

# LINE OF DUTY DEATH BENEFITS

For Surviving Spouses



Prepared By The

Vallejo Police Officers' Association

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## Vallejo Police Officers' Association

### INTRODUCTION

This booklet is offered as a general benefit guide to family members of Vallejo Police Officers killed in the line of duty.

No attempt has been made to present the full text of existing law, administrative guidelines or other criteria, to pursue the rights and benefits of our fallen heroes. Rather, we would offer the following in the way of compassionate and friendly advice:

- Rely on the deceased one's employing agency. They will come to you offering you unlimited assistance in pursuing your claims.
- Professional law enforcement associations, local, state and federal, can and will offer their substantive help.
- Peer support groups such as Concern of Police Survivors (COPS) have three chapters within the state of California. They will come to you, offering you their support and help. Their membership is comprised solely of police survivors and they have experienced the trauma you now face.
- Lastly, due to the complexity of pursuing your rights and benefits and the legal maze you are required to wade through, seriously consider retaining competent legal counsel to help you. Virtually all law enforcement associations in the State of California have individuals and firms on a retainer who specialize in the area that concerns you. We urge you to utilize this professional, competent help.

# **Federal Benefits**

## **Public Safety Officers' Benefits Program**

Enacted in 1976, the [Public Safety Officers' Benefits \(PSOB\)](#) Program:

- Assists in the recruitment and retention of qualified public safety officers.
- Establishes the value communities place on contributions from those who are willing to serve their communities in dangerous circumstances.
- Offers peace of mind to men and women who are seeking careers in public safety.

A unique partnership effort of the U.S. Department of Justice; local, state, and federal public safety agencies; and national organizations, the PSOB Program provides death and education benefits to survivors of fallen law enforcement officers, firefighters, and other first responders, as well as disability benefits to officers catastrophically injured in the line of duty.

The PSOB Office is responsible for reviewing nearly 700 death, disability, and education claims submitted annually. The PSOB Office also collaborates with national firefighter, law enforcement, and first responder groups to provide a wide range of PSOB training and technical assistance resources, through conferences, seminars, and printed materials such as the *PSOB Information Kit*, to offer vital information and support to survivors and agencies of America's fallen public safety officers.

### **PSOB Benefits**

#### **Death**

PSOB provides a one-time benefit to eligible survivors of public safety officers whose deaths were the direct and proximate result of an injury sustained in the line of duty on or after September 29, 1976. Eligible survivors may file claims with the PSOB Office through the public agency in which the public safety officer served. For the current death benefit amount (\$311,810\* as of October 1, 2009), visit the PSOB web site at [http://www.ojp.usdoj.gov/BJA/grant/psob/psob\\_death.html](http://www.ojp.usdoj.gov/BJA/grant/psob/psob_death.html).

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

#### **Disability**

PSOB provides a one-time benefit to eligible public safety officers who were permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty on or after November 29, 1990. Injuries must permanently prevent officers from performing any gainful work in the future. For the current disability benefit amount and the application process, visit [http://www.ojp.usdoj.gov/BJA/grant/psob/psob\\_disability.html](http://www.ojp.usdoj.gov/BJA/grant/psob/psob_disability.html).

## **Public Safety Officers' Educational Assistance Program**

PSOEA provides support for higher education to eligible spouses and children of public safety officers who died in the line of duty on or after January 1, 1978, or were catastrophically disabled in the line of duty on or after October 3, 1996. For the current maximum educational assistance amount per month, visit [http://www.ojp.usdoj.gov/BJA/grant/psob/psob\\_education.html](http://www.ojp.usdoj.gov/BJA/grant/psob/psob_education.html).

PSOEA benefits may be used solely to defray educational expenses, including tuition, room and board, books, supplies, and education-related fees. The amount of assistance is determined by the length of the term and whether the student is attending school as a full-time, three-quarter-time, half-time, or less-than-half-time student. As of October 1, 2009, the maximum award for a full-time student is \$925.00 per month of class attendance. The assistance amount is subject to change consistent with the current computation of educational assistance allowance set forth in Title IV of the Higher Education Act, Section 3532 of Title 38, United States Code. All PSOEA awards must, by law, be reduced by the amount of other governmental assistance that a student is eligible to receive.

For more information about the PSOEA Program, to obtain a copy of the PSOEA regulations and application form, or to share your observations and recommendations, please contact:

Public Safety Officers' Benefits Program  
Bureau of Justice Assistance  
810 Seventh Street NW.  
Washington, DC 20531  
Toll-Free: 1-888-744-6513  
Fax: 202-616-0314

## **Hometown Heroes**

On December 15, 2003, the Hometown Heroes Survivors Benefits Act expanded the circumstances under which public safety officer deaths resulting from heart attacks and strokes may be covered by the program.

- The Hometown Heroes Act establishes a statutory presumption that public safety officers who die from a heart attack or stroke following a non-routine stressful or strenuous physical public safety activity or training, died in the line of duty for benefit purposes.
- The Hometown Heroes presumption may be overcome by “competent medical evidence to the contrary.”
- The Hometown Heroes Act excludes actions of a “clerical, administrative, or non-manual nature” from consideration.

- The regulations governing the Hometown Heroes Survivors Benefits Act, as well as the entire PSOB Program, were finalized September 11, 2006.

As defined by Congress in Public Law 90-351 (Sec. 1217), a public safety officer is an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, or member of a rescue squad or ambulance crew. In October 2000, Public Law 106-390 (Sec. 305) designated employees of the [Federal Emergency Management Agency \(FEMA\)](#) as public safety officers under the PSOB Act if they were performing official, hazardous duties related to a declared major disaster or emergency. The legislation also indicated that state, local, or tribal emergency management or civil defense agency employees working in cooperation with FEMA are, under the same circumstances, considered public safety officers under the PSOB Act. Retroactive to September 11, 2001, chaplains also are included in the PSOB Act definition of a public safety officer.

The PSOB office works with national-level police and firefighter groups to provide visibility and emotional support to this unique constituency. [Concerns of Police Survivors \(COPS\), Inc.](#), provides services and assistance for families and co-workers of fallen law enforcement officers during the annual National Police Week program. They also provide regional training sessions and several special seminars and extended programs for spouses, siblings, and children of slain officers.

## **Federal Worker's Compensation**

Under certain conditions, benefits may be provided to a non-federal law enforcement officer killed in the line of duty as determined by the U.S. Department of Labor. Essentially, these benefits are provided if a state or local law enforcement officer is killed while engaged in the apprehension or attempted apprehension of a person who has committed a crime against the United States or who is being sought by a law enforcement authority of the United States. Further, the program encompasses those engaged in protecting or guarding a person held for the commission of a crime against the United States or as a material witness.

The benefit provides cash to supplement benefits from other sources and to continue when they are exhausted.

To apply for this benefit contact: Office of Workers Compensation Programs, Special Claims Office, P.O. Box 37117, Washington, DC. The phone is (202) 565-9424.

## **Veteran's Benefits**

Many law enforcement officers are veterans of the U.S. Armed Forces and a number of [survivor's benefits](#) are available through the [Department of Veteran Affairs](#) to the spouse and children of a deceased veteran. The basic allowances are:

- VA will pay up to \$300 towards funeral expenses
- \$150 toward plot allowance. This benefit is not payable if the veteran is buried in a national cemetery.
- American flag is available to drape over the casket. Flags are issued at any VA regional office, VA cemetery and most local post offices.
- Headstones and Markers – flat bronze, flat granite and upright marble types are available in the style consistent with existing monuments at the place of burial.

Veteran benefits are not paid automatically and claims must normally be filed with the VA within two years of the veteran's death. Contact the local VA Office, or call toll free 1-800-827-1000.

## **California State Benefits**

### **California Worker's Compensation**

This benefit is supplied by the County's Insurance Carrier. The benefit will be paid out as follows:

- One dependent - \$250,000
- Two dependents - \$290,000
- Three or more dependents - \$320,000

If there are no dependents, the estate of the deceased will be paid \$250,000. A maximum of \$914 per week will be paid out until the benefit is depleted or youngest child reaches 18, whichever is longer. A \$5,000 burial benefit also applies.

### **Social Security Benefits**

As the widow or widower of a person who worked long enough under Social Security, you can:

- Receive full benefits at [full retirement age for survivors](#) or reduced benefits as early as age 60.
- Begin receiving benefits as early as age 50 [if you are disabled](#).
- Receive survivors benefits at any age if you take care of [the deceased worker's child](#) who is under age 16 or is disabled and receives benefits on the worker's record.

[If you remarry](#), you may still be eligible for survivor benefits on the worker's record if you remarried **after age 60** (age 50 if disabled).

For more detailed information regarding survivor benefits, call toll-free **1-800-772-1213**, or visit <http://www.ssa.gov/pubs/10084.html>.

## **Other Organizations and Benefits**

### **Concerns of Police Survivors (COPS) Inc.**

[Concerns of Police Survivors, Inc.](#) provides resources to assist in the rebuilding of the lives of surviving families and affected co-workers of law enforcement officers killed in the line of duty as determined by Federal criteria. Furthermore, C.O.P.S. provides training to law enforcement agencies on survivor victimization issues and educates the public of the need to support the law enforcement profession and its survivors.

C.O.P.S. programs for survivors include the National Police Survivors' Conference held each May during National Police Week, scholarships, peer-support at the national, state, and local levels, "C.O.P.S. Kids" counseling reimbursement program, the "C.O.P.S. Kids" Summer Camp, "C.O.P.S. Teens" Outward Bound experience for young adults, special retreats for spouses, parents, siblings, adult children, and in-laws, trial and parole support, and other assistance programs.

Southern California Chapter (So-Cal COPS)  
 Mary Huffman (surviving parent)  
 Ph: (951) 870-9997, Fax (951) 734-8955  
 P.O. Box 7306  
 Orange, CA 92867

In the event that there is a change in chapter leadership, an updated current telephone number may be obtained by contacting the National Headquarters of COPS at (573) 346-4911, fax (573) 346-1414, or email: [cops@nationalcops.org](mailto:cops@nationalcops.org).

## National Rifle Association Felonious Death Benefit

A \$25,000.00 insurance benefit is paid to the widow or survivors of any NRA-member law enforcement officer who is feloniously killed in the line of duty. Coverage is automatic for all law enforcement officers who are [NRA](#) members.

To request additional information or to register for any of the benefits, you may complete their [online form](#) or call the NRA Law Enforcement Activities Division at 703-267-1640.

## California Narcotic Officers' Association

The [CNOA](#) has established a memorial fund that provides the following benefits:

- Anyone killed in the line of duty while actively enforcing narcotic laws - \$5,000
- Anyone killed in the line of duty - \$3,000

To file a claim, contact the state offices of [CNOA](#) at (661)775-6960.

## TASER Foundation

Specifically, the [TASER Foundation](#) will provide support to the families of those who gave their lives while protecting their communities. Immediate family (spouse and/or dependents) of a sworn active duty U.S. or Canadian law enforcement officer whose life was lost in the line of duty are eligible for benefits.

Grants are available only upon request by the Sheriff. Checks are made directly payable to the families, but are coordinated through the Sheriff's Department to avoid unnecessary intrusion into the families' privacy.

## LIFE INSURANCE

In addition to any personal life insurance in force, most law enforcement associations offer low-cost term life insurance to their members with an enhanced AD&D clause with little or no additional cost. Survivors should contact all associations, fraternal orders, etc., that the deceased may have been affiliated with to determine whether a death benefit applies.

## HEALTH BENEFITS

Effective October 1996, all employers are required to continue to provide health benefits to the spouse and dependents of peace officers and firefighters who are killed in the line of duty. This benefit is not to cease upon remarriage. Minor dependents shall continue to receive the benefits under the coverage provided to the surviving spouse, or, if there is no surviving spouse, until 21 years of age. The spouse may not add a new spouse or stepchildren as family members under the continued health benefits coverage of the surviving spouse. This benefit comes under Assembly Bill 3478.

## Educational Benefits And Scholarships

### Alan Pattee Scholarship Act

In 1970, [Assembly Bill 338](#) was passed. Known as the **Alan Pattee Scholarship Act**, this legislation amended Section 6811 of the California Education Code. Under this act **no fees or tuition of any kind** shall be required of or collected by the regents of the [University of California](#) (68120) or the Trustees of the [California State University](#) (68121) from any surviving child, natural or adopted, of any resident of the state of California who was killed in the performance of his/her duties as a law enforcement officer/firefighter in the State of California.

The waiver of fees and tuition is handled by the state-supported college or university the surviving child plans to attend. When applying, the student must make the college or university aware of the fact that he or she is a surviving child of a law enforcement

officer killed in the line of duty, and qualified for tuition-free education under [Section 68121 of the Education Code](#) known as the Alan Pattee Scholarship Act.

Effective August 2003, non-California residents who are California survivors may attend a California school at the in-state tuition rate and apply for both the Alan Pattee Scholarship and LEPD Grant.

Effective January 1, 2001, Governor Davis signed AB1850, which provides surviving spouses the same benefit that their (surviving) children receive. This consists of tuition-free education throughout the University of California, Hastings College of Law and California State University systems.

### **Law Enforcement Personnel Dependents Grant Program (LEPD)**

The [LEPD](#) program is administered by the [California Student Aid Commission](#), based on financial need.

Contact:  
Student Aid Commission  
Office of Special Programs/LEPD Grants  
PO Box 419029  
Rancho Cordova, CA 95741-9029  
(888) 224-7268 # 3

### **Peace Officers Research Association of California (PORAC)**

[PORAC](#) offers a scholarship program that includes family members of officers killed in the line of duty.

For more information call PORAC at (800) 937-6722 or (916) 921-0660.

### **California Peace Officers Memorial Foundation**

[CPOMF](#) awards scholarships each year to children and spouses of officers killed in the line of duty within the state of California.

For more information, contact:  
Michael A. Metoyer, Scholarship Committee Chair  
P.O. Box 2437  
Fair Oaks, CA. 95628  
(916) 443-1797, [cpomf@camemorial.org](mailto:cpomf@camemorial.org), [www.camemorial.org](http://www.camemorial.org)

## **California Correctional Peace Officers Association (CCPOA)**

[CCPOA](#) awards scholarships to immediate family (children, spouse, mother, father, brother or sister) of its deceased members.

For more information, contact CCPOA at (800) 821-6443 or (916) 372-6060.

## **National Fraternal Order of Police (FOP)**

This is known as the [Steve Young Memorial Scholarship](#). It was created through a partnership between the U.S. Dept. of Labor and the FOP as a means of assisting spouses of police officers killed in the line of duty between January 1, 2001 and the present, to obtain the skills needed to successfully support themselves and their children after the loss of a spouse.

Award amounts may be reduced by the amount of other awards/benefits that the spouse receives.

For more information, contact:

Elizabeth Nacewicz, Project Director

FOP Legislative Office

309 Massachusetts Ave.

Washington, D.C. 20002

[scholarship@fop.net](mailto:scholarship@fop.net); (202) 547-8187, Fax (202) 549-8190

## **Vantagepoint Public Employee Memorial Scholarship Fund**

ICMA Retirement Corp. established the [Vantagepoint Public Employee Memorial Scholarship Fund](#) to assist children/spouses of deceased public employees who died in the line of duty who plan to continue education in college or vocational school programs. Scholarships are offered each year for full-time study at an accredited institution of the student's choice. Awards are for vocational, undergraduate and graduate study. Interested students must complete an application and mail along with a current complete official transcript to Scholarship America postmarked no later than March 31.

For more information, contact:

Vantagepoint Public Employee Memorial Scholarship Fund

Scholarship Management Services, Scholarship America

One Scholarship Way P.O. Box 297

Saint Peter, MN 56082

(507) 931-1682



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