



BJA Bureau of Justice Assistance Fact Sheet

Nancy E. Gist, Director

FY 1998 Local Law Enforcement Block Grants Program: Public Safety Officers' Health Benefits Provision

The Public Safety Officers' Health Benefits Provision, part of the Fiscal Year 1998 Appropriations Act, requires in section 615 that a unit of local government eligible for the Local Law Enforcement Block Grants (LLEGB) program will not receive full benefits unless it is in compliance with regulations for public safety officers' health benefits, as stated in the provision:

Of the funds appropriated in this Act under the heading "OFFICE OF JUSTICE PROGRAMS—State and Local Law Enforcement Assistance," not more than 90 percent of the amount to be awarded to an entity under the Local Law Enforcement Block Grants shall be made available to such an entity when it is made known to the Federal official having authority to obligate or expend such funds that the entity that employs a public safety officer (as such term is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968) does not provide such a public safety officer who retires or is separated from service due to injury suffered as a direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit (as such terms are defined by State law) with the same or better level of health insurance benefits at the time of retirement or separation as they received while on duty.

Criteria for Compliance

To be in compliance, a unit of local government must:

- Use the definitions provided for "public safety officer," "law enforcement officer," "firefighter," and "public agency," as defined by section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.
- Use State statutory law or, in the absence of State law, use State case law, local law, or have established written policy for defining an injury sustained in the line of duty while responding to an emergency situation or hot pursuit. State law definitions of the terms "emergency situation" and "hot pursuit" must be used.
- Have written procedure or process for reviewing cases of injuries suffered in the line of duty.
- Upon request, be able to document that the same or a better level of health insurance benefits is paid at the time of retirement or separation that is the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or hot pursuit.

A jurisdiction eligible for an LLEBG grant will be asked to certify that it either:

- Is in compliance with the aforesaid provision, or
- Is not in compliance with the provision and understands that the amount of the award will be no more than 90 percent of the amount that could be awarded if the jurisdiction were in compliance with the provision.

If the Bureau of Justice Assistance (BJA) determines that the jurisdiction is not in compliance with the provision for any reason, including fraud, malicious intent, or deceit, the jurisdiction will forfeit 10 percent of the amount of the award. If the funds have already been expended, the U.S. Department of Justice may pursue measures that it deems appropriate to recover the funds. Such a finding could lead to the jurisdiction being debarred or suspended from participating in Federal grant programs in the future. BJA will not decide a jurisdiction's compliance or lack thereof on the basis of a particular case or the overturning of a decision.

Frequently Asked Questions

The following section provides questions most frequently raised about the provision, together with BJA's official responses.

Which programs are affected by this provision?

The only program affected by the provision is the LLEBG program.

When did this provision become effective?

The provision is part of an annual appropriations act and is effective only in that year's funding. For FY 1998, the provision is effective after October 1, 1997, and continues for the life of the grant.

What is the consequence of not being in compliance with this provision?

A unit of local government will forfeit or lose 10 percent of the award for which it would have been eligible if it were in compliance.

Which Federal official has the authority to obligate or expend such funds?

The Director of the Bureau of Justice Assistance.

Who is a public safety officer?

The provision states that the term "public safety officer" is defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 1204 (7) defines a public safety officer as "an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, or rescue squad or ambulance crew."

Section 1204 (3) defines a firefighter as "an individual serving as an officially recognized or designated

member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew." (Note the inclusion of volunteer firefighters. If a jurisdiction offers health-care benefits to volunteer firefighters who retire or separate under routine circumstances, the same or a better level of health-care benefits must be offered if retirement or separation occurs because of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit, as such terms are defined by State law.)

Section 1204 (5) defines a law enforcement officer as "an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws including, but not limited to, police, correction, probation, parole, and judicial officers."

Section 1204 (6) defines a public agency as "the United States, any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, 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."

What constitutes an "injury suffered as a direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit?"

The terms "emergency situation" and "hot pursuit" should be defined by State statutory law or, in its absence, State case law, local law, or written policy, as stipulated in the provision. The term "injury suffered as a direct and proximate result of a personal injury sustained in the line of duty" also should be based on State statutory law or, in its absence, State case law, local law, or written policy.

What is BJA looking for, procedurally, to determine compliance?

BJA is focusing on whether or not a unit of local government has a written procedure or process in place for determining whether an injury was "suffered as a direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or a hot pursuit" and on whether that procedure or process is based on State, local, or case law. BJA recognizes that this process will, in most instances, differ from jurisdiction to jurisdiction and from State to State.

Any determination regarding compliance focuses on, and is limited to, whether or not a jurisdiction has a sound, reasonable process in operation and whether its representation regarding the provision is offered in “good faith,” without any fraud, malicious intent, or deceit.

What is the time frame for a personal injury and for retirement or separation?

Retirement or separation must have occurred on or after October 1, 1997. An injury sustained while responding to an emergency situation or hot pursuit in the line of duty could have occurred prior to October 1, 1997.

At what point should “same or better level of health insurance benefits” be determined?

“Same or better level of health insurance benefits” is defined by what level of benefits the public safety officer was receiving on active duty at the time of the injury.

What happens if health insurance benefits increase or decrease during the time between the suffering of the injury in the line of duty and retirement or separation?

The level of health insurance benefits is set during active duty. BJA recognizes the potential for increases or decreases in health insurance benefits during the intervening time between active duty and retirement or separation. Compliance with the provision will, however, be based on the level of health insurance benefits received by the public safety officer at the time of the injury in the line of duty.

For example:

Officer X is injured in the line of duty in October 1995. At that time, his department contributes 100 percent of his monthly health insurance premium. In October 1996, the department renegotiates the health benefits portion of the police contract and begins paying only 80 percent of the monthly premium. Officer X retires in November 1997 due to the injury he received while performing in the line of duty in October 1995. The injury meets the criteria outlined in section 615. To be considered in compliance with the certification, the jurisdiction must continue to cover 100 percent of the health insurance benefits premium for Officer X.

Are jurisdictions permitted time to come into compliance with the provision?

The provision makes no mention of allowing time for jurisdictions to come into compliance with it. If a jurisdiction is not in compliance when it submits its application, it should indicate that fact; and BJA will fund a maximum of 90 percent of the amount of the award for which the jurisdiction is eligible.

Must State-level grantees be in compliance with the provision?

Yes. State-level grantees must certify that State public safety officers who are injured in the line of duty as a direct and proximate result of responding to an emergency situation or a hot pursuit (as defined by State law) are provided with the same or a better level of health benefits paid by the entity to all other State public safety officers while on duty.

Does this provision apply to State subrecipients?

No. Subrecipients are not eligible to receive direct funding from BJA and do not need to be in compliance with the provision.

In the State of Louisiana, should sheriffs certify compliance with the provision for the entire parish?

For the purpose of eligibility for the LLEBG program in the State of Louisiana, parish sheriffs are considered the unit of local government under section 108 of H.R. 728. Therefore, sheriffs should certify compliance with the provision only for employees of a parish sheriff department who meet the definition of “public safety officer.”

For Further Information

For further information, please contact the BJA Local Law Enforcement Block Grants Program Division at (202) 305-2088.

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