of higher education to qualified and deserving people who, by virtue of the death or total disability of an eligible officer, may not otherwise be able to afford it.
3. To allow family members of eligible officers to attain the vocational and educational status that they would have attained had the parent or spouse not been killed or disabled in the line of duty.

Eligibility

Educational assistance through the PSOEA Program is only available to the spouse or children of a public safety officer after the PSOB death or disability claim process has been completed and benefits have been awarded. PSOB specialists work with each PSOEA applicant to confirm that the parent's or spouse's disability or death claim had previously been approved by the PSOB Office and that, in cases regarding an officer's death, the applicant had received at least a portion of the PSOB benefits. Eligibility dates for PSOB benefits can be found on the pages that discuss death claims and disability claims.

The spouse of a public safety officer is eligible to receive PSOEA funds for educational expenses at any time during his or her lifetime. However, a child of the deceased or disabled officer is only eligible to receive PSOEA funds for

Applying for Educational Assistance

Individuals who meet the eligibility requirements should request an application for educational assistance directly from the PSOB Office. Before an application is sent out, the applicant is asked for standard information, which is then checked to verify that, as required, the PSOB Death Benefit has been received by the applicant or the applicant's spouse or parent. Also, the name of the school being attended is checked to ensure that it is on the list of eligible institutions of higher learning, as authorized by the U.S. Department of Education.

If the applicant is eligible to receive educational assistance, a packet of materials is sent out. Included in this mailing are the program regulations and a guidance letter detailing what materials the applicant must submit, such as a transcript and a list of expenses.

Based on the documentation subsequently received, the PSOB Office calculates the payment amount for which the applicant is eligible. A determination is prepared and sent along with the case file to the Office of Justice Programs, Office of General Counsel, for concurrence and to confirm that all legal requirements have been met.

Because there is a maximum amount that can be paid, assistance from the PSOEA Program often does not cover all of the student's expenses. It is also important to note that, per the PSOEA legislation, Public Law 105-390 (PDF or ASCII), payments must be reduced (and may be eliminated entirely) if educational assistance has been or otherwise would have been received from other federal, state or local government sources or public schools. Assistance from loans, private schools or private foundations or organizations will not directly reduce PSOEA benefits. With regard to student loans, however, the PSOEA regulations state that an individual who is in default on any student loan (e.g., Stafford or Perkins Loans) obtained through Title IV of the Higher Education Act of 1965 cannot receive PSOEA benefits unless those benefits are used for repayment of the defaulted loan.

Even though applicants can apply for retroactive assistance for all semesters already completed, they can request prospective assistance only for the current or upcoming semester. Therefore, applicants who are still in school typically receive multiple PSOEA awards as they submit updated documentation each time they complete one semester and prepare to attend the next. This is to ensure that students continue their schooling and make satisfactory progress, as PSOEA payments may be discontinued if the student does not achieve at least a 2.0 (letter grade of "C") grade point average.

PSEOEA EDUCATIONAL ASSISTANCE TO BE AWARDED

PSEOEA award payments are made through the U.S. Department of the Treasury and sent directly to the claimant. A check is mailed to the applicant's home address (as provided on the PSEOEA application) within 14 business days after he or she receives a notification letter. Payment can also be made by direct deposit if the applicant provides banking information. The average time for an applicant to receive a PSEOEA award is 4-6 weeks after all the necessary documentation has been submitted to the PSOB Office. If the decision is unfavorable, the claimant will receive the grounds for that finding and have 30 days from receipt of notification to request an appeal of the decision and offer any new evidence or line of reasoning on the issues in controversy.

Educational expenses that occur prior to his or her 27th birthday may be awarded. Also, no spouse or child is eligible to receive PSEOEA funds for a period greater than 45 months of full-time education or a proportionate period of a part-time program.

Veteran Benefits

Veteran's benefits can include \$1,500.00 burial expense, \$150.00 plot/interment allowance, plus a \$85.00 headstone allowance. Some additional information may be found at individual commands or through the Department of Veteran Affairs.

State Benefits

All State Benefits will be determined by each state benefits' coordinator.

Military Reserve - Ready Reservists performing at least 12 periods of inactive duty training and Retired Reservists not receiving retired pay are eligible for up to \$100,000 in life insurance, provided premiums are paid (Public Law 93-289).

SGLI Insurance, which may have been converted after ETS.

Private Benefits

TASER Foundation: Provides a one-time benefit to the families of law enforcement officers who life was lost in the line of duty. The loss of life must be duty related and have occurred since August 1, 2004. TASER Foundation forwards a check to the Chief of Police within 24 hours of notification of the line-of-duty death. Contact: Executive Director, 17800 North 85th Street, Scottsdale, AZ 85255-8906; telephone: (480) 905-2090; facsimile: (480) 905-2035.

National Rifle Association (NRA): Members who are law enforcement officers killed in the line of duty have \$25,000.00 in insurance coverage. See www.nra.org/benefits.

IMPORTANT: ALWAYS KEEP BENEFICIARY INFORMATION UP TO DATE. FORMS AND ASSISTANCE FOR STATE BENEFITS ARE AVAILABLE THROUGH THE PERSONNEL DIVISION AT HQ.

*Figures are subject to change.

DOCUMENTS REQUIRED FOR DEATH BENEFITS

- Service and Non-Service Line of Duty Death Benefits
- STATE RETIREMENT SYSTEM COMPTROLLER (Line of Duty Deaths)
- Beneficiary Statement Investigative Report (Certified)
- Death Certificate (raised seal) Death Certificate (Raised seal)
- Birth Certificate (raised seal)
- Birth Certificate of Deceased
- Birth Certificate of Beneficiaries
- Marriage Certificate
- Newspaper accounting Claim for Health Insurance
- Attending Physician's Report Claim for Death Benefits
- Workers' Compensation Award
- Social Security Award/Denial

WORKERS' COMPENSATION PUBLIC SAFETY OFFICERS BENEFIT

- (Line of Duty)
- Investigative Report (certified)
- First Report of Injury (form 3) Death Certificate (raised seal)
- Death Certificate Birth Certificates (raised seal)
- Birth Certificates Deceased
- Deceased Beneficiaries
- Beneficiaries Marriage Certificate (raised seal)
- Marriage Certificate Medical Report (certified)
- Funeral Statement Autopsy Report (certified)
- Autopsy Report Names of Witnesses

DEFERRED COMPENSATION

- Death Certificate (raised seal)
- Withdrawal Request form

CUMULATIVE LIST (Line of Duty)

- Death Certificates (raised seals)
- Birth Certificates (raised seals)
- Deceased
- Beneficiaries
- Marriage Certificate (raised seals)
- Funeral Statement
- Medical Report (certified)
- Autopsy Report (certified)
- Investigative Report (certified)
- Newspaper Accounting
- Names of Witnesses