

Congress of the United States

Washington, DC 20510

October 13, 2021

The Honorable Muriel Bowser
Executive Office of the Mayor
John A. Wilson Building
1350 Pennsylvania Avenue NW
Washington, DC 20004

Dear Mayor Bowser:

We respectfully request that you give full and fair consideration to the pending petition before the District of Columbia Police and Firefighters Retirement and Relief Board (PFRRB) supporting a line-of-duty death designation for Metropolitan Police Department Officer Jeffrey Smith, a constituent of ours in Northern Virginia.

Officer Smith, a 12-year veteran of the Metropolitan Police Department, was among the many officers called to defend the U.S. Capitol on January 6, 2021. While confronting rioters, he suffered a blow to the head that left him unconscious. Following January 6, despite having no prior history of mental illness, he experienced symptoms of depression, withdrawal, sleeplessness, and irritability. Medical professionals have corroborated the strong impression from Officer Smith's wife and family that the traumatic injury he suffered on that day was a direct cause of the decline in his mental health and death by suicide on January 15, 2021.

D.C. Code states that an officer is entitled to benefits and annuities if "(A) the member's death was the sole and direct result of a personal injury sustained while performing such duty."¹ Though (B) refers in part to an officer's "intention to bring about his own death" as an exclusionary category, we believe that this is outweighed by (A) both as a legal and a practical matter. As a legal matter, Officer Smith's symptoms were clearly the "sole and direct result of a personal injury" since he had never experienced these symptoms prior to being attacked on January 6. He cannot have had intent to bring about his own death if he was not in control of his actions due to severe brain trauma, any more than someone who suffers a medical emergency while driving and inadvertently crashes can be said to have had intent to bring about their own death.

To date, four law enforcement officers who defended the Capitol have subsequently died by suicide, and in each case, the physical and mental trauma they suffered that day appears to be at least one major factor. These officers are not alone in this struggle. This year alone, 99 officers have died by suicide, making it painfully clear that this is a systemic issue facing members of the law enforcement and first responder communities.² Far too many law enforcement officers suffer from work-related burnout and depression from working in a profession that places them in life-threatening, trauma-inducing situations. January 6 only

¹ D.C. Code § 5-716 (a) (1) (A)

² <https://bluehelp.org/the-numbers/>

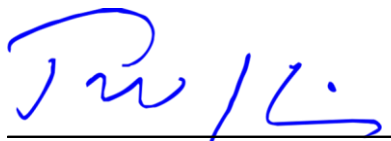
exacerbated these feelings of stress and depression and left many officers shouldering the burden of saving lives at the cost of their physical and mental health. These effects are also not limited to the officers themselves but extend to their family members. In this case, Officer Smith's household relied significantly on his MPD salary, and Mrs. Smith is now left to manage not only deep personal grief but also an abrupt change to family financial status and loss of health insurance.

As society's understanding and acceptance of mental health disorders and post-traumatic stress syndrome (PTSD) evolve, so must our laws and our interpretation of them, as well as the steps we take to treat and prevent them. This is a topic that we have thought about a great deal in our work focusing on emergency physician mental health, another critical but high-stress profession that has been put through a historic ringer by the COVID-19 pandemic. Another constituent of ours, Dr. Lorna Breen of Charlottesville, VA, died by suicide in April 2020 despite no prior history of mental illness, after exposure to extreme trauma (as well as COVID-19 herself) while working in an overwhelmed Manhattan hospital emergency room in the initial weeks of the pandemic. We were proud that the Senate recently passed (and the American Rescue Plan included funds for) the *Dr. Lorna Breen Health Care Provider Protection Act*, which supports efforts by the medical community to safeguard physician mental health and get physicians the help they need when they need it.

While we think the topic of survivor benefits for officer suicide deserves greater local, state, and federal discussion, we return to this particular case. Officer Jeffrey Smith was a mentally healthy person who received a blow to the head, began to exhibit symptoms he had never exhibited before, and nine days later died by suicide. The explanation for this tragedy seems clear.

Officer Smith gave his life in service of democracy and the peaceful transition of power. All Members of Congress present on that day, including us, owe him and his fellow officers a debt of gratitude. We urge the PFRRB to grant him and his family the respect, recognition, and benefits afforded to law enforcement officers who have lost their lives in the line of duty. Thank you for your consideration of this request.

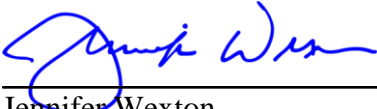
Sincerely,



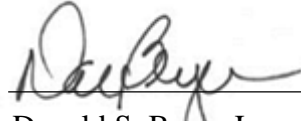
Tim Kaine
United States Senator



Mark R. Warner
United States Senator



Jennifer Wexton
Member of Congress



Donald S. Beyer Jr.
Member of Congress