



SURVIVORS GUIDE TO IN-THE-LINE-OF-DUTY BENEFITS

CALIFORNIA PEACE OFFICERS' MEMORIAL FOUNDATION
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TO CALIFORNIA LAW ENFORCEMENT PROFESSIONALS
AND THEIR FAMILIES

When tragedy strikes and a California peace officer lays down his or her life in the line of duty, there are a myriad of unanswered questions facing the employing agency and the officer's family.

This publication was produced to assist law enforcement agencies and associations in their efforts to deal with the loss of one of their own by providing guidelines of benefits available for the surviving families of our fallen heroes.

It is our hope that this guide will be of assistance to those involved in helping the families navigate through this most difficult time. It is our fervent prayer, however, that it is utilized in ever decreasing numbers.

Sincerely,



Wayne J. Quint, Jr., President
CALIFORNIA PEACE OFFICERS'
MEMORIAL FOUNDATION

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INTRODUCTION

This booklet is offered as a general benefits guide to the family members of a California peace officer who has laid down his/her life 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.

SOCIAL SECURITY BENEFITS

To locate your nearest Social Security office, look for the address and phone number in the phone directory under "Social Security Administration" or "U.S. Government." The toll free number is (800) 772-1213.

Applying for Benefits

Before you can receive benefits, a claim must be filed with a Social Security office. Generally, applications can be made by phone, mail or in person. The office will tell you what documents you need, as there are different types of benefits.

A portion of your SSI benefits will be subject to income tax if:

- 1) Your adjusted gross income, plus
- 2) Tax exempt interest, plus
- 3) One half of your SSI benefits exceed \$25,000.

If your income exceeds \$25,000 but not \$34,000, the taxable portion of your benefits will be the lesser of: one half of your benefits or; one half of the difference between your income and \$25,000.

If your income exceeds \$34,000, the taxable portion of your benefits will be the lesser of: 85% of the difference between your income and \$34,000, plus the taxable portion calculated above; or one half the differences between \$25,000 and \$34,000, whichever is the lesser; or 85% of your SSI benefits.

Eligible Survivors

Monthly survivor benefits are available to the deceased's (regardless of age) following beneficiaries if he/she is insured by Social Security:

- Surviving spouse at the age of 60 (or over 50 and is disabled) or at any age if caring for child/children under the age of 18 or disabled who is entitled to benefits;
- Unmarried children under the age of 18, or 19 if still in high school, and those age 18 and over who become disabled before the age of 22 and remain disabled.
- Dependent parents age 62 or older;
- Surviving divorced spouse at age of 60 (or over 50 if disabled) who was married to the deceased for 10 years and who is not eligible for an equal or higher personal benefit; or at any age, if caring for a child under the age of 18 or disabled, who is entitled to benefits on the record.

If the surviving spouse remarries before reaching the age of 60 (or over 50 if disabled), they will not be eligible for benefits on the deceased's record unless the subsequent remarriage ends. After reaching the age of 60 (or 50 if disabled), a surviving spouse or surviving divorced spouse married to an insured worker for 10 years may remarry without losing entitlement to benefits.

Children's benefits stop when they marry or reach the age of 18, or 19 if still in high school. When the last child reaches the age of 16, parents benefits stop, but a surviving spouse or an eligible divorced spouse of a fully insured person can pick up the benefits again with a surviving spouse's benefits upon reaching the age of 60.

FEDERAL BENEFITS

Public Safety Officers Benefits (PSOB) Act

The PSOB Act provides a financial benefit to the eligible survivor 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 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, 1998, and on each October 1st, the benefit will be adjusted by the percentage of change in the Consumer Price Index. For benefit amounts for deaths and disabilities that occurred prior to October 2008, see the PSOB benefits chart on the PSOB website, www.psob.gov. The death benefit can now be filed online.

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, firefighter or member of a public rescue squad or ambulance crew. Law enforcement officers, volunteer firefighters, members of volunteer rescue squads and ambulance crews are covered if they are officially recognized members of legally organized volunteer fire, rescue, or ambulance departments.

Also included are chaplains serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized police department, or an officially recognized or designated public employee of a legally organized fire or police department who was responding to a fire, rescue, or police emergency.

Benefit 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 an 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.

The PSOB office works closely with Concerns of Police Survivors (COPS) and the National Fallen Firefighters Foundation (NFFF), both of which provide an array of support services that are helpful to survivors after a line-of-duty death. When the Consent To Release Confidential Information form is signed by the claimant and returned with the other requested documents, the PSOB office will forward the claimant's name and address to the appropriate partner agency so that contact may be initiated.

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 officer is survived by neither spouse nor eligible children), the benefit shall be paid to the individual designated by the officer under his/her most recently executed life insurance policy, provided that the beneficiary survives the officer.

A public safety officer cannot name his/her own beneficiaries under the Act. Under the Act, "child" means any natural, illegitimate, adopted or posthumous child, or stepchild of a deceased public safety officer who is:

- 18 years or younger;
- 19 thru the age of 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 benefit 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/her death or permanent and total disability;
- If the public safety officer was voluntarily intoxicated at the time of death or permanent total disability;
- To a claimant whose actions were a substantial contributing factor to the death of the public safety officer; or
- To military law enforcement officers or to any of their survivors.

Deaths or permanent total disabilities resulting from the stress and strain, occupational illness, or chronic progressive or congenital diseases 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 payment not exceeding \$3,000 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

The U.S. Department of Justice will make the final determination on whether and to whom a benefit should be paid. To expedite the claim, send it to:

Public Safety Officers Benefits Program
Bureau of Justice Assistance
633 Indiana Ave., NW
Washington DC 20531
Phone (202) 724-7620
Fax (202) 514-5956

The application requirements are:

- Claim form completely filled out;
- Notarized copy of the investigation report;
- Copy of signed, certified autopsy report;
- Copy of signed, certified toxicology report;
- Notarized copies of treating physician reports;
- Certified death certificate; and
- Certified copies of marriage, birth certificates, and/or divorce decrees (if applicable).

NOTE: It is helpful if a letter of explanation that led up to the death is attached on top of the package.

WORKERS' COMPENSATION

State of California Workers' Compensation

It is mandatory in the State of California that employers carry this coverage. This benefit is supplied by the city/county's insurance carrier. The benefit will be paid out as follows in **all** cases where a peace officer has died in the line of duty.

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

A maximum of \$840 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. Note: This benefit is applied for and filed somewhat automatically with the assistance of the deceased's employing agency. If an appeal is necessary, the services of an attorney specializing in this area of law will be required.

Federal Workers' Compensation

Office of Workers' Compensation Programs (OWCP)

Benefits are provided for any non-federal law enforcement officer who is injured, sustains disease or is killed under one of the following conditions:

- 1) While engaged in the apprehension or attempted apprehension of any person:
 - (a) Who has committed a crime against the United States, or
 - (b) Who at the time was sought by a law enforcement authority of the U.S. for the commission of a crime against the U.S., or
 - (c) Who at the time was sought as a material witness in a criminal proceeding instituted by the U.S.; or
- 2) While engaging in protecting or guarding a person held for the commission of a crime against the U.S. or as a material witness in connection with such a crime; or
- (3) While engaged in the lawful prevention of, or lawful attempt to prevent, the commission of a crime against the U.S.

The officer or survivors must claim benefits within five years from the date of injury or death.

IMPORTANT: Form CA-721 can be obtained by writing to the Office of Workers' Compensation Programs. In certain jurisdictions, a supply also is available in the agency's administrative office or personnel office. If death occurs, request should be made for CA-722.

More Information:
U.S. Dept. Of Labor/OWCP
1240 E. 9th St., Room 851
Cleveland, Ohio 44199
Attn: Special Claims

STATE, COUNTY AND CITY PENSION BENEFITS

Retirement Systems

In the State of California there are basically three systems that apply to peace officers:

- 1) State: Public Employees Retirement System (PERS); covering
 - a) State-employed peace officers
 - b) Most cities and counties on an individual contractual basis

- 2) Country: 1937 Act retirement system
Individual retirement systems negotiated per county. Please contact individual departments or associations.

- 3) City: Independent local pension systems
Individual chartered Cities, i.e., the cities of Los Angeles, San Diego and Oakland. Please contact the specific agency or association.

Due to the fact there are three distinct retirement systems within the state of California, with several different options available in each system, it is recommended that the survivor rely on the deceased officer's employing agency and his/her local law enforcement for assistance in filing and pursuing a claim.

EDUCATIONAL BENEFITS AND SCHOLARSHIPS

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)

This program is administered by the California Student Aid Commission, based on financial need. For more information contact:

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

American Police Hall of Fame and Museum

College scholarships (\$1,500 per year for four years) are provided to the children of an officer killed in the line of duty. For more information contact:

American Police Hall of Fame and Museum
6350 Horizon Dr.
Titusville, FL 32780
(321) 264-0911 www.aphf.org

California Correctional Peace Officers Association (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.

California Peace Officers' Memorial Foundation

CPOMF awards annual scholarships to children and spouses of officers killed in the line of duty within the state of California.

Accredited trade schools – up to \$ 2,000

Accredited Two (2) year college – up to \$3,000

Accredited Four (4) year college – up to \$ 4,000

Accredited Graduate Programs – up to \$2,500

Awards are based upon available funds. The deadline for applications is June 1. For more information visit <http://camemorial.org/scholarship.php> or contact Michael A. Metoyer, Scholarship Committee Chair, via email at cpomf@camemorial.org.

National C.O.P.S. scholarship program

C.O.P.S. scholarships provide financial assistance to surviving children and to surviving spouses of law enforcement officers killed in the line of duty, according to Federal government criteria, who wish to pursue a course of study beyond high school. Scholarships are not awarded for post-graduate study.

Scholarships are not awarded to survivors who are entitled to a tuition-free education as a state death benefit.

Applicants seeking financial assistance for education purposes are limited to the receipt of not more than \$1,500 per semester, and total scholarship awards shall not exceed \$12,000 maximum lifetime.

C.O.P.S. scholarships are awarded three times annually: Fall/Winter semester (begins late August or early September), Winter/Spring semester (begins late December or early January), and summer semester (begins May or June). A completed application is required for consideration for each semester, and the awarding of a scholarship for any one semester does not guarantee a scholarship for any future semesters.

Scholarship recipients are determined by an independent Scholarship Committee drawn from the outside community and comprised of persons knowledgeable about education and the law enforcement profession. The National Board of C.O.P.S. determines the amount of funding that will be set aside for educational scholarships each year.

Scholarships are paid directly to the institution of higher learning on behalf of the scholarship recipient and may be expended only for tuition, required texts, and

associated fees (not room and board charges). Any unused amount is returned to C.O.P.S

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; (202) 547-8187, Fax (202) 549-8190

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.

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

Additional Scholarships and educational assistance

Several associations and police departments, local and statewide, offer a number of scholarships to their own members/departments. Inquire within your department for specific benefits to which you are entitled.

ADDITIONAL DEATH BENEFITS

California Narcotic Officers Association (CNOA)

The CNOA has established a memorial fund providing for the following death benefits:

- For any member of the CNOA killed in the line of duty: \$5,000
- For any non-member killed in the line of duty: \$3,000

An additional \$10,000 in AD&D insurance will be paid for a member of CNOA who is killed in the line of duty. A claim may be filed by contacting the state offices of the CNOA at (661) 775- 6960, fax (661) 775-1648.

National Rifle Association (NRA)

If a police officer, with or without compensation, is feloniously killed in the line of duty and is a current member of the National Rifle Association, the surviving spouse/family is entitled to a \$25,000 death benefit. The NRA must be contacted within 90 days of the officer's death. The contact is: Insurance Administration and Claims at (877) 672-3008. You will need the member's name and NRA membership number.

Victim's Assistance Program

California has a Victim Assistance Program. This program can only be utilized if all other insurances, coverage, and money have been exhausted. For more information contact:

Victims Assistance
1401 Lakeside #802
Oakland, CA 94612
(510) 272-6180

Taser Foundation

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 law enforcement officer who was killed in the line of duty are eligible for the benefits. In order to qualify, the immediate cause of death must be duty-related. Loss of life from a pre-existing medical condition does not qualify.

Grants are available only upon request by the chief of police or sheriffs, or a federal law enforcement executive, in the name of the officer killed in the line of duty since August 1, 2004, in the U.S. and Canada. Completed applications can be sent to:

Ms. Gerry Anderson, Taser Foundation, Gerry@TASER.com Fax (480)905-2035

The Taser Foundation will usually be able to issue a check to the family within 48 hours upon verification of the request.

CHP 11-99 Foundation

This is a non profit charitable organization that provides benefits and scholarships to CHP families. For more information please go online to www.chp11-99.org

The Military of the Order of the Purple Heart

Membership restricted to "Purple Heart" recipients. Educational benefits for surviving children available. 2.5 GPA required. National Headquarters: 5413-B Blacklick, Springfield VA. 22151 (703)5360

The Knights of Columbus-Catholic organization

Scholarships to children of the Order, who as a result of criminal violence, lost their lives or became totally and permanently disabled while in the lawful performance of the duties as full time law enforcement officers. Contact Director of Scholarship Aid, Knights of Columbus, P.O. Box Drawer 1670 New Haven CT. 06507 (203)772-2130. Also sponsors a loan program.

National Guard

Members of the National Guard are provided with a \$50,000 Life insurance policy that covers them on and off military duty. Contact the members military unit and they will assist in filing the paperwork.

National Sheriffs Association

The National Sheriffs Association provides \$3,000 accidental death or dismemberment for its members. Member need not be on duty at the time of occurrence. Officer may have joined individually or as a covered member of the employing agency. To check membership or begin the claim you may call (800) - 424-7827 or write to National Sheriffs Association , 1450 Duke St. Alexandria Virginia, 22314. You will need a copy of the death certificate and an incident report from the investigating agency.

Los Angeles Police Dept.

If your officer was a Los Angeles Police Officer , the Los Angeles Police Protective League has a benefits guide called "A benefits guide for the families of Los Angeles Police Officers" this is to guide the families and help them to know what benefits are available to them on the death of a police officer. Please contact LAPPL, 1308 8th St. Los Angeles, CA 90017, (213) 388-9768 or www.lapd.com

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 or not some 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 the age of 21 years of age. The spouse may not add new spouse or stepchildren as family members under the continued health benefits coverage of the surviving spouse. This benefit comes under **Assembly Bill # 3478**

MILITARY VETERANS BENEFITS

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

- \$300 towards funeral expenses. File VA Form 21-530.
- \$150 towards plot allowance. This benefit is not payable if the veteran is buried in a national cemetery.
- An American flag is available to drape 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's benefits are not automatically paid out. Claims must normally be filed with the VA within two years of the veteran's death. Claims for families in the western half of the nation should send their insurance claims to:

VA Center
Fort Snelling
St. Paul, MN 55111

For information or help for veterans benefits, write, call or visit a veterans' benefit center at the nearest VA regional office or VA hospital listed in the phone directory under "U.S. Government" or call the toll free number (800) 827-1000.

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.

SUPPORT ORGANIZATIONS

Concerns of Police Survivors, Inc. (COPS) was organized in 1984 as a national networking organization to: support law enforcement survivors emotionally, financially and legally; assist law enforcement agencies in preparing for the trauma affiliated with the sudden loss of a law enforcement officer in the line of duty; and to make the nation aware of the yearly loss of life by the law enforcement profession and the trauma that loss inflicts on that officer's family and co-workers. The COPS organization has programs that assist surviving families in a number of ways.

COPS is the primary support group for police survivors in the State of California. They are represented by three chapters within the state. When a peace officer is lost in the line of duty, COPS makes timely contact with the officer's family, offering unlimited assistance, counsel and guidance. Currently they may be contacted as follows:

Northern California Chapter (Nor-Cal COPS)

Sandy Fontana (surviving parent)
P.O. Box 620712
Woodside, CA 94062
Cell (650) 207-1030
Home (650) 851-2361
website: www.norcalcops.org

Central California Chapter (Central-Cal COPS)

Leon Isaac (surviving parent)
1099 Champlain Dr. A151
Fresno, CA 93720
Phone (559) 271-4550
Fax (559) 271-4549
website: www.centralcalcops.com

Southern California Chapter (So-Cal COPS)

Tammy Jacobs Darby (surviving spouse)
18332 Krameria Ave.
Riverside, CA 92508
Home (951) 776-8331
Cell (951) 990-5778
website: www.socalcops.org

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.