

**THE BILL BLACKWOOD
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS**

Recommended Procedures for the Departmental Handling of
Line of Duty Death

A Policy Research Project
Submitted in Partial Fulfillment of the
Requirements for the Professional Designation
Graduate, Management Institute

by
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"In order to know a community, one must observe the style of its funerals and know what manner of men they bury with most ceremony."

- Mark Twain, *Roughing It*

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ABSTRACT

Death is a fact of life. It is also a fact of police work, and, from time to time, it is the ultimate sacrifice paid by the on-duty officer. The manner in which a department handles line of duty deaths has a somewhat predictable effect on the survivors, specifically the immediate family and co-workers who remain.

The old boy scout motto, "Be Prepared," is good advice. Agencies which have comprehensive policies in place regarding line of duty death are better suited to deal with such situations when they arise. Alternatively, agencies which do have such policies are in a prime position to leave out an important step or practice.

A number of sources were referenced in order to determine the current state of affairs concerning the handling of line of duty death. Included were articles in professional journals and government publications, books and pamphlets on the subject, interviews with personnel from other agencies, and review of policies of other agencies.

It was readily apparent that information on the appropriate handling of line of duty death, from specifics for timely and compassionate notification, to benefits, to continued contact with survivors in the months and years to follow, is both cheap and available. In light of this, it was recommended that agencies without such policies take steps to generate and maintain specific and appropriate policies regarding line of duty death, in order to serve their officers (and their families) as best as possible.

INTRODUCTION

The purpose of this project is to provide a set of guidelines for any police department to use in the event of a line of duty death of one of its officers,

The problem lies in the fact that many agencies, primarily Those considered small to medium in size, have no policy procedure, directive or protocol to guide them in the departmental handling of a line of duty death. When such a death occurs, there are a number of certain situations that must be handled in a specific manner, so as to both assist the survivors and honor the fallen. The amount of time and effort expended attempting to do the right thing in the right way can be reduced immensely by having a plan in place ahead of time.

The intended audience of this project is primarily the policy writer for an agency, with the benefit extending to the entire agency, from the Chief Administrator on down. By having the information in a directive or policy format, the information can be readily available to all concerned.

The sources of information include interviews with personnel from other agencies and from the funeral home/mortuary industry; reviews of the policies of other agencies; printed materials from organizations that deal with this subject matter, such as Concerns Of Police Survivors (C.O.P.S.) and the American Federation of Police Family Survivors Fund; and from other sources specific to the trauma and circumstance of line of duty death events.

It is intended that the outcome of this project will be a model set of guidelines that the Huntsville Police department (or any other department) can utilize in forming a policy or directive on the subject of line of duty death. By doing so, an affected department can better utilize its limited resources toward other goals and objectives, such as the investigation into the circumstances surrounding the officer's death, should be this necessary. Finally, such a policy can give administrators assurance that, if followed, everything that should have been done was done, in the best possible way, and that a vital portion or step is not overlooked in the stress of the moment.

HISTORICAL AND THEORETICAL CONTEXT

"Line of Duty" is usually defined as any action an officer is authorized or obligated to perform by law, rule, regulation, or condition of service (Constant 6). In January of 1794, Robert Forsythe, a Federal Marshall appointed by George Washington, became the first American peace officer to be killed in the line of duty. Forsythe was shot and killed while attempting to serve court papers with two of his deputies (Patterson 2). On average, The United States loses 150 peace officers per year, either accidentally or feloniously, in the line of duty (Sawyer 1). Although this may sound like a very large number, the fact remains that there is no way of knowing when or where a line of duty death may occur, and logic would dictate that police administrators should be prepared for such an occurrence.

As the years have progressed, more and more elements have come into play regarding line of duty deaths. With the advent of mass media (specifically commercial radio and television), line of duty deaths eventually came to be high profile incidents. In 1962, President John F. Kennedy signed a proclamation designating the week of May 15 as National Police Week, and May 15 as Peace Officer Memorial Day. In the years that passed many individual departments held ceremonies on this date to commemorate their fallen officers, however, there was no national memorial service until May 15, 1982. Organized by the newly formed group Concerns of Police Survivors (C.O.P.S.), this first national service, held

in Washington, D.C., attracted only 125 people. Ten years later, the number of attendees had swelled to over 15,000 (Clark). Among other things, C.O.P.S. has conducted research and developed guidelines to assist departments and administrators in dealing with line of duty deaths.

It would follow reason that larger departments experience a greater number of line of duty deaths than smaller departments over a given period of time. Many, such as the Dallas, Texas police department have very well-defined policies and procedures, as well as employee relations staff members specifically trained for handling line of duty death situations (Durden). On the other hand, smaller departments (with 35 to 40 sworn personnel, such as Huntsville) may not have such policies or personnel readily available.

One researcher noted that the survivors' level of distress is affected by the department's response to the tragedy of line of duty death (Sawyer 1) The research also indicated that failure to provide continued support for the surviving family gives them the impression that they have been "totally abandoned" by the department. This is based on fear and confusion on the part of the law enforcement officers themselves as they go through the trauma of losing a co-worker. It can also be due to insensitivity on the part of the administration and officers involved with the incident. This fear and confusion can be overcome by preparing to handle line of duty death and victimization training. While accidental death and/or off-duty deaths are often considered less heroic than

felonious, on-duty death, the related trauma inflicted on the family can be just as devastating, regardless of the circumstances (Sawyer 1).

James D. Sewell conducted a study in 1981 involving those attending the 117th, 118th, and 119th sessions of the FBI National Academy, wherein 140 events were identified as stressful, and were rated on a scale of 1 to 100. among the events rated as the most stressful was the violent death of a fellow officer in the line of duty (Sewell 9).

In light of the fact that just about any sudden or untimely death is tragic, and that line of duty deaths are considered even more tragic than normal, it would seem that the best way to prepare for the eventuality would be to have a plan ready. History has shown that such a plan needs to be comprehensive, specific, and, above all, considerate of the situation and the survivors.

REVIEW OF LITERATURE OR PRACTICE

In the late 1980's, Frances A. Stillman, a researcher for Concerns of Police Survivors (C.O.P.S.) working under a U. S. Department of Justice grant, used questionnaires and interviews to elicit data on the psychological, emotional, financial, and practical problems of surviving members of police officers killed in the line of duty. Stillman found that reactions of police survivors are often so profound as to be diagnosed as post-traumatic stress disorder (PTSD), a psychological disorder associated with traumatic events that are generally outside the range of usual human experience (Stillman 1). Stillman contended that maintenance of accurate records concerning next of kin are essential to notification procedures. He discovered that, among agencies contacted, 80% kept records on spouses, however, the percentages of those where the information was updated on a regular or semi-regular basis was consistently low. Stillman also found that better than two thirds of the agencies did not maintain information on the parents of officers, and/or did not have formal policies concerning the death of an officer (Stillman 1).

Another NIJ study in 1988, conducted by Charles B. Wells, et. al., found that, in most departments, no one was designated for making notifications (Wells 35). Literature from C.O.P.S. and other sources emphasizes the importance of rapid, honest, and compassionate death notification. The fact that most agencies do not regularly update next of kin information serves as a hinderance

to this ideology.

After notification has been made, the issue of benefits will eventually come about. Some benefits, while relatively unknown, are almost automatic. For instance, in many jurisdictions (including Huntsville) a leading funeral home will maintain a policy of providing a casket, vault, and funeral services free of charge to the survivors (Graves). Additionally, some jurisdiction go so far as to make arrangements with local lodging and eating establishments to cover the expenses of visiting relatives of the deceased until the funeral has been conducted.

Eventually, the matter of overall benefits will need to be discussed. Sawyer recommends that a department designate an officer to serve as "benefits coordinator," to assure that all related benefits are handled in an expedient and efficient manner (4). The United States Department of Justice administers the Public Safety Officers Benefits Act, which, at present, provides a cash benefit of \$138,461.00 to the surviving family of an officer killed in the line of duty (Despinosse). This benefit is not subject to federal income tax or federal estate tax, nor is it subject to execution or attachments by creditors. The Department of Justice can make an interim payment not to exceed \$3,000.00 in cases of dire need (Constant 8). Deaths due to intentional misconduct, suicide, voluntary intoxication or gross negligence on the part of the officer killed, or of a military law enforcement officer, are excluded from this benefit. Also, if it is shown as the person claiming benefits contributed significantly to the

officer's death, the benefit will be denied (Constant 6).

State benefits for Texas officers can be obtained through the Employee's Retirement System of Texas, which administers the financial assistance provided to Texas peace officers killed in the line of duty by Vernon's Texas Codes, Annotated, Government, Section 615.001, et. seq. Further state assistance can be found in Article 54.204 of the Texas Education Code, which provides that the children of peace officers killed or disabled in the line of duty shall be exempt from all dues, fees and charges at a public college in Texas.

In addition to the benefits already stated, others benefits may be available from one or more of the following sources: U. S. Department of Labor; U. S. Social Security Administration; the Veteran's Administration; the National Law Enforcement Officers Memorial Fund, Inc.; Workers Compensation Board; Crime Victim's Compensation Division, Texas Industrial Accident Board; Departmental Retirement Plans; Unpaid Leave; Police and Fireman's Insurance Association; C.L.E.A.T.; T.P.M.A.; T.P.A.; Fleetwood Memorial Foundation; Local police officers' associations; and private insurance (Constant 10).

Twelve agencies with 35 to 40 officers were contacted as a part of this research (see bibliography - Agema, et. al.). Of the twelve, only three indicated policies in effect that dealt with line of duty death, and only one of these (Pearland) had a policy that was comprehensive and in line with the ideology and guidelines recommended by the group Concerns of Police Survivors (C.O.P.S.).

DISCUSSION OF RELEVANT ISSUES

Elements of the department's response should include the way that survivors are notified of the death, the emotional support provided by the department, and the information the department gives concerning insurance and benefits (Stillman 2). Considering that the key response is that of notification, five "Cardinal Principles" of death notification have been identified: The notification should be made 1) in person, 2) in time, 3) in pairs, 4) in plain language, and 5) with compassion.

It is suggested that the notification be **in person**, not by phone or over the police radio, and certainly not by means of the news media. It is very important to provide the survivors with a human presence during an extremely stressful time. It has been suggested that a male/female liaison team works well for death notification (Wells 35). Out of town survivors should be notified by peace officers from the closest agency.

The notification should be **in time**, and with certainty. It should be provided as soon as possible, but the information should be verified, if at all possible. This should help in preventing the devastation caused by learning of the death erroneously or by means other than desired.

The notifiers should be **in pairs**. Using two people, in two vehicles, allows for greater flexibility and options, as the team never knows what will be encountered at the survivor location.

The message delivered should be **in plain language**. Notifiers

should clearly identify themselves, and ask to be allowed inside notification should never take place on a doorstep. Have the survivors seated in the privacy of the home. Be sure you are speaking to the right person. If desire by adult supervision children can be notified separately. Speak slowly and clearly, giving any available details, and calmly answer any questions that the survivor may have. Use plain language, such as "died" instead of "passed on," and refer to the victim by name.

Finally, the notification should be made **with compassion**. Don't give false hope. Your presence and compassion are the most important resources you bring to death notification. Accept the survivors emotions, as well as your own. Take the time to provide Information, support, and direction. Never simply notify and leave. Offer to contact a friend or family member who will come to support the survivor, and stay until the support person arrives. Record the names of persons contacted and the times - the survivor may have a hard time remembering what was said and done (Crime Victim Assistance Division 2-5).

Departments that have written line of duty death policies in place prior to an unexpected death experience fewer problems during this type of crisis. Indeed, such policies offer far-reaching advantages. Not only will officers be better prepared to deal with this sudden, violent trauma, but departments will also find fewer job-related disabilities arising from the aftermath of such an incident. A definitive plan allows agencies to function more effectively during one of the highest stress situations officers

may ever face. An effective line of duty death policy addresses several areas of concern: notifying the victim's family, friends and co-workers; providing debriefing and/or counseling to department employees; completing a thorough and objective investigation of the incident; and conducting training sessions to help employees prepare for any future incidents (Newland 7).

Additionally, supervisors, co-workers and family members need to provide continuing support when someone dies suddenly, such as being killed in the line of duty (Constant 5). Inclusion of this area of concern in a written policy will help to assure that it receives appropriate attention.

It is also suggested that an agreement should be in place between local jurisdictions to provide police coverage immediately following the death of an officer, if necessary, and especially during funeral or memorial services (Snow 34). This, too, could be included as a provision of a policy addressing line of duty death.

Overall, there are little, if any restraints that the world prevent a department from originating and adhering to a line of duty death policy. It is obvious that there is a great amount of information available from a multitude of sources. The most obvious hinderance would likely be the lack of concern for policies in general, coupled with complacency brought about by the lack of a history, recent or otherwise, of a line of duty death in a department.

CONCLUSION / RECOMMENDATIONS

It obvious by this point that the focus of this project is on providing information toward the development and application of an appropriate policy on line of duty death.

We live in a day and age of hazards at every turn, in an armed society where the idea of "community" is just that - an idea. Our "information age" has yielded the most rapid and readily accepted production of information through the mass media ever known. The possibility that an officer can be killed in the line of duty is very as is the potential for the mishandling of the notification of his or her death to the survivors.

Although we may not be able to prevent the death of our officers, we do our best to train and equip them against this potentiality. Knowing that such an event is possible, shouldn't we do the same for the potential survivors, by way of development of and adherence to a comprehensive line of duty death policy?

It is apparent from the limited survey of the twelve 35-to-40 member Texas agencies that such a policy is needed. It is also apparent, from the numerous studies referenced, that line of duty death is one of the most traumatic events that the survivors and fellow officers will ever face.

Based on the information contained in this project, it is recommended that small agencies such as ours make good use of the available information to develop and maintain an appropriate and comprehensive policy regarding line of duty death. Doing so should

provide us with peace of mind that the right things will be done in the right way at the right times, in spite of the tragedy at hand.

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