

To: Members, Memorial Committee
From: Stephan M. Bunker
Subj: Recommendations on Definitions of Terms
Date: Aug. 17, 1989

The sub-committee met at Public Safety HQ at 8:30 this date. Present were Chief Reidy, Sheriff Carter, and Stephan M. Bunker.

The following definitions of terms are forwarded to the Memorial Committee for adoption to help further decisions concerning eligibility for inclusion on the memorial.

1. def. LAW ENFORCEMENT OFFICER:

....means any person who by virtue of his/her public employment is vested by law with a duty to maintain public order, to prosecute offenders, and make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes. (modified from MRSA 17-A sec 2 sub 17)

2. def. LINE OF DUTY

....means any action which an officer whose primary function is crime control or reduction or enforcement of the criminal law, is obligated or authorized by rule, regulation, condition of employment, or service, or law to perform, including those social, ceremonial, or athletic functions to perform to which an officer is assigned, or for which an officer is compensated by the public agency he/she serves. (modified from Public Safety Officers Benefit Act)

3. def. KILLED IN THE LINE OF DUTY

....means a law enforcement officer has died as a direct and proximate result of a personal injury in the line of duty. This includes victim law enforcement officers who, while in an off-duty capacity, act in response to a law violation.

"direct and proximate" means that the antecedent act is a substantial factor in the result.

"personal injury" means any traumatic injury as well as diseases which are caused by or result from such an injury.

"traumatic injury" means a wound or the condition of the body caused by external force, including injuries inflicted by bullets, explosives, sharp instruments, blunt objects, or other blows, chemicals, electricity, climate conditions, infectious diseases, radiation, and bacteria, but excluding stress and strain. (from PSOB Act.)

comment: the "killed in the line of duty" def. was intended to include deaths where the stress of specific job-related circumstances (e.g. running after a fleeing criminal or struggling with a criminal, etc) are contributing factors to

an officer's death by illness (e.g. heart attack, stroke, etc.)

4. def. ELIGIBILITY OR INELIGIBILITY

....not included are (1) deaths attributed to natural causes (except when a medical condition arises out of a law enforcement action causing an officer's death immediately, or causes his/her death during continuous period of medical treatment following the taking of the action.);

(2) deaths attributed to voluntary alcohol or controlled substance abuse;

(3) death caused by the intentional misconduct of the officer;

(4) death caused by the officer's intention to bring about his/her own death;

(5) death attributed to an officer performing his/her duty in a grossly negligent manner at the time of death.

(modified from Nat. Memorial Committee)