



## DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



Subject: <a href="#">Employee Death and Great Bodily Harm Protocol</a>		Policy Number: <a href="#">ADM: 25</a>
Revision Number: <a href="#">2</a>	Effective Date: <a href="#">02/13/2024</a>	Original Issue Date: <a href="#">06/12/2007</a>

### 1) PURPOSE

- a) The purpose of this policy is to establish guidelines to be taken following the death or great bodily harm of an employee.

### 2) POLICY

- a) It is the policy of the Department of Public Safety to ensure that every employee death within the ranks of commissioned and non-commissioned personnel is handled with the utmost professionalism and decorum, with the ultimate goal of providing assistance to the surviving family members. Employee deaths must be handled calmly, orderly, and expeditiously, with the utmost compassion for the surviving family members. The department also recognizes the importance of assisting family members of those who have been seriously injured.

### 3) APPLICABILITY

- a) This policy is applicable to all employees of the Department of Public Safety. However, since many of the benefits are only applicable to commissioned law enforcement officers, the Secretary of the Department of Public Safety or Chief of State Police may utilize only the applicable portions of this policy to deal with non-commissioned employee deaths.

### 4) REFERENCES

- a) § 29-4-1 to 29-4-11 – State Police Pension Fund, NMSA 1978
- b) § 29-4A-1 to 29-4A-5 – Police Officers’ Survivors Supplemental Benefits, NMSA 1978
- c) CALEA CHAPTER 22 – Compensation, Benefits, and Conditions of Work
- d) Consolidated Omnibus Budget Reconciliation Act (COBRA)
- e) Fire Fighter and Peace Officer Survivor’s Scholarship Act
- f) Public Safety Officer’s Benefit Act of 1976
- g) New Mexico Worker’s Compensation Act



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### 5) DEFINITIONS

- a) **Benefits Coordinator** – The Human Resource Administrator of the Department of Public Safety.
- b) **Commissioned Personnel** – Those employees whose job specifications require that they maintain a Law Enforcement Officer certification from the New Mexico Law Enforcement Academy and who are commissioned as peace officers by the New Mexico Department of Public Safety.
- c) **Department Liaison Officer/Incident Commander** – An officer with the rank of Major or above assigned out of the Chief's Office to function as the coordinator of resources throughout the department.
- d) **Deputy Incident Commander** – A supervisor assigned to assist the Department Liaison Officer/Incident Commander with coordinating all facets of a funeral.
- e) **Emergency Notification Packet** – A packet of information containing notification wishes and special instructions by the employee in the event of his/her death or great bodily harm incident.
- f) **Employee** – For the purposes of this policy, an employee is considered to be a commissioned officer, or non-commissioned personnel.
- g) **Family Liaison Officer** – An officer of the department who may be chosen by the employee, via the Emergency Notification Packet, Chief, Chief's designee, or by the affected family to assist and facilitate matters related to a DPS employee death, or great bodily harm incident.
- h) **Great Bodily Harm** – An injury to a person which creates a high probability of death; or which causes serious disfigurement; or which results in permanent or protracted loss or impairment of the function of any member or organ of the body.
- i) **Hospital Liaison Officer** – A supervisor assigned to coordinate all activities at a hospital.
- j) **Non-Commissioned Personnel** – Those employees of the Department of Public Safety whose job specifications do not require certification as a Law Enforcement Officer.
- k) **Notification Officer** – A supervisor assigned to formally notify the surviving family members of the employee's death.
- l) **Public Information Officer (PIO)** – The Department of Public Safety's representative to the press (hereinafter referred to as "PIO").

### 6) OPERATIONAL PROCEDURES



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Coordination of events following an employee's death or great bodily harm incident is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the member's survivors and to the law enforcement community. In order to provide the best possible services and support for the employee's family, specific tasks may be assigned to selected officers of the department. An explanation of each of these responsibilities follows. An officer may be called upon to perform more than one role. Any officer assigned to one of these specific roles is encouraged to use all available resources of this department.

### a) **Emergency Notification Packet**

- i) All employees are encouraged to maintain an up-to-date confidential Emergency Notification Packet issued by the Human Resources Bureau (see Attachment A). The packet contains notification wishes and special instructions by the employee in the event of his/her death or great bodily harm incident. This completed packet will remain in a sealed envelope and stored in a secured location within the officer's assigned duty station headquarters building. The employee can update the packet at any time but should review the information at each annual performance evaluation session.
- ii) District Commanders are responsible for identifying a secure location within their District headquarters building. The District Commander is also responsible for ensuring the employee has received the packet and been advised of its importance, voluntariness, and confidential status.
- iii) Upon learning of an employee's death or great bodily harm incident, the District Commander, or designee will immediately retrieve the Emergency Notification Packet to ascertain if the employee has identified anyone they wish to make the notification, and to whom the notification(s) needs to be made.

### b) **Order of Notification**

- i) Division Head
- ii) Deputy DPS Secretary
- iii) DPS Secretary
- iv) Next of Kin
- v) Department Officers/Personnel



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- vi) POST
- vii) Media

### c) **NOTIFICATION OFFICER**

Depending on the circumstances, some or all of the below may or may not apply.

- i) If the employee has not chosen a Notification Officer in his/her Emergency Notification Packet the Chief, or Chief's designee, will assign a ranking supervisor as the Notification Officer.
- ii) The Notification Officer shall be responsible for the following; however, some of these tasks may be assigned to other officers by the Chief or Chief's designee.
  - (1) Coordinate notification with a member of clergy, or other appropriate professional, to ensure that the death notification is made with someone who is trained to handle notification with compassion and sensitivity.
  - (2) Make notification in a timely manner with all relevant facts available.
  - (3) Ensure that notification is made to the family before the employee's name is released to the media. If the media has that information, a specific request to withhold the name release should be made in order to ensure that notification of next-of-kin occurs first.
  - (4) In the event of an employee's death, ensure that a high-ranking official and/or personal acquaintance is included. If appropriate, the Family Liaison Officer may be designated at this time.
  - (5) Be prepared to make arrangements for medical assistance if any survivor(s) have known medical conditions that may be aggravated by the news.
  - (6) Ensure that arrangements to assist with childcare are made, if necessary.
  - (7) Arrange for transportation of the family to the hospital, if necessary.
  - (8) Offer to arrange for the notification of out-of-town relatives, if necessary.
  - (9) If next-of-kin resides out-of-state, contact an appropriate law enforcement agency, via telephone, and request personal notification from the agency, follow up on the request, and be available when out-of-state notification is made. This is in order to provide details to the family members via telephone when contact is made.



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- (10) Keep updated about the incident and keep the family informed.
- (11) Coordinate with the Hospital Liaison Officer.
- (12) Remain at the hospital while the family is present.
- (13) Notify the Chief, or Chief's designee, of all activities.

### d) **HOSPITAL LIAISON OFFICER**

Depending on the circumstances, some, or all of the below may or may not apply.

- i) The Chief, or Chief's designee, shall assign a Hospital Liaison Officer. The Hospital Liaison Officer should be a supervisor within the department.
- ii) The Hospital Liaison Officer shall:
  - (1) Arrange for waiting facilities away from the general public and media.
  - (2) Arrange for a staging area for the media (in conjunction with PIO and Hospital).
  - (3) Relay information to the family first, then to department personnel. Allow and prepare the family to visit with the employee before or at time of death.
  - (4) Remain cautious about making promises that cannot be fulfilled.
  - (5) Arrange for transportation back to residence.
  - (6) Arrange for medical bills to be sent to the Personnel Management Bureau – not to the residence.
  - (7) Notify the Chief, or Chief's designee, of all activities.

### e) **FAMILY LIAISON OFFICER**

Depending on the circumstances, some, or all of the below may or may not apply.

- i) Following the death or great bodily harm of an employee, a Family Liaison Officer will be assigned to the family affected by the incident.
- ii) Once assigned, the Family Liaison Officer is under the direct guidance of the POST Team Commander.
- iii) The Family Liaison Officer shall:
  - (1) Assist the family with their basic needs, such as:
    - (a) Ensuring a single family member is not left alone.
    - (b) Making arrangements for accommodations, if necessary.
    - (c) Ensuring welfare of children and pets.
    - (d) Transportation. v. Media relations.
    - (e) Emotional support.



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- (f) Food.
- (g) Cultural needs.
- (2) Gather accurate information and explain the investigative process as much as possible to the family, without hindering the investigation.
- (3) Coordinate funeral arrangements between the family and the Department Liaison Officer. The wishes of the family take precedence over the wishes of the department.
- (4) Coordinate with the Honor Guard Unit Commander, if necessary.
- (5) Coordinate routine residence checks on surviving families' residences.
- (6) Communicate with the State Police Association President to ascertain about benefits for surviving family members through theirs and other police organizations.
- (7) Facilitate access to psychological services and/or the Department's Employee Assistance Program.
- (8) Remain available to the family.
- (9) Give due consideration to particular long-term events such as memorial services and/or anniversaries in a show of support to the family.
- iv) If criminal proceedings are pending, the Family Liaison Officer shall:
  - (1) Update the family on trial proceedings.
  - (2) Use Victim's Assistance personnel to assist.
  - (3) Encourage family to attend the trial, if appropriate.
  - (4) Notify family of any plea agreements.
  - (5) Accompany family at all proceedings, if appropriate.

### f) **DEPARTMENT LIAISON OFFICER/Incident Commander**

Depending on the circumstances, some or all of the below may or may not apply.

- i) The Chief, or Chief's designee, shall assign a Department Liaison Officer. The Department Liaison Officer shall be the rank of Major or above.
- ii) The Department Liaison Officer shall:
  - (1) Function as the coordinator of resources throughout the department.
  - (2) Work with the Family Liaison Officer to ensure the needs of the family are met.
  - (3) Handle news media or delegate to the Public Information Officer (PIO).
  - (4) Work with the Deputy Incident Commander to establish an itinerary and coordinate with the Chief/command staff along with funeral





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director, clergy, cemetery director, and Honor Guard Unit Commander.

- (5) Direct the funeral activities of all departments involved according to the wishes of the family.
- (6) Function as the Incident Commander of the funeral and ensure funeral protocol by using Attachment B (Funeral Guide) as a guide.
- (7) Inform department personnel and the public via email and/or IDC/Teletype, on details regarding the incident and/or funeral arrangements by using Attachment C (Notice of Critical Injury) or Attachment D (Notice of Death and Funeral) as guidelines.
- (8) Direct uniformed personnel on the appropriate attire for attendance at the funeral, i.e., Class A Uniform, covered badges, etc. The mourning band is a solid black band that will fit tightly around your agency's badge. The mourning band should be worn straight across the center of the badge. The width of the black band should not exceed  $\frac{1}{2}$  inch. The strip shall be removed immediately following burial.



- (9) Procure extra uniforms and equipment for burial, if necessary.
- (10) Procure flags for presentation to survivors, if necessary.
- (11) If needed, arrange for commanders experienced in dealing with these types of incidents to provide on-scene assistance to the affected commander.
- (12) If needed, arrange for extra personnel to provide coverage in district.

### **g) DEPUTY INCIDENT COMMANDER**

Depending on the circumstances, some or all of the below may or may not apply.



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- i) A supervisor assigned to assist the Department Liaison Officer/Incident Commander with coordinating all facets of a funeral.
- ii) The Deputy Incident Commander shall:
  - (1) Attend all planning meetings.
  - (2) Oversee all facets of the funeral by remaining in constant contact with those assigned specific tasks, i.e., Incident Commander, Family Liaison Officer, Hospital Liaison Officer, Honor Guard, etc.
  - (3) Complete and distribute an Operational Plan outlining the details and sequence of events of the memorial service.
  - (4) Notify Concerns of Police Survivors (COPS) in order to provide assistance to surviving family members of law enforcement officers killed in the line of duty.

### h) **BENEFITS COORDINATOR**

Depending on the circumstances, some or all of the below may or may not apply.

- i) The Human Resource Administrator will be known as the Benefits Coordinator.
- ii) The Benefits Coordinator shall:
  - (1) Submit necessary paperwork to PERA (Public Employee Retirement Association). Required paperwork is determined by cause of death; e.g., accidental/line of duty, etc.
  - (2) Process benefit paperwork to State Risk Management Division as applicable for surviving enrolled family members for continuance of health, dental, and vision under the federal guidelines for COBRA.
  - (3) Coordinate the submission of paperwork for supplemental death benefit under the state's Survivor Benefit with the State Police Chief, Office of Legal Affairs, and the Budget Bureau.
  - (4) Coordinate submission of paperwork to the Department of Justice for benefits under the Public Safety Officer's Benefit Act of 1976 with district commander and the Office of the Chief.
  - (5) Coordinate submission of paperwork to the State Risk Management Division, Worker's Compensation Bureau, with the district commander when death occurs on duty to pay benefits under the New Mexico Worker's Compensation Act.





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- (6) Submit paperwork for final payout owed to the employee's estate to include, regular hours worked, overtime, compensation time, incentive pay, and annual leave.
- (7) Prepare and process claim paperwork to state's life insurance carrier for death benefits as determined by the employee's enrollment form that may include additional benefits for tuition reimbursement and daycare expenses.
- (8) Contact the state's current carrier under the deferred compensation benefit to process paperwork, if applicable.
- (9) Contact the National Rifle Association in order to determine if the employee is in good standing and enrolled in their life insurance benefit in order to process necessary paperwork.
- (10) Coordinate the benefit for a spouse or natural or adopted child, twenty-one years of age or less at the time of the officer's death, with the Commission on Higher Education, and determine the eligibility for educational assistance under the "Fire Fighter and Peace Officer Survivor's Scholarship Act."

### i) **POST NOTIFICATION and ACTIVATION**

- i) Pursuant to Department policy, *OPR: 24 Peer/Officer Support Team (POST)*, the district commander, designee, or the division director (as appropriate) shall contact the POST Commander immediately upon notification of the death or great bodily harm of a department employee.

### 7) **ATTACHMENTS**

- a) Emergency Notification Packet
- b) Funeral Guide
- c) Notice of Critical Injury
- d) Notice of Death and Funeral

### 8) **APPROVAL**

**APPROVED BY:** s/Jason R. Bowie **DATE:** February 19, 2024  
**DPS Cabinet Secretary**