

Report No. 6

REPORT ON
LAW ENFORCEMENT OFFICERS' BENEFITS

North Carolina
Legislative Research Commission

Raleigh

1967



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Introduction

The Commission was directed by an unnumbered House Resolution, adopted June 15, 1965, to "study benefits payable to law enforcement officers who may be permanently disabled, either partially or totally, in the performance of their duties," and to report its findings and recommendations to the 1967 General Assembly. (See Appendix A)

At its meeting on April 29, the Commission heard representatives of the North Carolina Sheriffs' Association and through a subcommittee composed of Representatives Godwin and Sermons made inquiries and collected available data. (See Appendices) The subcommittee presented its report to the Commission on November 11, 1966.

Findings and Recommendations

The Commission adopted the report of the subcommittee as its own findings and recommendations. (See Appendix B) It was unable to obtain statistical data on the number of law enforcement officers who were permanently disabled, either partially or totally, during any year. Because of the establishment of the Separate Benefit Fund under legislation enacted by the 1965 General Assembly, however, such statistical data should be available in the future. Therefore the Commission makes no recommendation on this matter but transmits the information contained in this report to the General Assembly of 1967.

Appendix A

HOUSE RESOLUTION

A HOUSE RESOLUTION DIRECTING THE LEGISLATIVE COUNCIL OR ITS SUCCESSOR TO STUDY AND MAKE RECOMMENDATIONS RELATIVE TO LAW ENFORCEMENT OFFICERS' BENEFITS.

Be it resolved by the House of Representatives:

Section 1. The Legislative Council or its successor is hereby authorized and directed to thoroughly study benefits payable to law enforcement officers who may be permanently disabled, either partially or totally, in the performance of their duties. The Legislative Council or its successor shall report its findings and recommendations to the 1967 Session of the General Assembly of North Carolina.

Sec. 2. This Resolution shall become effective upon adoption.

[Adopted by the House of Representatives June 15, 1965.]

Appendix B

Report of Subcommittee Relative to Law Enforcement Officers' Benefits

On April 29, 1966, Mr. Basil Sherrill, attorney representing the Sheriffs' Association, spoke to the Legislative Research Commission recommending the following:

Chapter 143, Article 12A be modified to provide the \$10,000 death benefit and total and permanent disability for all officers killed or totally and permanently disabled in line of duty.

Sheriff Robert Pleasants, secretary and treasurer of the organization and Sheriff Frank Outland, president, also spoke to the Commission in favor of this recommendation. We have had favorable correspondence and comments from Senator William Z. Wood and Senator Gordon Hanes, introducers of Committee Substitute for S.B. 161, which rewrote Article 12A, Chapter 143 of the General Statutes. The original bill introduced by Senator Wood and Senator Hanes included the benefits recommended by Mr. Sherrill. (Copy of Senator Wood's letter and copies of S.B. 161 and Committee Substitute for S.B. 161 attached.)

During the 1965 Session of the General Assembly, the "Separate Benefit Fund" was established (bill attached) creating, among other things, a \$5,000 death benefit regardless of cause. Eligibility was determined without regard to whether or not an officer was a member of the

Retirement Fund. This award is in addition to the \$5,000 death benefit awarded by the Industrial Commission under Article 12A, Chapter 143 of the General Statutes. We should like to point out, however, the \$5,000 payment under the "Separate Benefit Fund" is awarded regardless of cause or whether or not the officer has dependents; the award made by the Industrial Commission is awarded only if the officer has dependents and if he is killed in line of duty.

We have had discussion and correspondence with Mr. Henry L. Bridges, Ex officio Chairman of the Law Enforcement Officers' Benefit and Retirement Fund and Mr. E. B. Dixon, Executive Secretary of the Fund. A copy of Mr. Dixon's letter is attached; also, a copy of a statement by Mr. Dixon stating the coverage now offered.

At the September 9, meeting of the Commission, this Resolution was discussed at length, and it was moved and seconded that the recommendation of the Sheriffs' Association had merit, but because their recommendation required an appropriation, it would be advisable for the interested groups to appear before the "B" budget hearings of the Advisory Budget Commission. The secretary notified the Sheriffs' Association and the Police Executives'

Association of this decision.

We did not hear officially from the Police Executives' Association, but, unofficially, we heard they had decided not to appear before the Advisory Budget Commission or push the issue at this time. We had a letter from Mr. Sherrill of the Sheriffs' Association stating their decision was not to appear, but to take their case directly to the General Assembly. (Letter attached explaining their decision.)

We should like to call the Commission's attention to the Resolution which states:

"..... to thoroughly study benefits payable to law enforcement officers who may be permanently disabled, either partially or totally, in the performance of their duties."

This Resolution does not call for any study on death benefits, but to report on benefits available to officers permanently disabled, either partially or totally. We have tried, without success, to obtain statistics on the number of officers who may be permanently disabled, either partially or totally during a year. We were told by Mr. Dixon that since the enactment of the "Separate Benefit Fund," the Law Enforcement Officers' Retirement Fund now has a record of each law enforcement officer in the State, and because of the accident benefits now in

effect, statistics should be available within a year.

Because of this, the subcommittee offers no recommendation and would suggest that the Legislative Research Commission report the lack of statistical data to support a recommendation for an appropriation to the General Assembly or to the Advisory Budget Commission.

November 11, 1966

We should like to acknowledge with sincere appreciation the help given by the following individuals:

Mr. Henry L. Bridges, Ex officio Chairman of the Law Enforcement Officers' Benefit and Retirement Fund.

Mr. E. B. Dixon, Executive Secretary of the Law Enforcement Officers' Benefit and Retirement Fund.

Mr. Basil Sherrill, representing the North Carolina Sheriffs' Association.

Sheriff Robert J. Pleasants, Secretary and Treasurer of the North Carolina Sheriffs' Association

Sheriff Frank Outland, President of the North Carolina Sheriffs' Association

Senator William Z. Wood

Senator Gordon Hanes

Representative Philip P. Godwin
Representative Wayland J. Sermons

Appendix C



North Carolina General Assembly

SENATE CHAMBER

STATE LEGISLATIVE BUILDING

Raleigh

SENATOR WILLIAM Z. WOOD
TWENTY-THIRD DISTRICT
HOME ADDRESS:
318 N. C. NATIONAL BANK BLDG.
WINSTON-SALEM, N. C.

September 29, 1966

COMMITTEE ASSIGNMENTS:
VETERANS AND MILITARY AFFAIR
CHAIRMAN
JUDICIARY II, VICE-CHAIRMAN
APPROPRIATIONS
EDUCATION
ELECTION LAWS AND LEGISLATIVE
REPRESENTATION
HIGHWAY SAFETY
MANUFACTURING, LABOR AND
AND COMMERCE
PENAL INSTITUTIONS
PROPOSITIONS AND GRIEVANCES
RETIREMENT, EMPLOYMENT
SECURITY
STATE GOVERNMENT

Mrs. Patricia A. Benton, Secretary
Legislative Research Commission
State Legislative Building
Raleigh, North Carolina

Re: Law Enforcement Officers' Benefits

Dear Mrs. Benton:

In answer to your letter of September 21, 1966, I talked with Senator Hanes, and he and I are both in accord that it is our hope that Article 12A, Chapter 143 of the General Statutes (Senate Bill 161) be amended as follows:

- (1) To increase the amount of coverage to Ten Thousand and No/100 Dollars (\$10,000.00);
- (2) That the benefits be paid not only to the families of law enforcement officers who are killed in the line of duty, but also that benefits be paid to law enforcement officers who are permanently and totally disabled in the line of duty;
- (3) That this coverage should be extended to cover all law enforcement officers, including Constables.

We point to the recent case here in Forsyth County when Constable Ernest Walters was killed as a result of being shot in the back while serving civil papers.

Mrs. Patricia A. Benton

September 29, 1966

There is no question in our minds but that all officers risk their lives just about every day carrying out their duties, and they do so to a much greater extent than the average person who is employed in public work.

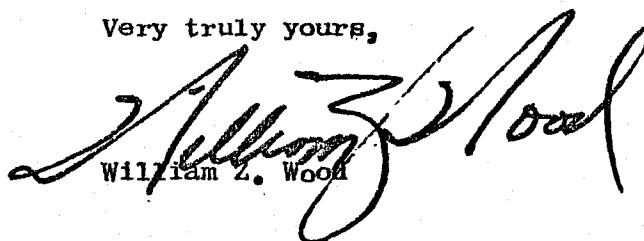
As I recall, Mr. Basil Sherrill, attorney for the Sheriffs' Association, furnished us with figures and facts concerning the number of officers who had been killed in past years. I believe, if your commission had this information now, it would enable them to see what this legislation would have cost in the past so that they could estimate what the cost would be in the future.

I am sending a copy of this letter to Mr. Basil Sherrill and Sheriff Robert Pleasants so they can give you this information and any other information which they have.

Both Senator Hanes and I hope that the next Legislature will do what they should have done two years ago and will pass a bill to do the things outlined above.

If I can be of further assistance, please let me know.

Very truly yours,



William Z. Wood

WZW:jf

CC: Senator Gordon Hanes
Mr. Basil Sherrill
Sheriff Robert Pleasants
Sheriff Ernie Shore
Chief Justus Tucker

Appendix D



COMMISSIONERS
(EX OFFICIO)
CHAIRMAN (EX OFFICIO)
HENRY L. BRIDGES
STATE AUDITOR
SECRETARY
EDWIN S. LANIER
COMMISSIONER OF INSURANCE
TREASURER
EDWIN GILL
STATE TREASURER
E. B. DIXON
EXECUTIVE SECRETARY

**THE LAW ENFORCEMENT OFFICERS'
BENEFIT AND RETIREMENT FUND**

Post Office Box 870
Raleigh, N. C. 27602
September 22, 1966

COMMISSIONERS
(APPOINTED)
TRAVIS H. CLEMENTS
REPRESENTATIVE AT LARGE
DURHAM
T. DALE JOHNSON-SHERIFF
CATAWBA COUNTY-NEWTON
W. B. LENTZ-MAJOR
HIGHWAY PATROL-RALEIGH
W. A. MCCALL-INSPECTOR
POLICE DEPARTMENT-CHARLOTTE
CHARLES B. BARMHAM III
FIELD REPRESENTATIVE

Honorable Philip P. Godwin
Gates County Representative
Gatesville, North Carolina

Dear Mr. Godwin,

It gives us pleasure to review the benefits now available to peace officers of North Carolina with full power of arrest and having a primary duty of enforcing the criminal laws of the State on public property and/or a primary duty of serving civil processes.

Since 1937 a small benefit has been and is now available to the dependents of eligible officers killed in the line of duty. Our Fund, without regard as to whether or not the officer is a member or participant, pays the widow a \$500 benefit and in addition, the sum of \$200 to apply on funeral expenses. Also, the sum of \$100 is allowed for each dependent child under the age of eighteen; \$100 for a child in esse, and \$100 for each child over eighteen years of age who is physically or mentally incapable of earning a living. The maximum payment in each claim is \$1500. Since the inception of the law, we will have paid out by the end of this month a grand total of \$120,900.

Session Laws of 1965 amended Chapter 143, section 166 to establish a Separate Benefit Fund as of July 1, 1965. Under this Fund, we pay the designated beneficiary of an officer, who dies from any cause, the sum of \$5000. To be eligible for this death benefit, the officer must have applied for participation and established eligibility under the rule set forth in the first paragraph of this letter. For the fiscal year ended June 30, 1966, we paid 28 claims for a total of \$140,000. Since that date, we have paid out \$30,000. with two claims pending at this time. We set up a reserve of \$240,000. each year to cover claims of dependents of eligible officers.

On October 1, 1966, additional benefits will be available to over 6000 eligible peace officers in North Carolina. On September 27, 1966, we plan to execute the final papers setting up accident and hospital benefits to be paid without regard to workmen's compensation or other hospital coverage the officer might have available. This schedule of

September 22, 1966

benefits is as follows:

<u>CLASSIFICATION</u>	<u>WEEKLY ACCIDENT BENEFIT</u>		<u>WEEKLY SICKNESS BENEFIT</u>	
	<u>OUT OF HOSPITAL</u>	<u>WHILE HOSPITAL CONFINED</u>	<u>OUT OF HOSPITAL</u>	<u>WHILE HOSPITAL CONFINED</u>
I ALL ELIGIBLE PARTICIPANTS UNDER AGE 65				
ACTIVE	\$40.	\$140.	NONE	\$140.
RETIRED	NONE	140.	NONE	140.
II ALL ELIGIBLE PARTICIPANTS AGE 65 AND OVER				
ACTIVE	\$30.	\$105.	NONE	NONE
RETIRED	NONE	105.	NONE	NONE

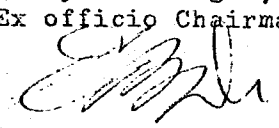
In addition to the benefits that have been mentioned in this letter, Chapter 937 - Session Laws of 1965 provides an award of \$5000 to dependents of an officer killed in line of duty. As you know these claims are processed through the Industrial Commission of the State of North Carolina and the awards are made from the Contingency and Emergency Fund of the State Budget, with final action taken by the Governor and Council of State.

In a recent analysis of funds payable to dependents of officers killed in line of duty, it has been determined that the total of such benefits, including workmen's compensation, amount to approximately \$23,700. for each officer meeting the general rules and regulations governing such awards.

Should there be a further question or a clarification of statements made in this letter, please do not hesitate to let us know.

Sincerely,

Henry L. Bridges, State Auditor
Ex officio Chairman


By: E. B. Dixon
Executive Secretary

EBD:lr

Appendix E

YOUR SEPARATE BENEFIT FUND

WHAT'S NEW? ACCIDENT AND HOSPITAL BENEFITS: Our State Auditor and Ex officio Chairman of the Board, Honorable Henry L. Bridges, has announced the following additional benefits available beginning at 12:01 A. M. October 1, 1966:

CLASSIFICATION	WEEKLY ACCIDENT BENEFIT		WEEKLY SICKNESS BENEFIT	
	OUT OF HOSPITAL	WHILE HOSPITAL CONFINED	OUT OF HOSPITAL	WHILE HOSPITAL CONFINED
I ALL ELIGIBLE PARTICIPANTS UNDER AGE 65				
ACTIVE	\$40.	\$140.	NONE	\$140.
RETIRED	NONE	140.	NONE	140.
II ALL ELIGIBLE PARTICIPANTS AGE 65 AND OVER				
ACTIVE	\$20.	\$105.	NONE	NONE
RETIRED	NONE	105.	NONE	NONE

Accident - The period for which Weekly Accident Benefits are payable shall begin on the first day of disability and shall be payable for a maximum of fifty-two weeks while the participant is not confined to a hospital or for a maximum of thirteen weeks while the participant is confined to a hospital, but in no case shall payment be made in the aggregate for longer than fifty-two weeks during any one period of disability, whether from one or more causes.

Sickness - The period for which Weekly Sickness Benefits are payable shall begin on the fourth day of hospital confinement and shall be payable for a maximum of thirteen weeks during any one period of disability, whether from one or more causes.

The above benefits are paid regardless of workmen's compensation or any other insurance program you may have now or in the future.

Participants will receive a certificate of coverage during the early part of October and also full instructions on just how to file a claim.

OTHER BENEFITS: The \$5,000 Death Benefit is to be continued. Since July 1, 1965 a total of \$180,000 has been paid to the beneficiaries of deceased law enforcement officers.

DOES THE OFFICER PAY FOR THESE BENEFITS? NO! The amount of \$1.00 additional court costs collected since July 1, 1965 is now sufficient to cover the entire cost.

HOW LONG WILL THESE BENEFITS BE AVAILABLE? Since this benefit program is entirely dependent upon the collection of the \$1.00 additional court costs, there is no guarantee that the Benefits will continue forever. However, the Board of Commissioners do not foresee any reason why these, or even greater, Benefits should not continue in the future. The contract covering the new benefits now being offered must be renegotiated each year.

WHO IS ELIGIBLE? All participants in the Separate Benefit Fund and new officers that are full-time law enforcement officers with full power of arrest. They must have a primary duty of enforcing the criminal laws of the State on public property and/or a primary duty of serving civil processes. If you know one that qualifies and has not filed an application for participation in the Separate Benefit Fund, have them do so at once. **AN OFFICER MUST BE A PARTICIPANT IN THE FUND TO BE ELIGIBLE FOR BENEFITS.**

IMPORTANT: See that all eligible officers in your department are bona fide participants in the Separate Benefit Fund. Also, notify E. B. Dixon, Executive Secretary, Box 870, Raleigh, N. C. **JUST AS SOON AS AN OFFICER RESIGNS HIS POSITION. DO NOT MAKE THE FUND PAY PREMIUMS ON PERSONS NO LONGER AN OFFICER.**

Since the above Bulletin was prepared, we have learned that eligible officers in the hospital on October 1, 1966 are covered by the new benefits. For example, if the officer spends a week in the hospital prior to 12:01 A. M., October 1, 1966, he will be eligible for 12 weeks' benefits, if he remains in the hospital that long. The same revision of the coverage offered applies to those active officers disabled by accident but not in the hospital.

LAW OFFICES

ADAMS, LANCASTER, SEAY, ROUSE AND SHERRILL

P. O. BOX 1840

RALEIGH, N. C.

27602

THOMAS F. ADAMS, JR.
SIDNEY W. LANCASTER
JAMES L. SEAY
WILLIAM E. ROUSE, JR.
BASIL L. SHERRILL

OCTOBER 4, 1966

MRS. FRED M. BENTON
NORTH CAROLINA LEGISLATIVE RESEARCH
COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH, NORTH CAROLINA

DEAR MRS. BENTON:

THE SHERIFFS' ASSOCIATION IS MOST APPRECIATIVE OF THE TIME AND EFFORT OF THE LEGISLATIVE RESEARCH COMMISSION ON THE SUBJECT OF DEATH AND DISABILITY BENEFITS FOR LAW ENFORCEMENT OFFICERS. FOLLOWING YOUR COMMUNICATION SOME WEEKS AGO, I TALKED BY TELEPHONE WITH G. A. JONES, JR., CONCERNING A POSSIBLE APPEARANCE BEFORE THE ADVISORY BUDGET COMMISSION ON THIS SUBJECT. MR. JONES ADVISED ME THAT IT WAS HIS OPINION THAT IT WOULD NOT BE ADVISABLE TO MAKE SUCH AN APPEARANCE. HE THOUGHT THAT AN UNSCHEDULED APPEARANCE CONCERNING A NEW SUBJECT WOULD NOT BE FAVORABLY RECEIVED AT THIS TIME, AND FURTHER ADVISED THAT IN HIS OPINION THE BETTER PROCEDURE WOULD BE TO HAVE THIS MATTER INTRODUCED IN THE 1967 GENERAL ASSEMBLY AND SENT TO THE APPROPRIATIONS COMMITTEES, EVEN THOUGH NO RECOMMENDED APPROPRIATION IS SUBMITTED THROUGH THE ADVISORY BUDGET COMMISSION.

CONSIDERING THE INABILITY TO SECURE DATA ON WHICH TO BASE A REQUESTED AMOUNT FOR DISABILITY, I WAS WILLING TO GO ALONG WITH SUCH ADVICE. THE SHERIFFS' ASSOCIATION DOES NOT WISH TO FOREGO A REQUEST TO THE 1967 GENERAL ASSEMBLY, AND WILL WORK ACTIVELY FOR PASSAGE OF A BILL IN THE 1967 LEGISLATURE FOR INCREASED BENEFITS. IN ADDITION, WE WILL TRY TO HAVE READY SOME INFORMATION CONCERNING THE INCIDENCE AND COST OF DISABILITY TO OFFICERS PERMANENTLY AND TOTALLY DISABLED IN LINE OF DUTY. SO FAR, I HAVE HAD NO SUCCESS, BUT I HAVE BY NO MEANS EXHAUSTED ALL POSSIBILITIES OF SECURING SOME REASONABLY ACCEPTABLE DATA. WHEN I DO OBTAIN SUCH INFORMATION, I WILL BE SURE TO SEND YOU A COPY FOR THE COMMISSIONS' FILES.

AGAIN, THANK YOU AND THE COMMISSION FOR YOUR TIME AND EFFORTS IN THIS MATTER. WE WILL APPRECIATE YOUR ADVISING US OF ANYTHING THE ASSOCIATION MIGHT

MRS. FRED M. BENTON

OCTOBER 4, 1966

DO WHICH WOULD HELP THE PROSPECTS FOR PASSING LEGISLATION OF THE TYPE
PROPOSED.

VERY TRULY YOURS,

Basil Sherrill

BASIL SHERRILL
ATTORNEY, FOR NORTH CAROLINA
SHERIFFS' ASSOCIATION

BS/BH

CC: SHERIFF ROBERT J. PLEASANTS
P. O. Box 646
RALEIGH, NORTH CAROLINA

