

LINE OF DUTY DEATH SURVIVOR BENEFITS GUIDE

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INTRODUCTION

This booklet is offered as a general benefits guide to the family members of a Utah peace officer or firefighter who has fallen in the line of duty. It is recommended that you contact the agencies/groups listed within or your department for more specific information.

- Please be aware that there may be timelines in which some benefits must be applied for. Contact the organizations for information regarding application processes and requirements.
- Rely on the deceased'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 Concerns of Police Survivors (COPS) 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 Utah have individuals and firms on a retainer who specialize in the area that concerns you. We urge you to utilize this professional, competent help.

RESOURCE CONTACT INFORMATION AT A GLANCE

- American Police Hall of Fame and Museum, 6350 Horizon Dr. Titusville, FL 32780 (321) 264-0911, www.aphf.org
- Knights of Columbus, P.O. Box 1670 New Haven, CT 06507 (203) 752-4332
- The Military Order of the Purple Heart National Headquarters: (703) 642-5360 or Email: scholarship@purpleheart.org
- Ms. Gerry Anderson, Taser Foundation, and Gerry@TASER.com, Fax (480) 905-2035
- National Rifle Association (NRA) Law Enforcement Division Phone: (703) 267-1640; Scholarship information 1-800-554-9498 or Email: jebrayscholarship@nrahq.org
- National Sheriffs Association, 1450 Duke St., Alexandria, Virginia 22314, Phone: (800) 424-7827
- Peace Officer Standards Training (POST) in the Department of Public Safety (DPS) Director (801) 256-2322
- Public Safety Officers Benefits Program (PSOB), Bureau of Justice Assistance, 810 Seventh Street, NW, Washington DC 20531, Bureau Of Justice Assistance Phone (202) 724-7620, Fax (202) 514-5956; PSOB Office, 1-888-744-6513
- Social Security Administration (800) 772-1213
- U.S. Dept. Of Labor/OWCP 1240 E. 9th St., Room 851 Cleveland, Ohio 44199 Attn: Special Claims, Phone: (216) 902-5600; automated system (866) 692-7487
- Utah 1033 Foundation, PO Box 4522, Park City Utah, 84060, Phone (801) 814-8589, Email: info@utah1033.org
- Utah Office for Victims of Crime (UOVC) 350 East 500 South Suite 200, Salt Lake City, Utah 84111, (801) 238-2360, (800) 621-7444, Fax (801) 533-4127
- Utah Retirement System (URS) office (801) 366-7700
- Utah Workers Comp (800) 446-2667 or (385) 351-8000, 100 West Towne Ridge Parkway, Sandy, Utah 84070, <https://www.wcgroup.com/>
- Veterans Benefits Administration, St. Paul Regional Benefit Office, 1 Federal Drive, Fort Snelling, St. Paul, MN 55111-4050; toll free number (800) 827-1000

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. For more information, please see the Social Security Survivors Benefits document: <https://www.ssa.gov/pubs/EN-05-10084.pdf>. For information regarding what you need to know when you receive survivors benefits, please see the following document: <https://www.ssa.gov/pubs/EN-05-10077.pdf>.

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 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, 1998, and on each October 1, 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 claim can now be filed online at www.psob.gov.

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 COPS and the National Fallen Firefighters Foundation, 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 through the age of 22, 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 file a written claim, send it to:

Bureau of Justice Assistance, Office of Justice Programs, Public Safety Officers Benefits Program 810 Seventh Street, NW, Washington DC 20531,

*Bureau of Justice Assistance, Office of Justice Programs
Phone (202) 616-6500, Fax (202) 305-1367*

*Public Safety Officers Benefits Program
Phone 1-888-744-6513
E-mail: AskPSOB@usdoj.gov*

The application requirements are:

- Claim form must be 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 concerning the events leading to the death is attached on top of the package.

WORKERS COMPENSATION

State of Utah Workers Compensation

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

The benefit is paid in weekly installments until the benefit is depleted or youngest child reaches 18, whichever is longer. A 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.

If an employee dies because of a work-related injury or disease, workers compensation insurance pays the following:

- Burial benefit
- Lost wage compensation to the spouse and dependent children. Compensation is based upon the employee's average weekly wage subject to minimum and maximum amounts. Benefits are available to the spouse until they remarry. Dependent children continue to receive benefits until they reach age 18. These benefits are subject to an offset for Social Security survivors' benefits following the initial six years and are determined by the Labor Commission.

Utah Workers Comp may be contacted at 1 (800) 446-2667 or (385) 351-8000 or via their web site at <https://www.wcgroup.com/>; Address: 100 West Towne Ridge Parkway, Sandy, Utah 84070.

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 during one of the following conditions:

- 1) While engaged in the apprehension or attempted apprehension of any person:
 - Who has committed a crime against the United States, or
 - 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
 - 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 or lawful attempt to prevent the commission of a crime against the U.S.

The officer or survivors must claim benefits within five years (5) from the date of injury or death.

Once a claim has been filed, an automated system can be used to obtain information regarding case status and compensation payments by calling (866) 692-7487. Have the 9-digit case file or claim number and social security number available when calling.

IMPORTANT: Forms can be obtained by writing to the OWCP. In certain jurisdictions, a supply is available in the agency's administrative office or personnel office. If death occurs, request for the forms should be made at:

*U.S. Dept. Of Labor/OWCP
1240 E. 9th St., Room 851
Cleveland, Ohio 44199 Attn: Special Claims
Phone: (216) 902-5600*

STATE, COUNTY AND CITY PENSION BENEFITS

Retirement Systems

In the State of Utah there is basically one retirement system that applies to peace officers. The Utah Retirement System (URS) covers state-employed peace officers and most cities and counties on an individual contractual basis.

Due to the fact there is one distinct retirement system within the state of Utah, it is recommended that the survivor rely on the fallen officer's employing agency for assistance in filing and pursuing a claim.

SCHOLARSHIPS, SUPPORT AND OTHER BENEFITS

Governor's Golden Shield Scholarship

This award is in the form of tuition and fees waiver. This means that it will cover the cost of tuition and fees, but cannot be given in cash to pay for books or other school-related supplies (see state statute 53B-8c-103).

Eligibility:

- This scholarship is open to undergraduate students.
- Students must be the immediate family (spouse or children) of a police officer or firefighter killed in the line of duty. (Note: children must be under 25 years of age at the time the officer or firefighter is killed in order to qualify for this award.)
- Students must be enrolled at a public college or university in the state of Utah.
- Students must be a resident of state as determined under Section 53B-8-102.
- Students must meet satisfactory academic progress requirements set by the institution.
- To learn more about the award details, you can check out the exact language of the legislation enacting this tuition waiver. If you, or someone you know, might be eligible for this award, please contact the Director (801-256-2322) at the Peace Officer Standards Training (POST) in the Department of Public Safety (DPS).
 - POST will verify that the student is eligible to receive the scholarship/waiver, and will send a certification letter to the financial aid office at the college or university the student wishes to attend.
- The student may then apply for a tuition and fees waiver from their college or university. In order to apply for this, the student will need a birth certificate and information about the deceased police officer or firefighter, as well as meet the eligibility criteria listed above.

American Police Hall of Fame and Museum

American Federation of Police & Concerned Citizens Program: Family Survivor Scholarships - College Scholarships are provided to the children of an officer killed in the line of duty.

Family Survivor Gift Program - Birthday, Christmas, Father's and Mother's Day presents are sent to the family of officers killed in the line of duty to show that their family member's sacrifice has not been forgotten.

Summer Camp Scholarships - Funds are available to provide to the school aged children of officers killed in the line of duty, so that they may attend summer camp.

Emergency Assistance - Money is sent to the immediate family of an officer who just lost their life in the line of duty. The money is used for grief counseling and expenses that normally occur from the death of a loved one. Also sent with the check are a Posthumous Medal of Honor, Certificate, Memorial Flag and letter to the department.

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

Utah 1033 Foundation

The Utah 1033 Foundation provides immediate financial support to the families of fallen Utah Law Enforcement officers. They will deliver a check to a fallen officer's family on the day they learn of a line of duty fatality. This direct and immediate support helps defray pressing costs at a time when a family is experiencing this type of loss. They also award 5 college scholarships each year to fallen officer's children. Applications are available beginning in October of each year.

*The Utah 1033 Foundation
PO Box 4522
Park City UT 84060
Phone (801) 814-8589
Email: info@utah1033.org*

National COPS Scholarship program

COPS 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.

COPS 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.

An independent scholarship committee drawn from the outside community and comprised of persons knowledgeable about education and the law enforcement profession determines scholarship recipients. The National Board of COPS 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 text, and associated fees (not room and board charges). Any unused amount is returned to COPS.

ADDITIONAL DEATH BENEFITS

National Rifle Association (NRA)

The Jeanne E Bray Memorial Scholarship Awards Program:

Named for the late Columbus, Ohio, police officer, shooting champion, and NRA Director, this program offers college scholarships of up to \$2,500 per semester (up to \$5,000 per year for a maximum of four years) to dependent children of any public law enforcement officer killed in the line of duty who was an NRA member at the time of death, and to dependent children of any current or retired law enforcement officers who are living and have current NRA membership.

Deadline for applications is November 15th annually. Complete and submit the application via the web at

https://www.grantrequest.com/SID_1601/Default.asp?SA=SNA&FID=35087&SESID=6402&RL=.

To request your personal reference letter questionnaires please send an e-mail request to: jebrayscholarship@nrahq.org. Please include your name and postal address; the sealed reference letter envelopes will be forwarded to you for distribution.

If you have any additional questions, contact us at jebrayscholarship@nrahq.org or call 1-800-554-9498.

NRA Law Enforcement Officer Line of Duty Death Benefit:

A \$35,000.00 insurance benefit to the widow or survivors of any NRA-member law enforcement officer who is 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 this benefits, please call the NRA Law Enforcement Division at 703-267-1640.

Utah Office for Victims of Crime (UOVC)

The UOVC provides financial compensation for victims of crime and monitors Victim of Crime Act Compensation and Assistance grants and more. UOVC, 350 East 500 South Suite 200, Salt Lake City, Utah 84111, (801) 238-2360, (800) 621-7444, Fax (801) 533-4127.

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 sheriff, 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, and 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.

The Military Order of the Purple Heart

Membership restricted to “Purple Heart” recipients. Educational benefits for surviving children available. The student is required to earn a 2.75 GPA. To decipher eligibility, please contact the Scholarship Chairwoman or Mr. Stewart McKeown at MOPH Headquarters (703) 642-5360 or Email: scholarship@purpleheart.org. More information is available on their webpage at <http://www.purpleheart.org/Scholarships/>.

The Knights of Columbus

Members' children of the Order are eligible to apply for education scholarships. The scholarships are awarded on the basis of academic excellence and are renewable each year of study, pending satisfactory academic performance, to a total of four years. Please contact Department of Scholarships, Knights of Columbus, P.O. Box 1670 New Haven, CT 06507-0901 (203) 752-4332, or visit <https://www.kofc.org/uns/en/service/scholarships/index.html>.

National Sheriffs Association

The National Sheriffs Association provides an accidental death or dismemberment for its members; members are not required to be on duty at the time of occurrence. Officers may have joined individually or as a covered member of the employing agency. To check membership, or file a claim, please 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.

For information regarding the coverage summary, please visit
http://www.sheriffs.org/sites/default/files/tb/images/benefits/Involuntary_ADD_Summary.pdf

MILITARY VETERANS BENEFITS

National Guard

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

United States Armed Forces Survivor Benefits

If the fallen officer is a veteran of the U.S. Armed Forces, survivor benefits may be available to the spouse and children of a deceased veteran. The basic allowances by the Department of Veterans Affairs (VA) are:

- Money towards funeral expenses. File VA Form 21-530.
- Money towards plot allowance. (Note: 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:

Veterans Benefits Administration
St. Paul Regional Benefit Office
1 Federal Drive
Fort Snelling
St. Paul, MN 55111-4050

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, most law enforcement associations offer low-cost term life insurance to their members with an enhanced Accidental Death and Disability (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.

SUPPORT ORGANIZATIONS

Concerns of Police Survivors (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, including peer support, survivor benefits, counseling programs and scholarship programs.

COPS are the primary support group for police survivors. 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.

UTAH STATE RETIREMENT BENEFIT AND INSURANCE ACT

Title 49 Chapter 14 Part 5 of the Utah Code outlines payment of benefits for active members in both Division A and Division B of the retirement system in the event of the member's death. The surviving spouse is eligible for both a lump sum payment and a percentage of the member's monthly salary in either division. Benefits are not paid to the surviving children of a member in Division A, but are paid in certain circumstances to the surviving children of a member in Division B. According to statutory language, an application has been submitted with the Utah Retirement System (URS) office within 90 days of the line-of-duty death in order to apply for benefits. For more information, contact the Utah Retirement System (URS) office at (801) 366-7700.

PUBLIC SAFETY OFFICER AND FIREFIGHTER LINE-OF-DUTY DEATH ACT

This Act allows for the surviving spouse of a fallen officer or firefighter to remain eligible for health coverage under the employer's group health plan as if the surviving spouse was an employee of the employer as required in Section 53-17-201 of the Utah Code. The employer is responsible for payment of the health care premiums. After a two year period, the employer may be eligible for reimbursement of the health care premiums if they have chosen to participate in the Local Public Safety and Firefighter Surviving Spouse Trust Fund. The health benefit remains in effect until the surviving spouse becomes eligible for Medicare. Additionally, the surviving children are eligible for coverage under the aforementioned health plan coverage until they reach the age of 26.

This benefit should be coordinated through contacting the employer of the fallen officer or firefighter. For questions about this benefit, you may contact the Department of Public Safety at (801) 965-4018.

DOCUMENTS: PERSONAL/FINANCIAL

Have the following documents and information readily available:

- Personal documentation
- Bank accounts and investments
- Medical and disability insurance
- Credit cards
- Tax returns
- Real estate
- Any personal business ventures
- Trust funds
- Personal debtors and creditors
- Homeowner's and mortgage insurance
- Insurance for automobiles, trailers, or other motor crafts
- Other insurance
- Living Will or Will