

# **SERIOUS INJURY & DEATH TO AGENCY PERSONNEL**

STANDARD NO(S):

NYSLEAP 18.1, 43.7

DATE:

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REFER TO:

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## **I. OBJECTIVE:**

To establish guidelines for compassionate and effective assistance to be rendered to the family and dependents of any member who loses one's life or suffers serious injury while engaged in the performance of one's duty or while off duty.

## **II. POLICY:**

In the time-honored practice of police agencies everywhere, it shall be the policy of the SCSO "to take care of our own." There is no more suitable occasion for the exercise of such care than when one of our members is seriously injured or killed while in performance of one's duty or while in an off duty capacity. The procedures set forth herein will be administered conscientiously, with an absolute minimum of delay, while keeping the appropriate next-of-kin fully informed of the progress made toward resolution of any questions or problems they may have.

## **III. PROCEDURE:**

- A. Notification- This procedure should be adhered to in cases of a seriously injured employee or a death of an employee. Notification shall be done in a timely manner and always be made in person, preferably by two members.
1. As per provisions of paragraph III (A) (1) in the section 3-4 "Notifications" of this manual, in the event a member of the SCSO suffers serious injury, illness, or death, it is imperative that the Sheriff, Undersheriff, Chief Deputy, and the member's Division component Lieutenant be notified as soon as possible.
  2. Death notifications regarding police personnel shall be made in person, and whenever possible, by the Sheriff, or his designee, and another member of the department.
  3. Serious injury notifications shall be made by the senior ranking personnel available and one other member of the department.
  4. Suggested steps in making notification:
    - a. As soon as you are observed by the family, they will realize something is wrong. Ask to be admitted to the house. Do not make the notification on the doorstep or outside of the home.

- b. Gather everyone in the home and ask them sit down. Inform them slowly and clearly of the information you have on the incident. Make sure you use the injured or deceased name during the notification.
    - c. If the member has already died, relay that information using words like “died” and “dead” rather than “gone away” and “passed away”. Never give the family a false sense of hope.
  - 5. If specifics of the incident are known, the officer should relay as much information as possible to the family.
  - 6. If the department members responsible for the notification have been seriously affected by the incident, he/she should understand that showing emotion is perfectly acceptable.
  - 7. The family should hear of the incident from a department representative first and never from the press or other source. If the media has already obtained information, they should be asked to withhold the information until after notifications have been completed.
  - 8. The notification personnel will be responsible for identification of additional family to notify. Any immediate family beyond the County of Seneca and the immediate area should be made through personal notification by the local law enforcement in that area.
  - 9. If the department is aware that young children may be present, arrangements for caring for the children should be considered.
  - 10. Personnel will provide the family with contact information for the various department personnel who will assist them in the coming days, weeks and months.
  - 11. All reasonable efforts to garner first-hand support from another family member, friends, neighbors, clergy, crisis counselor or social service agency should be made in order not to leave a family member unattended.
  - 12. Also refer to LEMOI 3-4 *Notifications III A* for additional direction.
- B. Transportation to the hospital shall be made via department vehicle, if at all possible.
- 1. It is highly recommended that the family **NOT DRIVE THEMSELVES TO THE HOSPITAL, OFFER TO DRIVE THEM TO HOSPITAL**. If they insist on driving, one member should escort them in their car, and the other leading them to the hospital in a sheriff vehicle.
  - 2. If it is possible for the family to visit the member prior to death, they should be afforded the opportunity. **IT IS ESSENTIAL THAT THE FAMILY NOT BE OVERPROTECTED. THERE IS A DEFINITE NEED TO TOUCH AND HOLD THE PERSON WHILE THERE IS STILL LIFE AND BEING PRESENT WHEN DEATH OCCURS CAN BE COMFORTING TO THOSE FAMILY MEMBERS WHO ASK TO BE PRESENT WITH THE MEMBER.**

3. Transporting personnel should notify the E-911 that the family is enroute to the hospital. Personnel shall refrain as much as possible from any discussions of the incident over the police radio during the time the family is in transit. If appropriate, the transporting officers may turn off the police radio after notifying headquarters.

C. MEMBER FAMILY ASSISTANCE AT HOSPITAL

1. The Sheriff shall designate a supervisor or an investigator to be assigned to the hospital immediately for the purposes of assisting the family and providing support at the hospital.
2. The supervisor/investigator at the hospital shall meet with hospital personnel to arrange appropriate waiting facilities for the family and a separate area for fellow police officers. In addition, a separate staging area for the media, if necessary.
3. The supervisor/investigator should ensure that medical personnel relate pertinent information to the family on the officer's condition on a timely basis and advise the family regarding visitation with the injured and/or visitation with the body following the demise.
4. The supervisor/investigator will see that the family is updated on the incident as soon as possible after the family arrives at the hospital.
5. The supervisor/investigator or his designee should be present the entire time the family is at the hospital and should arrange whatever assistance the family may need at that time.
6. The personnel who made the initial notification should be available at the hospital for as long as necessary.
7. A family member should not be sedated unless medication is requested by the person.
8. The supervisor/investigator will make sure that all departmental and personal property of the seriously injured or deceased member is recovered and secured by sheriff's office personnel appropriately.
9. Arrangements should be made for transportation of the family back to their residence.
10. Arrangements should be made by the supervisor for all medical bills related to the services rendered to the injured or deceased officer to be sent to Seneca County for payment. THE FAMILY SHOULD NOT RECEIVE ANY OF THESE BILLS AT THEIR RESIDENCE.
11. All press releases regarding this incident shall be released following LEMOI 2-12 *Public Information & Community Relations*.

#### D. MEMBER FUNERAL ASSISTANCE AND ARRANGEMENTS

1. The Sheriff will assign a liaison officer to the family to serve as a facilitator between the family and the department. The person selected should not be so emotionally involved with the loss that he/she would become ineffective.
2. The duties of the Liaison Officer will include:
  - a. Ensure that the needs of the family come before the wishes of the department.
  - b. Explain his/her responsibilities to the family.
  - c. Meet with the family regarding funeral arrangements and determine their wishes.
  - d. Be aware of all information concerning the death and the continuing investigation, if applicable in order to answer family questions.
  - e. Be as readily available as possible to the family throughout this traumatic time.
  - f. Brief the family on the funeral procedure if they have decided to have a "Law Enforcement Funeral."
  - g. Assisting with arraignments for travel and lodging for out of town family.
  - h. Coordinating of all law enforcement notifications and arrangements for a "Law Enforcement Funeral", including honor guards, pallbearers, traffic control, and contacts with visiting law enforcement agencies.
  - i. Arrange for property checks of the survivors' residence during the time the family is away at the wake and funeral or following the incident, if necessary.
  - j. If the family decides to grant interviews to the press, make arrangements for the Sheriff and/or the CID Lieutenant to attend in order to "screen" all questions presented to the family that might jeopardize the investigation or upcoming legal proceedings, if applicable.
  - k. Arrange for department vehicles to be available to the family if they desire transportation to and from the funeral home.
  - l. Make periodic calls to the immediate survivors for six to eight weeks following the funeral to maintain contact and to determine if any further assistance is needed.

#### E. ASSISTANCE TO SURVIVORS AWAITING COURT PROCEEDINGS

1. The Chief Deputy will be responsible for keeping the family informed of all legal proceedings regarding the deceased and notify the survivors of upcoming court proceedings.

- The reason for not being able to share certain information with the surviving family should be explained by the Chief Deputy. The family should never learn of developments in the case from the media, prior to learning them from the department.
2. The family should be encouraged to attend court proceedings. A support person should be assigned to accompany the family during the proceedings. If physical material or evidence is going to be presented that would be upsetting to the family, the support person can suggest to the family that they leave the court room for that portion.
  3. Department personnel should be encouraged to show support for the family by attending the court proceedings, if possible.
  4. As soon as possible at the conclusion of the court case, the Sheriff, Undersheriff and the Chief Deputy should meet with the family and answer all questions regarding this ordeal. **IT IS IMPERATIVE THAT THE FAMILY KNOW THE FACTS AND NOT BE OVERPROTECTED.**

F. SUPPORT/SERVICES

1. On-going support/services for seriously injured employees, family members, and/or department personnel, who were affected by the incident, will be offered in a timely manner and shall be guided by the Employee Assistance Program (EAP).
2. The surviving family should continue to receive support and invitations to appropriate Sheriff's Office social activities in the future.

**IV. BENEFITS:**

- A. The Undersheriff, or an experienced officer as designee, shall undertake the responsibility for liaison with the deceased member's family or the seriously injured member, for assistance with all aspects relating to benefits. This relationship shall commence as soon as possible, with assurances given that the resources of the SCSO will be available for any and all assistance as needed.
- B. The liaison officer shall immediately become acquainted with the various benefits, which may be secured on behalf of the member, and be prepared to work closely with the family in obtaining the necessary documentation to support any claims, which are to be made. This includes having access to any otherwise confidential information from personnel files; actively following requests for information or pursuing steps to be taken by other departments, such as the Personnel Officer, the Medical Examiner, etc.; and, rendering assistance to survivors in the actual execution of the required forms.

- C. Workers' Compensation - Benefits from this source are administered by the Workers' Compensation Board, which has a district office covering Seneca County at 155 Main Street West, Rochester, NY 14614. Circumstances will dictate the degree of assistance needed in submitting the various forms.
- D. General Municipal Law § 207-c - Separate and distinct from the benefits allowed by Workers' Compensation, New York State's General Municipal Law § 207-c provides that an officer "injured in the performance his duties" shall be paid by the employer the full amount of regular salary or wages for the duration of the disability and is covered for all medical treatment and hospital care necessitated by reason of the injury.
- E. New York State Retirement - Benefits from this source may be obtained through the Seneca County Personnel Officer who notifies the New York State Employees' Retirement System (NYSERS) by submitting a form entitled "Notification of Death." This is accompanied by a certified copy of a New York State Department of Health "Certificate of Death". It is the Personnel Officer's procedure to request that NYSERS contact the survivor concerning what action should be taken.

In an Application for Accidental Death Benefit, NYSERS requires a statement covering the accident and any other accident sustained by the member for a period of one year prior to the member's death, together with a schedule of lost time due to each and the reasons for each absence.

If a report was filed with the Workers' Compensation Board, NYSERS requires a copy of the report, plus a complete description of the member's activities for the three-day period prior to death. NYSERS also wants a copy of the autopsy report, the death certificate and any public safety laboratory report concerning blood alcohol content.

- F. Public Safety Officers' Benefits Program - Administered by Bureau of Justice Assistance (BJA), U. S. Department of Justice, Public Safety Officer's Benefits Office, Washington, DC, this program provides a cash benefit to the survivor(s) of a police officer killed in the line of duty. The amount is a fixed amount. Each October 1st, the benefit rate is adjusted to reflect the percentage of change in the Consumer Price Index. Claims may be filed through the SCSO or directly on line to the BJA at [www.psob.gov](http://www.psob.gov). For further information call 1-888-744-6513. In order to apply for this benefit, two forms must be submitted.
  - 1. The Report of Public Safety Officer's Death form is signed by the Sheriff and must include the following documentation:
    - a. Detailed statement of circumstances from the initiation of the incident to the pronouncement of the officer's death.
    - b. A copy of the investigation, incident or accident report signed by the investigating officer and notarized. If an investigation was not conducted, there must be a detailed statement of the circumstances, signed by the Sheriff and notarized.

- c. A copy of the autopsy report, signed by the pathologist who performed the autopsy and either notarized or with the county coroner's raised seal. If an autopsy was not performed, a notarized statement to that effect, signed by the county coroner or the Sheriff will suffice.
- d. A copy of any toxicology report (blood/urine analysis) signed by the toxicologist of record, either notarized or bearing the coroner's raised seal. If a toxicology analysis was not performed, a notarized statement to that effect, signed by the county coroner or the Sheriff will suffice.
- e. A copy of the death certificate, bearing the raised seal of the county coroner or the Department of Health.

**\*\*NOTE\*\*** FOR DOCUMENTATION NEEDED FOR HEART ATTACKS OR STROKES, please refer to Section H below, Hometown Heroes Survivor's Benefits Act, or on line at [www.usdoj.gov/BJA/grant/psob/psob\\_main.html](http://www.usdoj.gov/BJA/grant/psob/psob_main.html).

2. The Claim for Death Benefits form is completed and signed by the survivor claimant. If an authorized representative signs for the claimant, an affidavit by the claimant authorizing such action must be included. The following documentation is required:
  - a. A copy of the decedent's current marriage certificate, bearing the raised seal of the issuing office, if applicable.
  - b. Divorce Decrees for all the officer's and current spouses previous marriages, including references to physical custody of any children, if applicable.
  - c. Death Certificates for all the officer's current spouses previous marriages, if any of the marriages ended in death, if applicable.
  - d. A copy of the birth certificate for all the officer's surviving children and step children regardless of age, or dependency identifying the children's parents, if applicable.
  - e. For each child who was between the ages of 19-22 and a full time student at the time of the officers death, a copy of the child's transcript and a statement from the school confirming the child's status as a full time student when the officer passed away.
  - f. For each child who was between the ages of 19-22 and not a full time student at the time of the officer's death a statement from the child that he/she was capable of self-support.
  - g. For each step child who, at the time of the officer's death, was either under the age of 19 or between the ages of 19-22 and a full time student.
  - h. A statement from the child's parent stating that, at the time of the officer's death, the child's principal place of residence was the home of the officer OR a statement that the child did not live at the officer's home, but was dependent on the income of the officer for more than one third of the child's support OR affidavits from two non-family members explaining how the officer accepted the child as his/her own. If one of these

conditions applies to the step child who was between the ages of 19 and 22 at the time of the officer's death, a copy of the child's transcript and a statement from the school confirming the child's status as a full time student when the officer passed away.

- i. For each step child who was between the ages of 19-22 and not a full time student at the time of the officer's death, a statement from the child that he/she was capable of self-support.

G. Hometown Hero's Survivor Benefits Act as of December 15, 2003, establishes a presumption that public safety officers who die from a heart attack or stroke following a non-routine stressful or strenuous physical public safety activity or training, died in the line of duty for benefit purposes. The Hometown Hero's presumption may be overcome by "competent medical evidence to the contrary."

The Hometown Hero's Act excludes actions of a "clerical, administrative or non-manual nature" from consideration.

Claims may be filed through the SCSO or directly on line to the BJA at [www.psob.gov](http://www.psob.gov). For further information call 1-888-744-6513. In order to apply for this benefit, two forms must be submitted.

1. The completed PSOB Report of Public Safety Officer's Death form to be signed by the Sheriff and will include the following information:
  - a. A statement, on agency letterhead and signed by the Sheriff, accounting for the 24 hours period prior to the onset of the officer's heart attack or stroke. The statement should note the hours the officer was on duty, and give detailed information on the entire officer's on duty actions during that time.
  - b. All investigation, incident and/or accident reports for the officer's on-duty activities in the 24 hours prior to his or her heart attack or stroke.
  - c. All medical documentation about any response to the heart attack or stroke (like an ambulance run sheet) and any treatment of the officer prior to his/her death.
  - d. A copy of the autopsy and toxicology report(s), if available. If these reports do not exist, provide a statement by the head of the agency (or the medical examiner) explaining that no autopsy and/or toxicology was performed.
  - e. A copy of the officer's death certificate.



2. The PSOB Claim for Death Benefits form is completed and signed by the survivor/claimant. If an authorized representative signs for the claimant, an affidavit by the claimant authorizing such action must be included. The following documentation is required:
  - a. A copy of the decedent's current marriage certificate, bearing the raised seal of the issuing office, if applicable.
  - b. Divorce Decrees for all the officer's and current spouses -previous marriages, including references to physical custody of any children, if applicable.
  - c. A copy of the birth certificate for all the fallen officer's surviving children and step children regardless of age, or dependency identifying the children's parents, if applicable.
3. Administrators of both of these federal programs have asked that the agency representative assisting the family in the preparation of a claim insure that documentation is complete and properly certified, so that delays in processing the claim will not be incurred. They suggest that both the agency and family material be submitted in one package to the following address:

Public Safety Officers' Benefits Program  
Bureau of Justice Assistance  
810 7th Street, NW  
Washington, DC 20531  
FAX: 202-616-0314

- H. The concern and support of friends is of immeasurable help in encouraging the injured or comforting the bereaved. With this in mind, it shall be the responsibility of the liaison officer, within the bounds of good taste and in consideration of the circumstances, to insure that employees of the SCSO are kept current as to the status of any situation in which the officer is required to render assistance. The wishes of the family or caregiver in this regard must be determined and followed.