



**LAW ENFORCEMENT  
GUIDE TO  
STATE & FEDERAL  
LINE OF DUTY ACTS**



*A publication of the Office of the Attorney General*

*Kenneth T. Cuccinelli, II*



## A Message from Attorney General Ken Cuccinelli

Law enforcement officers protect and serve the citizens of the Commonwealth every day. They put themselves in harm's way to save lives and to preserve peace and order. When an officer is killed in the line of duty, it should be easy for his/her survivors to apply for and receive death benefits from state and federal governments. In private practice, I had the privilege of representing the families of police officers killed in the line of duty. I witnessed firsthand the grief experienced by family, friends, and colleagues. In one particular instance, the sadness of the death was amplified because benefits were not issued in a timely and appropriate manner. I believe it is the government's duty to act swiftly when tragedy strikes a law enforcement officer's family. It's simply the right thing to do.

I hope this brochure, in conjunction with more detailed information at [www.vaag.com](http://www.vaag.com), helps law enforcement families navigate the process of applying for death benefits from the state and federal governments. In memory of all the fallen officers killed in the line of duty in the Commonwealth of Virginia, I pray their heroism and dedication to public safety shall never be forgotten.



A handwritten signature in blue ink that reads "Ken Cuccinelli". The signature is stylized and written in a cursive-like font.



## **WHAT IS THE VIRGINIA LINE OF DUTY ACT?**

The Line of Duty Act provides state-funded disability and death benefits for state and local public safety officers or their beneficiaries due to disability or death resulting from the performance of duties.

## **WHO QUALIFIES FOR THE LINE OF DUTY ACT?**

Some eligible employees include:

- Law enforcement officer
- Correctional officer
- Superintendent of a regional jail or jail farm
- Member of any fire company or department or rescue squad
- Member of the Virginia National Guard or State Defense Force
- Any special agent of the ABC Board

## **HOW DO I FILE A CLAIM FOR DEATH BENEFITS?**

A surviving spouse or family member should contact the employing law enforcement agency or the Department of State Police and ask for an investigation into how the officer died. The investigating agency must investigate the circumstances surrounding the officer's death and verify that the death occurred in the line of duty.

The surviving spouse or family member should fill out the Line of Duty Death Benefit Claim form (a link is available at [www.vaag.com](http://www.vaag.com)) and give it to the investigating agency.

Supporting documentation should include at a minimum:

- Birth certificate of deceased
- Birth certificate of spouse and all children
- Copy of marriage certificate
- Copy of all divorce decrees
- Verification of employment dates
- Summary of police/incident report
- College status of all dependants over 21 years
- Coroner's report
- Autopsy report
- Death certificate
- Copy of will

### **WHAT HAPPENS TO THE CLAIM?**

The investigating agency has 10 days to submit the summary and claim form to the Virginia Department of Accounts for processing. The Comptroller has 45 days to act on the claim. If the Department of State Police is investigating the death, the investigator will submit the packet to the Department of Accounts.



### **WHAT ARE THE BENEFITS?**

- \$100,000 if the death is due to an unnatural cause;

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- \$25,000 if the death is caused by an illness that has either arisen out of or in the course of the officer's employment or within 5 years of his retirement;
  - health insurance under the same plan of benefits that the disabled officer was entitled to the last day of his active duty.

## **WHO IS CONSIDERED A DEPENDENT?**

- natural, adopted, illegitimate or stepchildren, of the officer that is under 21, who is not married and is not covered by an alternative health plan;
- a child that is a full-time college student under the age of 25;
- or a child that is over 21 but is mentally or physically disabled.

**Questions?** Email [LineOFDuty@doa.virginia.gov](mailto:LineOFDuty@doa.virginia.gov)

\*Information provided by the  
Virginia Department of Accounts\*



## **FEDERAL BENEFITS**

### **WHO QUALIFIES FOR THE PSOB PROGRAM?**

The Public Safety Officers' Benefits (PSOB) Program applies to certain public officers who are killed or catastrophically injured as a direct or proximate result of a personal injury sustained in the line of duty. Eligible employees include law enforcement officers and firefighters.

### **HOW DO I FILE A CLAIM?**

The claim must be filed within three (3) years of the officer's death. Fill out the Report of Public Safety Officer's Death and Claim for Death Benefits.



The following documents are also required:

- Detailed statement of circumstances signed by department head
- Investigation, incident and/or accident Report
- Death certificate
- Autopsy report, or statement from head of public safety agency or medical examiner that no autopsy was conducted
- Toxicology report, or statement from head of public safety agency or medical examiner that no analysis was conducted
- Current marriage certificate
- Divorce decrees for all of the officer's and current spouse's previous marriages (including references to physical custody of children), if any
- Death certificates for all the officer's or current spouse's previous marriages, if any

## **WHAT ARE THE BENEFITS FOR A DEATH CLAIM?**

As of October 1, 2011, the Bureau of Justice Assistance's PSOB is \$323,035.75 for eligible deaths occurring on or after October 1, 2011.

## **WHAT ARE THE EDUCATION BENEFITS?**

PSOB provides support for higher education to eligible spouses and children of public safety officers who died or were catastrophically injured in the line of duty.

## **WHO QUALIFIES FOR EDUCATION BENEFITS FROM PSOB?**

Education benefits are available to a dependent who attends a qualified education program and is either the child of an eligible public service officer or the spouse of the officer at the time of the officer's death.

## **WHO IS CONSIDERED A BENEFICIARY?**

A beneficiary is the spouse at the time of the death or injury and/or a child of the officer. The term "child" means any natural, illegitimate, adopted or posthumous child or stepchild of the deceased or injured public safety officer who, at the time of the death or injury, is:

- 18 years of age or under,
- over 18 years of age and a student as defined in 42 U.S.C. § 8101(17) of Title 5 or
- over 18 years of age and incapable of self-support because of physical or mental disability

**Questions?** Visit [www.psob.gov](http://www.psob.gov)

\*Information provided by the United States  
Department of Justice\*



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For more information visit

[www.vaag.com](http://www.vaag.com).

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