

Line-of-Duty Death Management System Handbook



FOREWORD

All law enforcement agencies must face and prepare for the possible line-of-duty death of an employee. During these difficult times, agencies have a responsibility to provide assistance to their employees, their employees' families, and the law enforcement community.

It will be the responsibility of the Fresno Police Department to provide liaison assistance to the immediate survivors of an officer who dies in the line-of-duty whether feloniously or accidentally, while an active member of the department. Assistance will include the clarification and comprehensive study of survivor benefits and to provide emotional support to the surviving family during this traumatic period of re-adjustment.

The Fresno Police Department will assist in providing appropriate emotional care for the seriously injured or deceased employee's family. If the incident is a line-of-duty death of a police officer, the department will assist with funeral arrangements. The family's wishes will take precedence over those of the agency.

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For any questions regarding policy and procedure regarding this manual please contact the supervisor of Employee Services at (559) 621-2354.

CRITERIA FOR LINE OF DUTY DEATH

California Peace Officers' Memorial, Sacramento, CA

The following guidelines have been formulated regarding the officers whose names will be enrolled on the California Peace Officers' Memorial in Sacramento.

The peace officers enrolled shall include all those peace officers enumerated in Penal Code Section 830 et seq., at the time of death.

The circumstances surrounding the death of the peace officer must be such that the officer died in the line of duty as a direct result of:

- Injuries inflicted upon him or her by another;
- Injuries received as a result of coming to the aid and assistance of a fellow officer or civilian;
- Injuries as a result of a sudden and traumatic injury of whatever nature; or
- Injuries as a result of exposure to hazardous materials.

In no case shall a person be enrolled if his or her death was substantially caused by his or her own gross negligence; gross violating of law; or gross violation of departmental policy.

All requests for enrollment must be submitted along with adequate documentation by the deceased's law enforcement association or employer and supported by both.

In incidents of death not specifically described above, the case may be submitted to the California Peace Officers' Memorial Foundation for review and evaluation; however, the above guidelines shall govern all decisions of the Foundation. Questions may be directed to:

California Peace Officer's Memorial Foundation
2495 Natomas Park Drive, Suite 555
Sacramento, CA 95833-2941
www.camemorial@prodigy.net

National Law Enforcement Officers' Memorial Foundation (NLEOMF)

For the purpose of this memorial, "law enforcement officer" means an individual involved in crime control or reduction and who is directly employed on a full-time basis by a local, county, state or federal law enforcement agency, with or without compensation, who is duly sworn and has full arrest powers. In addition, military police officers will be included but only if at the time of their death they were experiencing similar hazards and performing similar duties as those normally experienced and performed by non-military personnel. In such cases, eligibility will be determined after a review of several issues, including but not limited to whether the officer was receiving combat, imminent danger or hazardous pay, job description; whether the officer was responding to a law enforcement violation in their area of jurisdiction and circumstances of death. Military police officers serving in a combat situation will not be included.

Less than full-time law enforcement officers will also be considered. In such cases, eligibility will be determined after a review of several issues, including but not limited to job description, training, and circumstances of death.

"Line of duty" means any action which an officer is obligated or authorized by law, rule, and regulation written condition of employment service to perform, or for which the officer is compensated by the public agency he or she serves.

The term "killed in the line of duty" means a law enforcement officer has died as a direct and proximate result of a personal injury sustained 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.

This includes victim law enforcement officers who, while in an off-duty capacity, are actually en route to or from a specific emergency or responding to a particular request for assistance; or the officer is, as required or authorized by law or condition of employment, driving his or her employer's vehicle to or from work, or when the officer is, as required by law or condition of employment, to drive his or her own personal vehicle at work and is killed while en route to or from work.

Not included under this definition are deaths attributed to natural causes (except when the medical condition arises out of physical exertion, while on duty, that is required by law or condition of employment including but not limited to, (1) running or other types of exercise being performed as part of training programs administered by the employing agency; (2) fitness tests administered by the employing agency; or (3) lifting of heavy objects; or specific stressful response to a violation of law or an emergency situation causing an officer's death immediately or within 24 hours of violation or situation, or causing his or her death during a continuous period of hospitalization immediately following the specific response to the specific stressful response to the violation of law or emergency situation. Stressful responses include, but are not limited to, the following: (1) a physical struggle with a suspected or convicted criminal; (2) performing a search and rescue mission that requires rigorous physical activity; (3) performing or assisting with emergency medical treatment; (4) responding to a violation of the law or emergency situation that involves a serious injury or death; or (5) a situation that requires either a

high speed response or pursuit on foot or in a vehicle. Also not included under this definition are deaths attributed to voluntary alcohol or controlled substance abuse, deaths caused by the intentional misconduct of the officer, deaths caused by the officer's intention to bring about his or her own death and deaths attributed to an officer performing his or her duty in a grossly negligent manner at time of death.

Each death caused by disease shall be reviewed by the Armed Forces Institute of Pathology or by other medical personnel with similar skill and expertise. If it is determined that the officer died as a result of infectious disease contracted while performing official duties, or by exposure to hazardous materials or conditions while performing official duties, that officer is eligible for inclusion on the Memorial.

An officer shall be included if a department states that the officer died in the line of duty and submits information on the officer, as well as a letter from the surviving family requesting to have the officer's name included on the Memorial. If there is no letter from the surviving family and no other information available on the death of the officer, the NLEOMF staff shall exhaust all possible means available to verify an officer's eligibility status.

When there is doubt arising from circumstances of the officer's death or with respect to individual status as law enforcement officer, the matter shall be resolved in favor of inclusion.

NOTIFICATIONS

The death of a law enforcement member is both tragic and traumatic. The tragedy of the event can be mitigated through compassionate and efficient handling of the notification. The foundation for such actions must be built on a plan of action that is known and accessible to all supervisory personnel.

Agency Notification: In the event of the death of an officer, the ranking on-duty officer should immediately notify the Chief of Police. The appropriate chain of command should be followed whenever possible unless circumstances are such that the chief must be notified directly; if for example the media has obtained information or key personnel are not available. The Community and Employees Services Bureau (CESB) commander should then be notified in order to start a CISM team response and to initiate LODD protocols.

(1) It is imperative that these notifications **not** be made via patrol vehicle radio unless absolutely unavoidable. In such cases, notification should only state that there has been a death, without broadcasting names. This also applies to field units notifying on-duty command personnel.

(2) The field Lieutenant should gather as many facts as possible regarding the incident and location of the deceased to provide to the Chief for notification of family members.

Family Notification: is the most critical area in mitigating rather than escalating the trauma of the event. The following members will make the notification:

- Chief or Deputy Chief, if Chief is unavailable
- Chaplain (Critical Incident Team)
- Companion Officer (Critical Incident Team)
- Mental Health Professional (Critical Incident Team)
- (No one else should respond at this time)

While it is imperative that these individuals are assembled as soon as possible to notify the officer's next of kin, it is far better to make timely notification with a partial team than to delay the notification by waiting for the entire team. Additionally, a large group may be intimidating and heighten the traumatic impact of the situation for family members.

Some team members may need to be sent to other locations to notify relatives. Do not wait for the entire family to assemble. Start the notification process immediately.

If family members reside far from the agency, it may be necessary to request another agency's assistance in making the notification. When doing this, request that the assisting agency conform as much as possible to the department protocols and provide the agency with as much information on these protocols as possible.

The notification team should also be prepared to assist with child care and, when appropriate, alternate housing. Additionally, the team should be prepared to provide transportation if needed.

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Worker’s Compensation Notification:

Workers’ Compensation insurer should be notified during normal business hours, and if possible, within 24 hours of an employee death.

The date, time, and name of the person contacted should be logged by the person making the notification.

When a death is the result of a worker’s compensation injury, qualified surviving dependents will receive benefits. Management Support Bureau will be responsible for tracking this.

FPOA:

The FPOA president should be notified in a timely manner of the incident.

Department of Industrial Relations, Division of Occupational Safety and Health: On-duty Death:

The California Code of Regulations (Title 8, Section 342) requires employers to notify the Department of Industrial Relations, Division of Occupational Safety and Health, within eight hours of any of the following work related incidents:

- Death;
- Loss of any member of the body or serious degree of disfigurement; or
- Hospitalization for longer than 24 hours, other than for observation.

The City of Fresno’s Risk Management division must be notified as soon as possible.

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