

NOTIFICATIONS

STANDARD NO(S)

NYSLEAP 43.7

DATE

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REFER TO:

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I. OBJECTIVE:

To establish procedures and requirements for the notification of next-of-kin of deceased, seriously injured or seriously ill persons; the coroner in cases of an unattended death; the appropriate municipal department and/or public utility in cases of interrupted service or hazardous conditions affecting the safety of the community; and, through the news media, the general public where appropriate.

II. POLICY:

It is the policy of the SCSO to keep the public informed of occurrences which affect safety as well as convenience, in a timely and intelligent manner, insofar as is possible given the circumstances of the incident. Members assigned to duties, which bring them into contact with the public frequently, have an opportunity and a responsibility to relay information that they have gathered to the appropriate person or agency. It is expected that the particular notifications identified herein will be made in accordance with the following guidelines.

III. DETAILS:

A. Notification of next-of-kin of deceased, seriously injured, or seriously ill persons -

1. In the event a member of the SCSO suffers any of the above conditions, it is imperative that the Sheriff, Undersheriff, Chief Deputy, and the member's Division component Lieutenant be notified as soon as possible.

Thereafter, an appropriate person in the member's family will be contacted by a designee of the Sheriff from the SCSO, given the necessary details with tact and consideration, and offered all possible assistance toward acceptance of the situation and a return to normalcy.

2. In the event any other person is so stricken, whether through accident or otherwise, notification is to be made by the investigating officer or by another so designated by the member's Division Lieutenant .

3. Notification of a death is one of the most difficult tasks faced by law enforcement officers, but exceedingly important. Besides being sensitive and caring, notifiers have to be prepared for the reactions of a survivor that can range from shock, which is a medical emergency, to actually striking out at the notifier.
4. Principles to be described are that notification should be done in person, in time, in pairs whenever possible, in plain language and with compassion.
 - a. Always make death notification in person - not by telephone.
 1. It is very important to provide the survivor with a human presence or "presence of compassion" during an extremely stressful time. Notifiers who are present can help if the survivor has a dangerous shock reaction (not at all uncommon) and can help the survivor move through this most difficult moment.
 2. Arrange for notification in person even if the survivor lives out of the area by contacting a law enforcement agency in the survivor's home area.
 3. Never take death information over the radio. People who routinely monitor police scanners could usurp the notifier's best intentions.
 - b. Provide notification as soon as possible but be absolutely sure that there is positive identification of the victim.

Too many survivors are devastated by learning of the death of a loved one from the media, and mistaken death notifications have caused enormous trauma.

1. Notify next of kin and others who live in the same household, including roommates and unmarried partners.
 2. Before the notification, move quickly to gather information. Obtain as much detail as possible about the circumstances of death, about health considerations concerning the survivors to be notified, and whether other people are likely to be present at the notification.
- c. Always try to have two people present to make the notification. Ideally, accompanying the member would be a victim service counselor, one of the clergy, the family doctor or a close friend. A female/male team is often advantageous. Notifiers can also support one another before and after the notification.

1. It is important to try to have two notifiers. Survivors may experience severe emotional or physical reactions, even striking out at the notifier. There may be several survivors present.
 2. Take separate vehicles if possible. The team never knows what might be encountered. One might need to summon medical assistance for transportation of a survivor in shock to a hospital while the other remains. (Shock is a medical emergency.) One notifier may be able to stay longer to help contact other family or friends for support. Having two vehicles gives notifiers maximum flexibility.
 3. Plan the notification procedure. Decide who will speak, what will be said, and how much can be said.
- d. The message should be delivered directly, forthrightly and in plain language. Survivors usually are served best by telling them directly what happened. The presence of an Officer or team has alerted them of a problem already.
1. Notifiers should clearly identify themselves, and ask to be admitted. Be sure of the survivor's identity and ask that the survivor be seated and in privacy. If desired, the notifier may offer to tell children separately.
 2. Inform the survivor of the death speaking slowly and carefully giving any details that are available. Then, calmly answer any questions the survivor may have. Begin by saying, "I have some very bad news to tell you," or a similar statement. This gives the survivor an important moment to prepare for the shock.
 3. Avoid vague expressions such as "Sally was lost" or "passed away." Examples of plain language are: "Your daughter was in an accident and she was killed," or "Your father had a heart attack at his work place and he died."
 4. Refer to the victim by name, not as "the body" or the deceased." There are few consoling words that the survivors find helpful, but it is always appropriate to say, "I am sorry this happened."
 5. Patiently answer any questions about the location of the victim, and questions of a general nature concerning the facts and circumstances surrounding the death if known. If an answer to a question is unknown, offer to get back to the survivor when more information is available. Be sure to follow through.
- e. The notifier's presence and compassion are the most important resources brought to the notification procedure. Plan to take time to provide information, support and direction; never simply notify and leave.

1. Accept the survivor's emotions and your own. It is better to let a tear fall than to appear cold and unfeeling. Never try to talk survivors out of their grief or to offer false hope. Be careful not to impose your own religious beliefs. Many survivors have reported later that statements like these were not helpful to them: "It was God's will," or "She led a full life," or "I understand what you are going through" (unless the notifier has indeed had a similar experience).
2. Do not take a victim's personal items with you when making the notification. Survivors need time, even days, before accepting the victim's belongings. Eventually, the survivors will want all items and, if the property is in custody of the SCSO, the survivors should be told how it may be recovered.
3. Give survivors helpful guidance and direction. They bear the burden of inevitable responsibilities. Offer to call a friend or family member who will come for support, and stay until the support person arrives. Survivors may have a hard time remembering what is done and said, so write down for them the names of all who are contacted.
4. Inform the survivor of any opportunity to view the victim's body and be available to transport the survivor or a representative for identification, if necessary. Explain the condition of the victim and any restrictions on contact that may apply if there are forensic concerns. If appropriate, explain why an autopsy must be done. Viewing the body should be the survivor's choice and providing accurate information in advance will help a survivor make that decision. Some survivors will choose to see the body immediately and this should be allowed, if possible. Forbidding access is not an act of kindness.
5. Follow-up procedures should include leaving a name and phone number with the survivor and plan to recontact the next day. Many survivors are confused and some might feel abandoned after the initial notification. Many will want clarification or may need more direction on making necessary arrangements.
 - a. If the death occurred in another county or state, leave the name and phone number of a contact person at that location.
 - b. Following up can be the last step in completing a sensitive death notification that is truly helpful to survivors.

6. Sometimes a death notification must be made at a location other than in the survivor's home, for example, at a work place. Once a survivor has been made available (it is not necessary to divulge any details regarding the purpose of the visit) and is met in private, follow the basic notification procedures described above; in person, in time, in pairs, in plain language, and with compassion.

NOTE: Material in ¶ 3, 4 and 5 was adapted from "In Person, In Time" - a manual on recommended procedures for death notification, furnished through the courtesy of the Iowa Attorney General's Office.

B. Administrative Notifications – Members of the SCSO will comply with the policy entitled “**Administrative Notifications**” contained in the LEMOI, CSMOI and CMOI.

C. Notification of Highway Department -

1. The respective County, Town or Village Highway Superintendent, or the appropriate representative of the NYS Department of Transportation, has primary responsibility for emergency repairs to and/or the removal of debris from the highways and roads located within his jurisdiction.
2. Any member receiving a report of a highway or road condition which may constitute a hazard to the public safety or which may impede the orderly flow of traffic through the area should immediately notify the E-911 Center describing such condition and giving its location. If deemed appropriate, the member shall secure the hazardous area. Members should also advise the E-911 Center of any animal killed and laying dead on any road or street so that the appropriate highway department can be notified for the removal.
3. Upon receipt of such report, the E-911 Center will insure that the appropriate highway superintendent is notified using the current list of superintendents maintained in the E-911 Center. An entry of the date, time, and details of the notification will be made in the computerized complaint file.

D. Notification of public utilities -

1. Property and facilities belonging to a public utility, e.g. electric, gas, telephone, are the exclusive property of the utility and any work or alteration performed thereon should be only by qualified and authorized personnel of that utility. What is more important is that equipment in service for a public utility is frequently hazardous and complicated and its misuse can easily result in death or serious injury.
2. Any officer receiving a report of an incident which, upon investigation, indicates the need for emergency repairs to property or a facility belonging to a public utility, shall immediately notify the E-911 Center, furnishing all pertinent details.

If the incident presents a hazard to public safety, the member shall remain on the scene insuring that all steps are taken to prevent personal injury or property damage therefrom.

3. Upon receipt of the officer's information that emergency service is required, the dispatcher shall make prompt notification to the appropriate public utility in accordance with the current list of utilities maintained for this purpose in the E-911 Center. An entry of the date, time and details of the notification will be made in the computerized complaint file.

F. Notification of news media and government agencies -

1. Occasionally the SCSO comes into possession of information pertaining to safe travel such as weather reports from the National Warning System, or highway blockages because of an accident, snow or flooding.
2. At the discretion of the Sheriff or his/her designee, the Public Information Officer may be requested to notify the various newspapers, radio and television broadcasters of a particular condition for further dissemination to the general public. The SCSO has the ability to post near real time "ALERTS" on its website at <http://sheriff.co.seneca.ny.us>. Members encountering situations in which an "ALERT" would facilitate the public taking necessary precautions with regards to their safety or travel should request such an "ALERT" through their Chain of Command. At present, Division Lieutenants should contact the Undersheriff who has the access to create and maintain such "ALERTS." An entry of the date, time and details of the notification will be made in the computerized complaint file.

G. Notifications under the Sex Offender Registration Act (Megan's Law) may be made under the provisions of Article 6-C of New York State Correction Law, effective January 21, 1996. The responsibilities for receiving registrations of sex offenders and the maintenance of records in connection therewith will be found in **"Records & Reports"**, ¶ W. this Manual. The purpose of the act is to provide law enforcement agencies with information concerning convicted sex offenders living within the jurisdiction and to allow the agency to make a determination as to the selective dissemination of that information in order to protect the community from further episodes of sexual abuse and exploitation.

1. Public dissemination of information regarding a sex offender is authorized only if the offender's crime was committed on or after January 21, 1996. Information regarding an offender whose crime was committed prior to January 21, 1996 will not be released to the public.
2. § 168-l of the Correction Law provides for the establishment of a five person Board of Examiners to be appointed by the governor; three from the Division of Parole and two from the Department of Correction. Using their own guidelines, the Board will assess the risk of a repeat offense by an offender and

the threat posed to public safety therefrom. There are three levels of risk that may be described by the Board:

- a. If the risk of a repeat offense is low, a level one designation shall be assigned. In such case the law enforcement agency having jurisdiction and the agency having had jurisdiction at the time of the conviction shall be notified. There is no provision under the law for further dissemination to the public of information pertaining to a level one offender; therefore no information will be released.
 - b. If the risk of repeat offense is moderate, a level two is assigned. As above, the agencies are notified and "may disseminate relevant information which may include approximate address based on sex offender's zip code, a photograph of the offender, background information including offender's crime of conviction, modus of operation, type of victim targeted and description of special conditions imposed on the offender to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Any entity (e.g. SCSO) receiving information on a sex offender may disclose or further disseminate such information at their discretion."
 - c. If the risk of repeat offense is high and there exists a threat to the public safety, such sex offender shall be deemed a "sexually violent predator" and a level three is assigned. The above notifications apply; however, in this instance dissemination, in addition, may include the sex offender's exact address. Also, level three offenders will be included in the subdirectory (§168-q) and information therefrom shall, upon request, be made available to the public.
3. Although the act requires DCJS to provide local law enforcement agencies with pertinent information on all sex offenders who will reside in the jurisdiction, it does not compel an agency to make any further notification to other entities; rather, decisions to notify a school superintendent or a residence administrator, for example, remains discretionary with the agency. The SCSO maintains "Offender Watch" on its website at <http://sheriff.co.seneca.ny.us> wherein anyone can perform a search for registered sex offenders living based on individualized search criteria.
- H. **National Highway Traffic Safety Administration (NHTSA)** – DCJS has requested law enforcement agencies to advise NHTSA of incidents involving children or adults who are locked inside automobile trunks either by accident or as a result of criminal activity. Notification should be made to (877)201-3172 (toll free) or via internet to airbag.crash@nhtsa.dot.gov or by fax to (202)366-5374.
- I. **Occupational Safety and Health Administration(OSHA)** - The Syracuse Area Office of OSHA has requested that police agencies assist them in making timely investigations by notifying them in the event of response to an incident where there is a fatality, hospitalization of three or more employees or the likelihood of death. Although it is the responsibility of the employer of accident victims to notify OSHA within eight hours of such incidents, they would like notification from the responding agency immediately, if possible.

In addition, OSHA requests any information indicating employees are working in dangerous or hazardous conditions and locations. They would like to be advised when it is observed that any employee has the potential for injury, for example falls from heights, caught in or between machinery, or by exposure to live electric parts or spills and releases of hazardous chemicals. In such circumstances, if deemed warranted, an OSHA investigator will be dispatched.

Notifications to OSHA may be made to the duty officer at (315) 451-0808, Monday-Friday 8:00 AM to 4:30 PM and at (800) 321-6742, nights, weekends and holidays.

- J. New York State Department of Health (NYSDOH)** has entered into an agreement with the National Institute for Occupational Safety and Health to study traumatic work-related fatalities in New York State. The Fatality Assessment and Control Evaluation (FACE) project collects information on the factors that lead to fatal injuries in the workplace. FACE staff develops recommendations for the prevention of future injuries and distributes their findings to employers, workers, and other organizations interested in promoting workplace safety.

NYSDOH has requested that notification be made of all work-related fatalities as soon as possible after their occurrence, 24 hours a day, to 1-866-807-2130. The E-911 Center has included provisions for notification in their Standard Operating Procedures Manual.