

TEXARKANA POLICE DEPARTMENT

GENERAL ORDERS MANUAL

SUBJECT	Line of Duty Death and Disability Benefits		
NUMBER	1101.16	EFFECTIVE DATE	March 29, 2011
Scheduled Review Date	June 24, 2021	ISSUE DATE	March 29, 2011
Date Reviewed	June 24, 2019	REVISION DATE	
APPROVED BY		(Reserved for Expansion)	

I. Scope and Purpose

- A. This policy addresses, defines and lists death and disability benefits accorded by Arkansas State Law to those police officers who are injured or killed while performing their duties.

II. Policy

- A. It shall be the policy of the Texarkana Police Department to provide its commissioned officers with comprehensive information relating to death and disability benefits accorded to them by Arkansas State Law. Because the information in this policy is connected with State mandated rules and regulations, each individual officer may be entitled to additional benefits associated with individual insurance policies respective to each individual officer.

III. Definitions

- A. The State of Arkansas—as used within the language of this policy—defines the term **police officer** in *A.C.A. 21-5-701* by the following language:
 1. Any law enforcement officer, engaged in official duties, who is a member of any regular or auxiliary police force, on a full or part-time basis within the State of Arkansas;
 2. A sheriff or deputy sheriff of a county who is engaged in official duties; and
 3. Any constable or night marshal of any town within the State of Arkansas who is engaged in official duties.

IV. Death Benefits

- A. *A.C.A. 21-5-704* indicates the State of Arkansas shall pay to the spouse or surviving children of any police officer who is killed in the official line of duty the sum of fifty thousand dollars (\$50,000). In addition, the municipality which employed the police officer shall—upon certification of the amount by the police department—pay to the spouse or surviving children of the deceased police officer an allowance for all sick leave, vacation or other accrued leave time accumulated to the credit of the police officer at the time of his/her death.
- B. *A.C.A. 21-5-705(a)* indicates the State of Arkansas shall pay the spouse or surviving children of any police officer whose death occurred in the official line of duty **and** was the result of a criminal act of another person(s) the additional sum of one hundred fifty thousand dollars (\$150,000).

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1. These additional benefits provided in this section shall be paid to the spouse or surviving children in three (3) equal payments, the first of which shall be paid in the month of July following the date of the original order of the State Claims Commission—which establishes an entitlement to the additional payments—and annually thereafter. All benefits shall be paid totally from state funds appropriated therefore, and the determination for eligibility of the additional payments shall be made by the State Claims Commission in accordance with commission rules and procedures.
- C. **A.C.A. 21-5-705(b)** indicates the State of Arkansas shall pay to the surviving spouse or surviving children under the age of twenty-two (22)—if the officer was wearing his/her vest at the time of the incident and it was in the official line of duty as the result of criminal action of another person(s)—an additional sum of twenty five thousand (\$25,000).
- D. For additional information related to the benefit claims identified in Paragraphs A, B and C above can be obtained from the following locations:
1. State Claims Commission
101 East Capital Avenue, Suite #410
Little Rock, Ar. 72201-382
(501) 682-1619
- E. **A.C.A. 19-6-822 Fallen Law Enforcement Officers’ Beneficiary Fund**
- (a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the “Fallen Law Enforcement Officers’ Beneficiary Fund.”
 - (b) The fund shall consist of such revenues as may be authorized by law.
 - (c) The fund shall be used by the Arkansas Commission on Law Enforcement Standards and Training to provide such support and assistance to beneficiaries of fallen law enforcement officers as determined to be appropriate by the commission.
- F. The City of Texarkana, Arkansas participates in the federal Public Safety Officers’ Benefit (PSOB) Act which was enacted in 1976. This program provides a onetime financial benefit to the eligible survivors of public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty. The PSOB program provides the same benefit to public safety officers who have been permanently and totally disabled by a catastrophic personal injury sustained in the line of duty if that injury permanently prevents the officer from performing any gainful work. As of October 2017, all PSOB applications and claims are now filed via the online claims portal. Additional information can be obtained from the following location:
1. Bureau of Justice Assistance
Office of Justice Programs
810 Seventh Street NW
Fourth Floor
Washington, SC 20531
(202) 307-0635 or 1-888-744-6513
Email address: AskPSOB@usdoj.gov
URL: www.psob.bja.ojp.gov
- G. The City of Texarkana, Arkansas provides life insurance for its employees. Periodically, the City’s governing body—in conjunction with the City Manager—renegotiates the insurance benefits package; therefore, it is possible that certain details of an insurance benefit available from one year to the next year might change considerably. Members of the Department can find complete policy information formally describing the City’s insurance benefits package within the Personnel Administrator’s Office at City Hall.

H. Death and Disability Benefits--Local Police And Fire Retirement System

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1. Disability Retirement

- a. Police officers hired after January 1, 1983 are covered beneath the Arkansas Local Police and Fire Retirement System (LOPFI). *A.C.A. 24-10-607* states those active members with five (5) years of credited service, including credited service for seventy-five percent (75%) of the two (2) years immediately preceding his or her disability, who while an active member becomes totally and permanently physically or mentally incapacitated for any suitable duty as an employee as a result of a personal injury or disease may be retired by the Board of Trustees of the Arkansas Local Police and Fire Retirement System upon written application filed with the board by or on behalf of the member or former member.
- b. The employee shall be retired only if, after a medical examination of the member or former member made by or under the direction of a physician or physicians designated by the board, the physician reports to the plan in writing that the member or former member is physically or mentally totally incapacitated for the further performance of any suitable duty, that the incapacity will probably be permanent, and that the member or former member should be retired.
- c. Disability benefits will be calculated and assigned pursuant to the provisions set forth within *A.C.A. 24-10-602* which defines the rules and guidelines surrounding the Arkansas Local Police and Fire Retirement System (LOPFI) annuities payment schedule.

2. Death Benefits

- a. Police officers hired after January 1, 1983 are covered beneath the Arkansas Local Police and Fire Retirement System (LOPFI). *A.C.A. 24-10-608* states those active members if an active member with five (5) or more years of credited paid service, including credited service for the year immediately preceding his or her death, dies in employer-paid service before retirement, the applicable benefits provided will be calculated and assigned pursuant to the provisions set forth within *A.C.A. 24-10-602* which defines the rules and guidelines surrounding the Arkansas Local Police and Fire Retirement System (LOPFI) annuities payment schedule.
- b. *A.C.A. 24-10-608* states the surviving spouse’s annuity shall not be less than twenty percent (20%) of the deceased member's final average pay at the time of death, or one hundred twenty-five dollars (\$125) monthly, whichever is greater.
- c. *A.C.A. 24-10-608* states if an active member dies in employer-paid service before retirement as a result of a personal injury or disease which the Board of Trustees of the Arkansas Local Police and Fire Retirement System finds to have arisen out of and in the course of his or her actual performance of duty as an employee, the applicable benefits provided will be calculated and assigned pursuant to the provisions set forth within *A.C.A. 24-10-602* which defines the rules and guidelines surrounding the Arkansas Local Police and Fire Retirement System (LOPFI) annuities payment schedule.
- d. For the sole purpose of computing the amount of the annuity on account of any member who does not have twenty-five (25) years of credited service in force at the time of death, *A.C.A. 24-10-608* states credited service shall be granted for the period from the date of his or her death to the date he or she would have completed twenty-five (25) years of credited service.

V. Educational Benefits

- A. *A.C.A. 6-82-503* entitles any law enforcement officer—and other assorted emergency response personnel—who suffers fatal injuries/wounds or who becomes permanently and totally disabled as a result of injuries/wounds that occurred en route to or returning from a location where a hazardous

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situation existed, his/her children and spouse shall be entitled to a total of eight (8) semesters—or the equivalent thereof—of scholarship awards without cost—exclusive of books, food, school supplies, materials and dues/fess for extracurricular activities—at any state-supported college, university or technical institute of his/her choice within the state. Up to four (4) semesters—or the equivalent thereof—may be taken at a technical institute.

1. Scholarship benefits shall not accrue under this mandate to any person if the wounds or injuries suffered by any law enforcement officer are self-inflicted or if the death is self-induced.
2. All educational benefits to surviving children shall be in accordance with *A.C.A. 5-82-504*. The Arkansas State Claims Commission shall award any scholarship benefit provided by these mandates at the same time that any death benefit or total and permanent disability benefits are awarded by the Commission under the provisions located in *A.C.A. 21-5-701 et seq.*

VI. Worker's Compensation Death Benefits

- A. In accordance with *A.C.A. 11-9-501 et seq.*, compensation for the death of an employee shall be paid to those persons who were wholly and actually dependent upon the deceased employee.
- B. To receive workers' compensation benefits, the surviving spouse **must take the initiative** and file a workers compensation claim through a workers' compensation attorney to receive appropriate compensation. Additional information can be obtained from the following source:
 1. Workers' Compensation Commission
324 S. Spring Street
P.O. Box 950
Little Rock, Ar. 72203
(501) 682-3930

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