



STATE OF CALIFORNIA DEATH BENEFITS

To obtain certified copies of registered personal documents, contact the State Registrar, 410 "N" Street, Sacramento, CA 95814, (916)445-2684.

Claims for benefits may call for only simple processing by a beneficiary, **or may involve complicated legal hearings** requiring substantial attorney participation. Laws and provisions relating to death benefits are subject to constant change and it is possible that some of the information presented here could be altered at anytime. For these reasons, the primary beneficiary should **always consult with competent legal or professional counsel** before attempting to collect benefits.

The jurisdiction's personnel office and the police or sheriff's department should be considered as valuable resources for both information and assistance. Benefits outlined are for sworn safety members. **Benefits for non-sworn employees are substantially different.**

A variety of benefits are generally available, but application **must be made to a number of different agencies or organizations in order to obtain them.** Following are some of the most common benefits, but this list should not be considered to be all inclusive.

STATE PENSION BENEFITS

Names of retirement systems:

1. 1937 Act County Retirement System - INDIVIDUAL RETIREMENT SYSTEMS NEGOTIATED PER COUNTY. PLEASE CONTACT INDIVIDUAL DEPARTMENT OR ASSOCIATION.

2. Public Employees Retirement System - 50% OF THE OFFICER/DEPUTY'S SALARY SHALL BE PAID TO THE SPOUSE (FOR LIFETIME) OF A PERS MEMBER WHO IS KILLED IN THE PERFORMANCE OF HIS OR HER DUTY OR WHO DIES AS A RESULT OF AN ACCIDENT OR AN INJURY CAUSED BY EXTERNAL VIOLENCE OR PHYSICAL FORCE. ADDITIONAL BENEFITS FOR THE OFFICERS CHILDREN: 1 CHILD 12.5% OF OFFICERS' SALARY, 2 CHILDREN 20%, AND 3 OR MORE CHILDREN 25% UNTIL THE CHILD MARRIES OR REACHES THE AGE OF 22 YEARS OLD.

3. Independent Local Pension Systems - INDIVIDUAL CHARTERED CITIES - PLEASE CONTACT THE SPECIFIC AGENCY OR ASSOCIATION.

Due to the fact that there are **at least three systems** with several different options available in each system, it is suggested that the retirement board be contacted for information. **Contact:**



Office of Criminal Justice Planning, 1130 "K" Street, Suite 300, Sacramento, CA 95814. If you have any further questions, please contact your local COPS Chapter for up-to-date information.

In 1996, Governor Pete Wilson signed AB 3478 which removed the remarriage penalty for survivors of law enforcement officers covered under the California Public Employees Retirement System.

Effective 2001, Governor Gray Davis signed AB 2621, which allows the surviving spouses (under the PERS Retirement System) to receive the same pay increases every year as the working officer/deputy would have received until he/she would have turned 50 years old. This is calculated by using the final job classification he/she held at the time of their death. This bill applies only if the deceased officer/deputy would've been under 50 years old as of 1/1/01. This also deletes the "adoption penalty" for the surviving children of officers/deputies who are currently receiving PERS benefits. The children will not lose their PERS benefits upon adoption.

Also, local peace officers' associations are a good source for information about retirement system death benefits.

EDUCATIONAL BENEFITS

In 1970, **Assembly Bill 338** was passed by the 1970 California Legislative Session. Known as the **Alan Pattee Scholarship Act**, this legislation amended **Section 68121 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 California State University from **any surviving child, natural or adopted**, of a public safety official in the State of California who is killed in the line of duty. The Trustees of the California State University may enter into agreements with **other universities or colleges located within the state** whereby qualified students from campuses of the California State University may attend the other universities or colleges without payment of some or all fees or tuition or both. Further, the trustees may enter into agreements with **public colleges and universities in other states** whereby qualified students from the California State University may attend the other college or university without payment of any tuition fee charged by that institution.

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 qualifies for tuition-free education under Section 68121 of the Education Code known as the Alan Pattee Scholarship Act.**



State of California
Line of Duty Death Benefits



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 the LEPD grant.

Effective 1/1/2001, 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.

In addition to tuition-free education from the state, scholarships are available under **Section 4709 of the Labor Code** for persons who were dependents of peace officers or law enforcement officers at the time of death. Dependents must have been natural or adopted children or a dependent spouse. Any officer, who is killed in the performance of duty or who dies or is totally disabled as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of duty, when the death, accident, or injury is compensable shall be entitled to a scholarship at **any one of the institutions of collegiate grade** located in California if the institution offers a two-year junior college or four-year college course and is **accredited** or is a candidate for accreditation by the **Western Association of Schools and Colleges**.

This program is known as the **Law Enforcement Personnel Dependents (LEPD)** program and is administered by the California Student Aid Commission. **Contact: California Student Aid Commission, Office of Special Programs, LEPD Grants, PO Box 419029, Rancho Cordova, CA 95741-9029, telephone (916) 526-7973 or 1-888-224-7268 #3. This scholarship is based upon financial needs. When determining the student's or parent's income, none of the death benefits are to be included in the income amount.**

The scholarship is to include payment of tuition and fees, monthly allowance, books, and supplies. The scholarship **shall not exceed a maximum of \$5,250 per year** if he or she has demonstrated his or her **financial need** for the scholarship. Minimum amount awarded is \$100.

As used in this section, "**dependent**" means the children (natural or adopted) or spouse, at the time of the death or injury, of the peace officer.

The **Peace Officers Research Association of California (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.**

The **California Peace Officers Memorial Foundation** awards three scholarships each year to dependents of California officers who died in the line of duty. Amounts and duration will be determined by the Scholarship Committee based upon available funds. **For more information, contact Roger Mayberry, Judicial Protection District, East Los Angeles**



Annex, 4837 East Third Street, Los Angeles, CA 90022, or fax your request to (213) 881-6734.

The **California Correctional Peace Officers Association** awards scholarship funds to immediate family (son, daughter, current spouse, mother, father, brother, sister) of its deceased *members*. **For more information, contact the CCPOA at (800) 821-6443 or (916) 372-6060.**

HEALTH BENEFITS

Part of AB 3478 signed by Governor Pete Wilson in 1996 provides that the employing agency will continue to provide the same health benefits to survivors as those they received while their officer was alive. Children will be covered until age 22. *Contact your Benefits Assistance Officer or your COPS Chapter for assistance.*

WORKERS' COMPENSATION

It is mandatory in the State of California that employers carry this coverage. This benefit is supplied by the City/County 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, the benefit is \$125,000;
- Two dependents is \$145,000;
- Three of more dependents is \$160,000

A maximum of \$840 per week will be paid out until the benefit is depleted or youngest child reaches 18, which ever 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 employing agency. If an appeal is necessary, the services of an attorney specializing in this area will be required.

PERSONAL LIFE POLICY - INTESTATE

Descent and Distribution - All separate property, both real and personal, of decedent which is not disposed of by will, or if there is excess of such property over share of surviving spouse or



entire estate if there is no surviving spouse, descends and is distributed as follows, any class of which member is living taking to exclusion of subsequent classes. (1) Issue of decedent, equally if same degree; (2) parents or surviving parents; (3) issue of parents or either of them, equally if same degree of kinship or, if unequal (4) grandparents or issue of grandparents, equally if same degree of kinship or if unequal (5) issue of predeceased spouse equally if of same degree or if unequal (6) next of kin to equal degree, or if unequal (7) parents of predeceased spouse or issue of each parent.

If decedent left no spouse or issue, and predeceased spouse died not more than 15 years before decedent, portion of decedent's estate attributable to decedent's predeceased spouse, as defined, shall pass in equal shares to issue of predeceased spouse by right of representation, if any, otherwise to parents of predeceased spouse, or survivor, if any, otherwise to parents or issue of deceased parents of predeceased spouse and their decedents by right of representation. Portion of decedent's estate attributable to predeceased spouse includes one-half of community property in existence at death of predeceased spouse which such spouse transferred to surviving spouse or which vested in decedent upon death of predeceased spouse. Such portion includes all separate property of predeceased spouse. Remaining portion of decedent's estate shall be distributed according to intestate rules escheat to state because there is no kin of decedent to take, that portion then passes to next of kin of predeceased spouse.

Statutory scheme provides for distribution among heirs or beneficiaries, for both intestacy and where will or trust.

ADDITIONAL BENEFITS

If your officer was killed in **Los Angeles, California**, there is a book published by the **Los Angeles Protective League, 600 E. 8th Street, Los Angeles, CA 90014, (213) 626-5341**. It is entitled "A Benefits Guide For The Families Of Los Angeles Police Officers". As the title of this book states, it is a "guide" to help Los Angeles Police Officers and their families know what benefits are available to them on the death of a police officer. It is only a guide and you or your spouse may be entitled to more benefits than are stated within the text. Because situations and locations of officers is so diverse, contact your local benefits program for specific benefits to which you are entitled.

If your officer was employed by the **City of Oakland**, you may be entitled to additional benefits. **Contact the Oakland Police Officers Association, 717 Washington Street, Oakland, CA 94607-3979, telephone (510) 834-9670.**

California has a **Victim Assistance Program**. This program can only be utilized if all other insurances, coverage, and money has been exhausted. For information, contact **Victims Assistance, 1401 Lakeside #802, Oakland, CA 94612, telephone (510) 272-6180.**



100 Clubs exist in **some California counties**. Check with your **Benefits Assistance Officer** to see if a 100 Club exists in your county.

Members of fraternal organizations may have additional life insurance. Check with your **Benefits Assistance Officer** for information.

MEMORIALS

Los Angeles Police Department Memorial is located at 150 N. Los Angeles Street outside Parker Center.

Los Angeles County Sheriffs Memorial is located at the Sheriffs Academy, 11515 South Colima Road, Whittier, California.

California Police Officers Memorial is located on the west side of the State Capitol building grounds in Sacramento, California.

Orange County Peace Officers' Memorial is located at the Orange County Courthouse, Plaza or the Flags, Santa Ana, California

Riverside County Peace Officers' Memorial 4102 Orange Street, Riverside, California

PEER SUPPORT ORGANIZATION

Established in 1984, **Concerns of Police Survivors, Inc., (COPS)**, is a national, non-profit organization that works with law enforcement agencies, police organizations, mental health professional, and local peer-support organizations to provide assistance to surviving families of law enforcement officers killed in the line of duty. COPS has become a “lifeline” to police survivors nationwide. **Contact the COPS National Office or visit www.nationalcops.org/chap.htm for information on a chapter in your area.**