



Office of the Director

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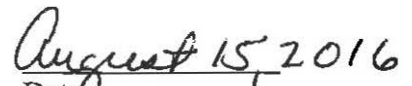
PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM POLICY MEMORANDUM
MANDATORY WEAR POLICIES

The Bureau of Justice Assistance (BJA) supports the recent efforts taken by the nation's public safety agencies and law enforcement organizations to increase officer safety and wellness, including through policies that require public safety officers to use seat belts and body armor.

Although the PSOB Act prohibits the payment of benefits when an officer's intentional misconduct causes fatal or catastrophic injury, with respect to the determination of any claim that implicates the intentional misconduct limitation described at 42 U.S.C. § 3796a(1) and implementing regulations in 28 C.F.R. part 32, effective immediately, the following shall be the policy and practice of the PSOB Program in determining whether a public safety officer's failure to use a seat belt or body armor constitutes "intentional misconduct" and bars the payment of benefits:

1. A public safety officer's failure to use a seat belt or body armor shall not, *by itself*, establish "intentional misconduct" or that such misconduct *caused* the officer's **fatal** or catastrophic injury.
2. Absent a finding such as an investigation report, that the failure was i) a violation of law and ii) the *substantial factor* in *causing* the officer's **fatal** or catastrophic injury, such failure shall not be considered intentional misconduct under 42 U.S.C. § 3796a(1).
3. The existence of a "mandatory wear" policy will not serve as a basis to deny PSOB benefits.


Denise E. O'Donnell
Director


Date