

A FIRE/EMS/SAFETY CENTER PUBLICATION



## **FIREFIGHTER LINE-OF-DUTY DEATH EMERGENCY CHECKLIST**

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# FIRE FIGHTER LINE-OF-DUTY DEATH EMERGENCY CHECKLIST

## Immediate Action

- A. Control two-way radio communications
- B. Assign personnel to stay with family members who appear on scene.
- C. Notify law enforcement agency.
- D. Preserve the evidence.
  - Note and record exact location of accident/body discovery
  - If the victim is obviously dead and has not been moved, preserve the scene for the investigators. Do not disturb evidence.
  - If the firefighter/victim was transported to a medical facility, impound protective clothing and equipment which was involved in the incident.
- E. Take statements from involved emergency workers.
- F. **Notify State Fire Marshal (651) 215-0500. After hours State Duty Officer 800-422-0798 or 651-649-5451**
  - Remind the police to inform the Coroner to order an autopsy and toxicology test.
  - SPECIFY exact blood carbon monoxide and alcohol levels.
- G. Arrange for critical incident stress debriefing.
- H. Assemble chaplain and support group to notify next-of-kin.
- I. Notify YOUR mayor and other officials.
- J. Prepare statement for media.

## Within 8 Hours

- K. Notify Minnesota Department of Labor and Industry (OSHA):
  - Phone: (651) 296-1190; Fax: (651) 215-5713
- L. Notify the National Fire Academy
  - Phone: (301) 447-1000

## Next Business Day

- M. Notify Minnesota Department of Public Safety
  - Phone: (651) 296-6642; Fax: (651) 297-5728
- N. Notify Minnesota State Workers' Compensation Board
  - Phone: (651) 297-1272; Fax: (651) 215-0170
- O. Notify Federal Public Safety Officer Benefit Program
  - Phone: (202) 307-0635
- P. Notify your Workers' Compensation Insurance Carrier

## When Possible

- Q: Submit Minnesota Peace Officer Benefit Form
- R. Submit PSOB Form

## FIREFIGHTER LINE-OF-DUTY DEATH EMERGENCY CHECKLIST

**This page starts the expansion of items from Page 1**

- A. Be careful with radio transmissions. There are many scanners and other monitors in your community. It is possible that a survivor or helpful neighbor may be at home listening to the action. Codes are usually an open secret, so be discreet.
  
- B. If surviving family members appear at the scene (as may occur at a collapse with entrapment), mark them with bright orange arm bands, vests or a similar sign. Tell the person that this "is so we can find you if we need you."  
  
Assign personnel to remain with the family members. If necessary, shelter can be provided in a neighboring building or in a vehicle. If a vehicle is used, its radio should be turned off. Remind other emergency personnel to be careful of comments within earshot of the survivors.
  
- C. A traumatic death in the field immediately becomes a matter for police investigation. The law enforcement agency having jurisdiction must be notified at once. The benefits to fire services of having police on the scene include security, investigative expertise and the authority to direct the removal of the body.
  
- D. Fire service personnel should protect the scene and evidence which is critical to the investigation. Until proven otherwise, police officers consider an untimely death to be a homicide. Even tire tracks and footprints may become important.

Exact fireground layouts will be important to investigators. If the fire is a result of arson, it will become a crime scene. For these reasons, the exact location of the accident (or discovery of the victim) will become important. Sketch the scene as soon as possible, and remember to note exact distances from walls, corners or other landmarks.

If a camera is available, make a good photographic record.

If a victim is obviously dead and has not been moved, preserve the scene for the investigators. Do not disturb evidence, including the dead body.

Following recovery, a body which has been moved during search-and-rescue operations may be determined to be lifeless. It should not be further disturbed unnecessarily.

Impound any equipment directly involved in the incident. This usually includes protective clothing and breathing apparatus. It may also include any tools (saws, ladders, ropes) which may have contributed to the death. These items should be kept under lock and key and the custody chain should be recorded. Note the position of valves, switches and controls on respirators, PASS devices and radios. Record the reading on the air tank pressure gauge. When possible,

photograph all of the equipment.

- E. Reconstruction of events leading to a fatality becomes more difficult as time passes. Memories can be affected by listening to the recollections of others. So that an accurate record of the incident can be made, written or tape-recorded statements should be obtained as soon as possible. The observations of firefighters, other emergency responders and bystanders may not only influence the outcome of the case at hand, but may also help prevent similar tragedies in the future.
- F. Minnesota law (MN Stat. 299F.04 Subd.5 (b)) requires that a fire resulting in a death shall immediately be reported to the State Fire Marshal. The coroner or medical examiner shall perform an autopsy as provided in section 390.11, subdivision 2a, or 390.32, subdivision 2a, as appropriate. The fire marshal can be reached at (651) 215-0500.
- G. The death of a firefighter is psychologically traumatic for fellow firefighters. People react to such stress in different ways. It has been shown that psychological counseling very soon after an incident can be very beneficial.

"Critical Incident Stress Debriefing" is a useful process. It focuses on a person's reactions to unusually stressful incidents (mass casualties, mutilations, incidents involving loved ones or children). The debriefing is primarily an educational session, emphasizing that unusual dreams or emotions are probably normal reactions to abnormal situations.

Metro Region CISD/Peer Counseling Program *612-347-5710 or 651-458-5277	Southeast Minnesota CISD *800-237-6822 or 507-255-6080	Minnesota River Valley CISD Team *South Central Region - 507-387-8744 or 507-387-5643 *Southwest Region - 507-537-7000 or 507-537-7000
Northwest/West Central CISD Team *218-281-3207 Northwest - 800-422-0151 West Central - 800-367-6466	Head of the Lakes Critical Incident Stress Programs *218-727-8770 or 800-247-1283	Central Minnesota CISD Program *800-556-4911 651-458-5277 or 612-259-5162
	<b>*indicates the 24-hour number</b>	

- H. In short order, send fire department representatives to the home of the deceased firefighter. They should be prepared to provide transportation to the hospital, so more than one vehicle may be desirable. If a trained crisis counselor is available, that person should be part of the team.

When making the notification, be sure that you are at the right address. Determine with who you are talking; are they children? parents? a spouse? friends?

Suggested steps in the delivery of the bad news are:

1. Tell the family member than, "I have some bad news."
2. Let that fact "sink in."
3. Conclude a brief description of the events with, "I'm sorry, he's dead."

Eye contact from the survivor's level will convey your compassion. The words "died" or "dead" are clear and unambiguous. Other terms like "didn't make it" or "passed away" may create confusion. Reaching out to comfort the survivor may be appropriate.

If the family member asks a direct question and you know the answer, respond truthfully and thoughtfully...the family member who asks the question is psychologically prepared for the answer. If there is a specific question, and you do not know the answer, it is perfectly all right to say, "I don't know yet." Family members may have questions for which there may be no answers. The notification team member may respond to vague questions with, "What would you have me say?"

The notification team should not be afraid of silence...family members will need quiet time to process the news. Some phrases ("Everything will be all right," or "I know how you feel") are probably not helpful. However, an empathetic, "It must be painful..." may convey your concern.

The notification team should allow time for the survivors to process the news. They should also be prepared for an emotional spike; news of an unexpected death can incite hysteria. Immediately after notification, the survivor may become very emotional. This "venting" is natural and important. If a family member says, "I don't want to go on living," and repeats the phrase, the notification team should make special note and watch that family member very carefully.

Normally, survivors will express denial, remorse, anger, guilt and then acceptance. These are the normal steps one goes through when dealing with grief, but each individual will move at his or her own speed.

As part of the notification team, someone should have EMS capability or at least a radio so that help can be summoned if necessary. The fire department chaplain should be part of this team. If a close family friend is available, that person may be included too.

Be prepared to provide transportation for family members or friends. Support from loved ones is very important. Department representatives may telephone clergy, family members or neighbors.

The notification team should respect the privacy wishes of the survivors, but should not let the next-of-kin feel abandoned.

Assign one member of the department as liaison with the family. This single individual should immediately set about building rapport with the survivors. This person should do whatever is needed (transportation, minor shopping, phone calls, etc.) and should be knowledgeable of processes, events and details.

- I. Notify your mayor, township supervisors or other local officials of the death.
- J. Prepare a simple statement for release to the press. The statement should list:
  - 1. The deceased emergency responder(s) name(s).
  - 2. The nature of the emergency to which they were responding
  - 3. The date and time of the incident
  - 4. The location of the incident, including the municipality.
  - 5. That the exact cause of death is under investigation.

Do not try to place blame. State the name of the deceased firefighter, place where the incident occurred, time of the incident and that the matter is under investigation. Avoid language which may indicate that "stress," "strain," or "heart attack" may have been the sole cause of death.

### **Within 8 Hours**

- K. Minnesota law requires that employers notify the Department of Labor and Industry of an employee death within eight (8) hours of the incident. Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN 55155-4307 Phone 651-296-2116 (FAX) 651- 296-6107 \* 1-800-DIAL-DLI \* TTY (651) 297-4198

Call the Federal OSHA 24-hour toll-free number 1-800-321-6742 (1-800-321-OSHA). Employers are required by law to report occupational accidents (in which an employee is killed or three or more are hospitalized) to OSHA WITHIN 8 HOURS. Call your local area OSHA office during business hours, or use the hotline above for after-hours calls.

- L. The United States Fire Administration requests notification with regard to a line-of-duty death so that the flag can be lowered at the National Fire Academy. Call 301-447-1000 and ask for the Superintendent's office. After house, on holidays and on weekends, leave a message with the security office.

### **Next Business Day**

- M. The Minnesota Department of Public Safety administers Minnesota's Public Safety Officer's Benefit fund. The program covers fire department employees including fire fighters, emergency medical personnel, fire investigators and hazardous materials responders. The DPS's objective is

to get the \$100,000 benefit to survivors as quickly and easily as possible. To facilitate this process, call 651-296-6642. There will be paperwork to accomplish later; for the moment, a phone notification will suffice.

- N. As with any other employee casualty, the Minnesota State Workers' Compensation Board must be notified. They can be reached at 651-297-1272. You may also fax the "First Report of Injury" form to 651-215-0170.
- O. The federal government also has a generous public safety officer benefit program which helps support survivors. Call 202-307-0635 to begin the application process. They will ask you to assign a SINGLE POINT OF CONTACT PERSON -- a fire department employee (and NOT a family member) -- who will coordinate the paperwork. Following initial screening questions, you will be sent the appropriate forms to complete. The normal turn-around for the whole process is less than eight weeks.
- P. Notify your local Workers' Compensation Insurance Carrier.

### **When Possible**

- Q. The state of Minnesota provides a One Hundred Thousand Dollar benefit to survivors of public safety officers killed in the line of duty. The program also covers firefighters and emergency medical personnel. Statute requires that the application for be submitted within two years of the death.
- R. Complete and submit federal PSOB forms within one year.

### **General Considerations**

If a firefighter (paid or volunteer) dies as a result of line-of-duty trauma, the survivors are eligible for a \$100,000 Federal Public Safety Officers' Benefit. But there are restrictions:

Department rules and regulations must require the person to perform the act. In other words, if department policy requires a firefighter to operate only with a company assigned from a station, an off-duty firefighter operating independently may not be eligible. The time at which a volunteer firefighter is considered "on duty" depends on the individual fire department's policies.

The benefit does not apply to firefighters' intentional misconduct, voluntary intoxication or suicide.

Heart attacks are generally NOT covered except when trauma is a significant factor. Smoke inhalation MAY qualify as trauma if the blood carbon monoxide level is above 10% saturated (15% for smokers). For this reason, the fire official MUST REQUEST A SPECIFIC CARBON MONOXIDE LEVEL as part

of the toxicology test report. The specific blood carbon monoxide level will be used by the U.S. Dept. of Justice in determining benefit eligibility.

To initiate a claim, call the Public Safety Officers' Benefit program staff at 202-307-0635. For information, you may write to the:

PSOB Program  
Bureau of Justice Assistance  
633 Indiana Avenue NW  
Washington, D.C. 20531

Each firefighter should be encouraged to make out a WILL. Even if the situation is simple; i.e., no divorces, pending estates, etc., a Will still makes transitions easier for survivors. As a department policy, firefighters should be reminded to review and update their Wills ANNUALLY. Divorces, marriages, deaths of family members or new children could indicate the need for a change in beneficiaries.

If your department does not have a chaplain, you may wish to contact the Fellowship of Fire Chaplains, P.O. Box 1371, For Worth, TX 76101.

The Minnesota connection for the chaplaincy program is Greg Bodin, North Memorial Medical Center, 3000 North Oakdale Avenue, Robbinsdale, MN 55422. Phone: 612-520-5626.

A Procedural Guide for Death in the Line of Duty of a Member of the Volunteer Fire Service is an excellent resource book published by the National Volunteer Fire Council. It is available through the NVFC, 1050 - 14th Street, NW (Ste 701A) Washington, DC 20036.



## **A Firefighter's Prayer**

When I am called to duty, God  
Wherever Flames may rage  
Give me the strength to save some life  
Whatever Be its age  
Help me embrace a little child  
Before it is too late  
Or save an older person from  
The horror of that fate  
Enable me to be alert and  
Hear the weakest shout  
And quickly and efficiently  
To put the fire out  
I want to fill my calling and  
To give the best in me  
To guard my every neighbor  
And protect their property  
And if according to your will  
I have to lose my life  
Please bless with your protecting hand  
My children and my wife

## **OPERATIONAL PROCEDURES FOR THE DEATH OF A MEMBER OR RETIREE**

### Section I - Responsibilities of Notification

#### A. Death in the Line of Duty

1. Upon the death of a member in the line of duty, the officer in charge, if other than the chief, shall immediately notify the chief of the department.
2. The chief or designated representative shall notify the next of kin.
3. The chief or Designated representative shall notify the mayor or township official.
4. Within a reasonable time after the death of a member in the line of duty, and at a time when all companies are in quarters, the chief or Designated representative shall instruct the dispatcher to transmit the following message:

"Attention all companies, standby to receive an announcement from the Chief."

(This applies if the department has more than one station or announcement is to be made to all departments on a central dispatching system.)

Upon receipt of such an announcement, the watch will, if the company is not in roll call formation, cause the company to assemble in formation. The chief or the Designated representative will transmit a message prepared and approved by the chief, similar to the following:

"It is with deep regret that the Chief announces the death of (rank, name, company) who died in the line of duty while participating in operations of (fire call number, location, date and time)."

Upon receipt of this message, the watch shall record the same in the company's log book. Upon receipt of a notice of a member killed in the line of duty, the station flag shall be placed at half staff and the front of the station shall be draped with black bunting until seven (7) days after the funeral.

5. A news conference or a formal news release should be arranged as soon as possible so that factual information is available for dissemination.
6. The chief shall designate an officer-in-charge (OIC) who shall be responsible for the

department's involvement in the funeral procedures.

B. Death other than in the line of duty

1. When the chief learns of the death of an active or retired member, he or the designated representative will instruct the dispatcher to notify the companies of the death in the following manner: "It is with deep regret that the Chief announces the death of (rank) or (retired) name, time/date."
2. Upon receipt of such official notification from the dispatcher of the death of a member or retiree, the station flag shall be lowered to half staff until the day following the funeral.
3. As soon as it is convenient, the chief of the Designated representative shall notify the mayor's office or township official of the reported death.
4. The chief shall designate an officer-in-charge (OIC) who shall be responsible for the bureau's involvement in the funeral procedures.

NOTE: Some cities have adopted the policy that flags on city buildings, other than on fire stations, not be lowered to half staff for retirees, only for city employees.

Section II - Responsibilities of the Officer-In-Charge (OIC)

- A. The OIC shall contact the family of the deceased member and in coordination with the funeral director establish the family's desires as to fire department participation in the funeral. The OIC shall assist the family in any way. The OIC shall offer the fire department's services for the following situations:
1. A formal funeral, (at home, funeral home, church or cemetery), involving use of pumper, active pall bearers, honorary pallbearers and funeral detail, color guard and bugler, (this type of funeral shall be reserved for those members killed in the line of duty).
  2. A semi-formal funeral at home, funeral home, church or cemetery involving active pallbearers, honorary pallbearers, honor guard and funeral detail.
  3. A non-formal funeral at home, funeral home, church or cemetery. There would be no fire department involvement, other than members attending in a passive roll, either in the viewing and/or funeral service.
  4. Private funeral at home, funeral home, church or cemetery. Respect the family wishes to have no outside participation at the funeral.

NOTE: With the exception of those honors reserved for member killed in the line of duty, any or all of the fire department's honors may be part of a member's funeral ceremony. The desires of the family shall be paramount and shall be given the fullest respect.

Having established the wishes of the deceased, the OIC shall carry out any or all of the following in order to realize these wishes. The OIC shall continually be in communication with the funeral director as they arrange for the fire department's participation.

B. Normal Funeral Arrangements:

1. Arrange for an honor guard to stand duty during the viewing, minimum of four.
2. Arrange for active pallbearers - six (6) plus an officer.
3. Arrange for necessary equipment.
4. Arrange for honorary pallbearers 9family, company officers, retirees, etc.
5. Arrange for funeral detail (all uniformed members in attendance).
6. Arrange for bugler and color guard.
7. Obtain American flag for casket (funeral director secures flag for veterans only).
8. Provide all members of the fire department with the information necessary to carry out their rolls in the funeral.
9. Survey the area of the services and make provision for placement of all attending units and provide information for map preparation,
10. Designate an area of assembly for all attending chief officers and dignitaries (preferably in a building, funeral home, church, school or fire station).
11. Designate an area of assembly for all other members of the department and visiting firefighters.

NOTE: This area should be a block or two away from the funeral home or church, preferably at a fire station, school or park where ample parking and assembly area are available.

This group will then march as a unit to the church or funeral home to act as funeral

detail.

12. Obtain sufficient rolls of black plastic tape along with small round-tipped scissors that can be carried in a pocket and make them available in the assembly areas for all uniformed personnel to place a horizontal black band over the breast badge of all participating officers and firefighters.
13. The OIC or the delegated representative will coordinate all commands during the movement of the casket as prescribed in this directive.

C. Special Arrangements for Formal Funeral

1. A fire department pumper(s) designated by the chief will be appropriately prepared with flowers and black bunting and stripped of hose for use to transport the casket.

NOTE: In case of multiple joint funeral, vans or station wagons could be substituted for pumpers.

2. Arrange for the proper placement of all vehicles that will participate in the funeral procession.

NOTE: If a joint service is held and internment will be at two or more locations, separate processions must be established according to guest preference.

3. A map of the areas involved will be prepared to expedite the proceedings and assist out-of-town guests. This map should include:
  - a. Location of fire department(s)
  - b. Location of funeral homes
  - c. Location of church.
  - d. Location of chief officer and dignitary assembly area.
  - e. Location of firefighters assembly area
  - f. Location of auxiliary parking areas.
  - g. Location of hotel(s) for out-of-town guests.
  - h. Location of vehicles for funeral procession.
  - I. Route of funeral procession.
  - j. Location of cemetery and grave in cemetery
  - k. Location of auxiliary parking at cemetery.
  - l. Location of food service areas.
  - m. Separation map or coding on a single map should designate location of multiple funerals and/or processions as required.
  - n. Any other information deemed necessary.

4. On the above map or a separate sheet a copy of a diagram should show the proper arrangement and movement of personnel for various ceremonies and locations as necessary.
5. Arrangements for reproduction of sufficient quantities of the above two maps and firm commitment on delivery should be established.
6. The OIC or the designated representative will coordinate all commands during the movement of the casket and personnel.
7. Proper arrangement with the Police Department should be made to handle traffic and parking at the various locations involved and along the funeral procession route.

C. Photography coverage

1. Fire department photographer or private photographer should be assigned to cover the funeral.

D. Media arrangements

1. Establish guidelines for TV and press.
  - a. At the church - inside and/or outside.
  - b. Funeral home - inside and/or outside.
  - c. Cemetery - general photo coverage and/or coverage of the immediate grave.

E. Arrangements for out-of-town guests

1. Transportation
  - a. Airports
  - b. Hotels, motels
  - c. Funeral service
  - d. Cemetery
  - e. Food service areas

NOTE: Where there are insufficient fire department cars, consider use of other municipal cars, surplus police vehicles and private vehicles of department members. Provide signs for these vehicles approximately 1-1/2 feet long by 6 inches, to read: "FIRE DEPARTMENT COURTESY CAR."

2. Arrangements for housing as necessary for overnight guests.

3. Arrange for food service areas.
  - a. For chief officers and dignitaries.
  - b. For Firefighters.

NOTE: Food service may be needed between morning and afternoon funeral services or following a funeral service at one or more locations. Consider help from the fire department auxiliary or auxiliary of mutual aid companies or caterer. Depending on the cause and number of personnel involved in a fire or emergency-related-fatal accident, the number of out-of-town guests could range from a few hundred to several thousand.

### Section III - Responsibilities of Members

- A. All members will at all times maintain a clean, pressed and properly fitted uniform for use at funerals and/or any other formal functions (if a department has uniforms).
- B. All off-duty members and those on-duty members, upon proper relief from normal duty, should make every effort to honor their fellow members by attending the funeral services.
- C. All members of the fire department shall acquaint themselves with the prescribed courtesies of the fire department's funeral procedures as outlined in this operation guide.
- D. Honor Guard
  1. At least four (4) honor guards are required.
  2. One member of the honor guard shall be designated as Officer of the Guard (OG). He shall be responsible for obtaining the necessary equipment (white gloves, black badge bands, etc.) and for the scheduling of the honor guard members.
  3. Two honor guards, one for the head and one for the foot of the casket, shall be scheduled at ten (10) minute intervals.
  4. Honor guards uniforms shall be the department's dress uniform or a dark suit, white gloves and black badge bands.
  5. Honor guard shall stand at attention at their assigned positions for the duration of their ten (10) minute tour of duty.
  6. Honor guard may be used during viewing and prior to the service as custom dictates.

E. Honorary Pallbearers

1. Honorary pallbearers, usually retirees or members of the deceased's company, shall at all times move ahead of the casket as it is moved.
2. The honorary pallbearers shall sit on the designated side of the church during the service.
3. Dress for Honorary Pallbearers:
  - a. Retirees will normally wear civilian clothes
  - b. Active members shall be in dress uniform, if department has them.

F. Active Pallbearers

1. The active pallbearer detail shall consist of six pallbearers plus an officer.
2. The officer of the detail shall contact the funeral director for detailed instructions.
3. The pallbearers will remain covered at all times while acting in that capacity and will wear white gloves.
4. The pallbearers will not salute while acting in that capacity.
5. The flag shall be placed over the casket with the blue field at the head over the deceased's left shoulder.
6. If the casket arrives at the church from the funeral home, the pallbearer detail shall position themselves to receive the casket in front of the church (see diagram).
7. During the service, the pallbearer detail will sit on the designated side of the church with the funeral detail.
8. At the cemetery, after placing the casket over the grave site, and upon the officer's command, the detail shall raise the flag to waist high over the casket and hold it there during the committal service. After the committal service is read, taps may be sounded. The flag is then folded, upon the officer's command, in the prescribed military manner and presented to the next of kin by the officer of the detail.
9. The detail, on order of the officer, shall take a place with the funeral detail.
10. During the grave side service, where the flag is not draped over the casket, the pallbearer detail, after placing the casket over the grave site, on orders of the officer, shall step back with the funeral detail and follow the procedures for the funeral detail.



## G. Funeral Detail

1. All members of the department, not otherwise detailed will act as the funeral detail in dress uniform, no gloves required.
2. The funeral detail will arrive as a group from the staging area prior to the arrival of the funeral coach at the church and take a position in front of the church in two (2) facing ranks with senior officers closest to the church.
3. For formal and semi-formal funerals, the funeral detail will take a position in front of the church in two (2) facing ranks with senior officers closest to the church.
4. As the active pallbearers move the casket from the coach, the funeral detail will be called to attention by the OIC. If the casket is draped with the flag, the OIC will order a hand salute as the casket passes. The command shall be "Present arms." The command to end the salute shall be, "Order arms."
5. After the casket passes, the OIC will order "at ease" and the funeral detail will file into the church according to rank and sit in the designated area of the church. Head covering is removed upon entering the church.
6. If the funeral is "formal," after the service the funeral detail, on order of OIC, will file out of the church and take a position on the right of the entry as indicated in the diagram.
7. If the service is "semi-formal," the funeral detail will form facing ranks on both sides of the entry with senior officers closest to the hearse.
8. As the flag-draped casket is brought out of the church, the detail is brought to attention, and a hand salute is executed on order of the OIC. The funeral detail rides as a group in designated cars to the cemetery or between the funeral home and church.
9. At the cemetery, the funeral detail again forms two ranks, according to rank, from the location of the hearse to the grave site with officers closest to the grave (see diagram).
10. As the flag-draped casket is removed from the hearse by the active pall-bearers, the funeral detail executes a hand salute on order of the OIC (Present arms). If the casket is not covered by the flag, the funeral detail stands at attention.
11. After the casket is placed over the grave, the funeral detail forms rank in front of the grave - highest rank on the right (See diagram).
12. If taps are sounded, uniformed members should execute hand salute on order of the OIC.

13. During religious grave-side services, all personnel will bow at words, "Let us pray."
14. All personnel, except the active pallbearers when they are holding the flag, will follow the example of the officiating clergy. If he uncovers, they will uncover. If he remains covered, they will remain covered.

NOTE: These procedures and formations are accepted courtesies but act as guidelines only and may be adjusted depending upon existing conditions at the funeral home, church, etc.

#### Section IV - Inventory of Necessary Equipment

- A. On hand in fire department stock room
  1. Color guard standards
  2. Flag for casket
  3. Black plastic tape and/or elastic bands
  4. Round-tipped scissors
  5. 12 pairs of assorted sizes of white gloves
  6. Approximately 6 signs reading "Fire Department Courtesy Car."
  7. Black bunting for stations.
- B. Where to obtain necessary items
  1. Flags - City Hall or identify closest supplier
  2. Color Guards - American Legion or VFW
  3. Band - School or other local group
  4. Additional White gloves - Army/Navy store or closest local supplier.
  5. Additional vehicles - City, Borough, Township, Police Department, Car Dealers, members of the fire department.
  6. Signs - identify a local sign painter who would be available on short notice.
  7. Black bunting - identify local supplier.

## RESOURCES:

Final Farewell to a Fallen Firefighter. A basic fire department funeral protocol. William C. Peters. 1993. Fire Engineering (ISBN 0-912212-30-6).

Guide for Investigation of a Line-of-Duty Death. IAFC Health and Safety Committee. International Association of Fire Chiefs, 4025 Fair Ridge Drive, Fairfax, VA 22033-2868.

A Procedural Guide in the Event of Death in the Line of Duty of a Member of the Volunteer Fire Service. National Volunteer Fire Council, 1050 - 14th Street, N.W. (Suite 701A) Washington, DC 20036.

## GUIDELINES FOR FUNERAL FORMATIONS

(According to military etiquette)

The funeral formation is formed before the casket is moved, and the casket is then carried through the formation followed by the family and friends.

Casket Entering building				Casket Going out of building				Grave Site Friends Family Grave		
Mayor	X	X		X	X		Mayor	X	X	
Chief	X	X	Honorary Pall Bearers	X	X		Chief	X	X	Honorary Pall Bearers
Officers	X	X		X	X	Funeral Detail	Officers	X	X	
	X	X		X	X			X	X	
	X	X		X	X			X	X	
	X	X		X	X			X	X	
Funeral Detail	X	X	Funeral Detail	X	X	Officers	Funeral Detail	X	X	Funeral Detail
	X	X		X	X			X	X	
	X	X		X	X			X	X	
	X	X		X	X			X	X	
	X	X		X	X			X	X	

HEARSE

Active Pallbearers

HEARSE

Active Pallbearers

HEARSE

Active Pallbearers

Honorary Pallbearers may be members of the fallen firefighter's company or station.

National and State Fire Officials may be placed with Chief Officers and/or as Honorary Pallbearers.

The Funeral Detail consists of all uniformed members of the department and uniformed visiting firefighters.

Friends Cars	Family Cars	Hearse	Active Pall Bearers Cars	Funeral Detail Cars Uniformed Firefighters	Chief Officers Cars Other Dignitaries	Honorary Pall Bearers Cars May include Dignitaries	Lead Car
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## APPENDIX A

### STATE OF MINNESOTA PUBLIC SAFETY OFFICER'S BENEFIT FUND

#### APPLICATION FOR BENEFITS

##### Application Process Explanation Sheet

The following is an explanation of the steps which will be followed in processing your application for benefits:

1. Initial Screening

Complete an eligibility checklist to determine whether you may be eligible for death benefits.

2. Claim and Waiver Forms

If you feel you meet the criteria for eligibility outlined in the eligibility checklist, also complete a Claim Form and Authorization for Release of Information. Be sure to include certified copies of death, marriage, and birth certificates as well as medical and/or autopsy reports.

3. Documentation and Verification

When the above information is received, all pertinent information will be reviewed to determine your eligibility for benefits.

4. Determination of Eligibility

Upon completion of the above described review, the Commissioner of the Department of Public Safety will make a determination as to eligibility for benefits.

5. Benefit Payments

If the Commissioner determines that you are eligible for benefits, a check will be produced and sent to you. Please note that the \$100,000 benefit, plus annual Consumer Price Index increases, will be divided between all eligible dependents pursuant to M.S. 299A.44, Subd. 1. Also, if you have dependent children who may meet scholarship benefit criteria, we will issue a certificate of eligibility to the spouse and each eligible dependent for these benefits.

If benefits are denied, you will be given the reasons for the denial and the process you must follow to appeal the decision will be outlined for you.

## GENERAL INSTRUCTIONS

### DEATH BENEFITS

To be eligible to receive death benefits from the Public Safety Officer's Benefit Fund, some basic criteria must be met. In order to determine whether you meet this criteria and are eligible for the benefits, please complete the attached Eligibility Checklist. If the criteria in Section A is met, and you can check items in each of the areas in Section B and C, then also complete the Claim Form Authorization for Release of Information sheet, and Employment Verification form that follow.

If you complete a claim form be sure to have the form notarized, and please send the following certified copies of reports, certificates and affidavits along with the form:

1. Medical autopsy reports
2. Death certificate
3. Birth and marriage certificates
4. Adoption decrees
5. A statement/certificate from the employer which verifies the decedent's employment.
6. An affidavit that provides proof that the dependent spouse and decedent were legally married at the time of the peace officer's death.
7. An affidavit that shows proof that the decedent had custody/guardianship of all listed dependent children.
8. An affidavit showing proof of dependency of claimed dependent children over 18 years of age.

If you have questions or problems relative to criteria, completion of the forms, etc., call 651-296-66452. Please return all the required information and forms to the following address:

Department of Public Safety  
Public Safety Officer's Survivor Benefit Program  
445 Minnesota Street - Ste 1000  
North Central Life Tower  
St. Paul, MN 55101

### DEATH BENEFITS

Education benefits are available to dependent children under the age of 23 and spouses of public safety officers killed in the line of duty on or after January 1, 1973. To be eligible, enrollment must be for an undergraduate degree or certificate programs after June 30, 1990, at a Minnesota public post-secondary institution or a private, residential, two-year or four-year, liberal arts, degree granting college or university located in Minnesota. Persons who have received a baccalaureate degree or have been enrolled full time or the equivalent of 8 semesters or 12 quarters, whichever occurs first, are no longer eligible. For specific information about this program, contact the Higher Education. Services Office at 651-296-3974.

**ELIGIBILITY CHECKLIST**

**PUBLIC SAFETY OFFICER'S BENEFIT FUND**

In order to be eligible for death benefit funds:

A. A claim for the benefit must be made within two (2) years of the date of death of the public safety officer.

Date of Death \_\_\_\_\_

Date of Application \_\_\_\_\_

B. The decedent must be a public safety officer as described in one of the following eight categories (Please check the appropriate category):

1. A peace officer defined in Section 626.84, subd. 1, paragraph (c) or (f) {an employee or elected or appointed official of a political subdivision or law enforcement agency who is licensed by the Peace Officer Standards and Training Board, charged with the prevention or detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota State Patrol and state conservation officers as defined in Section 84.028, Subdivision 3.}. \_\_\_\_\_
2. A correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility. \_\_\_\_\_
3. An individual employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in any of the following duties:
  - a. Firefighting \_\_\_\_\_
  - b. Emergency Motor Vehicle Operation \_\_\_\_\_
  - c. Investigation into the Cause and Origin of Fires \_\_\_\_\_
  - d. The Provision of Emergency Medical Services \_\_\_\_\_
  - e. Hazardous Material Responder \_\_\_\_\_
4. A legally enrolled member of a volunteer fire department or member of an independent non-profit firefighting corporation who is engaged in the hazards of firefighting. \_\_\_\_\_
5. A good Samaritan while complying with the request or direction of a public safety officer to assist the officer. \_\_\_\_\_
6. A reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision. \_\_\_\_\_

7. A driver or attendant with a licensed basic or advanced life support transportation service who is engaged in providing emergency care. \_\_\_\_\_
8. A first responder who is certified by the Commissioner of Health to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance. \_\_\_\_\_

C. The claim must be submitted on behalf of one or more persons included in one or more of the following categories (Please check all appropriate categories):

1. Dependent Child(ren)

A dependent child means an unmarried person either living with or receiving support contributions from the public safety officer at the time of death, including a child by birth, a stepchild, an adopted child, or a posthumous child, and who is:

- a. under 18 years of age; \_\_\_\_\_
- b. over 18 years of age and incapable of self support because of physical or mental disability; \_\_\_\_\_
- c. over 18 years of age and a student defined by United States Code, Title 5, Section 810; \_\_\_\_\_

An individual under 23 years of age who has not completed 4 years of education beyond the high school level and who is regularly pursuing a full-time course of study or training at an approved institution:

2. Spouse \_\_\_\_\_

A spouse means a person legally married to the decedent at the time of the decedent's death.

3. Dependent Parent(s) \_\_\_\_\_

Dependent parent means a parent of the decedent who was at the time of the death dependent on the decedent for support.



**EMPLOYMENT VERIFICATION**

A representative of the below listed individual has made application for benefits under the Public Safety Officer's Benefit Program. As a part of our review of the claim, we must have information about and verification of the decedent's employment or membership under your supervision. Please provide all the information requested,; sign and notarize the form, and return it as soon as possible to:

Department of Public Safety  
Public Safety Officer's Survivor Benefit Program  
445 Minnesota Street - Suite 1000  
North Central Life Tower  
St. Paul MN 55101-2128

Name of Decedent \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Social Security Number \_\_\_\_\_

Name of Employer \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Supervisor's Name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Description of Job Duties \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Employer/Supervisor Signature

\_\_\_\_\_  
Date

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

Notary Public \_\_\_\_\_

CLAIM FORM

Public Safety Officer's Benefit Fund

DECEASED OFFICER (Decedent) INFORMATION

Name of Officer		Social Security Number	
Address		Job Title	
City	State	Zip	Date and Time of Death

DESCRIPTION OF CAUSE OF DEATH AND HOW IT OCCURRED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DECEDENT'S EMPLOYMENT INFORMATION

Name of Employer	Decedent's Title
Supervisor's Name	Supervisor's Title
Supervisor's Address	Supervisor's Phone Number

\_\_\_\_\_  
Labor Organization (Name, Contact Person, Address, Phone)

LIST ALL DEPENDENTS OF THE DECEDENT

Name	Relationship to Decedent & Date of Birth
Address	City, State, Zip
Phone No.	Social Security Number

**DEPENDENTS OF THE DECEDENT, continued**

\_\_\_\_\_  
Name Relationship to Decedent & Date of Birth

\_\_\_\_\_  
Address City, State, Zip

\_\_\_\_\_  
Phone No. Social Security Number

\_\_\_\_\_  
Name Relationship to Decedent & Date of Birth

\_\_\_\_\_  
Address City, State, Zip

\_\_\_\_\_  
Phone No. Social Security Number

\_\_\_\_\_  
Name Relationship to Decedent & Date of Birth

\_\_\_\_\_  
Address City, State, Zip

\_\_\_\_\_  
Phone No. Social Security Number

\_\_\_\_\_  
Name (printed) and Signature of Individual Requesting Benefits Date

This box will apply only if your claim for benefits is denied. If you consent, the commissioner of public safety will give notice of a denial to the deceased officer's employer and labor organization. If you do not consent or if you leave this box blank, the commissioner will not give notice of denial to the deceased officer's employer and labor organization.

I consent/do not consent (circle one) to giving of notice of denial to the deceased officer's employer and labor organization.

\_\_\_\_\_  
Signature of Claimant

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Notary Public \_\_\_\_\_ Commission Expires \_\_\_\_\_

AUTHORIZATION FOR RELEASE OF INFORMATION

I give permission to any hospital, doctor, law enforcement agency, employer, welfare or social agency, or any federal, state or local government agency to release all records and information that will help the Minnesota Department of Public Safety to process my claim for benefits under the Public Safety Officer's Benefit Fund and to allow copies of such records to be made and to answer any questions made by or on behalf of the Department of Public Safety. I also agree to execute any additional authorizations requested by the Department of Public Safety should be need arise.

I understand that after receiving this form the Department of Public Safety will perform whatever investigation that is necessary to process my application for benefits, and I consent to such investigation. This authorization is valid for one year from the date given below.

I agree to notify the Department if I retain an attorney to represent me with regard to this claim for benefits.

I certify that I have read and understand the statements above and that the information I give will be true and correct to the best of my knowledge and belief.

Signature of applicant \_\_\_\_\_

Date \_\_\_\_\_

## APPENDIX B

### PUBLIC SAFETY OFFICER'S SURVIVOR GRANT (SOS) PROGRAM

#### A. PROGRAM OBJECTIVE

To provide financial assistance to students pursuing a post-secondary education, who are spouses or dependent children of public safety officers killed in the line of duty.

#### B. PROGRAM OVERVIEW

The Minnesota Higher Education Services Office administers the education benefit portion of the Public Safety Officer's Survivor Benefits. Up to \$100,000 from the State Grant Program will be available for such awards.

In order to be eligible to receive a grant from this program, a student must be enrolled in an undergraduate degree or certificate program at a Minnesota public or private post-secondary institution that has been approved to participate in the State Grant Program; not have received a baccalaureate degree, nor have been enrolled full time or the equivalent for 8 semesters or 12 quarters; and provide a copy of the Public Safety Officer's Benefit Fund Certificate.

If the student attends an eligible public post-secondary institution, the grant award equals the actual tuition and fees cost at the institution. If the student attends an eligible private post-secondary institution, the grant award equals the lesser of the actual tuition and fees cost at the institution or the highest tuition and fees charged by a public institution.

The student applies for a Safety Officer's Survivor Grant at the institution. Each institution is responsible for attaching a copy of the student's "Benefit Fund Certificate" received from the Commissioner of Public Safety, and forwarding it to MHESO for processing. The institution is also responsible for disbursing program monies to the student or applying the award to the student's account, and administering the program to comply with Minnesota statutes, agency rules, and MHESO procedures.

The school must maintain accurate and current records for each student receiving a Safety Officer's Survivor Grant. These records are subject to MHESO audit and review.

#### C. ADMINISTRATION OVERVIEW

1. Student secures "Public Safety Officer's Benefit Fund Certificate" from Commissioner of Public Safety.

2. Student completes portion of application form, then institution completes bottom portion. A copy of the student's "Benefit Fund Certificate" must be attached to the student's application form if the student is applying for the first time.
3. Institution forwards student application to MHESO for processing. **(Each student's application must be submitted each quarter/semester in order to receive funds.)**
4. The institution receives a copy of the Payment Roster, which lists students receiving awards from this program, and the award amounts
5. The Minnesota Department of Finance encloses a Payment Roster printed by MHESO with each group of award warrants (checks) sent to the institution.
6. The institution must verify the student's enrollment and eligibility status before disbursing the warrant or applying the warrant to the student's account. (The student must be enrolled in an undergraduate degree or certificate program at an eligible Minnesota institution, be making satisfactory academic progress, and not have a baccalaureate degree or been enrolled full time or the equivalent for 8 semesters or 12 quarters.)
7. The Payment Roster (or a photocopy) is to be returned to MHESO with any refunds for individual students who were paid on that particular Payment Roster.

#### D. ELIGIBILITY TO PARTICIPATE

1. Post-Secondary Institutions

Minnesota public or private post-secondary institutions participating in the State Grant Program are eligible to participate in the Public Safety Officer's Survivor Grant Program.

2. Students

- a. **Enrollment**

The student must be enrolled for at least 6 credits per term in an undergraduate program leading to a degree or certificate at an eligible Minnesota institution.

- b. **Baccalaureate Degree/Four Years of Post-secondary Education**

The student must not have earned a baccalaureate degree, or been enrolled full time for more than 8 semesters, 12 quarters, or the equivalent. (For instructions on reviewing academic transcripts, please refer to the State Grant manual.)

c. **U.S. Citizen or Permanent Resident**

The student must be a U.S. citizen or permanent resident, as defined under "Common Definitions."

d. **Minnesota Resident**

The student must be a Minnesota resident, as defined under "Common Definitions."

e. **Tuition Reciprocity Restriction**

The student must not be receiving tuition reciprocity benefits from another state.

f. **Student Loan Default**

The student must not be in default on a student loan, unless satisfactory arrangements have been made to repay the loan.

g. **Satisfactory Academic Progress/Good Academic Standing**

The student must be in good academic standing and making satisfactory academic progress as defined under "Common Definitions." Good standing and academic progress must take into account pre-vocational and remedial courses.

h. **Certificate**

The student must possess a "Public Safety Officer's Benefit Fund Certificate" issued by the Commissioner of Public Safety. The certificate must be presented to the financial aid office at the time of application so a copy of the certificate can be attached to the application form.

Each surviving child of a volunteer firefighter killed in the line of duty before July 1, 1990, who was eligible to receive educational benefits as of that date, but for whom educational certificates were not issued, is eligible to receive an educational benefit award equal to the amount the child would have been eligible to receive had the certificates been issued in a timely manner.

E. **TERMS OF THE AWARDS**

1. Award Amount

The amount of the award is:

- a. for attendance at public institutions, the actual tuition and fees charged by the institution; or

- b. for attendance at private institutions, the lesser of:
  - 1) the actual tuition and fees charged by the institution, or
  - 2) the highest tuition and fees charged by a Minnesota public institution.

2. Renewals

Each award is given for one academic year but is renewable for a maximum of six semesters, nine quarters, or the equivalent. The student must reapply for a grant each academic year in order to renew the award. An award will not be renewed if the student is a dependent child who is 23 years of age or older on the first day of the academic year.

3. State Grant Eligibility

An award from the Public Safety Officer' Survivor Grant Program must not affect a recipient's eligibility for a State Grant.

4. Deadline Date for submission of Application

A student's application must be received by MHESO no later than the last day of classes for the academic year for which grant monies are being requested.

5. Refunds

If a recipient fails to enroll or reduces enrollment, the institution must refund the unused portion of the award to MHESO. To determine the correct refund amount, refer to the MHESO Refund Calculation Worksheet in the State Grant manual appendix.

Refund money is available for awards to other eligible students.

6. Arrival of Awards at Institution

MHESO shall send a student's grant award to the institution within 30 days of the receipt of the student's application for the academic term, but not before July 1 of the academic year for which the award is intended.

7. Withholding an Award

MHESO shall withhold payment for a student until all information on the application is complete, and the student's eligibility is verified.



## F. INSTITUTIONAL RESPONSIBILITIES

### 1. Monitoring Student Eligibility

Each eligible institution with award recipients must maintain accurate and updated records for every student receiving a Public Safety Officer's Survivor Grant. The financial aid officer must verify through the appropriate administrative office at the institution that the student continues to meet the student eligibility requirements throughout the student's course of study.

Each institution must establish a procedure to inform the financial aid office (or other appropriate office of all changes in a student's status which may affect his/her eligibility for a Public Safety Officer's Survivor Grant.

### 2. Public Safety Officer' Survivor Grant Application\

The institution must complete the "school section" of the student's application and submit an application to MHESO for the student for each academic term of the academic year. The first time a student submits an application for an award, the institution must attach a copy of the student's "Public Safety Officer's Benefit Fund Certificate" received from the Commissioner of Public Safety to the application for prior to submitting it to MHESO for processing.

### 3. Disbursement of Awards

Institutions are responsible for notifying their students that Public Safety Officer's Survivor warrants (checks) have been received from MHESO.

Each warrant is made payable to the student in care of the institution and must be disbursed for the academic year from which funds are generated.

Awards must be disbursed in a manner consistent with the requirements provided in the "Disbursement Process" section of the "State Grant" chapter of the Financial Aid Manual."

#### a. **Certifying Student Eligibility**

At the time of disbursement, the school must verify that the student meets all of the program eligibility requirements.

## G. MHESO AUDITS

MHESO auditors will periodically visit each institution to perform an audit. Schools also have the option of hiring an independent audit firm to conduct state audits in conjunction with audits of federal aid program.

Each institution must establish a procedure by which an audit can be conducted by going to no more than three administrative offices within the school. In most cases, these will be the Financial Aid Office, the Business Office, and the Registrar's Office, but that choice is made by the institution.

The institution must make available all pertinent books, documents, papers, and records for audit and examination for five years after the last day of a fiscal year, unless all audit exceptions for the period are resolved earlier.

### 1. Student Eligibility

The school must have written documentation to support the student's eligibility, including, but not limited to, the following:

- a. that at least half-time status was established at the time of the award disbursement. The actual documentation, such as a fee statement or transcript, need not be kept at the audit location, but must be readily available at the Registrar's Office or other responsible department within the school;
- b. that the student continued to be in good standing and made satisfactory progress; and
- c. that the student met the other program eligibility requirements.

A photocopy of the student's "Public Safety Officer's Benefit Fund Certificate" received from the Commissioner of Public Safety should be kept in the student's file.

### 2. Documentation of Refunds

Written documentation supporting individual student refunds to the SOS Program must be retained at the school (i.e., a copy of the calculation worksheet used to calculate the refund).

### 3. Return of SOS Warrants

SOS warrants not issued to students must be returned to MHESO within 30 days of the beginning of the academic term or 30 days from the receipt of the warrant(s) at the school, whichever is later. The warrants must be returned with the applicable Payment Roster or a copy of that roster. Documentation of such refunds must be retained at the school.

Schools may retain warrants more than 30 days if the school has proof that they have contacted the student and that the student will start the applicable term later.

Schools must be able to identify the date on which the warrant was disbursed to the student and the corresponding dollar amount.

Amounts returned to the SOS Program must also be documented for individual students (copy of the Pay Roster with refunds indicated).

#### H. SUMMARY OF MHESO AUDIT REQUIREMENTS: INSTITUTIONAL DOCUMENTATION

Each institution must be able to produce the following for auditors:

1. Individual student financial aid files for SOS recipients;
2. Documentation of at least half-time (6 credits) status for each award recipient;
3. Documentation of satisfactory academic progress for each award recipient, as defined under "Common Definitions" section;
4. Documentation of the disbursement dates of awards to individual award recipients;
5. Written documentation of refund calculations for individual award recipients (ex.. copy of refund calculation worksheet);
6. Written documentation of individual student refund amounts and the date these SOS funds were returned to MHESO;
7. Written definition of "satisfactory academic progress;"
8. Written definition of "full-time student."
9. Written definition of "three-fourths student;"
10. Written definition of "half-time student;"
11. Satisfactory progress policy that complies with the federal Title IV requirements and state requirements (see "Common Definitions").

**MINNESOTA STATUTES 1999**  
**CHAPTER 299A**  
**DEPARTMENT OF PUBLIC SAFETY**  
**"Public Safety Officer Benefits"**

299A.41	Definitions.
299A.411	Posttraumatic stress syndrome benefit.
299A.42	Public safety officer's benefit account.
299A.43	Eligibility determination; contested case.
299A.44	Death benefit.
299A.45	Education benefit.
299A.46	Rules.
299A.465	Continued health insurance coverage.
299A.47	Claims limitation.

**299A.41 Definitions.**

**Subdivision 1. Scope.** The definitions used in this section apply to sections 299A.41 to 299A.46.

**Subd. 2. Dependent child.** A "dependent child" means a person who is unmarried and who was either living with or was receiving support contributions from the public safety officer at the time of death, including a child by birth, a stepchild, an adopted child, or a posthumous child, and who is:

- (1) under 18 years of age;
- (2) over 18 years of age and incapable of self-support because of physical or mental disability; or
- (3) over 18 years of age and a student as defined by United States Code, title 5, section 8101.

**Subd. 3. Killed in the line of duty.** "Killed in the line of duty" does not include deaths from natural causes. In the case of a peace officer, "killed in the line of duty" includes the death of an officer caused by accidental means while the peace officer is acting in the course and scope of duties as a peace officer.

**Subd. 4. Public safety officer. "Public safety officer" includes:**

- (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (f);
- (2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility;
- (3) an individual employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in any of the following duties:
  - (i) firefighting;
  - (ii) emergency motor vehicle operation;
  - (iii) investigation into the cause and origin of fires;
  - (iv) the provision of emergency medical services; or
  - (v) hazardous material responder;
- (4) a legally enrolled member of a volunteer fire department or member of an independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;

- (5) a good samaritan while complying with the request or direction of a public safety officer to assist the officer;
- (6) a reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision;
- (7) a driver or attendant with a licensed basic or advanced life support transportation service who is engaged in providing emergency care; and
- (8) a first responder who is certified by the commissioner of health to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance.

**Subd. 5. Spouse.** "Spouse" means a person legally married to the decedent at the time of the decedent's death.

**299A.42 Public safety officer's benefit account.**

The public safety officer's benefit account is created in the state treasury. Money in the account consists of money transferred and appropriated to that account.

**299A.43 Eligibility determination; contested case.**

A challenge to a determination of eligibility by the commissioner of public safety must be heard as a contested case, except that the decision of the administrative law judge is binding on the parties to the proceeding. The order of the administrative law judge is the final decision of the commissioner. The hearing must be conducted according to sections 14.56 to 14.62 and is subject to appeal according to sections 14.63 to 14.68.

**299A.44 Death benefit.**

**Subdivision 1. Payment required.**

- (a) On certification to the governor by the commissioner of public safety that a public safety officer employed within this state has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the commissioner of finance shall pay \$100,000 from the public safety officer's benefit account, as follows:
  - (1) if there is no dependent child, to the spouse;
  - (2) if there is no spouse, to the dependent child or children in equal shares;
  - (3) if there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;
  - (4) if there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares; or
  - (5) if there is no surviving spouse, dependent child, or dependent parent, then no payment may be made from the public safety officer's benefit fund.
2. If there are both a spouse and one or more dependent children under age 18, the spouse, at the spouse's discretion, may spend a maximum of one-third of a child's share on medical or dental treatment for the child or the child's education. Expenditures under this paragraph on behalf of a

child do not diminish the shares of any other children. In addition, a spouse, at the spouse's discretion, may expend money from a child's share to pay state and federal taxes on any interest accrued on the share.

**Subd. 2. Adjustment of benefit.** On October 1 of each year beginning after July 1, 1995, the commissioner of public safety shall adjust the level of the benefit payable immediately before October 1 under subdivision 1, to reflect the annual percentage change in the Consumer Price Index for all urban consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year period ending on June 1 immediately preceding such October 1.

#### **299A.45 Education benefit.**

**Subdivision 1. Eligibility.** Following certification under section 299A.44 and compliance with this section and rules of the commissioner of public safety and the higher education services office, dependent children less than 23 years of age and the surviving spouse of a public safety officer killed in the line of duty on or after January 1, 1973, are eligible to receive educational benefits under this section. To qualify for an award, they must be enrolled in undergraduate degree or certificate programs after June 30, 1990, at an eligible Minnesota institution as provided in section 136A.101, subdivision 4. Persons who have received a baccalaureate degree or have been enrolled full time or the equivalent of eight semesters or 12 quarters, whichever occurs first, are no longer eligible.

#### **Subd. 2. Award amount.**

- (a) The amount of the award is:
  - (1) for public institutions, the actual tuition and fees charged by the institution; or
  - (2) for private institutions the lesser of (i) the actual tuition and fees charged by the institution or (ii) the highest tuition and fees charged by a public institution in Minnesota.
- (b) An award under this subdivision must not affect a recipient's eligibility for a state grant under section 136A.121.

**Subd. 3. Payment.** On proof of eligibility for this program, an eligible institution, on behalf of the student, shall request payment of the award from the higher education services office. An institution must not request payment unless the student is enrolled in or has completed the term for which the payment is intended.

**Subd. 4. Renewal.** Each award must be given for one academic year and is renewable for a maximum of six semesters or nine quarters or their equivalent. An award must not be given to a dependent child who is 23 years of age or older on the first day of the academic year.

#### **299A.46 Rules.**

The commissioner of public safety may adopt rules under chapter 14 to implement, coordinate, and administer sections 299A.41 to 299A.44. The higher education services office may adopt rules to implement, coordinate, and administer section 299A.45.

## **299A.465 Continued health insurance coverage.**

### **Subdivision 1. Officer or firefighter disabled in line of duty.**

- (a) This subdivision applies when a peace officer or firefighter suffers a disabling injury that:
  - (1) results in the officer's or firefighter's retirement or separation from service;
  - (2) occurs while the officer or firefighter is acting in the course and scope of duties as a peace officer or firefighter; and
  - (3) the officer or firefighter has been approved to receive the officer's or firefighter's duty-related disability pension.
- (b) The officer's or firefighter's employer shall continue to provide health coverage for:
  - (1) the officer or firefighter; and
  - (2) the officer's or firefighter's dependents if the officer or firefighter was receiving dependent coverage at the time of the injury under the employer's group health plan.
- (c) The employer is responsible for the continued payment of the employer's contribution for coverage of the officer or firefighter and, if applicable, the officer's or firefighter's dependents. Coverage must continue for the officer or firefighter and, if applicable, the officer's or firefighter's dependents until the officer or firefighter reaches the age of 65. However, coverage for dependents does not have to be continued after the person is no longer a dependent.

### **Subd. 2. Officer or firefighter killed in line of duty.**

- (a) This subdivision applies when a peace officer or firefighter is killed while on duty and discharging the officer's or firefighter's duties as a peace officer or firefighter.
- (b) The officer's or firefighter's employer shall continue to cover the deceased officer's or firefighter's dependents, including the officer's or firefighter's spouse:
  - (1) if the officer or firefighter was receiving dependent coverage at the time of the officer's or firefighter's death under the employer's group health plan; or
  - (2) if the officer's or firefighter's spouse was not covered as a dependent at the time of the officer's or firefighter's death, but at that time was eligible, or afterward becomes eligible, to be a dependent on the employer's group health plan.
- (c) The employer is responsible for the employer's contribution for the coverage of the officer's or firefighter's dependents. Coverage must continue for a dependent of the officer or firefighter for the period of time that the person is a dependent up to the age of 65.

**Subd. 3. Coordination of benefits.** Health insurance benefits payable to the officer or firefighter and the officer's or firefighter's dependents from any other source provide the primary coverage, and coverage available under this section is secondary.

**Subd. 4. Public employer reimbursement.** A public employer subject to this section may annually apply to the commissioner of public safety for reimbursement of its costs of complying with this section. The commissioner shall provide reimbursement to the public employer out of the public safety officer's benefit account.

**Subd. 5. Definition. For purposes of this section:**

- (a) "Peace officer" or "officer" has the meaning given in section 626.84, subdivision 1, paragraph (c).
- (b) "Dependent" means a person who meets the definition of dependent in section 62L.02, subdivision 11, at the time of the officer's or firefighter's injury or death. A person is not a dependent for purposes of this section during the period of time the person is covered under another group health plan.
- (c) "Firefighter" has the meaning given in section 424.03, but does not include volunteer firefighters.

**299A.47 Claims limitation.**

Claims for benefits from the public safety officer's death benefit account made by or on behalf of a survivor of a public safety officer must be filed within two years after the date of death of the officer.

**Bureau of Justice Assistance  
Public Safety Officers' Benefits Program**  
810 Seventh Street NW.  
Washington, DC 20531  
202-307-0635  
Toll Free: 1-888-SIGNL13 (744-6513)  
Fax: 202-307-3373  
World Wide Web: <http://www.ojp.usdoj.gov/BJA/>

Bureau of Justice Assistance Clearinghouse  
P.O. Box 6000  
Rockville, MD 20849-6000  
1-800-688-4252  
Fax: 301-519-5212  
E-mail: [look@ncjrs.aspensys.com](mailto:look@ncjrs.aspensys.com)



## MINNESOTA RULES CHAPTER 7521

### DEPARTMENT OF PUBLIC SAFETY PUBLIC SAFETY OFFICER DEATH BENEFITS

#### 7521.0200 DETERMINATION OF CLAIMS.

**Subpart 1. Filing claim.** A claim for public safety officer death benefits under Minnesota Statutes, section 299A.44 must be on a form provided by the commissioner of public safety and must contain information relevant to the claimant's eligibility for benefits.

Certified copies of reports, certificates, and affidavits relevant to the claimant's eligibility for benefits must be filed with the claim form in order for the claim to be considered a complete claim.

A claim is considered to be filed upon receipt by the commissioner of a complete claim with the claim form signed by the claimant or the claimant's representative.

**Subp. 2. Investigation by commissioner.** When a complete claim is filed, the commissioner shall determine whether the claimant is eligible for benefits. The commissioner shall make the inquiries or investigation necessary to make the determination. The commissioner shall base the determination on the information provided on the complete claim and by the investigation of the claim.

**Subp. 3. Determination of eligibility.** On determining that the claimant is eligible for benefits, the commissioner shall initiate the payment procedure and inform the claimant. On determining that the claimant is not eligible for benefits, or that there is insufficient information on which to make a determination, the commissioner shall deny the claim and inform the claimant of the grounds for denial. The commissioner shall also give notice of a claim denial to the deceased officer's former employer and to the deceased officer's labor organization, if the claimant has consented in writing to the giving of this notice in the manner provided by Minnesota Statutes, section 13.05, subdivision 4, paragraph (d).

**Subp. 4. Request for reconsideration.** The claimant, within 30 days after receiving a notice of denial from the commissioner, may submit additional information to the commissioner and request a reconsideration of the claim. Upon receipt of the additional information, the commissioner shall reevaluate the claim in light of the new information and shall perform additional inquiries or investigation as necessary. The commissioner shall affirm, modify, or reverse the previous determination and shall notify the claimant of the determination and its basis.

**Subp. 5. Starting a contested case hearing.** A claimant may request a contested case hearing under Minnesota Statutes, chapter 14. A claimant who has not requested reconsideration under subpart 4 shall submit a written request for a contested case hearing to the commissioner. A claimant who has requested reconsideration under subpart 4 shall submit a written request for a contested case hearing to the commissioner.

STAT AUTH: MS s 299A.46 HIST: 16 SR 2618 Current as of 05/13/97

## **United States Code**

### **TITLE 42 - THE PUBLIC HEALTH AND WELFARE**

#### **CHAPTER 46 - JUSTICE SYSTEM IMPROVEMENT**

##### **SUB CHAPTER XII - PUBLIC SAFETY OFFICERS' DEATH BENEFITS**

###### **Part A - Death Benefits**

###### **Sec. 3796. Payment of death benefits**

(a) Amount; recipients In any case in which the Bureau of Justice Assistance (hereinafter in this subchapter referred to as the "Bureau") determines, under regulations issued pursuant to this subchapter, that a public safety officer has died as the direct and proximate result of a personal injury sustained in the line of duty, the Bureau shall pay a benefit of \$100,000, adjusted in accordance with subsection (h) of this section, as follows:

- (1) if there is no surviving child of such officer, to the surviving spouse of such officer;
- (2) if there is a surviving child or children and a surviving spouse, one-half to the surviving child or children of such officer in equal shares and one-half to the surviving spouse;
- (3) if there is no surviving spouse, to the child or children of such officer in equal shares; or
- (4) if none of the above, to the parent or parents of such officer in equal shares.

(b) Benefits for permanent and total disability In accordance with regulations issued pursuant to this subchapter, in any case in which the Bureau determines that a public safety officer has become permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty, the Bureau shall pay, to the extent that appropriations are provided, the same benefit in any year that is payable under subsection (a) of this section in such year, adjusted in accordance with subsection (h) of this section, to such officer: Provided, That the total annual benefits paid under this subsection may not exceed \$5,000,000. For the purposes of making these benefit payments, there are authorized to be appropriated for each fiscal year such sums as may be necessary: Provided further, That these benefit payments are subject to the availability of appropriations and that each beneficiary's payment shall be reduced by a proportionate share to the extent that sufficient funds are not appropriated.

(c) Interim benefit payment Whenever the Bureau determines upon showing of need and prior to final action that the death of a public safety officer is one with respect to which a benefit will probably be paid, the Bureau may make an interim benefit payment not exceeding \$3,000 to the individual entitled to receive a benefit under subsection (a) of this section.

(d) Deduction of interim payment The amount of an interim payment under subsection (c) of this section shall be deducted from the amount of any final benefit paid to such individual.

(e) Repayment of interim payment; waiver Where there is no final benefit paid, the recipient of any interim payment under subsection (c) of this section shall be liable for repayment of such amount. The Bureau may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

(f) Reductions from final benefit payment The benefit payable under this subchapter shall be in addition to any other benefit that may be due from any other source, except -

- (1) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-622); or

(2) benefits authorized by section 8191 of title 5. Such beneficiaries shall only receive benefits under such section 8191 that are in excess of the benefits received under this subchapter.

(g) Execution or attachment prohibited No benefit paid under this subchapter shall be subject to execution or attachment.

(h) Consumer Price Index adjustment On October 1 of each fiscal year beginning after June 1, 1988, the Bureau shall adjust the level of the benefit payable immediately before such October 1 under subsection (a) of this section, to reflect the annual percentage change in the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, occurring in the 1-year period ending on June 1 immediately preceding such October 1.

(i) Amount payable determined as of date of death The amount payable under subsection (a) of this section with respect to the death of a public safety officer shall be the amount payable under subsection (a) of this section as of the date of death of such officer.

(j) Limitations on benefits

(1) No benefit is payable under this subchapter with respect to the death of a public safety officer if a benefit is paid under this subchapter with respect to the disability of such officer.

(2) No benefit is payable under this subchapter with respect to the disability of a public safety officer if a benefit is payable under this subchapter with respect to the death of such public safety officer.