

CITY COUNCIL OF ERIE

INTRODUCED BY: M. WITHERSPOON

COUNCIL FILE NO. 16,439 OFFICIAL ORDINANCE NO. 27-2024

AN ORDINANCE

Amending Article 147, Section 147.01(II) to amend the Definition of Surviving Spouse; Article 147.01(u) to add the definition of Killed In Line Of Duty; and Section 147.06(b) to define Qualifying Causes Of Death and Disqualifying Circumstances for Killed In Line Of Duty benefits.

WHEREAS, the City desires to update and amend Article 147 to define Surviving Spouse, Killed In Line Of Duty, Qualifying Causes Of Death and Disqualifying Circumstances for Killed In Line Of Duty benefits;

NOW THEREFORE, be it enacted by the Council of the City of Erie, Pennsylvania that:

Section 1: That Article 147, Section 147.01(II) is hereby amended as follows:

§ 147.01(II) Surviving Spouse.

- (11) Surviving Spouse: A living individual who is legally married to the Participant at the time of death and both of the following provisions are true:
- (a) The individual was married to the participant prior to retirement;
 - (b) The individual was married to the participant for the 12 months immediately preceding the Participant's death.

Section 2. That Article 147, Section 147.01 is hereby amended to add a new Section 147.01(u) and to renumber the remainder of Section 147.01 accordingly. Section 147.01(u) shall read as follows:

§ 147.01(u) Killed In Line Of Duty.

- (u) Killed In Line Of Duty: Any law enforcement officer who has died as a direct and proximate result of a personal injury sustained in the line of duty. This includes law enforcement officers who, while in an off-duty capacity, act in direct response to an emergency situation involving the general public or a violation of the law. See 147.06(b)

Section 3. That Article 147, Section 147.06(b) is hereby amended to add SubSections (1) Qualifying Cause Of Death and (2) Disqualifying Circumstances as follows:

§ 147.06(b) Killed In Line Of Duty Benefit.

- (1) Qualifying Causes of Death
- (A) Felonious Causes. Any law enforcement officer who is killed in a felonious way as a result of a line of duty incident.
 - (B) Accidental Causes. Any law enforcement officer who dies in an accidental way as a result of a line of duty incident.

The category "Gunfire (Accidental)" is defined as an incident in which an officer is the victim of an accidental/unintentional discharge of a firearm by the victim officer or another officer; is the victim in a case of mistaken identity by another officer; or, is fatally wounded as the result of friendly-fire during a shooting involving one or more suspects and one or more other officers. The category "Gunfire" is defined as any incident in which an officer is the victim of a shooting by a criminal in the commission of a crime; or, is the victim of a discharge of a weapon by a civilian.

- (C) **Natural Causes.** Any law enforcement officer who dies of natural causes (heart attack, brain aneurysm, etc.) due to physical exertion during a stressful event while on duty.

Example scenarios:

- Struggle with a suspect.
- Foot chase or other pursuit of suspect.
- Required departmental training.
- Participation in department physical fitness program or mandatory fitness assessment.

The law enforcement officer will only be eligible if treatment at a medical facility or death occurs within 48 hours of the incident and must be attributed to the incident by a certified medical professional. Written proof may be required. Natural causes deaths that occur while on-duty but not during or following a physical exertion during a stressful event will not be eligible.

- (D) **Health Related Causes.** Any law enforcement officer who dies as a result of any health related cause (illness, disease, infection, etc.) that is a direct result of the officer's law enforcement duties.

Example scenarios:

- Contraction of an infectious disease or illness such as Hepatitis or AIDS.
- Contraction of any infection or illness as a result of a duty related illness.
- Health related issues due to a HAZMAT incident.

Evidence of a direct relation between a duty related incident and the contraction of a disease or illness must be presented in the form of official documentation.

- (E) **Previous Injuries.** Any law enforcement officer who dies as a result of any criminal act or accidental cause sustained at any time while on duty before the actual date of death. Written proof, such as a coroner's report or department records may be required.

- (F) **Off Duty Deaths.** Any law enforcement officer who dies or is killed off duty while acting in an official capacity to prevent loss of property, injury, or death, or is targeted because of his/her duties as a law enforcement officer.

- (2) **Disqualifying Circumstances.** Any law enforcement officer whose death meets one of the following conditions shall be ineligible for in the line of Duty Death Benefit.

- Deaths attributed to voluntary alcohol or controlled substance abuse or while the victim officer is under the influence of alcohol or a controlled substance.
 - Deaths caused by the intentional misconduct of the officer.
 - Deaths caused by the officer's intention to bring about his/her own death.
 - Deaths attributed to an officer performing his/her duty in a grossly negligent manner at time of death.
 - Off-duty automobile accidents where the officer is not involved in any type of duty related activity.
 - Off-duty law enforcement officers serving as overseas peace keepers, government contractors, or active-duty military.
 - Private law enforcement, security, or corrections officers working for for-profit law enforcement companies (even if holding a state law enforcement commission).
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Section 4. That all ordinances and parts thereof in conflict herewith are hereby repealed.

Section 5. That this ordinance shall become effective upon final passage and approval by the Mayor of the City of Erie, Pennsylvania

We do hereby certify that the within Ordinance was finally passed by the Erie City Council on JUN 05 2024, 2024.

JUN 05 2024

Attest: *Aunie Watson*
City Clerk

Samuel M. Davis
President of Council

JUN 05 2024

THIS ORDINANCE APPROVED THIS 5th DAY OF June, 2024.

Joseph W. Schenck
Mayor, City of Erie
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