

WINONA POLICE DEPARTMENT

NUMBER: 109-15 PAGES: 12

EFFECTIVE DATE: July 27, 2004

SUBJECT: OFFICER DEATH BENEFIT POLICY

1.0 PURPOSE:

The purpose of this general order is to direct the Winona Police Department to provide emotional care to the family of an officer who dies in the line of duty while an active member of the department.

2.0 POLICY:

It shall be the responsibility of the Winona Police Department to provide liaison assistance to the immediate survivors of the deceased officer. This will include the clarification and study of survivor benefits and the provision of emotional support during this period of readjustment for the surviving family. It should be remembered that the funeral arrangements are to be decided by the family, with their wishes taking precedence over the agency's.

3.0 DEFINITIONS:

3.1 Line-of-Duty Death: (Minnesota Statute 299A.41) "Killed in the line of duty" includes the death of an officer caused by accidental means while the officer is acting in the course and scope of duties as a peace officer.

3.2 Survivors: Immediate family members of the deceased officer, including spouse, children, parents, siblings, fiance(e) and/or significant others.

3.3 Beneficiary: Those designated by the officer as recipients of specific death benefits.

3.4 Benefits: Financial payments made to the family to insure financial stability following the loss of a loved one.

4.0 DEATH NOTIFICATION:

4.1 This procedure is to be followed in cases of critically injured officers with poor prognosis or obvious line-of-duty death.

4.2 Notification of survivors will always be made in person and never alone. The Chief of Police (or his designee) will act as the informing officer.

4.2.1 If the Chief of Police is not readily accessible, notification should not be held up until he can be located. The surviving family should hear of the

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death from a department representative first and not from the press or other source.

4.2.2 The Chief, or designee, must contact the City Manager or Mayor as soon as possible.

4.3 The notification officer should be aware of the following:

4.3.1 As soon as the family sees you, they will know something is wrong. Ask to be admitted to the house. Never make a death notification on the doorstep. Gather everyone in the home and ask them to sit down. Inform them slowly and clearly of the information you have on the incident, making sure you use the officer's name during the notification.

4.3.2 If the officer has already died, relay that information using words like "died" and "dead," rather than "gone away" and "passed away." Do not spark a false sense of hope.

4.3.3 The notification officer may be seriously affected by the death; he/she should understand that showing emotions is perfectly acceptable.

4.3.4 Reactions of the family may include hysteria, anger, fainting, physical violence, shock, etc.

4.3.5 If the family wants to go to the hospital, they should be transported via police vehicle. It is highly recommended that the family not drive themselves to the hospital. If the family is adamant on driving themselves, an officer should accompany them in the family car.

4.3.6 Be prepared to offer child care if the spouse wants to respond immediately to the hospital.

4.4 Officers and dispatchers should be aware that in the event of an on-duty death, the external monitoring of the police frequency may be extensive, particularly by the news media. Communications regarding notification should be restricted to telephone or MDT wherever possible. The name of the deceased officer must never be released to the news media before immediate survivors are notified. If the media already has the officer's name, they should respond to a request to withhold this information pending notification of next of kin.

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5.0 ASSISTING THE FAMILY AT THE HOSPITAL:

5.1 The first-ranking officer, or his/her designee, to arrive at the hospital becomes the hospital liaison officer and is responsible for coordinating the arrival of immediate survivors, police officials, the press and others. These responsibilities include:

5.1.1 Arrangements with hospital personnel for appropriate waiting facilities. There should be a segregated area for:

5.1.1.1 Immediate survivors.

5.1.1.2 Department head.

5.1.1.3 Notification officer.

5.1.1.4 Others requested by the immediate survivors.

5.1.1.5 A separate area for fellow officers and friends.

5.1.1.6 A press staging area.

5.1.2 Ensuring that medical personnel relate pertinent information on the officer's condition to the family first.

5.1.3 Notifying hospital personnel that all billing for medical services shall be directed to the police agency. The family should not receive any of these bills at their resident address. This may require that the hospital liaison officer recontact the hospital later during normal business hours to ensure that proper billing takes place.

5.1.4 Arranging transportation for survivors and others from the hospital back to their residence.

5.2 If it is possible for the family to visit a critically injured officer prior to death, depending on hospital policy, they should be afforded that opportunity right away. Medical personnel should make the family aware of hospital policy regarding visiting a trauma patient or visitation with the remains. Medical personnel should explain why an autopsy is required.

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5.3 Those present at the hospital should be aware of the following when dealing with survivors:

5.3.1 Do not be overly protective of the family. This includes sharing specific information on how the officer met his/her demise, as well as allowing the family time with the deceased remains of the officer.

5.3.2 Idle promises should not be made to the family at this time (will retire his/her badge, will promote him/her posthumously, etc.).

5.3.3 Do not suggest that a survivor be sedated unless it is requested by the survivor.

5.3.4 The expression of emotion by anyone, including officers, is perfectly understandable under these circumstances.

5.4 The department head or designee will be present the entire time the family is at the hospital to arrange whatever assistance the family may need at the time.

6.0 SUPPORT FOR THE FAMILY DURING THE WAKE AND FUNERAL:

6.1 Within 24 hours of death, the department head should designate a benefits coordinator and a family support advocate.

6.2 The department head should personally notify the surviving family of the designated choices.

6.2.1 The family support advocate should know that this is not a decision-making position. His/her role is that of facilitator between the family and the Winona Police Department. The family support advocate will ensure that the needs of the family come before the wishes of the department.

6.2.2 The support advocate should meet with the family regarding funeral arrangements. Since most officers have not prearranged their wishes for the handling of their funeral, the family will most likely need to decide all aspects of the funeral. The family support advocate should only make the family aware of what can be offered in the way of assistance if the family decides to have a "line-of-duty" funeral.

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6.2.3 The Minnesota Law Enforcement Memorial Association (L.E.M.A.) provides a memorial service in conjunction with the funeral service the family plans. The family support advocate should work with the family to determine what their wish is with regards to the L.E.M.A. service.

6.3 The department head should make referrals for a critical incident stress debriefing for officers close to the incident.

6.4 The department head or designee should coordinate all law enforcement notifications and arrangements for a law enforcement funeral (traffic control, etc.)

6.5 In the unlikely event that the family decides to accept a media interview, an officer should be in attendance to screen all questions presented to the family so as not to jeopardize any upcoming legal proceedings.

6.6 Arrangements should be made for routine residence checks of the survivor's home for six to eight weeks following the death. This service is necessary since large amounts of money may pass through the residence and the survivors may be spending time away from home. This may require outside liaison with other police jurisdictions if the survivor's family lives outside the city of Winona.

6.7 The family should be made aware of other public safety survivors or support groups. The family support advocate should contact L.E.M.A. for assistance on this aspect.

7.0 BENEFITS COORDINATOR:

7.1 The benefits coordinator should gather information on all benefits/funeral payments available to the family. This officer should be completely responsible for filing appropriate paperwork and following through with the family to ensure that these benefits are being received. It should be noted that private attorneys are willing to work on the benefits, but a bill to the family will follow. Winona Police Department believes that it is the responsibility of the agency that the officer served with to provide a benefits coordinator for the family. A list of benefits and the protocol to follow to receive these benefits is attached to this policy.

7.2 The benefits coordinator should visit the surviving family to discuss the benefits they receive within a few days following the funeral. Make a list of critical documents needed for benefits (birth certificate, marriage license, death certificate, etc.). This will expedite the processing of the benefits. The benefits

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coordinator should check again with the family in about six months to make sure that they are receiving every payment possible.

7.3 If there are surviving children from a former marriage, the guardian of those children should also receive a printout of what benefits the children will be receiving.

NOTE: The State of Minnesota requires that a conservatorship be acquired for all minor children. Since this procedure takes time, it is best that this is started as quickly as possible.

7.4 The benefits coordinator should pay special attention to the problems with possible revocation of health benefits to the surviving family. The vast majority of survivors are given a 30-day grace period before being cancelled from the coverage or of being responsible for monthly payments for the coverage.

7.5 If criminal violations surround the death, the family should be informed of all new developments prior to any press releases.

7.6 If there will not be any court proceedings, the department should relay all details of the incident to the family at the earliest opportunity.

8.0 FAMILY SUPPORT OFFICER:

8.1 The family should never hear of a court or parole proceeding through the newspaper or television news. It is the department's responsibility to keep the family informed of legal proceedings. A contact person from the department should be assigned to notify the family of upcoming court proceedings.

8.2 A police officer's family should know how the incident occurred, down to the smallest detail. Many departments keep the family in the dark about the incident, stating that it could influence the outcome of the trial if the family is informed of the investigation. If this is the case, the department should sit down with the family and explain their reasons for not sharing information. At the earliest opportunity following the trial, the investigator should sit down with the family and answer all questions about the ordeal.

8.3 Encourage the family to attend the trial. The vast majority of survivors attend so they can find out all the details of the incident that have been thus far denied them. The department should assign a support person to accompany the survivors

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to the trial. If physical evidence is going to be presented that could be upsetting to the family, the support person can suggest that the family leave the courtroom for that portion of the trial or prepare the family for what they will be seeing.

8.4 The department should show support for the deceased officer during court proceedings by having as many co-workers as possible attend. This support should come from all segments of the department: management, co-workers, and even friends from other departments.

9.0 CONTINUED FOLLOW-UP WITH THE FAMILY:

9.1 The police department should be sensitive to the needs of all survivors, including children, parents, siblings, etc.

9.1.1 Oftentimes, surviving families state that they feel isolated by the department within a short time following the funeral. Members of the department should be sensitive to this issue and should keep in contact with the surviving families.

Departments can easily keep in touch with the family through monthly phone calls the first year. Close co-workers of the deceased officer should also be encouraged to drop by the home on a regular basis.

9.1.2 The department should always try to observe the officer's death date with a short note to the family and/or flowers on the grave. Keep in mind that holidays are traumatic events for the family. Show your support during these times, too.

9.2 When plaques or memorabilia are given to the surviving spouse, consider making the same available to surviving parents. They have lost a child that can never be replaced. Remember to invite the surviving family to agency activities. They need the continued contact.

9.3 Remember children from a former marriage. Even though they did not live with the officer parent, they are nonetheless the officer's child. They too need personal memorabilia of their parent.

9.4 Never allow department personnel to make idle promises to the surviving family. Never say, "Oh, we'll get together for lunch," unless you mean it. Set a definite time, place, and date, and keep it.

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9.5 The department should maintain support as long as the family feels the need for the support. In time, the family will let you know when they are ready to move on with their lives without assistance from the department.

10.0 ADDITIONAL ISSUES FOR CONSIDERATION:

10.1 The police department should provide psychological assistance/debriefing to agency personnel following the tragic loss of a co-worker. This cannot be emphasized strongly enough. Although police officers work every day with the effect of people's inhumanity to people, the loss of a co-worker is often the most traumatic experience of their tasks as emergency responders.

10.2 The key to properly handling survivors of public safety officers killed in the line of duty (and those dying from natural, non-service-related incidents, too) is to ask yourself, "What would my family want done at a time like this?" Simply stated, handle the surviving family of a co-worker as you would want someone to treat your family if the incident had occurred to you.

11.0 BENEFITS SUMMARY:

The following are possible benefits that are available to families of deceased police officers. The benefits encompass both officers who lose their lives while in the line of duty and those officers who die for other reasons.

These benefits are only some of the many benefits due to an officer's family in the event of his/her death. A family should be encouraged to consult with an attorney knowledgeable in death benefits available to them to ensure that a benefit is not overlooked.

11.1 STATE OF MINNESOTA

11.1.1 Death Benefit: The benefit from the State of Minnesota for peace officers who have lost their lives in the line of duty is \$100,000 (per Minnesota Statute 299A.44). Correspond with the Commissioner of Public Safety, Transportation Building, John Ireland Boulevard, St. Paul MN 55155.

11.1.2 Education Benefit: Dependent children less than 23 years of age and the surviving spouse of a public safety officer killed in the line of duty

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are eligible to receive educational benefits under Minnesota Statute 299A.45. The amount of the benefit is the actual tuition and fees charged at a Minnesota public post-secondary institution or a private, degree-granting college located in Minnesota. Application for this benefit must be filed within two years of the date of the incident.

11.2 U.S. GOVERNMENT

11.2.1 Benefit from the U.S. Government for peace officers who have lost their lives in the line of duty was changed to \$100,000 in October, 1988. On each October 1 thereafter, that amount will be adjusted by the percentage of change in the Consumer Price Index. Correspond with the Public Safety Officer Benefit Program, U.S. Department of Justice, 633 Indiana Avenue NW, Washington DC 20531. This benefit also pertains to an officer who has been permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty. Phone number: 202-307-0635.

11.2.2 There is also a benefit from the U.S. Government for death or disability if the officer is enforcing a federal law while killed or hurt. The amount of benefit varies under Title 5, U.S.C., Sec. 8101. Correspond with Chief, Branch of Special Claims, Employee Standards Administration, U.S. Dept. of Labor, Washington DC 20211. You or your survivor must claim benefits within five years of the date of the incident.

11.2.3 Also, some officers may qualify under Social Security or Veteran's Act for benefits from the government.

11.3 MINNESOTA CRIME VICTIM'S REPARATIONS BOARD

11.3.1 The amount of benefit varies. In cases of death resulting from a crime, the victim's survivors are entitled to full benefits. This would include: funeral expenses up to \$3,500, payment for grief counseling, lost wages due to emotional traumas, etc. The Board will only pay for expenses not covered by other insurance or benefits including worker's compensation, but excluding life insurance.

11.3.2 Claims must be filed within one year of the crime. Contact the Crime Victim's Reparations Board, Griggs-Midway Building, 1821

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University Avenue, St. Paul MN 55104, for additional information. Phone: 612-642-0395 or 800-247-0390.

11.4 MN 100 CLUB

11.4.1 The benefit from the MN 100 Club for peace officers who have lost their life in the line of duty is \$2,000. In addition, if there are dependent children, the Club sends \$500 for two years at Christmas.

11.4.2 The MN 100 Club receives no public funding; donations come from private individuals. The purpose of the Club is to receive funds and to disburse them to or for the benefit of survivors of officers killed in the line of duty. This Club also pays in the event of permanent physical disability. We do not have to be a member of the Club to receive the benefit. There are no forms to sign. Correspond with the MN 100 Club, 201 Lowry Avenue NE, Minneapolis MN 55418.

11.5 MINNESOTA LAW ENFORCEMENT MEMORIAL ASSOCIATION

Spouses and children are eligible for an Education and Training Scholarship program. Correspond with the Minnesota Law Enforcement Memorial Association, PO Box 27352, Minneapolis MN 55427.

11.6 MINNESOTA POLICE & PEACE OFFICERS ASSOCIATION

Benefit for a police officer who has lost his/her life in the line of duty is \$5,000. Correspond with MPPOA, 375 Selby Avenue, St. Paul MN 55102. Phone 612-291-1119 or 800-652-9799.

11.7 PERSONAL LIFE INSURANCE AND HEALTH INSURANCE BENEFITS

11.7.1 Contact the City Manager for information on group life insurance and accidental death benefits carried by the officer and continuation of family health insurance.

11.7.2 Contact your personal insurance agent for individual life insurance benefits.

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11.7.3 The City of Winona is responsible for continued contribution to single or dependent health care benefits, as provided in Minnesota State law (MSS299A.465 Subd.2).

11.8 PUBLIC EMPLOYEES RETIREMENT FUND (PERA)

Correspond with PERA at Suite 200, Skyway Level, 514 St. Peter Street, St. Paul MN 55102. Phone 612-296-7460 or 800-652-9026. FAX 612-297-2547.

11.9 WORKER'S COMPENSATION

Under Minnesota Statute 176.111, officers killed or injured on duty are entitled to various benefits. Contact the City Manager's Office.

11.10 OTHER BENEFITS

11.10.1 The survivors may be entitled to other benefits from associations and organizations of which the officer was a member. Correspond with the appropriate organization.

11.10.2 Benefits may also be received from a lawsuit brought against the person who was responsible for the officer's death. Consult with a private attorney regarding the feasibility of such a lawsuit.

11.11 FORMS NEEDED FOR APPLICATION

The following forms will be needed for various benefit applications:

11.11.1 Marriage license.

11.11.2 Certified copy of death certificate.

11.11.3 Certified copy of minor child's birth certificate.

11.11.4 Physician's statement.

11.11.5 W-2 earning forms.

11.11.6 Autopsy report.