

SPECIAL ORDER



DISTRICT OF COLUMBIA

Title
Public Safety Officers' Benefits Program

Series / Number
SO-08-11

Effective Date
December 10, 2008

Replaces:
General Order 1003.1 (Public Safety Officers' Benefits Act), Effective Date March 22, 1994

Related To:
GO-OMA-101.04 (Member Critical Injury or Line of Duty Death Notifications)

I. Background	Page 1	IV. Benefit Limitations.....	Page 5
II. Definitions	Page 1	V. Filing a Claim	Page 5
III. Benefits	Page 2		

I. BACKGROUND

The purpose of this General Order is to inform members of the current provisions of the Public Safety Officers' Benefits (PSOB) Program. According to the U.S. Department of Justice, Bureau of Justice Assistance, the 1976 PSOB Act (42 U.S.C. 3796, et seq.; 28 CFR 32), as amended, assists in the recruitment and retention of qualified public safety officers, demonstrates the value communities place on public safety officers, and contributes to the peace of mind of the officers and their families (http://www.ojp.usdoj.gov/BJA/grant/psob/psob_main.html).

The PSOB Program provides death benefits for eligible survivors of public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty and of certain eligible heart attacks or strokes and disability benefits for officers who have been permanently and totally disabled by a catastrophic injury sustained in the line of duty when that injury permanently prevents the officer from performing any gainful work. The PSOB Program also includes the Public Safety Officers' Educational Assistance (PSOEA) Act which provides educational assistance for the spouse or children of a public safety officer who has been permanently disabled or killed in the line of duty.

II. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. Catastrophic Injury – Any injury whose consequences result in permanently preventing an individual from performing any gainful work.
2. Child – Any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased public safety officer who, at the time of the officer's death, is:

- a. Eighteen (18) years of age or younger;
 - b. Over eighteen (18) years of age and a full-time student as defined in 5 U.S.C. 8101; or
 - c. Over eighteen (18) years of age and incapable of self-support because of mental or physical disability.
3. Law Enforcement Officer – Any individual involved in crime and juvenile delinquency control or reduction, or enforcement of criminal laws (including juvenile delinquency), including, but not limited to, police, corrections, probation, parole, and judicial officers.
 4. Line of Duty Activity or Action – Any duty that a public safety officer, whose primary function is law enforcement, is obligated or authorized to perform by statute, rule, regulation, or condition of employment, official mutual-aid agreement, or other law (including any social, ceremonial, or athletic function, training program, and authorized commuting) to which the officer is assigned or compensated under the auspices of the public agency served and the agency legally recognizes that activity or action to be so obligated or authorized.

NOTE: This definition applies to a public safety officer whose primary function is not law enforcement if the activity or action is not "a frolic or detour" and is performed in the course of law enforcement.

5. Public Agency – United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States; or any unit of local government, department, agency, or instrumentality of any of the foregoing.
6. Public Safety Officer – Any individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, chaplain, or member of a rescue squad or ambulance crew; or an employee of the Federal Emergency Management Agency (FEMA), or of a State, local or tribal emergency management or civil defense agency, who is performing official duties related to a major disaster or emergency or who is performing hazardous duties.

III. BENEFITS

A. Death Benefit

1. The PSOB Program provides a death benefit in the form of a one-time financial payment to the eligible survivor(s) of a public safety officer whose death is the direct and proximate result of a traumatic injury sustained in the line of duty or of an eligible heart attack or stroke.

NOTE: For the requirements related to heart attack or stroke, see 42 USC 3796, § 1201 (k).

2. As of October 1, 2008, the death benefit amount is \$315,746. The amount of the benefit is indexed each year to the Consumer Price Index (CPI-U).

NOTE: Eligible survivors (Part A.6 below.) will receive a \$50,000 lump sum payment from the District of Columbia and the remainder of the PSOB benefit. This combined amount, however, will not exceed the total PSOB payment.

3. For each death claim, the award amount is solely determined by the actual date of the public safety officer's death.
4. When the U.S. Department of Justice, upon a showing of need and prior to taking final action, determines that a death benefit will probably be paid, an interim benefit payment not exceeding \$3,000 may be made to the eligible survivor(s). The amount of an interim payment will be deducted from the amount of any final benefit payment to the survivor(s).
5. The death benefit will not be subject to attachment by creditors nor subject to Federal Income Tax or Federal Estate Tax.
6. For deaths occurring on or after September 11, 2001, benefits will be paid to survivors according to the following criteria:
 - a. If there is a spouse and no child, all to the spouse;
 - b. If there is a spouse and child or children, one-half to the spouse and one-half to the child or children in equal shares;
 - c. If no spouse, and children only, all to the child or children in equal share;
 - d. If no spouse or children, then to the individual designated by the officer as beneficiary on file with the officer's agency, or if no designation, to the individual designated as the beneficiary on the most recently executed life insurance policy on file with the officer's agency; and
 - e. If none of the above, to the officer's parents in equal shares.

7. Following the approval of a death benefits claim, the eligible survivor(s) will be paid the benefit in a lump sum.

B. Disability Benefit

1. The PSOB Program provides disability benefits to a public safety officer who has been permanently and totally disabled by a catastrophic personal injury sustained in the line of duty on or after November 29, 1990, when the injury permanently prevents the officer from performing any gainful work (i.e., full- or part-time activity that actually is compensated or commonly is compensated).
2. To initiate a claim for PSOB disability benefits, an officer must be separated from his/her employing agency for medical reasons and must be receiving the maximum allowable disability compensation from his/her jurisdiction.
3. Medical retirement for a line-of-duty disability does not, in and of itself, establish eligibility for PSOB benefits.
4. The qualifying date for the award amount will be the date of the officer's disability.

C. Educational Assistance Benefit

1. The PSOE Act provides financial assistance for higher education for the spouse(s) and child(ren) of public safety officers after the PSOB death or disability claim process has been completed and benefits have been awarded.
2. The educational assistance may be used for relevant expenses, including tuition and fees, room and board, books, computer equipment, supplies, and other education-related costs that are incurred by a spouse at any time during his or her lifetime or by a child prior to the twenty-seventh (27th) birthday of the child (unless the U.S. Attorney deems that extraordinary circumstances exist for the child).
3. As of October 1, 2008, the maximum award for a full-time student who maintains a 2.0 grade point average is \$915 per month of class attendance.
 - a. The award amount is proportionately less for part-time students.
 - b. The award must, by law, be reduced by the amount of other governmental assistance that a student is eligible to receive.
4. The spouse or child is eligible to receive the educational assistance benefit for a period no greater than forty-five months of full-time education or a proportionate period of a part-time program.

5. The educational assistance award may be retrospective, but no payment shall be made with respect to any grading period that ended before the officer's injury date.

IV. BENEFIT LIMITATIONS

No benefit will be paid by the PSOB Program:

- A. If the death or catastrophic injury was caused by the intentional misconduct of the public safety officer or by the officer's intention to bring about his/her death or catastrophic injury;
- B. If the public safety officer was voluntarily intoxicated at the time of his/her death or catastrophic injury;
- C. If the public safety officer was performing his/her duties in a grossly negligent manner at the time of his/her death or catastrophic injury; or
- D. To any individual who would otherwise be entitled to a benefit under the PSOB Act if such individual's action(s) were a substantial contributing factor to the death or catastrophic injury of the public safety officer.

V. FILING A CLAIM

- A. Absent a showing of good cause to the PSOB Program Director, no claim will be considered when filed with the PSOB Office after the later of three (3) years after the date of the death or disabling injury of the officer or one (1) year after the receipt or denial of any other death or disability benefits by the employing agency.
- B. An eligible survivor or disability claimant may file a claim directly with the PSOB Office or may file a claim through the Metropolitan Police Department, Professional Development Bureau, Human Resources Management Division.
- C. An individual who meets the eligibility requirement for educational assistance should request an application directly from the PSOB Office (Part V.D below).
- D. The completed Report and Claim forms may be submitted online at <https://www.psob.gov> or to:

Benefits Office
Bureau of Justice Assistance
U.S. Department of Justice
810 Seventh Street, N.W.
Washington, D.C. 20531.
202-307-0635/1-888-744-6513

- E. The MPD will provide the information required by the PSOB Office for the determination of whether the circumstances of a death or disability entitle a survivor or claimant to a benefit.



Cathy L. Lanier
Chief of Police

CLL:PS:JGW:LN