

GAO

Report to the Chairman, Subcommittee
on Disaster Recovery, Committee on
Homeland Security and Governmental
Affairs, U.S. Senate

October 2009

**PUBLIC SAFETY
OFFICERS'
BENEFITS PROGRAM**

Performance
Measurement Would
Strengthen
Accountability and
Enhance Awareness
among Potential
Claimants





Highlights of [GAO-10-5](#), a report to the Chairman, Subcommittee on Disaster Recovery, Committee on Homeland Security and Governmental Affairs, U.S. Senate

Why GAO Did This Study

In 1976, Congress established the Public Safety Officers' Benefits (PSOB) program, which is administered by the Department of Justice (Justice) and provides lump-sum payments to eligible public safety officers and their survivors after a line-of-duty death or permanent and total disability. The program also provides educational benefits to an eligible officer's spouse and children.

GAO was asked to determine (1) the extent to which claimants receive PSOB program benefits and how long the claims process takes, (2) any issues raised by state and local agencies and others who assist claimants in seeking benefits, and (3) the extent to which the PSOB program follows recognized government standards and guidelines for effective program management. To address these objectives, we reviewed PSOB claims that were opened during fiscal years 2006 to 2008 for all three types of claims, reviewed relevant agency documents, and interviewed PSOB program officials, representatives of advocacy organizations, and state and local officials in five selected states.

What GAO Recommends

To enhance program accountability and claimant awareness, GAO recommends that PSOB establish appropriate performance measures and use reliable data to monitor and report on the program's performance. Justice agreed with these recommendations and has begun taking steps to implement program improvements.

[View GAO-10-5 or key components.](#)
For more information, contact Andrew Sherrill at (202) 512-7215 or sherrilla@gao.gov.

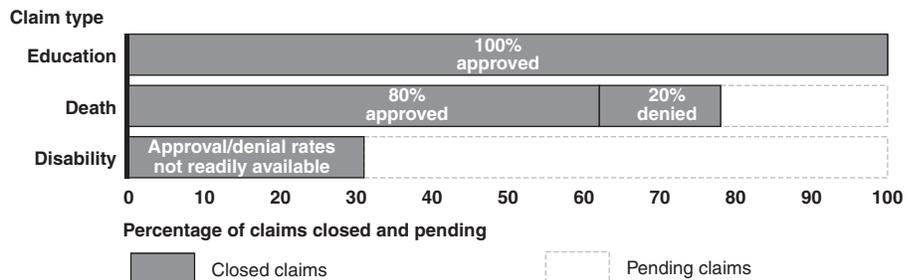
PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM

Performance Measurement Would Strengthen Accountability and Enhance Awareness among Potential Claimants

What GAO Found

GAO found that all education claims and over three-quarters of death claims opened in fiscal years 2006 through 2008 were closed and approved as of April 2009, while only about 31 percent of disability claims initiated during that period had determinations. The majority of disability claims remained pending because they took significantly longer to process than other claims—while education and death claims were generally processed in under a year, disability claims took between 17 and 26 months. GAO was unable to pinpoint which steps of the claims process were most time-consuming because claims files that GAO reviewed did not consistently document the date when claims passed through each step of the process.

Status of Education, Death, and Disability Claims, Fiscal Years 2006 through 2008, as of Date of GAO File Review



Source: GAO analysis of data from Justice's Bureau of Justice Assistance.

Note: The percentages above are based on sample data and have, at most, a plus or minus 10 percent margin of error.

State and local officials GAO interviewed were generally concerned about their lack of awareness of certain PSOB program benefits, challenges with establishing eligibility, and the perceived long wait time for benefits. Specifically, officials were generally more aware of death than disability and education benefits. Officials also stated that submitting all the necessary paperwork to prove eligibility was difficult and time-consuming due, in part, to how long it took to obtain necessary documents from other organizations. Officials most frequently expressed concern about perceived long wait times for receiving benefits and also reported difficulties obtaining information about claims status.

While it is taking steps to improve, the PSOB program does not follow government guidelines for performance monitoring. Specifically, according to Justice officials, the PSOB program has not set strategic goals and measures, monitored performance, or reported results because it is a payment program, and its budget is largely mandatory. However, other federal programs that provide benefits after work-related injury and illness have established performance measures, such as ones for claims-processing timeliness, and report their results publicly. Also, while the PSOB program has initiated several outreach and assistance efforts to claimants and state and local agencies in recent years, these efforts are not monitored, resulting in uncertainty as to whether they are adequate.

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Abbreviations

BJA	Bureau of Justice Assistance
COPS	Concerns of Police Survivors
DCI	data collection instrument
DI	Social Security Disability Insurance
DOJ	Department of Justice
FEMA	Federal Emergency Management Agency
GPRA	Government Performance and Results Act of 1993
IAFF	International Association of Fire Fighters
NFFF	National Fallen Firefighters Foundation
OGC	Office of the General Counsel
OJP	Office of Justice Programs
OMB	Office of Management and Budget
PART	Program Assessment Review Tool
PSOB	Public Safety Officers' Benefits
SSI	Supplemental Security Income

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United States Government Accountability Office
Washington, DC 20548

October 29, 2009

The Honorable Mary L. Landrieu
Chairman
Subcommittee on Disaster Recovery
Committee on Homeland Security
and Governmental Affairs
United States Senate

Dear Madam Chairman:

Public safety officers, including law enforcement officers, firefighters, and emergency medical technicians, are among the first to respond to potentially dangerous and life-threatening situations, putting themselves at risk of catastrophic injury or death. The acute dangers these workers can face have been highlighted in recent years following the terrorist attacks of September 11, 2001, and the natural disasters of Hurricanes Katrina and Rita in 2005. Over 1.8 million people have served as public safety officers since 2006, and this population has averaged about 200 work-related deaths a year. In appreciation for the service of public safety officers and in recognition of the potential inadequacy of state and local benefits for officers and their survivors, Congress established the Public Safety Officers' Benefits (PSOB) program in 1976.¹

The PSOB program, administered by the Department of Justice's (DOJ) Bureau of Justice Assistance (BJA), provides three types of benefits: death, disability, and education. In cases of line-of-duty death or injuries that result in permanent and total disability preventing the performance of any gainful work, public safety officers and their beneficiaries are currently eligible to receive a onetime lump-sum payment of \$315,746.² In addition to the lump-sum death and disability benefits, the officer's spouse and children may also qualify to receive postsecondary education benefits up to \$915 a month. Typically, the officer's employer (i.e., the state or local agency for which the officer worked at the time of death or disability)

¹Pub. L. No. 94-430.

²For more information about disability benefits available to public safety officers, see GAO, *Disability Benefits: Benefit Amounts for Military Personnel and Civilian Public Safety Officers Vary by Program Provisions and Individual Circumstances*, [GAO-06-4](#) (Washington, D.C.: Apr. 7, 2006).

assists with filing death and disability claims on the officer's behalf, while claimants generally file for education benefits on their own.

Questions about DOJ's administration of the PSOB program have increased in recent years, in part because of the time required by the agency to implement the Hometown Heroes Survivors Benefits Act of 2003, which expanded program eligibility requirements to include public safety officers whose work under certain conditions results in death by heart attack or stroke while on duty or within 24 hours thereafter.³ DOJ took nearly 3 years after the law was enacted to publish final regulations and, in the meantime, did not finalize any Hometown Heroes-related claims, resulting in a backlog of about 200 claims filed under this law.⁴

In light of these issues, we examined the following questions:

- (1) To what extent do claimants receive PSOB program benefits and how long does it take to process claims?
- (2) What issues, if any, were raised by state and local agencies and advocacy organizations seeking benefits on the behalf of claimants?
- (3) To what extent does the PSOB program follow recognized government standards and guidelines for effective program management?

For all three questions, we reviewed claims outcomes, stakeholder concerns, program management, and relevant federal laws and regulations related to the PSOB program. To determine receipt of program benefits and length of the processing time, we drew a stratified random probability sample of 233 out of the 1,632 PSOB death, disability, and education claims that were opened during fiscal years 2006 to 2008. Our sample of cases is generally of a sufficient size to allow us to project our findings to the universe of death, disability, and education claims for this time period. All of our percentage estimates are within a margin of error of plus or minus 10 percentage points at the 95 percent confidence level for claims approval and denial outcomes, and 95 percent confidence intervals are reported for estimates of time, unless otherwise noted. To determine what aspects of the program raised issues among agencies that assist with

³Pub. L. No. 108-182.

⁴According to DOJ officials, there was no backlog of Hometown Heroes-related claims as of September 2009.

benefit applications, we interviewed PSOB program officials and state and local officials that serve both larger urban and smaller, more rural communities in the following five states—California, Iowa, Louisiana, Maryland, and New York. We selected these states based on a range in the number of public safety officer deaths in recent years, geographic location, and other characteristics. The officials we interviewed represented local police and firefighting departments; employee advocacy groups, such as chapters of Concerns of Police Survivors, Inc. (COPS); and the Fraternal Order of Police; state firefighters associations; and unions. We also interviewed the national affiliates of these state and local organizations, including the National Fallen Firefighters Foundation (NFFF) and the International Association of Fire Fighters (IAFF). Finally, to evaluate the effectiveness of the PSOB program’s management, we interviewed program officials and reviewed and analyzed available documents on performance monitoring, program outreach, assistance for those seeking benefits, and current and future plans for automating the claims process. We analyzed this information based on criteria set forth in GAO’s and the Office of Management and Budget’s (OMB) guidelines for internal controls, strategic planning and reporting, and information system development and acquisition. We conducted this performance audit from September 2008 to October 2009 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. For more information about our objectives, scope, and methodology, see appendix I.

Background

Congress established the PSOB program in 1976 to demonstrate appreciation for men and women in public safety careers and assist in their recruitment and retention, among other purposes. The program provides death, disability, and education benefits to public safety officers and their families in the event of the officer’s death or permanent and total disability resulting from employment.⁵ While Congress established that funding for death claims is mandatory, funding for the disability and

⁵As originally enacted in 1976, the PSOB program offered death and disability benefits. Education benefits were later added through the Federal Law Enforcement Dependents Assistance Act of 1996. Pub. L. No. 104-238.

education portions of the program is discretionary. As such, in fiscal year 2009, Congress appropriated “such sums as are necessary” for death benefits (approximately \$119 million), \$5 million for disability benefits, and \$4.1 million for education benefits. In fiscal year 2009, after adjusting for inflation, the onetime lump-sum death and disability benefits were \$315,746, and the maximum education benefit was \$915 per month.⁶

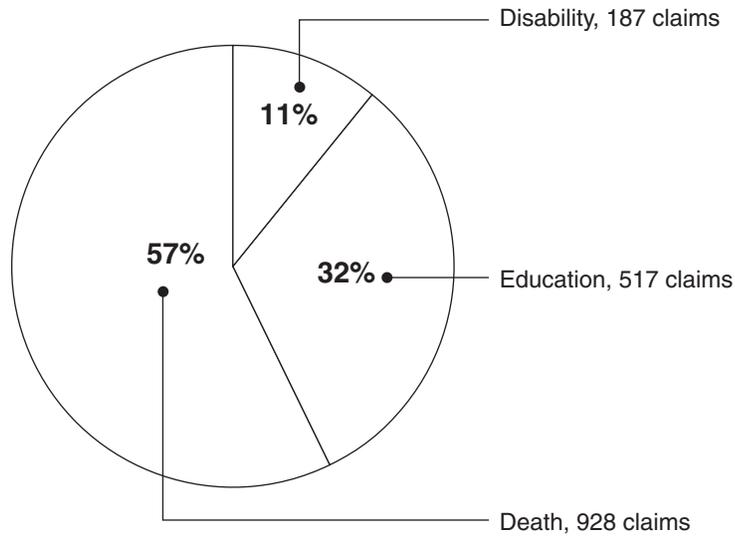
By law, PSOB death and disability benefits are provided in addition to other benefits to which the officer is entitled and generally should not affect the receipt of other benefits, including state and local benefits.⁷ (See app. II for more information on benefits provided by the 5 states we contacted and app. III for benefits provided by all 50 states.) In addition, if officers qualify for Social Security Disability Insurance (DI), their DI benefits are not affected by the receipt of PSOB benefits.

The PSOB program is administered by the PSOB Office, a unit of BJA within DOJ’s Office of Justice Programs (OJP). It employs a total of 10 staff, including the program director, and had an administrative budget of \$3,000,000 in fiscal year 2009. In fiscal years 2006 through 2008, a total of 1,632 PSOB claims were filed. The majority, or about 57 percent, were death claims; about 32 percent were education claims; and about 11 percent were disability claims, as shown in figure 1.

⁶Since October 15, 1988, the benefit has been adjusted each year on October 1 to reflect the percentage of change in the Consumer Price Index.

⁷The law identifies two exceptions to this rule—the Federal Employees Compensation Act (5 U.S.C. § 8191) and the D.C. Retirement and Disability Act of September 1, 1916 (D.C. Code Ann. § 4-622).

Figure 1: Percentage of Death, Education, and Disability Claims Filed in Fiscal Years 2006 through 2008



Source: GAO analysis of data from Justice's Bureau of Justice Assistance.

Program Eligibility

To qualify for program benefits, claims must be associated with an officer who worked for a public agency in one of the following official capacities:

- law enforcement officer;
- firefighter;
- rescue squad or ambulance crew;
- employee of the Federal Emergency Management Agency (FEMA) who is responding to a federally declared disaster or emergency;⁸
- state, local, or tribal officials who are working in cooperation with FEMA during a federally declared disaster or emergency; or
- fire or police department chaplain.

⁸According to FEMA officials, many of these officers are usually state and local officials who are temporarily under contract with FEMA during a disaster.

For survivors to qualify for death benefits,⁹ an officer's death must have been the direct and proximate result of an injury sustained in the line of duty.¹⁰ The Hometown Heroes Survivors Benefits Act of 2003 expanded program eligibility to include public safety officers who die as a direct and proximate result of heart attacks or strokes while on duty or within 24 hours after engaging in a nonroutine stressful or strenuous physical public safety activity or training. To qualify for disability benefits, the public safety officer has to be permanently and totally disabled as the direct result of catastrophic injury sustained in the line of duty that permanently prevents the individual from performing any gainful work.¹¹ An officer's spouse or children may also qualify for education benefits only after the officer's eligibility for death or disability benefits has been established. Spouses may receive education benefits at any point during their lifetime, while children generally may receive benefits until the age of 27. In addition, educational assistance is provided for a maximum of 45 months of full-time enrollment and students must maintain a cumulative C average. Consequently, claimants can apply for PSOB education benefits multiple times over several years.

Application Process

Typically, the officer's employer (i.e., the state or local agency for which the officer worked at the time of the death or disability) assists with filing death and disability claims on the officer's behalf, while spouses and children seeking education benefits typically file on their own behalf. By statute, the BJA director is authorized to use no less than \$150,000 of appropriated program funds to maintain and enhance national peer support and counseling programs to assist families of public safety officers who have died in the line of duty. To that end, the PSOB program funds two

⁹Eligible survivors include the officer's spouse, children, surviving parents, or an individual designated by the officer on his or her most recently executed life insurance policy or designation of beneficiary on file. The PSOB statute establishes a hierarchy for determining who among these types of survivors will receive all or portions of the benefit.

¹⁰"Injury," for these purposes, is defined as a traumatic physical wound caused by external force, chemicals, electricity, climatic conditions, infectious disease, radiation, virus, or bacteria, but does not include any occupational disease or any condition of the body caused or occasioned by stress or strain.

¹¹By statute, PSOB's definition of "disabled" differs from Social Security's definition of "disability" for its Disability Insurance (DI) and Supplemental Security Income (SSI) programs. To be eligible for disability benefits under these Social Security Administration programs, individuals must be unable to engage in any substantial gainful activity because of a medically determinable physical or mental impairment that can be expected to result in death or last continuously for at least 12 months.

organizations, COPS and NFFF, and expects them to use a portion of the money to assist claimants and agencies with filing PSOB program claims.

Before the PSOB Office drafts an initial determination about whether a claimant will receive program benefits, it requires claimants to submit documentation for each type of claim, some of which must be signed by the officer's employer.¹² See table 1 for a list of basic documentation required for each claim type.

Table 1: Required Documentation for Death, Disability, and Education Claims

Document	Death claim	Disability claim	Education claim
PSOB report of death form	X		
PSOB claim form for death benefits	X		
PSOB report of permanent and total disability claim form		X	
PSOB application form for education benefits			X
Detailed statement of circumstances	X	X	
Investigation, incident, and/or accident reports	X	X	
Death certificate	X		
Autopsy report	X		
Toxicology report	X	X	
Benefits provider information		X	
Tax returns		X	
Claimant statement		X	
Other medical documentation	if applicable	X	
Current marriage certificate	if applicable		
Divorce decrees or death certificates for all the officer's and current spouse's previous marriages	if applicable		
Birth certificates for all surviving children and stepchildren	if applicable		
Statements by children or stepchildren	if applicable		
Other educational assistance			X
Transcript			X
Proof of enrollment			X
Education expenses			X

Source: GAO analysis of DOJ data.

Note: According to DOJ officials, other documents are often required based on the specific issues and complexity of the case.

¹²The PSOB Office provides checklists of required documentation for death and disability claims online, but a checklist of required documentation for education claims is provided to claimants only after the PSOB program has verified that the claimants are eligible.

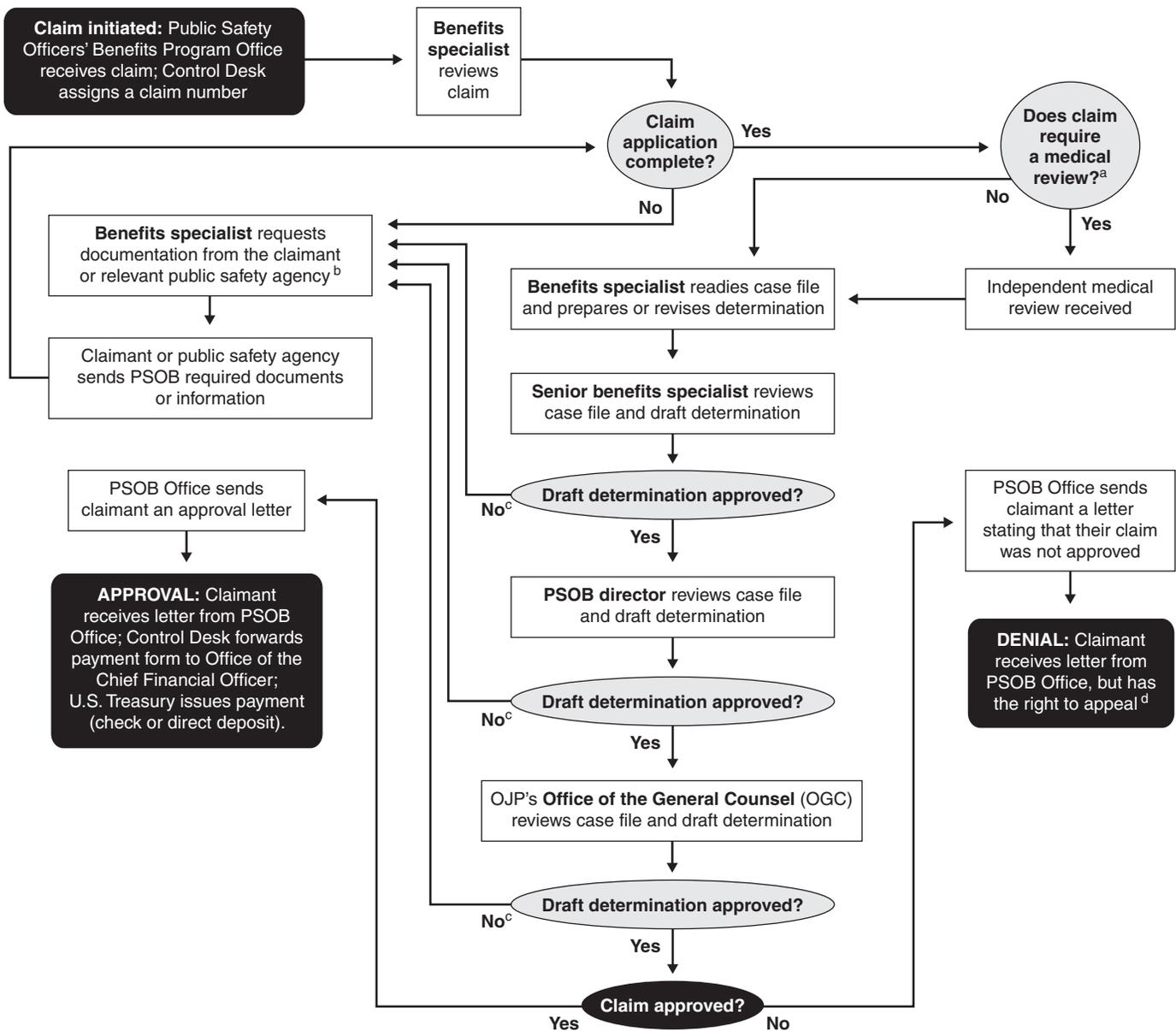
Claims Processing

Upon receipt of all the required documentation associated with a claim, a PSOB benefits specialist reviews the claim and its supporting documentation and drafts an initial determination on whether to approve or deny the claim. This draft determination is then reviewed by a senior benefits specialist, the PSOB director, and OJP's Office of the General Counsel (OGC) before a final determination is rendered.¹³ Furthermore, some death claims are reviewed by a contracted pathologist and all disability claims are reviewed by independent medical reviewers of various medical specialties and subspecialties who provide additional information as to whether claims meet medical standards for eligibility.¹⁴ A claim may go through different phases of the process multiple times if at any phase DOJ officials determine that more information may be needed to make a determination. If a claim is denied, claimants have a right to appeal to a hearing officer, who reviews the claim and makes a second determination, which is independent of the initial denial. If the hearing officer denies the claim, the claimant may appeal to the director of BJA. And finally, claimants can appeal claims denied by the director of BJA to the Court of Appeals for the Federal Circuit. Figure 2 illustrates the process for death and disability claims, while Figure 3 lays out the process for education claims.

¹³Any denial of benefits that is not subject to a request for a hearing officer determination constitutes a final agency determination.

¹⁴Death claims are sent for medical review at the discretion of PSOB officials based on the evidence provided by the survivor, or the survivor's agency, to support the claim. In its March 2008 report, DOJ's Office of the Inspector General noted that death claims associated with the Hometown Heroes Act were often sent for medical review. According to DOJ officials, this review satisfies the law's requirement regarding the review of "competent medical evidence to the contrary."

Figure 2: PSOB Program Process for Death and Disability Claims



Source: GAO analysis of DOJ and DOJ Office of the Inspector General documents.

Note: Each claim may go through the review process multiple times depending on the complexity of any legal issues associated with the claim.

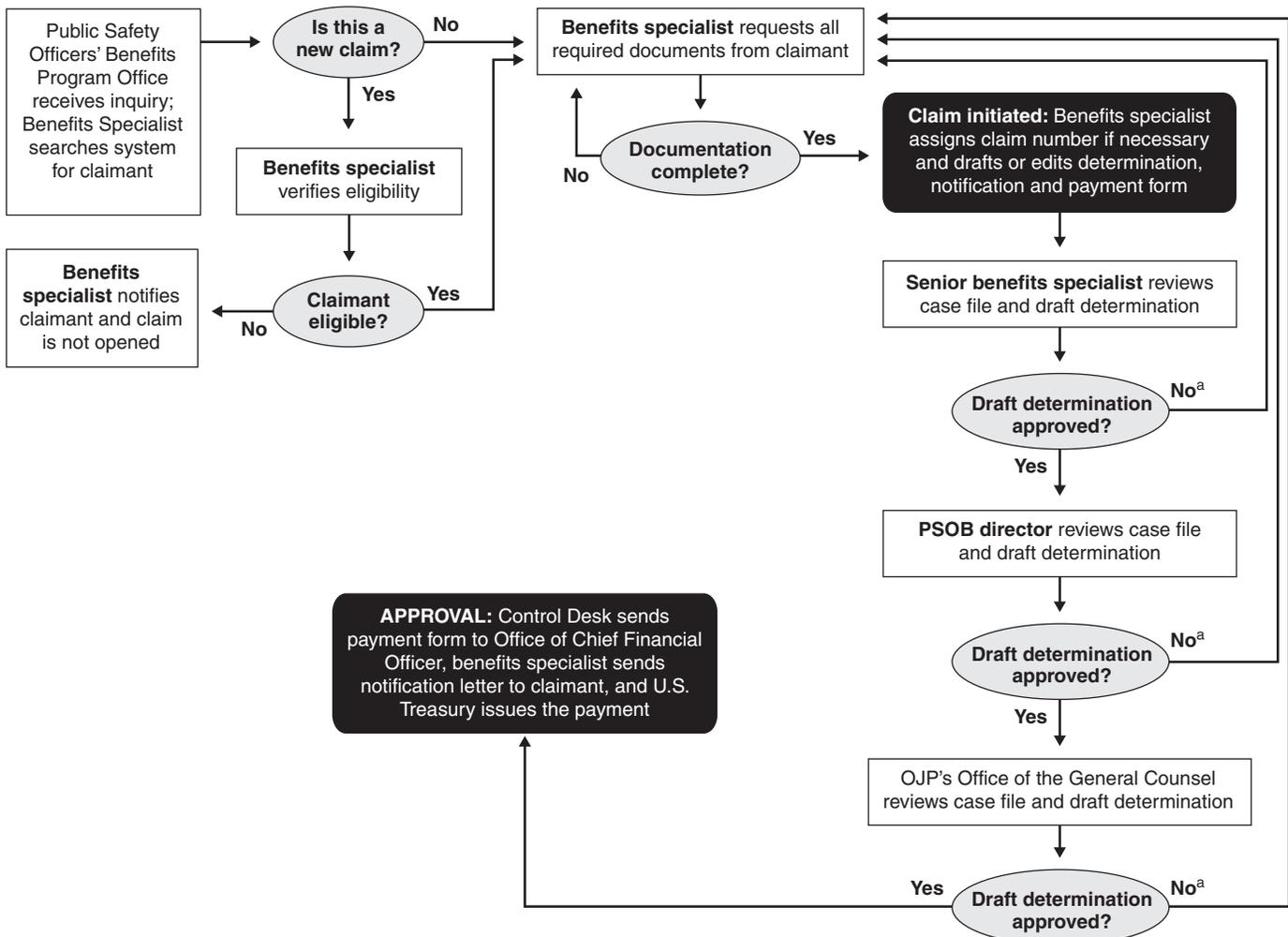
^aAll PSOB disability claims undergo a medical review.

^bPSOB's automated claims management system sends a reminder to the benefits specialist for any claim in the system for which they have not entered a note in the last 30 days.

^aIf a draft determination is not approved at any level of review, the benefits specialist may request additional documentation or may revise the draft determination.

^cClaimants can appeal denied claims through three levels: hearing officers, the Bureau of Justice Assistance Director, or the U.S. Court of Appeals for the Federal Circuit.

Figure 3: PSOB Program Process for Education Claims



Source: GAO analysis of DOJ and DOJ Office of the Inspector General documents.

Note: Each claim may go through the review process multiple times depending on the complexity of any legal issues associated with the claim.

^aIf a draft determination is not approved at any level of review, the benefits specialist may request additional documentation or may revise the draft determination.

A May 2004 Attorney General’s memorandum directed the PSOB Office to make a determination on all filed PSOB claims within 90 days of receiving all necessary information and identifying all potential beneficiaries. The memo also directed the PSOB Office to then draft written determinations and send all claims to OGC within 30 days for review. Upon receipt of the draft determination and necessary supporting documents, OGC should complete its review and submit recommendations for any changes to the PSOB Office within 45 days. However, if at any point, PSOB program officials or OGC attorneys determine that more information or documentation is needed to make a determination, the 90-day, 30-day and 45-day clock is reset.

Government Guidelines for Performance Monitoring

All federal executive branch agencies are required by the Government Performance and Results Act of 1993 (GPRA) to set strategic goals, measure performance, and report on the degree to which goals were met in an effort to ensure government accountability and enhance public awareness about agencies’ accomplishments.¹⁵ Agencies are also subject to the Federal Managers’ Financial Integrity Act of 1982, which requires that they establish and maintain systems of administrative controls.¹⁶ GAO and OMB have established guidelines for implementing these two acts.¹⁷ The guidelines include establishing goals and performance measures, monitoring progress—including collecting reliable data on program outcomes—and communicating program operations and outcomes to relevant stakeholders such as Congress and the public, including program participants. While GPRA is applicable to the department or agency-level, performance goals and measures are important management tools applicable to all levels of an agency, including the program, project, or activity level, consistent with leading management practices and internal controls related to performance monitoring.

¹⁵Pub. L. No. 103-62.

¹⁶Pub. L. No. 97-255.

¹⁷GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999) and *Executive Guide: Effectively Implementing the Government Performance and Results Act*, [GAO/GGD-96-118](#) (Washington, D.C.: June 1996). OMB, *Preparation and Submission of Strategic Plans, Annual Performance Plans, and Annual Program Performance Reports*, Circular A-11 (Washington, D.C.: June 2005) and *Management’s Responsibility for Internal Control*, Circular A-123 (Washington, D.C.: December 2004).

All Education Claims and Most Death Claims Were Approved and Were Processed Significantly Faster than Disability Claims

On the basis of our sample, as of April 2009, the PSOB Office had closed and approved most death and all education claims opened in fiscal years 2006 through 2008. By contrast, an estimated 31 percent of disability claims were closed during that same time period, and we could not reliably determine the outcomes of these claims. The majority of disability claims remained pending because they took significantly more time to process than death and education claims.

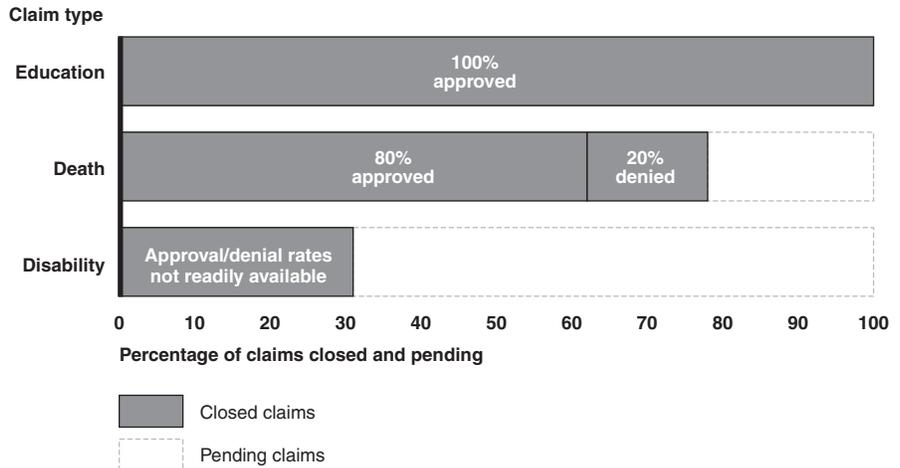
All Education Claims and Over Three-Quarters of Closed Death Claims Were Approved, while Most Disability Claims Remained Pending

While we estimated that about 80 percent of all PSOB program claims initiated in fiscal years 2006 through 2008 were closed as of April 2009, we found that the closure rate varied by type of claim—about 100 percent for education claims, 78 percent for death claims, and 31 percent for disability claims. Similarly, of the closed claims we reviewed, 100 percent of education claims and about 80 percent of death claims were approved.¹⁸ However, we were unable to reliably determine the extent to which closed disability claims were approved because our stratified sample produced an insufficient sample size of closed disability claims considering the relatively longer time frame to process disability claims.¹⁹ (See fig. 4.)

¹⁸PSOB officials stated that it is rare for education claimants to be ineligible. In the few cases in which this occurs, claimants may not receive PSOB education benefits because they may have received other public or governmental educational assistance that is in excess of what they would be eligible to receive from the PSOB program or they may have earned less than a cumulative C average for each of the most recent two consecutive terms. In these situations, PSOB notifies claimants that they are ineligible for education benefits at that time, but that they may still apply to receive education benefits throughout their eligible time frame. However, PSOB does not initiate education claims unless claimants meet eligibility requirements, and therefore we found that all education claims from fiscal year 2006 to 2008 are closed, approved, and paid.

¹⁹While a majority of the 20 closed disability claims in our sample indicated that the claim was denied, we cannot reliably estimate the percentage of all disability claims that were denied.

Figure 4: Status of Education, Death, and Disability Claims, Fiscal Years 2006 through 2008, as of Date of GAO File Review



Source: GAO analysis of data from Justice's Bureau of Justice Assistance.

Note: The percentages above are based on sample data and have, at most, a plus or minus 10 percent margin of error.

Most education claims were associated with law enforcement officers, as opposed to other types of officers such as firefighters or corrections officers. During fiscal years 2006 through 2008, about 15 percent of education claims were filed by the officer's spouse, while about 85 percent were filed by the officer's children. Accordingly, the age of education claimants at the time they began to receive benefits was between 18 and 46, with an average age of about 22 years. In addition, we found that education claimants had received benefits for about 2 and 3 years, on average, at the time of our review and that each claimant received, on average, between \$3,300 and \$6,140 per year.

As with education claims, most death claims were associated with law enforcement officers and were for full-time employees.²⁰ In general, the most frequently cited causes of death were motor vehicle accidents, heart attacks, and gunshot wounds. The average age of the officers at the time of death was 46 years. Officials told us that death claims were denied because the claimant was deemed ineligible—for example, the deceased

²⁰According to Bureau of Labor Statistics data, more law enforcement officers have died because of work-related injuries than firefighting and prevention workers from 2005 to 2007.

did not die in the line of duty or did not meet the definition of a public safety officer.

Although we were unable to reliably determine the outcomes of closed disability claims, our sampling methodology allowed us to determine demographic characteristics for all disability claims initiated during our time frame. Specifically, most initiated disability claims were associated with law enforcement officers, and the average age of the officers at time of disability was 42 years. Similarly, most disability claims were filed for full-time employees, and the most frequently cited causes of disability for such claims were motor vehicle accidents, assaults, falls, and exposure to harmful substances or environments.

Death and Education Claims Were Processed in about a Year or Less after the PSOB Office Received Them, while Disability Claims Took about 2 Years

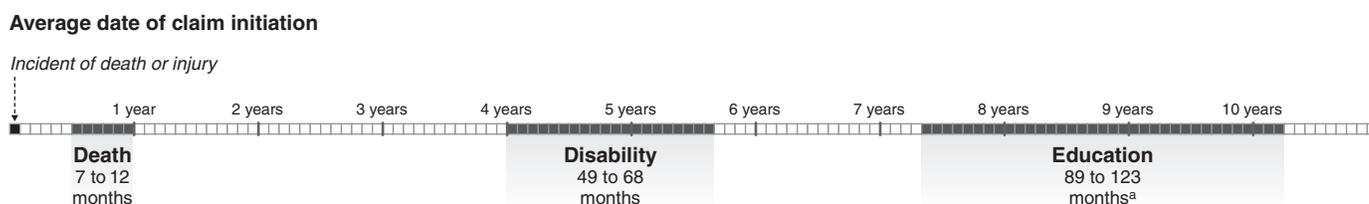
We found significant variation by type of claim when it came to the length of time claimants waited to receive a final determination. The overall length of time from occurrence of death or disability to the claimant's receipt of a final determination from the PSOB Office is the sum of two phases. The first is from occurrence of death or disability to when the PSOB Office begins to process the claim (prefiling phase), and the second is from when the PSOB Office begins to process the claim to when it sends the final determination letter to the claimant (program processing time).²¹ Specifically, we found that while the prefiling phase varied significantly by type of claim, it took the PSOB office approximately 1 year or less to process death and education claims and about 2 years to process disability claims after receiving a claim.

The prefiling phase was the shortest for death claims and longest for education claims. For death claims filed in fiscal years 2006 through 2008, the prefiling phase took an average of 7 to 12 months from the date of

²¹For the date that the PSOB Office began to process the claim, we used the following dates in the claim file documentation. For death and disability claims, we used either the date stamped or written on the claim form signifying PSOB's receipt of claim documentation, the date that the online claim form was printed by the PSOB Office, or the date noted in correspondence between the claimant and a benefits specialist documenting the receipt of a claim. For education claims, we used the date that PSOB sent the claimant an initiation letter explaining how to apply for benefits after the agency officials verified the claimant was eligible to apply. For all types of claims, these dates represent the initiation of a claim for our purposes but do not represent the date that the PSOB Office received all the necessary documentation to allow it to complete the process.

death to when the PSOB Office started to process the claim.²² Disability claims took an average of 49 to 68 months (or about 4 to 6 years), between the date of disability to when the PSOB Office began to process the claim. Education claims associated with approved death claims took the longest—between 89 and 123 months (or about 7 to 10 years) on average from the date of death to when the PSOB Office began processing the claim. (See fig. 5.) The relatively lengthy prefiling phase for education claims is not unusual given that an officer’s children may not reach college age until years after the officer’s death or disability.

Figure 5: Average Time in Months from Date of Death or Disability to Date when the PSOB Office Began Processing the Death, Disability, and Education Claims, Fiscal Years 2006 through 2008, as of Date of GAO File Review



Source: GAO analysis of BJA data.

Note: Ranges are based on sample data and represent the upper and lower bounds of the 95 percent confidence interval for the mean length of time.

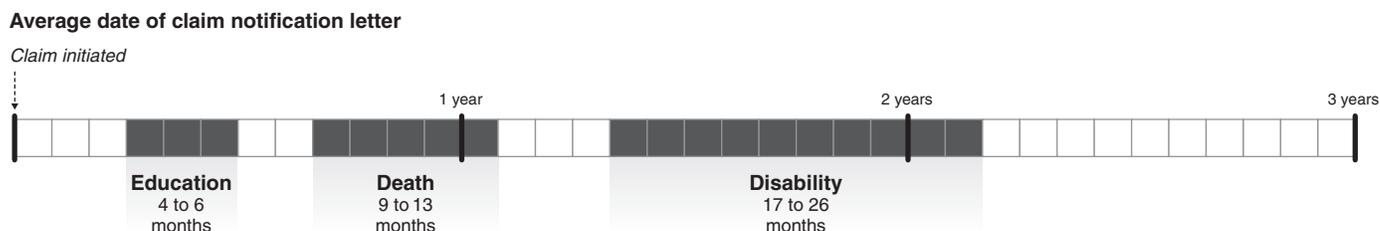
^aData show education claims associated with approved death claims only. Similar data were not available for education claims associated with approved disability claims.

PSOB officials told us that several factors may affect the length of the prefiling phase during which claimants wait to file death and disability claims, including claimants’ difficulty with obtaining necessary documentation to prove eligibility and potential lack of awareness about the program. According to PSOB officials, obtaining this documentation may take months or years. We found that less than 40 percent of the death claims filed in fiscal year 2008 utilized the online application that the PSOB Office has recently made available to speed up the application process.

For the second phase of the process, during which the PSOB Office and OJP’s OGC actually processed the claim, processing times averaged 4 to 6 months for education, 9 to 13 months for death, and 17 to 26 months for disability claims. (See fig. 6.)

²²Ranges of time are based on sample data and represent the upper and lower bounds of the 95 percent confidence intervals for the mean length of time.

Figure 6: Average Program Processing Time in Months for Closed Education, Death, and Disability Claims, Fiscal Years 2006 through 2008



Source: GAO analysis of BJA data.

Note: Ranges are based on sample data and represent the upper and lower bounds of the 95 percent confidence interval for the mean length of time.

PSOB officials told us that disability claims are generally more challenging and may take longer to process than death and education claims, in part because eligibility may be less easily established. To prove eligibility for a disability claim, officials must ensure that claimants submit adequate medical documentation and that all disability claims undergo an independent medical review by BJA contractors. Both these steps could increase the time needed to process these claims. PSOB officials also noted that, unlike death claims, some disability claims encounter processing delays caused by the reluctance of former employers to provide necessary documents to support the claim, many of which must be approved by the employer. In addition, according to our sample, disability claims were more likely to be appealed than death or education claims—about 27 percent of disability claims initiated in fiscal years 2006 through 2008 were appealed, compared with about 8 percent of death claims—which contributed to longer processing times for disability claims. Given all of these factors that contributed to the relatively longer processing times, most disability claims initiated in fiscal years 2006 through 2008 were still awaiting an agency determination. At the time of our review, program processing time for these pending disability claims was already 23 to 28 months, on average, since the PSOB Office started to process the claim.

For each type of closed claim, the agency processing phase included the time required for PSOB Office staff to review the claim and draft an initial determination and for attorneys in OJP's OGC to complete legal review of the claim. However, we could not determine how long the attorney review portion of the process took because of the PSOB Office's inconsistent claim file documentation on the dates during which the reviews occurred. Furthermore, we were unable to determine how long the independent

medical reviews by BJA contractors took because the dates the reviews began were often missing from the file documentation. However, on the basis of our sample, we found that the overall length of time from occurrence of death or disability to the claimant's receipt of a final determination was an average of 16 to 21 months for death claims, 60 to 92 months (or 5 years to about 7.5 years) for disability claims, and 96 to 126 months (or about 8 to 10.5 years) for education claims.

Once the program had made its final determination to approve the claim, it took an average of a few days to about 10 weeks from the date of the final determination to the date that the payment was sent to the claimant, regardless of type of claim. We found that the agency may have taken longer to issue payments when it needed to obtain information from claimants about their bank accounts, payment addresses, or both.

Some State and Local Officials We Interviewed Were Concerned about Their Lack of Awareness of Some Program Benefits, Difficulties with Establishing Eligibility, and Perceived Long Wait Times for Benefits

State and local officials were not always aware of PSOB program benefits, especially those for disability and education. Officials said that when applying for program benefits, submitting all the necessary paperwork to establish eligibility was difficult and often time-consuming. Overall, officials most frequently expressed concern about what they believed to be a long wait time for PSOB benefits, and frustration about the lack of communication from the PSOB Office about claim status and estimated wait times for receiving benefits.

State and Local Officials Were Not Always Aware of PSOB Program Benefits, Especially Disability and Education Benefits

Local police and fire departments and officials from other public safety officer organizations did not always know about PSOB program benefits. Additionally, some local officials we met with did not recall receiving any information or program materials from the PSOB Office explaining the program's benefits. In particular, representatives of 15 of the 44 organizations we spoke with mentioned a lack of awareness about disability or education benefits, while officials from another 6

organizations were concerned that their constituents had a general lack of knowledge of the PSOB program. The general lack of awareness posed a particular problem among smaller rural and volunteer departments. In some cases, officials we interviewed from small local departments were not aware of the program benefits until a line-of-duty death occurred. At that time, they were contacted by unions or larger departments to let them know about the PSOB death benefit and to assist them with the application process. For example, one official from a local fire department in California noted that although he was put in charge of assisting the family of a firefighter who died in the line of duty, he did not know about the PSOB program until one of the city's volunteer firefighters, the former chief of a large city fire department, informed him about the program.

The lack of awareness had an adverse effect for some claimants. For instance, an official representing a police officers' union in Louisiana recalled a case in which a local police department unfamiliar with the PSOB disability benefits did not seek benefits on behalf of a severely and permanently disabled officer until the officer happened to seek educational assistance for his child, who was preparing to attend college. Likewise, an official from a police officers' employee association in Louisiana recalled an accident in which one officer was killed and another was permanently injured. However, while the local police department applied for PSOB death benefits for the deceased officer, a corresponding disability claim was not filed for the disabled officer for 1 year because of lack awareness of PSOB disability benefits.

Officials from some public safety officer unions and the PSOB program said that they are more focused on promoting awareness of death benefits than the other two types of benefits.²³ According to officials from a firefighters union, they do not see a reason to promote awareness of the disability benefits because few officers would meet the very stringent eligibility criteria for disability. Several officials told us that the types and levels of disabilities that would qualify claimants to receive PSOB benefits (i.e., permanent and total injury preventing any type of work) tend to be rare, which may be a factor in the public safety officer community's general lack of awareness of such benefits, resulting in the relatively few number of disability claims filed. Additionally, local departments did not

²³PSOB officials also said that they include information on education benefits in every death and disability notification letter to approved claimants, along with a copy of the educational assistance fact sheet.

always know about education benefits, which may be due in part to education claims often being filed by family members many years after a death occurs. Furthermore, PSOB officials told us that they made a conscious decision to focus the 2008 PSOB program awareness outreach materials—the first of their kind to be produced—on death benefits. Therefore, although the outreach materials the PSOB Office provided contained program information about all three types of benefits—death, disability, and education—an application checklist only for death benefits was included.

Officials Said That Submitting All Necessary Paperwork to Prove Eligibility Was Difficult and Time-consuming

Officials in all five states we visited also told us that when applying for benefits, submitting all the necessary paperwork to prove eligibility was difficult and can be time-consuming. Specifically, officials mentioned that it was sometimes difficult for smaller local departments that may not have experienced line-of-duty deaths and would be unfamiliar with the process, further complicating their experience with gathering required documents. For example, officials from firefighters' employee associations in Louisiana and Iowa mentioned how difficult generating the toxicology report for a fallen officer can be if the agency does not know to draw a blood sample from the officer as soon as possible.²⁴ The Iowa official stated that because of this lack of knowledge, the claimants in one case had to locate donated organs of the officer in order to create a toxicology sample for the PSOB report.

Gathering the required documentation can also be time-consuming, and our review of claims showed that it took about as much time (7 to 12 months on average) to file a death claim as it took for the program to process the claim (9 to 13 months on average). According to local officials, the application process can be delayed by long wait periods to obtain necessary documents, including accident reports and medical and birth records, from other state, local, and private organizations. For example, one official from a firefighters' employee association in New York described a recent case in which it took several months to obtain necessary documents from a hospital, resulting in the officer's family having to wait 6 months before they could submit the death claim. Similarly, an official from a local police department in California explained that he had been waiting about 4 months for an accident report for a line-

²⁴The PSOB Office requires a toxicology report or a statement signed by the head of the public safety agency or the medical examiner explaining why no analysis was performed.

of-duty death, which hinged on an investigation being conducted by a different department. This process of obtaining documents can be even more time-consuming for smaller departments, which may not have enough staff to systematically follow up with beneficiaries and coordinate with other local agencies.

State and local officials in Iowa, Louisiana, Maryland, and New York and PSOB officials also stated that a significant amount of time is often required to collect the information needed by the PSOB Office to determine eligible beneficiaries. State and local officials told us that public safety officers tend not to update their beneficiary information following a life change, such as a divorce or birth of a child, and this can lead to complications when determining who should receive benefits. Outdated beneficiary information could affect the time it takes to process the claim and determine which beneficiaries should receive payment.

Furthermore, some of the officials we interviewed had mixed experiences in receiving assistance from COPS and NFFF, two national organizations tasked by the PSOB program with helping claimants and departments navigate the application process. While several officials in the firefighting community mentioned receiving assistance from NFFF with the PSOB application process, many officials we interviewed from state and local police departments and agencies that work with police officers said they have not received application assistance from COPS. A July 2008 report from COPS to BJA noted that COPS provided training to its liaisons to local departments in January 2008 to assist agencies with applications. Following the training, COPS contacted 56 agencies with known line-of-duty deaths, and 20 of them accepted assistance from the organization, while the remaining 36 did not, according to the COPS progress report. A COPS grant report from January 2009 stated that the low take-up rate of COPS assistance by local agencies may be due to local police departments' reluctance to share department matters with an external organization.

Moreover, several officials from national, state, and local organizations mentioned that the PSOB Office has occasionally lost claimants' documents that then have to be resubmitted, or that PSOB officials have asked that the same documents be submitted multiple times. For example, an official from a local fire department in California described a situation in which a claimant did not hear from the PSOB program officials for almost a year after submitting a claim. When the claimant inquired about the claim status, she learned that the PSOB program had lost her file. OJP officials acknowledged that this happens sometimes. While they were not entirely certain why documentation is lost or misplaced, program officials

noted that there are times when required pieces of documentation may be lost or misplaced by the PSOB Office, and times when claimants send documents to another agency or incorrect address, making it more likely that the PSOB Office will unintentionally misplace documents. PSOB officials added that they plan to address this concern through automation of the claims process and anticipate that with more frequent use of the online application form, the likelihood of misplaced documents will diminish. PSOB officials told us that the ability to fully submit death claims electronically, including supporting documentation, has been available to the public since the spring of 2006, but the vast majority of claims are still submitted on paper. Further, to better facilitate document collection, the PSOB Office will be hiring additional staff to proactively outreach to claimants and local agencies to obtain missing documentation for pending claims.

Officials Most Frequently Expressed Concerns about Perceived Long Wait Times for Benefits while Not Knowing Claim Status

Officials most frequently expressed concerns about what they perceived as long wait times for PSOB benefits, cited by just over half of the 44 organizations we interviewed. While our claims file review indicated that the average total time from date of death to date of a final determination was about 1 ½ years (an average of 16 to 21 months), some of the officials we interviewed mentioned that they experienced much longer waits. For example, officials from a national police employees' organization and a Louisiana police union said that they assisted claimants who had waited 2 or more years to receive PSOB benefits. Furthermore, officials from four states—California, Louisiana, Maryland, and New York—noted that sometimes they do not receive requests from PSOB Office staff for missing or additional documentation for claims until long after initial paperwork has been submitted, contributing to the wait time.

State and local officials generally said that, in contrast, the application process for state and local onetime death benefits was much faster and that benefits were provided much quicker than for federal PSOB benefits. Some local officials also mentioned that they were concerned about the effects that relatively long PSOB wait times can have on families in need of the financial assistance and that are seeking closure on the officer's death. An official from a local police department in California explained that relatively long wait times for PSOB benefits can impose a financial burden on families that often count on federal benefits.

In addition, officials from two COPS chapters and a local police officers' agency expressed concern about the PSOB program practice of not informing claimants or agencies of how long claims processing is expected

to take. Officials from Maryland and California noted that without this information, claimants may develop unrealistic expectations about how soon they will receive benefit payments. A few local and state officials told us that the lack of information from PSOB Office staff on expected processing times restricts the local department's ability to provide clear answers and good customer service to the claimants they are assisting. The PSOB program director explained that the program does not provide estimated time frames for processing claims because the average processing time varies widely based on the circumstances surrounding each claim (e.g., how complex the documentation is, how long the PSOB Office has to wait for additional documentation, and legal issues). The office instead provides survivors and agencies with information on the PSOB claims review process, and shares at what stage their claim is in the review process, even though PSOB benefit specialists do not tell a claimant how long it will take to process any one claim.

Further, some state and local department officials experienced difficulty in getting through to PSOB Office staff for information on claims status. One official from a local police department in California reported that despite several attempts to contact the PSOB program office, he has never spoken to a staff member or received any return calls. In contrast, a few local and state officials cited positive interactions with PSOB Office staff, and one state official noted that in her experience, PSOB benefit specialists were always responsive and gave timely and clear answers to questions on claim status. The PSOB program director acknowledged that all calls and e-mails from claimants or agencies are not always returned and stated that addressing issues regarding claims status is a priority for the PSOB program. PSOB officials anticipate having staff dedicated to providing claims status information to claimants and agencies as early as November 2009.²⁵

²⁵According to the PSOB director, BJA anticipates hiring staff for two types of positions: (1) outreach specialists to perform proactive customer service outreach to survivors and agencies, capture critical data on each claim in the PSOB case management system, and scan incoming documents to maintain an e-copy of each file, and (2) customer call specialists to staff a call line from the hours of 7:00 a.m. to 7:00 p.m.

While It Is Taking Steps to Improve, the PSOB Office Does Not Yet Follow Government Guidelines for Performance Monitoring

Overall, we found that while it is taking steps to improve, the PSOB Office does not follow government standards and guidelines for setting goals and monitoring performance. All federal executive branch agencies are required by GPRA to set strategic goals, measure performance, and report on the degree to which goals have been met in an effort to ensure government accountability and enhance public awareness about agencies' accomplishments. GAO's previous work has noted that measuring performance allows organizations to track progress in meeting their goals and gives managers crucial information to identify gaps in program performance and plan any needed improvements.²⁶ However, DOJ has not established strategic goals or performance measures related to GPRA for the PSOB Office and therefore does not track or report such information to the public. OJP officials who are responsible for overseeing PSOB's strategic efforts said the program is not subject to strategic planning and goal setting because it is considered a payment program,²⁷ and a significant portion of the program's budget is mandatory.²⁸ According to OJP, it was OMB's practice under the previous administration to not subject mandatory programs, such as PSOB's death benefits, and smaller OJP accounts, such as the PSOB disability and education programs to Program Assessment Review Tool (PART) assessments, which are used by federal executive branch agencies to help develop and identify meaningful performance measures to support GPRA reporting, among other purposes. Furthermore, the PSOB program director told us that the office decided not to establish performance measures specifically for timeliness because the measures could create disincentives for staff to work on claims that may require more time to process, such as those for which documentation is pending. However, we found that other federal programs that provide benefits after work-related injury and illness have been able to set strategic goals and monitor performance. For example, the Department of

²⁶For more information, see GAO, *Executive Guide: Effectively Implementing the Government Performance and Results Act*, [GAO/GGD-96-118](#) (Washington, D.C.: June 1996). While GPRA is applicable to the department or agency level, performance goals and measures are important management tools applicable to all levels of an agency, including the program, project, or activity level, consistent with leading management practices and internal controls related to performance monitoring.

²⁷OJP officials explained that payment programs are those programs for which the recipient is paid an amount of money but is not required to demonstrate expenses. These are distinct from reimbursement programs, in which recipients are required to demonstrate their expenses before receiving payment.

²⁸As mentioned earlier, Congress has appropriated sums as necessary for PSOB death benefits, and the largest portion of the PSOB caseload from fiscal years 2006 to 2008 consisted of the claims for these benefits.

Labor's Black Lung and Energy Employees Occupational Illness Compensation programs, which require workers or their survivors to prove their eligibility after the workers become ill or die because of exposure to hazardous working conditions, both have GPRA performance measures related to claims-processing times and publicly report their results.

While the PSOB program lacks GPRA-related strategic goals and performance measures, there are two claims-processing goals established under a 2004 Attorney General memorandum, but neither the PSOB Office nor OJP's Office of General Counsel tracks these goals for their respective offices. The PSOB program director stated that the PSOB Office did not track the first goal of processing a claim within 90 days of receiving all necessary documentation because it lacked automated data that would have enabled the program to establish a baseline and gauge progress. As a result, the PSOB Office is not fully aware of how long the claims review process takes. Likewise, an OGC official told us that OGC has not established mechanisms for monitoring the second goal to review claims within 45 days of receiving all necessary documentation. Even if the program were to track progress toward its timeliness goals using currently available information in the claims files, we found problems with the quality and consistency of documentation pertaining to key processing dates during our review, including when the file initially went to the attorneys or the medical reviewers. In addition, the timeliness goals established in the memorandum may be outdated and inappropriate given that the PSOB Office had no data with which to establish and monitor them and that the goals do not reflect the potentially time-consuming step of collecting documentation.

While most claims are still processed on paper, the PSOB Office is implementing a new automated information management system, known as Workflow, to help ensure efficient claims processing and improve the available data on claims. According to the PSOB program director, BJA has been planning the Workflow system since 2004 and according to program officials, as of July 2009, was transitioning toward processing all three types of PSOB claims using the completed claims-processing components of the system.²⁹ In addition, the PSOB program plans to use

²⁹According to the PSOB program official, in June 2009, the program staff were using PSOB Workflow to process all death and disability claims. In July 2009, the contractor developing that system finished the education component of the system. Meanwhile, the PSOB Office continues to use paper files in conjunction with the electronic case management system.

data from this system to establish programwide performance measures and generate public reports. To ensure that Workflow is addressing agency needs, success metrics—including reducing application processing times and improving the program’s ability to provide data on pending or closed claims—were articulated in the system’s planning document. However, the PSOB program does not have plans for how it will monitor Workflow’s success metrics, but program officials had planned to revisit these metrics with stakeholders in conjunction with planning future components of the system. In addition, as mentioned earlier, the program has no baseline information on claims-processing times, precluding it from determining whether the capabilities of the new system will have enhanced timeliness.

In addition, the PSOB program has initiated several efforts in an attempt to address concerns about the lack of program awareness, the burdensome application process, and obtaining claims status. Since 2007, the PSOB program has conducted several outreach activities, including sending a mailing about its benefit programs to about 60,000 law enforcement and fire fighting organizations identified by the National Criminal Justice Reference Service and NFFF. The PSOB director has also attended several conferences, by invitation, to provide information on the program to relevant constituencies, such as the National Sheriffs’ Association and the Police Conference of New York. Furthermore, PSOB’s national partners, COPS and NFFF, assist claimants and local agencies with filing for the benefits. With respect to communicating claims status, PSOB benefits specialists are expected to respond to claims status inquiries in a timely manner—defined as within 72 hours of the inquiry, according to the PSOB director.

Although the program has taken steps to enhance its external communications, it has not systematically monitored these efforts to help ensure that relevant external parties understand the agency’s mission and objectives and that PSOB Office staff provide the quality of customer service expected by the program office. Regarding the difficult application process, COPS has reported that it has not been successful in providing direct claims assistance to law enforcement officers even though this group makes up the bulk of PSOB’s claims workload. However, the PSOB program has not established criteria to evaluate this external assistance effort to better understand the problems and develop ways to address them. In addition, the PSOB program director is aware, based on complaints received directly from claimants and agencies, that PSOB Office staff do not always address some inquiries regarding claims status in a timely manner. However, the program does not systematically track when inquiries are received and when responses are provided, nor is the

72-hour guideline formally incorporated into staff's performance expectations. As a result, the PSOB Office cannot ensure that all claims status inquiries are addressed in a consistent and timely manner. Furthermore, although the program director has provided information at several conferences, the PSOB program has not systematically solicited feedback from conference attendees that could be used to determine whether the information met their needs.

Conclusions

The PSOB Office has had a long history of serving law enforcement officers, firefighters, and others who, in turn, serve their communities and face potentially dangerous circumstances every day. To effectively manage this program, the PSOB Office would need to know its clients' needs, target efforts to address those needs, and monitor its performance on an ongoing basis. While the office has established goals related to its key activities, (i.e., claims processing, outreach, and claimant assistance), lack of performance monitoring in these areas diminishes the agency's ability to pinpoint problems and take corrective action accordingly. Additionally, the PSOB Office strives to help the public safety officer community understand the program and its benefits, yet does not systematically set goals or collect information on its claims-processing, outreach, and assistance efforts. Thus, the PSOB Office has no way of knowing whether these efforts are appropriate or effective. In addition, without reliable claims data, the PSOB Office will not be able to obtain a complete and accurate picture of how quickly claims are being processed and whether the process can be made more efficient. Without this information, the program office cannot communicate with claimants and other public stakeholders about how long the claims process is expected to take and whether program constraints, such as required procedures and limited resources, are affecting the process. The PSOB director has acknowledged that there are some gaps in management of the program and is taking steps to address them. A more focused and systematic approach to managing the PSOB program can help ensure that the office achieves its ultimate goal of effectively and efficiently administering benefits that honor the work of many public officers who give up their lives or are injured in the line of duty.

Recommendations for Executive Action

To strengthen PSOB's accountability, enhance potential claimants' and the general public's awareness about its benefits and program accomplishments, and ensure claimants and those who assist them receive the most efficient, consistent, and effective service, the Assistant Attorney General of OJP should direct the Director of BJA to

- establish appropriate performance goals and measures related to the program's key activities, such as claims processing, outreach, and application assistance, based on reliable information about processing times, feedback from stakeholders and cost-effective approaches, and
- once goals and measures have been established, collect and use reliable data to monitor and publicly report on how well key program activities are being performed, including how successfully PSOB's automated claims-processing system, Workflow, is addressing agency needs.

Agency Comments and Our Evaluation

We provided a draft of this report to OJP for review and comment, and its comments are reprinted in appendix IV. OJP also provided technical comments, which were incorporated into the report as appropriate.

OJP agreed with our recommendations and stated that by October 2010, BJA will implement appropriate performance measures for the PSOB program and ensure that reliable program performance data are collected and publicly reported. Specifically, in addition to plans to make greater use of its new case management system, OJP stated that it has assigned a senior advisor to work with BJA and OGC to identify areas where simple process changes can lead to earlier and more effective identification of issues.

In addition, several enhancements to the PSOB program's business process, communications, and marketing have been implemented or are scheduled to be in place by December 2009. For example, the PSOB Office will formalize the feedback it receives from external stakeholders by developing a PSOB Advisory Group to identify issues that affect the PSOB Office, program, and processes. Additional details on these program enhancements can be found in the agency's reprinted comments.

As agreed with your offices, unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days after its issue date. At that time, we will send copies of this report to the Assistant Attorney General of OJP, relevant congressional committees, and other interested parties. We will also make copies available to others upon

request. In addition, the report will be available at no charge on GAO's Web site at <http://www.gao.gov>. If you or your staff have any questions concerning this report, please contact me at (202) 512-7215 or sherrilla@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Staff members making key contributions to this report are listed in appendix V.

Sincerely yours,



Andrew Sherrill
Director
Education, Workforce,
and Income Security Issues

Appendix I: Objectives, Scope, and Methodology

In response to a congressional request, we addressed the following questions about the Public Safety Officers' Benefits (PSOB) program:

- (1) To what extent do claimants receive PSOB program benefits and how long does it take to process claims?
- (2) What issues, if any, were raised by state and local agencies and advocacy organizations seeking benefits on the behalf of claimants?
- (3) To what extent does the PSOB program follow recognized government standards and guidelines for effective program management?

For all three questions, we reviewed claims outcomes, stakeholder concerns, program management, and relevant federal laws and regulations related to the PSOB program. Specifically, to determine receipt of program benefits and length of processing time, we drew a stratified random probability sample of 233 of the 1,632 PSOB death, disability, and education claims that were opened during fiscal years 2006 to 2008. Because education benefits can be provided over multiple years, the education claims in our sample were ones that were paid during fiscal years 2006 to 2008, although they may have been first opened several years prior to our time frame. With this probability sample, each member of the study population had a nonzero probability of being included, and that probability could be computed for any member. Each sample element selected was subsequently weighted in the analysis to account statistically for all the members of the population. Table 2 provides details about the number of claims in our sample by type compared with the total number opened in fiscal years 2006 to 2008.

Table 2: Number of Claims in PSOB Population and GAO Sample for Fiscal Years 2006 to 2008

Type of PSOB claim	Population size	Sample size
Death	928	88
Disability	187	64
Education	517	81

Source: Department of Justice and GAO analysis.

We collected most of the data for our sample by manually reviewing paper claims files from February to April 2009 using a data collection instrument (DCI). The only data for our sample that were not contained in the paper claims files pertained to payment dates for all approved claims and

payment amounts for the approved education claims. These data were obtained from the Department of Justice's (DOJ) finance office and were determined to be sufficiently reliable for the purposes of our report after we reviewed the data for any discrepancies and information on how they were collected and maintained.

In general, our sample of claims is of a sufficient size to allow us to project our estimates to the population of death, disability, and education claims for fiscal years 2006 to 2008 within a margin of error of plus or minus 10 percentage points at the 95 percent confidence level for claims approval and denial outcomes, and 95 percent confidence intervals are reported for estimates of time, unless otherwise noted. However, in specific instances, we were not able to project to the population when the number of claims in the sample that met a certain criterion for our analysis was too small. For example, only 20 disability cases in our sample were closed at the time of our review, and therefore this sample size was too small to create reliable estimates of the extent to which all disability cases were approved or denied. Also, the sample size prohibited us from estimating the proportion of all three types of claims that came from any single state.

In addition to sampling error, the practical difficulties of collecting data may introduce other errors, commonly referred to as nonsampling errors. As mentioned above, we collected most of the data for our sample by manually reviewing paper claims files. Variation in the quality or completeness of the entries in these claims files or in our ability to correctly interpret or transcribe the entries onto our DCI can introduce unwanted variability into the results. We took steps in developing our DCI, collecting the data, and analyzing the results to minimize such errors. For example, the instrument was developed by a survey specialist in collaboration with GAO subject matter experts. The DCI was also reviewed by relevant DOJ officials prior to our use to help ensure that we maximized the information that could be collected by using it. A sample of completed DCIs was reviewed by another GAO analyst to ensure that entries were being interpreted and entered correctly. Completed DCIs were then entered into an electronic database by a contract data entry service and a sample of entries was verified. Finally, data were analyzed by a GAO data analyst, and a second independent data analyst checked all computer programs for accuracy.

To determine what aspects of the program raised issues among agencies that assist with benefit applications, we interviewed PSOB program officials and a judgmentally selected sample of state and local officials that serve both larger urban and smaller, more rural communities in the

following five states—California, Iowa, Louisiana, Maryland, and New York. These interviews were held with representatives from a total of 44 organizations. As shown in table 3, the states were selected based on geographic location, the percentage of the national total number of public safety officers that was in a state for calendar years 2006 to 2008, the number of work-related deaths among public safety officers in a state for calendar years 2005 to 2007, variation in the amount of state workers’ compensation benefits, variation in the availability and amount of state lump-sum death benefits, and recommendations from advocacy groups and employee organizations. (For more details on the benefits available to public safety officers, see apps. II and III.)

Table 3: Selected States by Criteria

Criterion	California	New York	Louisiana	Iowa	Maryland
Percentage of all U.S. public safety officers (<i>Range: 0.1% - 9.6%</i>)	9.6%	8%	1.9%	0.6%	2.2%
Number of public safety officer deaths, 2005-2007 (<i>Ranges in 3 tiers: high = 34-61 medium = 17-33 low = 0-16</i>)	high (61)	high (36)	medium (21)	Not available ^a	low (12)
State workers’ compensation disability amount (compared with two-thirds gross wage replacement formula utilized by most states)	equal (66.6%)	greater (100%)	equal (66.6%)	greater (100%)	equal (66.6%)
Onetime death benefit amount	None	None	\$250,000	\$100,000	\$128,500
Recommended	✓	✓	✓		✓
Geographic region	West	Northeast	South	Midwest	South

Source: GAO analysis of data from the Bureau of Labor Statistics, National Association of Fallen Firefighters, Concerns of Police Survivors, Inc., and interviews with employee and advocacy groups.

^aBureau of Labor Statistics (BLS) does not report on the number of deaths if it is less than five and may raise concerns about confidentiality. However, BLS officials told us that work-related deaths did occur among public safety officers in Iowa during calendar years 2005-2007.

We focused on interviewing local officials who assisted with filing PSOB claims during fiscal years 2006 to 2008, but in a few cases, in order to ensure we were obtaining a variety of perspectives, we interviewed officials who assisted with claims associated with deaths that occurred in 2005. The officials we interviewed represented local police and firefighting departments; employee advocacy groups, such as chapters of Concerns of Police Survivors, Inc. (COPS); and the Fraternal Order of Police; and state firefighters associations and unions. We also interviewed the national affiliates of these state and local organizations, including the National Fallen Firefighters Foundation (NFFF) and the International Association of Fire Fighters (IAFF).

To evaluate the effectiveness of the PSOB program's management, we interviewed program officials and reviewed and analyzed available documents on performance monitoring, program outreach and assistance for those seeking benefits, and current and future plans for automating the claims process. We analyzed this information based on criteria set forth in GAO's and the Office of Management and Budget's guidelines for internal controls, strategic planning and reporting, and information system development and acquisition. Overall, we conducted this performance audit from September 2008 to October 2009 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Summary of Statewide Benefits for the Five States We Studied

This section provides general information on benefits available to public safety officers and their beneficiaries after line-of-duty deaths and permanent and total injuries on a statewide level in California, Iowa, Louisiana, Maryland, and New York. These benefits are not the full extent of what officers may receive in each state because localities may provide additional benefits. To prepare this information, we interviewed state and local officials during our site visits to collect information about the kinds of statewide benefits available to public safety officers and reviewed program materials that were either provided by these officials or obtained through the programs' Web sites. Our descriptions are based on our interviews and any written materials we obtained. We did not do any independent legal research or otherwise verify this information.

California Statewide Line-of-Duty Benefits for Police Officers and Firefighters

Onetime death benefits. None are available.

Workers' compensation: disability benefit. Officers who are permanently and totally disabled can receive two-thirds of their wages up to \$728 per week for the rest of their lives, along with medical treatment related to the injury.

Workers' compensation: death benefit. Benefits are paid to the officers' dependents on a weekly basis until a maximum of \$320,000 is reached.

State pension system: disability benefit. For officers whose employers have contracted with the California Public Employees System to provide retirement benefits, if the officers are permanently and totally disabled because of a line-of-duty incident, they will receive monthly payments for life. The payments are based on a formula that factors in years of service and final compensation amounts.

State pension system: death benefit. For officers whose employers have contracted with the California Public Employees System to provide retirement benefits, surviving spouses, registered domestic partners, children, or eligible stepchildren will receive 50 percent of the officer's final compensation. If there is a surviving spouse (or registered domestic partner) and children, they will can receive a maximum of 75 percent of the final compensation. Benefits for the spouse (or registered domestic partner) are payable until death, or for children are payable until age 22. Furthermore, health care for the survivors will continue if they are receiving a monthly benefit from the system.

Education benefit. Children and spouses of public safety officers who are killed or become totally disabled in the line of duty can receive grants that will cover the cost of tuition, fees, books, educational supplies, and living expenses associated with an undergraduate education at an accredited California postsecondary institution.

Iowa Statewide Line-of-Duty Benefits for Firefighters, Police Officers, and Sheriffs

Onetime death benefit. Available to volunteer firefighters, career firefighters, police officers, and sheriffs: \$100,000 provided to beneficiaries by either the Iowa State Fire Marshal's Office (for volunteer firefighters) or the state pension programs.

Workers' compensation: death benefit. Available to volunteer firefighters: Dependents (either spouse or children up to age 18 or 25, if they can prove they were still dependent) can receive the weekly payments of 100 percent of actual weekly earnings or 140 percent of the statewide average weekly wage, whichever is greater. Upon remarriage, if there are no children, the spouse will receive a 2-year lump-sum settlement. Also, burial expenses not to exceed 12 times the statewide average weekly wage will be paid.

Workers' compensation: disability benefit. Available to volunteer firefighters: As long as the worker is totally and permanently disabled, he or she will receive 100 percent of actual weekly earnings or 140 percent of the statewide average weekly wage, whichever is greater. All medical expenses related to injury will be paid.

State pension: death benefits.

For career firefighters and police officers: In the case of accidental death in the line of duty, state pension systems provide the surviving spouse with monthly pension benefits for life equal to 50 percent of the officer's average final compensation. The officers' children also receive a monthly amount equal to 6 percent of the officer's final average compensation.¹

For sheriffs: If vested, beneficiaries will receive the greater of either the lump sum of present value of accrued benefits or a lump sum based on a formula including years of service, highest salary covered under the

¹According to an Iowa program official, with Iowa's Peace Officers' Retirement, Accident and Disability System, the children receive a monthly benefit amount equal to 6 percent of monthly earnable compensation payable to an active member having the rank of senior patrol officer of the state patrol.

system, and other factors. If not vested, beneficiaries will receive a lump sum based on years of service, highest salary covered under the system, and other factors.

State pension: disability benefits. Available to career firefighters, police officers, and sheriffs: In the case of permanent and total disability incurred in the line of duty, state pension systems provide the greater of 60 percent of the member's final average compensation or the retirement allowance that the member would receive if the member has attained 55 years of age.

Education benefit. None are available.

Louisiana Statewide Line-of-Duty Benefits for Firefighters, Police Officers, and Sheriffs

Onetime death benefit. Available to volunteer firefighters, career firefighters, police officers, and sheriffs: \$250,000 to the surviving spouse, designated beneficiary, or estate, and \$25,000 to each dependent child.

*Workers' compensation: disability benefit.*²

For volunteer firefighters: Covers medical expenses related to injuries but does not replace wages.

For career firefighters, police officers, and sheriffs: If an officer is permanently and totally disabled, he or she will receive two-thirds of the weekly salary for life, with a maximum of \$546 a week. Workers' compensation will provide for related medical costs for life.

Workers' compensation: death benefit. Available to career firefighters, police officers, and sheriffs: If the officer is survived by a spouse, the spouse will receive 32.5 percent of the public safety officer's wage, and if survived by a spouse and children, they will receive 65 percent of the officer's wages, with a weekly maximum of \$319. A maximum funeral benefit of \$3,000 is also available.

²According to Louisiana volunteer firefighter representatives, volunteer fire departments pay very little into the workers' compensation system, resulting in limited benefits for volunteer firefighters.

State pension system: death benefit.

For career firefighters: Most career firefighters are covered under this system, but it excludes the New Orleans and Baton Rouge fire departments. For line-of-duty deaths, the spouse is eligible for two-thirds of the average annual salary if the officer was not eligible to retire. If the officer was retirement eligible, then the spouse will receive 3.5 percent of the officer's annual salary time the number of years of service, which is one of the standard retirement options. This benefit is for the rest of the spouse's life. Furthermore, the surviving children are eligible for 10 percent of the annual salary or \$200 a month, whichever is greater. This benefit continues until the children are 18 or, if in college, 22 years old. However, the spousal and children's benefit cannot total more than 100 percent of the officer's annual salary. Furthermore, the spouse must be married to and living with the officer at the time of death to receive the benefits. Also, there are no benefits for surviving parents if the officer does not have a spouse or children.

For police officers: Most local police officers are covered under this system. If the officer dies in the line of duty, the spouse is provided with 100 percent of the final average salary, less the benefit for the children. If the officer had a spouse and children, the children will receive 10 percent of the final average salary or \$200 a month, whichever is greater. If there is no spouse, the children will receive 30 percent each (not to exceed 60 percent of the salary; therefore, if there are more than 3 children, the 60 percent has to be shared among them) of the salary until age 18 or, if in college, age 23. If there is no spouse or children, the surviving parents can receive the officer's retirement fund contributions. Although this program does not have restrictions related to the length of marriage, the spouse cannot remarry before the age of 55 and continue to receive benefits.

For sheriffs: The surviving spouses of sheriffs receive the greater of 50 percent of the average compensation or, if the officer has served for at least 12 years, about \$1,600 a month. Benefits are for life regardless of remarriage. Each minor child receives 15 percent of the officer's compensation until the age of 18 or, if in college, age 23, but the combination of the spousal and children's benefits cannot exceed more than 100 percent of the final compensation. If there is no surviving spouse and five or more children, 60 percent of the final compensation will be divided evenly among them. Spouses must be married and living with the officer at the time of death.

State pension system: disability benefit.

For volunteer firefighters: The state fire marshal's office provides for medical expenses up to \$30,000.

For career firefighters: Most career firefighters are covered under system, but it excludes the New Orleans and Baton Rouge fire departments. For total disability, the officer can receive 60 percent of the average final salary, a portion of which is tax-free. This benefit is offset by other sources of income.

For police officers: Most local police officers are covered under this system. For catastrophic injuries, the officer receives 100 percent of his or her salary, but this is offset by other sources of income.

For sheriffs: Officers are provided the lesser of 45 percent of the final compensation or the accrued retirement benefit at the time of employment termination.

Education benefit. Children of police officers and sheriffs who died in the line of duty and the children and spouses of deceased or disabled firefighters who died or were injured in the line of duty are provided benefits to cover the costs of tuition, fees, room and board, and books.

Maryland Statewide Line-of-Duty Benefits for Police Officers and Firefighters

*Onetime death benefit.*³ A onetime benefit of \$128,500 is available (if the death occurred as of July 1, 2008) to the surviving spouse, children, dependent parents, or estate of a law enforcement officer; career or volunteer firefighter; correctional officer; rescue squad member; or sworn officer of the State Fire Marshal. Also, the state provides an additional \$10,000 for funeral expenses.

Workers' compensation: death benefit. All part-time and full-time public safety officers are covered. Benefit level to the surviving spouse or children is based on the level of financial dependency. If fully dependent,

³According to the State Retirement and Pension System of Maryland, Local Fire and Police Pension System program handbook, some police and firefighters working for local governments in Maryland may also be enrolled in the state Pension System for Local Fire Fighters and Police Officers, which offers death and disability benefits. However, new membership enrollment for this program ended in January 2005. Volunteer firefighters and paramedics are not eligible to participate in this system.

the surviving spouse or children receive two-thirds of the employee's average weekly salary, not to exceed 100 percent of the state average weekly salary, or no more than \$906 a week for the remainder of the spouse's life or until children are 18 years old or, if attending college, 22 years old. If partially dependent, the surviving spouse receives a weekly payment of two-thirds of the average employee's salary up to the maximum of \$75,000. If survived only by partially dependent children, the children can receive two-thirds average employee salary, not to exceed two-thirds of the state average wage, or no more than \$604 a week, until 18 years old or, if in college, 22 years old.

Workers' compensation: disability benefits. All part-time and full-time public safety officers are covered. The officer receives two-thirds of his or her average weekly salary, not to exceed 100 percent of the state average weekly salary, or no more than \$906 a week for the remainder of his or her life. Health care related to the injury is provided for life.

Education benefits. The former, unmarried spouses and children of all public safety officers who died or are 100 percent disabled can receive up to \$19,000 a year to attend a Maryland postsecondary educational institution. The disabled officer is also eligible for this benefit.

New York Statewide Line-of-Duty Benefits for Police Officers, Career Firefighters, and Volunteer Firefighters

Onetime death benefit. None are available.

*Workers' compensation: death benefit.*⁴ For volunteer firefighters: For deaths occurring after January 1, 2006, \$56,000 to spouse or estate. For deaths that occur after January 2, 2006, the spouse without children also receives \$887 per week until remarriage. After remarriage, the spouse receives a lump-sum payment of \$92,219. If the deceased had a spouse and children, the spouse receives \$488 per week and the children receive \$400 per week. Upon remarriage, the spouse with children will receive \$50,720 and the children continue to receive the weekly payment. The children receive the benefit until age 18, or, if in college, age 25. Funeral costs up to \$6,700 are also payable, but this maximum does not apply if the death occurs as a direct result of firefighting.

Workers' compensation: disability benefit. For volunteer firefighters: If permanently and total disabled, the officer receives \$400 per week and medical benefits directly related to the original injury or illness.

State pension: death benefit. Available to police officers and career firefighters: If the officer's death is deemed to be accidental (i.e., natural and proximate because of an on-the-job accident that did not occur because of willful personal negligence), the spouse, minor children, or dependent parent (in that order) will receive 50 percent of the officer's final annual salary in the form of a pension. Sheriffs' spouses can no longer receive this pension if they remarry.

State pension: disability benefit. Available to police officers and career firefighters: If the disability is deemed to be accidental (i.e., permanently incapacitated—mentally or physically—and unable to perform the job as a result of an on-the-job injury accident not due to personal negligence), the officer will receive 75 percent of his or her final annual salary and an

⁴According to state and local officials, the New York state workers' compensation program excludes New York City police officers and firefighters who are covered under provisions of the New York State General Municipal Law. Uniformed police officers and firefighters in other municipalities may also be excluded. State and local officials told us that these officers are covered under state law, which provides cash benefits and medical payments by the cities or municipalities after a line-of-duty injury or illness. According to state, local, and union officials, as a result of these laws, the state and localities share the responsibility of the costs of compensating the officers or their survivors with the goal of providing 100 percent wage compensation after a line-of-duty death or permanent and total disability. The officials stated that the officer or his or her beneficiary will also receive health care. The information in this section describes the state pension portion of the benefit.

annuity for life based on his or her pension contributions. If eligible, the officer is expected to file for workers' compensation, and pension payments will be offset by this.

Education benefit. Available to police officers and career and volunteer firefighters: Memorial Scholarships provide funds to help meet the cost of attending college in New York for children, spouse, or financial dependents after a line-of-duty death. The award covers up to 4 years of full-time undergraduate study (or 5 years in an approved 5-year bachelor's degree program) and includes the following components: in-state public college or university: actual tuition and mandatory educational fees; actual room and board; and allowances for books, supplies, and transportation; at a private institution: an amount equal to an in-state public university tuition and average mandatory educational fees and allowances for room and board, books, supplies, and transportation.

Appendix III: Summary of Benefits in 50 States

The following table provides information on the availability of selected benefits provided statewide after public safety officers experience line-of-duty death or disability. To prepare the following table, we analyzed information made available by two organizations—the Concerns of Police Survivors, Inc. and the National Fallen Firefighters Foundation. We did not do any independent legal research or otherwise verify this information.

Table 4: Information on the Availability of Benefits Statewide for the 50 States

State	Onetime death benefit	Workers' compensation	Funeral benefit	Retirement/pension plan	Education benefit-children	Education benefit-spouse
Alabama	Yes	Yes	Yes	Yes	Yes	Yes
Firefighters (FF)	Yes	Career: yes; volunteer: elective	Yes	Yes	Yes	Yes
Law enforcement (LE)	Yes	Yes	Yes	Yes	Yes	Yes
Alaska	Yes	Yes	Yes	Yes	FF only	FF only
Firefighters	Yes	Career: yes; volunteer: elective	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	No	No
Arizona	LE only	Yes	Yes	Yes	Yes	Yes
Firefighters	No	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
Arkansas	Yes	Yes	Yes	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
California	No	Yes	Yes	Yes	Yes	Yes
Firefighters:	No	Yes	Yes	Yes	Yes	Yes
Law enforcement:	No	Yes	Yes	Yes	Yes	Yes
Colorado	FF-no; LE-no information	Yes	Yes	Yes	Yes	LE only
Firefighters	No	Yes	Yes	Yes	Yes	No
Law enforcement	No information available	Yes	Yes	Yes	Yes	Yes
Connecticut	FF only	Yes	Yes	Yes	FF only	No
Firefighters	Yes	Yes	Yes	Yes	Yes	No
Law enforcement	No	Yes	Yes	Yes	No	No
Delaware	Yes	Yes	Yes	Yes	Yes	No
Firefighters	Yes	Yes	Yes	Yes	Yes	No
Law enforcement	Yes	Yes	Yes	Yes	Yes	No

Appendix III: Summary of Benefits in 50 States

State	Onetime death benefit	Workers' compensation	Funeral benefit	Retirement/pension plan	Education benefit-children	Education benefit-spouse
District of Columbia	FF only	Yes	Yes	FF-yes; LE-no information	FF-no; LE-no information	FF-no; LE-no information
Firefighters	Yes	Yes	Yes	Yes	No	No
Law enforcement	No	Yes	Yes	No information available	No information available	No information available
Florida	Yes	Yes	Yes	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
Georgia	Yes	Yes	FF-yes; LE-no information	FF-yes; LE-no information	Yes	No
Firefighters	Yes	Yes	Yes	Yes	Yes	No
Law enforcement	Yes	Yes	No information available	No information available	Yes	No
Hawaii	No	Yes	Yes	Yes	No	No
Firefighters	No	Yes	Yes	Career: yes	No	No
Law enforcement	No	Yes	Yes	Yes	No	No
Idaho	Yes	Yes	FF-yes; LE-no information	Yes	Yes	FF-no; LE-no information
Firefighters	Career: Yes	Yes	Yes	Yes	Yes	No
Law enforcement	Yes	Yes	No information available	Yes	Yes	No information available
Illinois	Yes	Yes	Yes	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
Indiana	Yes	Yes	Yes	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
Iowa	Yes	Yes	Yes	Yes	No	No
Firefighters	Yes	Yes	Yes	Career: yes	No	No
Law enforcement	Yes	Yes	Yes	Yes	No	No
Kansas	FF only	Yes	Yes	Yes	Yes	No
Firefighters	Yes	Yes	Yes	Career: yes	Yes	No
Law enforcement	No	Yes	Yes	Yes	Yes	No
Kentucky	Yes	Yes	Yes	Yes	Yes	FF only
Firefighters	Yes	Yes	Yes	Career: yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	No

Appendix III: Summary of Benefits in 50 States

State	Onetime death benefit	Workers' compensation	Funeral benefit	Retirement/pension plan	Education benefit-children	Education benefit-spouse
Louisiana	Yes	Yes	Yes	Yes	Yes	No
Firefighters	Yes	Career: yes	Career: yes	Yes	Yes	No
Law enforcement	Yes	Yes	Yes	Yes	Yes	No
Maine	FF only	Yes	Yes	Yes	Yes	FF only
Firefighters	Yes	Yes	Yes	Yes	Yes	Yes
Law enforcement	No	Yes	Yes	Yes	Yes	No
Maryland	Yes	Yes	Yes	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
Massachusetts	Yes	Yes	Yes	Yes	Yes	FF only
Firefighters	Yes	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	No
Michigan	Yes	Yes	Yes	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
Minnesota	Yes	Yes	Yes	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
Mississippi	Yes	Yes	Yes	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Career: yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
Missouri	No	Yes	Yes	Yes	Yes	Yes
Firefighters	No	Yes	Yes	Yes	Yes	Yes
Law enforcement	No	Yes	Yes	Yes	Yes	Yes
Montana	Yes	Yes	FF only	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	No	Yes	Yes	Yes
Nebraska	No	Yes	Yes	Yes	No	No
Firefighters	No	Yes	Yes	Varies by locality	No	No
Law enforcement	No	Yes	Yes	Varies by locality	No	No
Nevada	No	Yes	Yes	Yes	Yes	No
Firefighters	No	Yes	Yes	Career: yes	Yes	No
Law enforcement	No	Yes	Yes	Yes	Yes	No
New Hampshire	FF only	Yes	Yes	Yes	No	No
Firefighters	Yes	Yes	Yes	Yes	No	No
Law enforcement	No	Yes	Yes	Yes	No	No

Appendix III: Summary of Benefits in 50 States

State	Onetime death benefit	Workers' compensation	Funeral benefit	Retirement/pension plan	Education benefit-children	Education benefit-spouse
New Jersey	No	Yes	Yes	Yes	Yes	Yes
Firefighters	No	Yes	Yes	Career: yes	Yes	Yes
Law enforcement	No	Yes	Yes	Yes	Yes	Yes
New Mexico	LE only	Yes	Yes	Yes	Yes	Yes
Firefighters	No	Yes	Career: yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
New York	No	Yes	Yes	Yes	Yes	Yes
Firefighters	No	Yes	Yes	Career: yes	Yes	Yes
Law enforcement	No	Yes	Yes	Yes	Yes	Yes
North Carolina	Yes	Yes	Yes	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
North Dakota	No	Yes	Yes	Yes	Yes	Yes
Firefighters	No	Yes	Yes	Career: yes	Yes	Yes
Law enforcement	No	Yes	Yes	Yes	Yes	Yes
Ohio	No	Yes	Yes	Yes	Yes	Yes
Firefighters	No	Yes	Yes	Yes	Yes	Yes
Law enforcement	No	Yes	Yes	Yes	Yes	Yes
Oklahoma	Yes	Yes	Yes	Yes	Yes	No
Firefighters	Yes	Yes	Yes	Yes	Yes	No
Law enforcement	Yes	Yes	Yes	Yes	Yes	No
Oregon	Yes	Yes	Yes	Yes	Yes	FF only
Firefighters	Yes	Yes	Career: yes	Career: yes	Career: yes	Career: yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	No
Pennsylvania	Yes	Yes	Yes	Yes	Yes	No
Firefighters	Yes	Yes	Yes	Career: yes	Yes	No
Law enforcement	Yes	Yes	Yes	Yes	Yes	No
Puerto Rico	Yes	Yes	Yes	Yes	LE only	No
Firefighters	Yes	Yes	Yes	Yes	No	No
Law enforcement	Yes	Yes	Yes	Varies by locality	Yes	No
Rhode Island	FF only	LE only	LE only	Yes	Yes	No
Firefighters	Yes	No	No	Career: yes	Yes	No
Law enforcement	No	Yes	Yes	Yes	Yes	No
South Carolina	No	Yes	Yes	Yes	Yes	No
Firefighters	No	Yes	Yes	Yes	Yes	No
Law enforcement	No	Yes	Yes	Yes	Yes	No

Appendix III: Summary of Benefits in 50 States

State	Onetime death benefit	Workers' compensation	Funeral benefit	Retirement/pension plan	Education benefit-children	Education benefit-spouse
South Dakota	No	Yes	Yes	Yes	Yes	FF only
Firefighters	No	Yes	Yes	Career: yes	Yes	Yes
Law enforcement	No	Yes	Yes	Yes	Yes	No
Tennessee	Yes	Yes	Yes	Yes	Yes	No
Firefighters	Volunteer: yes	Career: yes	Yes	Yes	Yes	No
Law enforcement	Yes	Yes	Yes	Yes	Yes	No
Texas	Yes	Yes	Yes	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
Utah	LE only	Yes	Yes	Yes	Yes	Yes
Firefighters	No	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
Vermont	Yes	Yes	Yes	Yes	No	No
Firefighters	Yes	Yes	Yes	Career: yes	No	No
Law enforcement	Yes	Yes	Yes	Yes	No	No
Virginia	Yes	Yes	Yes	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Yes	Yes	Yes
Law enforcement	Yes	Yes	Yes	Yes	Yes	Yes
Washington	Yes	Yes	Yes	Yes	Yes	No
Firefighters	Yes	Yes	Yes	Yes	Yes	No
Law enforcement	Yes	Yes	Yes	Yes	Yes	No
West Virginia	FF only	Yes	Yes	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Career: yes	Yes	Yes
Law enforcement	No	Yes	Yes	Yes	Yes	Yes
Wisconsin	FF only	Yes	FF only	Yes	Yes	Yes
Firefighters	Yes	Yes	Yes	Career: yes	Yes	Yes
Law enforcement	No	Yes	No	Yes	Yes	Yes
Wyoming	No	Yes	Yes	Yes	FF only	No
Firefighters	No	Yes	Yes	Yes	Yes	No
Law enforcement	No	Yes	Yes	Yes	No	No

Source: GAO analysis of information from the Concerns of Police Survivors, Inc., and the National Fallen Firefighters Foundation.

Appendix IV: Comments from the Office of Justice Programs



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

OCT 01 2009

Mr. Andrew Sherrill
Director, Education, Workforce, and
Income Security Issues
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Sherrill:

Thank you for the opportunity to comment on the draft Government Accountability Office (GAO) report entitled "Public Safety Officers' Benefits Program: Performance Measurement Would Strengthen Accountability and Enhance Awareness Among Potential Claimants" (GAO-10-5). The draft GAO report contains one Recommendation for Executive Action to the U.S. Department of Justice, which is restated in bold text below and is followed by our response.

To strengthen the PSOB's accountability, enhance potential claimants' and the general public's awareness about its benefits and program accomplishments, and ensure claimants and those who assist them receive the most efficient, consistent, and effective service, the Assistant Attorney General of the Office of Justice Programs should direct the Director of the Bureau of Justice Assistance to:

- **Establish appropriate performance goals and measures related to the program's key activities, such as claims processing, outreach, and application assistance, based on reliable information about processing times, feedback from stakeholders and cost-effective approaches; and**
- **Once goals and measures have been established, collect and use reliable data to monitor and publicly report on how well key program activities are being performed, including how successfully PSOB's automated claims processing system, Workflow, is addressing agency needs.**

The Office of Justice Programs (OJP) agrees with the Recommendation for Executive Action. By October 2010, the Bureau of Justice Assistance (BJA) will implement appropriate performance measures for the Public Safety Officers' Benefits (PSOB) program, ensure that reliable data to monitor and publicly report on the program are collected and create a system to publicly report on how well key program activities are being performed.

Enacted in 1976, the PSOB program is a partnership effort of the PSOB office, BJA, OJP, the U.S. Department of Justice and local, state, and federal public safety agencies and national organizations, to provide death, disability and education benefits to eligible public safety officers. The PSOB office strives to provide exceptional services to survivors in the face of tragedy and to approve every claim allowable according to the law. In Fiscal Year 2008, for example, the PSOB office approved 377 death claims, the highest rate of approvals with the exception of the especially tragic year in which September 11, 2001 PSOB claims were determined.

The Office of Justice Programs, and especially the PSOB Office, is fully committed to identifying ways to move PSOB claims more rapidly through the review process, and has already planned a number of enhancements to more effectively meet its mission while increasing program accountability. The Acting Assistant Attorney General has made the improvement of the PSOB program one of her highest priorities and has assigned a Senior Advisor from her office to work closely with BJA and the Office of the General Counsel to identify areas where simple process changes can lead to earlier and more effective identification of issues. Additionally, the PSOB office has been engaged in a long term plan to implement a technological solution that will help track cases and data and allow claims specialists access to the data necessary to both process the claims and provide claimants with useful information about the status of their claims.

Below are details regarding enhancements that have been implemented, or are scheduled to be in place by December 2009. All of the enhancements directly support GAO's recommendation "to enhance program accountability and claimant awareness."

Tracking Cases and Collecting Data

Case Management System. The PSOB office has been working with a contractor to develop a case management system, Workflow, that will allow for the tracking of all claims as well as allow for the collection of data regarding claims processing. The first implementation phase of the Workflow was completed in the summer of 2009, with all active (and many closed) PSOB death and disability cases entered into the system to capture and monitor critical details on death, disability, and education claims. The Workflow is the foundation for increased efficiency for claim reviews, as well as the development of a system to provide more frequent and informative updates to survivors and agencies regarding claim status. Beginning in late 2007, PSOB claim-related documents from agencies and survivors have been scanned and stored electronically to increase accessibility of claim information among staff, prevent document loss, and move even closer to an internal e-claim review process for all PSOB claims.

Using Data to Improve and Report on Performance

Business Process / Policies and Procedures. With the first phase of the PSOB Workflow completed, in 2009 the PSOB Office will begin the development of a *PSOB*

Policies and Procedures Manual, identifying each step and standard in the process, from the initiation of a claim to its approval and payment, or non-approval.

Survivor and Agency Awareness and Access. As of May 2006, agencies and survivors can access the forms required to file a PSOB death claim at <https://www.psob.gov>, and also attach and submit all required documents to support the claim through the same site. In addition, in 2008, PSOB designed and distributed for the first time ever the *PSOB Information Kit (Kit)* to more than 60,000 public safety agencies and national partners across the country. The *Kit* included a copy of the updated regulations; easy-to-use checklists for both non-Hometown Heroes and Hometown Heroes (eligible heart attacks and strokes) claims; PSOB death claim forms; and an information card for public safety officers' loved ones to keep with other important papers should a tragedy occur. The comprehensive *Attorney General's Guide to the Hometown Heroes Survivors' Benefits Act* was also finalized and distributed to these same agencies in mid-2008.

All forms, as well as communication letters, PSOB checklists, and informational materials, are available in Spanish. Additionally, <https://www.psob.gov> was unveiled in May 2006 in Spanish for PSOB's Spanish-speaking officers and survivors to file claims online.

Field Support. As of 2008, PSOB's national partners and grantees, Concerns of Police Survivors (C.O.P.S.) and National Fallen Firefighters Foundation (NFFF), implemented locally-based support teams nationwide in a concentrated effort to provide grass-roots support to agencies and survivors when a line-of-duty death occurs. The teams are available to provide direct, in-person assistance to both survivors and surviving agencies throughout the PSOB claim submission and review process. Working in collaboration with these national partners, the C.O.P.S. / NFFF project is intended to improve the completeness of claims submitted to the PSOB Office, help reduce and prevent "getbacks" required from agencies on additional information that might be required to complete the claim review, and provide in-person agency and survivor support and updates at the local level.

PSOB Advisory Group. Since 2004, PSOB has called upon related public safety partners to help advise the BJA Director and PSOB Director on issues impacting the PSOB Office, program, and processes. The development of a PSOB Advisory Group will formalize this process, allow the PSOB Office to tap into the expertise of a diverse group of justice professionals, and offer partners a window into issues impacting PSOB claims. PSOB anticipates that the pilot meeting of the Advisory Board will occur by the end of October, 2009.

Improving Outreach to Claimants and Stakeholders

PSOB Call Line. A frequent request of the PSOB Office is that the PSOB telephone line be staffed more hours during the day. PSOB has awarded a contract to establish a customer call line that will be fully staffed by two customer call specialists from the hours of 7:00 a.m. – 7:00 p.m., Monday through Friday. The PSOB office has held its first meeting with

the contractor and expects that the call line will begin operations in approximately the next six weeks. The call line will further demonstrate the commitment of the PSOB Office and DOJ to survivors and surviving agencies experiencing a line of duty death or catastrophic disability.

Personnel / Performance. Simply put, the more individuals making calls and sending emails to claimants and agencies the stronger the communication bridge between PSOB and its customers. Whether weekly, bi-weekly, or monthly, intensive outreach conveys “Your claim is not lost.” Five outreach specialists will provide proactive claim outreach, capture critical data on each claim in the PSOB case management system, and scan incoming documents to maintain an e-copy of each file. An immediate and minimum performance measure for these specialists will be returning all calls and emails to agencies and claimants within 24 hours of receipt.

These specialists will also be responsible for running Workflow data reports that the PSOB Director will use to inform the BJA Director regarding all active and recently closed claims. These reports are also being used to help form the foundation for an online website for claimants to check the status of their active claims.

Finally, two paralegals will also be added to the PSOB Office to work directly with the PSOB Benefits Specialists and PSOB Director early in the claim process to help analyze supporting documentation, identify legal issues, and streamline the formal legal review process. Paralegals will also be used to help expedite the unprecedented number of active PSOB appeals.

Marketing and Outreach. The PSOB program was intended to assist in the recruitment and retention of qualified public safety officers in America; establish the value communities place on the contributions of those willing to serve their communities in potentially dangerous circumstances; and offer peace of mind to men and women seeking careers in public safety, yet there remain agencies that still do not know about the PSOB program.

While many law enforcement officers, firefighters, and other first responders know about the PSOB program, there are still too many agencies surprised to learn that the program has existed for more than 30 years. PSOB is committed to getting the word out to all who should know, through frequent presentations and trainings at national, regional, state, and local meetings and conferences. Recent presentations have ranged from briefing working committees at the International Association of Chiefs of Police and National Sheriffs’ Association Annual Conferences, to half day training sessions at state Fire Chiefs Conferences, the National Troopers Coalition, and the C.O.P.S. and NFFF Annual Conferences and related trainings.

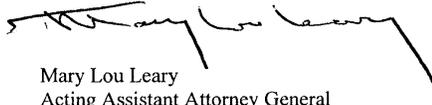
In addition to already highlighting the PSOB program in every *Justice Today*, BJA’s e-communication to more than 10,000 law enforcement and justice subscribers, PSOB communication and marketing plans for 2009 - 2010 include requesting space to run a standard PSOB message and contact information in all major law enforcement and

**Appendix IV: Comments from the Office of
Justice Programs**

firefighter association and trade journals and related websites. The PSOB Office will also update PSOB materials and conduct a second mass mailing of its *PSOB Information Kits* to 60,000 agencies and related partners.

If you have any questions regarding this response, you or your staff may contact Maureen Henneberg, Director, Office of Audit, Assessment, and Management, on (202) 616-3282.

Sincerely,



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Staff Acknowledgments

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Related GAO Products

Federal Compensation Programs: Perspectives on Four Programs for Individuals Injured by Exposure to Harmful Substances. [GAO-08-628T](#). Washington, D.C.: April 1, 2008.

Disability Benefits: Benefit Amounts for Military Personnel and Civilian Public Safety Officers Vary by Program Provisions and Individual Circumstance. [GAO-06-4](#). Washington, D.C.: April 7, 2006.

Federal Compensation Programs: Perspectives on Four Programs. [GAO-06-230](#). Washington, D.C.: November 18, 2005.

Standards for Internal Control in the Federal Government. [GAO/AIMD-00-21.3.1](#). Washington, D.C.: November 1999.

Executive Guide: Effectively Implementing the Government Performance and Results Act. [GAO/GGD-96-118](#). Washington, D.C.: June 1996.

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