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United States Senate

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February 28, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable Karol V. Mason
Assistant Attorney General
Office of Justice Programs
U.S. Department of Justice
Washington, D.C., 20531

Dear Assistant Attorney General Mason:

On January 12, 2015, I wrote you regarding the Office of Justice Programs' (OJP) Public Safety Officer's Benefits (PSOB) program.¹ PSOB "provides a one-time benefit to eligible survivors of public safety officers whose deaths were the direct and proximate result of an injury sustained in the line of duty on or after September 29, 1967."² In 2004, the Attorney General instructed OJP's PSOB Office to make a determination on all filed PSOB claims within 90 days of receiving all necessary information.³

However, according to a 2009 Government Accountability Office (GAO) report, families of fallen or injured officers waited an average of a year and a half before receiving an approval or denial of their PSOB application.⁴ In Iowa alone, three PSOB applications have been pending for over three years, and another PSOB application has been pending since November 2013.⁵ A 2008 Department of Justice, Office of Inspector General (OIG) report noted that legal reviews conducted by OJP OGC caused delays in the claims process.⁶ The PSOB program director has acknowledged that calls and e-mails from claimants or agencies are not always returned.⁷

¹ Pub. L. No. 94-430, Sept. 29, 1976, 90 Stat. 1346. In addition to death benefits, PSOB was designed to provide disability and education benefits to officers and their families in the event of the officer's permanent and total disability sustained in the line of duty. Notably, Congress mandated the death benefit program while designating the others as discretionary. See U.S. Department of Justice, Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), *PSOB Updates*, https://www.psob.gov/psob_updates.html, last accessed December 18, 2014.

² Hope D. Janke, U.S. Department of Justice, OJP, BJA, *BJA Fact Sheet: Public Safety Officers' Benefits Program*, https://www.psob.gov/files/PSOB_FS.pdf, last accessed December 18, 2014, at 1.

³ GAO, *Public Safety Officers' Benefits Program: Performance measurement Would Strengthen Accountability and Enhance Awareness among Potential Claimants*, GAO-10-5 (Washington, D.C.: October 2009), at 11.

⁴ *Id.*, at 14-15, 21.

⁵ Officer Mark Toney, E.O.W. 9/20/2011; Chief Robert Smith, E.O.W. 3/13/2010; Chief Lyle N. Rusk, E.O.W. 11/23/2008; and Lieutenant Patrick A. Richardson, E.O.W. 2/5/2014.

⁶ DOJ OIG, *The Office of Justice Programs' Implementation of the Hometown Heroes Survivors Benefits Act 2003*, I-2008-005 (Washington, D.C.: March 2008), at iv.

⁷ GAO-10-5, at 22.

Officers and families of fallen officers deserve better treatment and timely responses from the very office created to serve them. My January 12, 2015 letter asked about the status of the pending PSOB death benefit applications of four Iowan police officers, and other questions related to OJP's administration of this program. On February 26, 2015, the Justice Department provided a response.

Please provide written responses to the following additional questions by March 20, 2015:

1. As of the date of this letter, how many PSOB death benefit applications are pending at OJP? Please provide a breakdown by state and date of filing.
2. As of the date of this letter, how many PSOB disability benefit applications are pending at OJP? Please provide a breakdown by state and date of filing.
3. As of the date of this letter, how many PSOB education benefit applications are pending at OJP? Please provide a breakdown by state and date of filing.

Please number your responses according to their corresponding questions. If you have any questions, please contact Jay Lim of my Committee staff at (202) 224-5225. Thank you.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

cc: The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice