

DEPARTMENT GENERAL ORDER 06-07

OFFICE of the CHIEF OF POLICE
REPLACES: General Order 02-02
SOP: 300.31.00

DATE: July 14, 2006

**FUNERAL PROTOCOL:
LINE OF DUTY DEATH**

I. POLICY STATEMENT

A. Policy

It shall be the responsibility of the Clayton Police Department to provide assistance to the immediate survivors of each sworn officer who dies or is seriously injured in the line of duty, either by felonious or accidental means. This will include serving as a liaison between the family and outside organizations, assisting in the determination and clarification of available survivor benefits, and the provision of emotional support.

B. Purpose

To establish a guideline governing departmental actions as they relate to funeral planning, media relations, and providing specific assistance and emotional support to the deceased officer's family. However, in each instance, the wishes of the family concerning funeral arrangements, etc. shall take precedence over the department's.

As much as feasible, certain of the guidelines outlined herein shall also be applicable to officers seriously injured while on active duty, and to those non-sworn employees who die or are seriously injured in the course of their official duty.

C. Definitions

- 1). Line of Duty Death - Any action, felonious or accidental, which claims the life of a Clayton Police Officer or civilian employee while performing a work-related, on-duty function.
- 2). Survivors - Immediate family members of the deceased officer to include: spouse, children, parents, siblings, fiancé' and/or significant other.
- 3). Beneficiary - The individual designated by the deceased officer as the recipient of specific death benefits.
- 4). Benefits - Financial payments, goods, services, or other forms of compensation available to surviving family members.
- 5). Decedent – A deceased department employee.
- 6). Honors – A public funeral with an Honor Guard conducting a rifle salute, ceremonial flag folding and presentation, and TAPS.

Note: The only Honors element appropriate for a non-sworn funeral is the static presence of an Honor Guard. In all cases, a pre-folded flag may be placed on the casket and presented to the family.

II. DEATH NOTIFICATION

In the event a sworn or non-sworn employee is killed or seriously injured on duty, the recommended order of notification is as follows:

- 1). Chief of Police
 - 2). Next of Kin
 - 3). Command Staff
 - 4). On-duty Personnel
 - 5). Chaplain
 - 6). City Manager
 - 7). Psychologist
- A. The name of the deceased officer will never be released to the media before immediate family members/survivors living in the area are notified.

It is highly recommended that on-duty personnel be permitted to contact their families to notify them that they are not the involved party.

- B. If an immediate family member is known to have a serious medical problem, medical personnel should be dispatched to the residence to coincide with the death notification.
- C. Notification shall always be made in person. The Chief of Police will designate a command officer and a close personal friend to act as the notification team. If practical, the commander heading the notification team will also serve as the family liaison officer.

However, if the preferred choices of personnel are not available, notification should not be delayed until these people can respond.

If the opportunity exists to transport family members to the hospital prior to the demise of the officer, the department will exert every effort to do so.

As soon as the family members are aware of the notification team, they will know something is wrong. Never make a death notification on the doorstep, but ask to be admitted to the residence. Inform them slowly and clearly of all pertinent information concerning the incident, and be sure to use the officer's name during the notification process. If the officer has already died, the notification team should inform the family of that fact, and refrain from giving the survivors any false sense of hope. Notification team members should use terms like "dead" or "died" rather than "gone away" or "passed away."

If the person making the notification has been seriously affected by the death, he/she must understand that the display of such emotions is normal and acceptable.

***Note:** Reactions of family members to a death notification may include hysteria, anger, fainting, physical violence, or shock and the notification team should be prepared to deal with an emotional reaction in the most compassionate manner possible.

- D. Once all appropriate notifications have been made, the "Death and Funeral Notice" should be completed. This is an official, public notification of the death or critical injury of a law enforcement employee.

The Planning Officer or a designated command officer will commence funeral planning tasks and will ultimately document same via special order. A series of planning meetings should be scheduled to facilitate this process.

- E. In the event the family desires to proceed to the hospital, they should be transported via department vehicle. Due to safety considerations it is highly recommended that the family not drive themselves. Should there be serious resistance, with the family insisting on driving themselves, one of the

notification team will accompany the family in their own vehicle if at all possible.

The Police Department should determine if there are young children in the home, and an attempt made to assist with immediate babysitting needs.

Once underway, the transporting officer will notify the officer in charge at the hospital that the family is enroute.

III. ASSISTING THE FAMILY AT THE HOSPITAL

- A. The ranking officer or designee at the hospital should meet with hospital personnel to arrange appropriate waiting facilities for the family and a separate area for co-workers in regard to dead or injured officers. This official should also ensure that medical personnel relay pertinent information to the family in a timely fashion to include: data on the officer's condition, hospital visitation policy, and available service facilities (cafeterias, chapels, etc.). Hospital staff should also make provisions for a brief private visitation with a deceased officer's body (if practical), and explain the regulations concerning autopsies.

If it is possible for the family to visit an officer prior to his/her death, they should be afforded the opportunity. It is the family's right to visit their loved one. As such, the ranking official present should prepare the family for what they might see and will accompany the family into the emergency room if requested to do so.

***Note:** Past experience has shown there is a definite need to hold and touch the body of a family member while there is still life, and being present when death occurs can be comforting to the survivors.

- B. The officer or designee at the emergency room will ensure that the family is updated on the incident as soon as practical after the family arrives at the hospital.
- C. A department 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.
- D. The notification team should also remain at the hospital to provide support and assistance to the family.
- E. Idle promises should not be made to the family as means of comfort.
- F. Transportation arrangements will be made by department personnel to convey

the family back to their residence, as necessary.

- G. The commander designated as the primary family liaison officer will be responsible for arrangements of medical bills relating to the services rendered to the injured or deceased officer. These should be sent to the Police Department to be subsequently submitted to workers compensation insurance. The family should not receive any of these bills at their residence.

IV. FUNERAL CLASSIFICATIONS

There are several different funeral classifications that the department may be required to implement.

1). Category I

A Category I death is a public event that denotes full, military-style ceremonial honors. This category is reserved for sworn officers killed in the line of duty. No effort should be spared in the conduct of a Category I funeral that is consistent with tradition, good taste and the wishes of the immediate next of kin.

Family members should be advised that a funeral with “full honors” will take considerable time to properly conduct. It usually consists of a religious ceremony in accordance with the family’s faith, and a graveside ceremony that will require an extended wait for all elements, dignitaries, and attendees to be in place before it can begin. It will potentially involve the movement of hundreds of persons and dozens of vehicles from the church to the gravesite.

In the event the department does not have all the specialized resources needed to properly conduct a Category I funeral, the planning group will contact local municipalities and St. Louis County PD for assistance.

2). Category II

Category II funerals are reserved for sworn personnel whose death is not the result of a traumatic, duty-related event. A Category II funeral may be a public event depending upon circumstances. Normally, it denotes a reduced level of military-style honors as determined by the Chief of Police in consultation with his planning staff.

3). Category III

A Category III funeral is designed for the death of a non-sworn

employee. This will normally be a non-public event with limited department involvement. However, contingent upon the circumstances surrounding the employee's death, the department may elect to render limited honors similar to those employed in a Category II funeral. Again, the decision will lie with the Chief of Police and the planning/command staff.

V. SUPPORT FOR FAMILY DURING THE WAKE OR FUNERAL

A. The proper functioning of the liaison officer is a critical assignment. Although the liaison officer should know the deceased officer and be aware of family relationships, the commander assigned should not be so emotionally involved with the loss that he/she is rendered ineffective. The liaison officer must know that **This is not a decision-making position. This is a role of "facilitator" between the family and Police Department.** The liaison officer will:

- 1). Ensure that the needs of the family come before the wishes of the department.
- 2). Meet with the family and advise them of his responsibilities.
- 3). Confer with the family in regard to funeral arrangements. Since most officers will not have pre-arranged their funerals, the family will most likely need to decide all aspects of the funeral. The liaison officer should only make the family aware of what the department can offer in the way of assistance if the family decides on a "Full Ceremonial Honors" funeral. Under no circumstances will the liaison officer press the family to accede to an elaborate ceremony if they're uncomfortable with the idea.
- 4). Maintain constant communication with the department.
- 5). Keep current as to the circumstances surrounding the death and follow-up investigation so as to be able to answer family questions in a knowledgeable manner.

Prepare a brief biographical sketch of the employee to use in news releases.

- 6). Be constantly available to the family throughout this traumatic process.
- 7). Ensure that surviving parents are afforded due recognition and will have proper placement arranged for them during the funeral and any ensuing wake.

- 8). In the event the family elects to have a formal "Category I" funeral, the liaison officer will brief the family on the procedure that will be followed.
 - 9). Collect the officer's personal effects and turn them over to the family. If the decedent had an office, request a family member or friend accompany the officer to the office to collect personal belongings.
 - 10). Ensure that a wreath of flowers are ordered in the name of the department and sent to the funeral home.
- B. The Chief of Police or his designate will handle the media throughout the funeral process. In the unlikely event that the family would decide to accept being interviewed, the liaison officer will attend the interview and "screen" all questions presented to the family so as not to jeopardize open or potential criminal proceedings.
 - C. The department should assign, or request plain-clothes personnel from the law enforcement agency having jurisdiction over the family's residence, to provide security at the home and shield the family from unwanted intrusions or harassment. These officers will also assist with visitors, phone-screening, baby-sitting issues, and deliveries, as needed.
 - D. The department will provide the family with a list of churches with seating capacities large enough to accommodate expected attendance at the funeral.
 - E. Departmental vehicles should be made available to the family if they desire transportation to and from the funeral home.
 - F. The department will formulate a motorcade route, designate the placement of participant vehicles, document the attendance of each delegation, and coordinate a traffic control plan.

The department will arrange for the deployment of traffic control units and supplies (cones/barricades/flares, etc.).

- G. The department will designate staging/parking areas and ensure adequate control measures are in place to efficiently direct large numbers of vehicles.
- H. The department will coordinate the provision of pall bearers, honor guard, rifle squad, and Master of Ceremonies.
- I. The department will provide a tent with canopy, outfitted with an adequate number of chairs for the family to use during the ceremony.

- J. The department should arrange for an air conditioned RV for the family to use while awaiting the disposition of the various official delegations and formations.
- K. The department will coordinate the introduction of various VIPs to the family so they may personally express their condolences.
- L. The department should arrange for portable toilets and a catering truck to be positioned at the cemetery to meet the needs of participants.
- M. Department personnel will maintain close contact with the following individuals:
 - Religious Leader
 - Funeral Director
 - Department Psychologist
 - Photographer
- N. The department will arrange for the deployment of a tow truck at both the church and cemetery.
- O. The department will obtain a casket flag, white gloves, etc., for use in the ceremony.
- P. The department will provide information to the family in regard to counseling or support groups (e.g. Concerns of Police Survivors, Survivors of Homicide Victims, Compassionate Friends, etc.), and will facilitate the scheduling of counseling sessions.
- Q. The department will send detective personnel on routine residence checks of the family's home for six to eight weeks following the death of an officer. During these checks, the detective will contact the family and ascertain if harassing phone calls are being received or if they are encountering any other problems with which the department may be able to help.
- R. Department personnel will maintain a journal of all activities. Letters of thanks will subsequently be issued to all cooperating agencies and individuals.

VI. MASTER OF CEREMONIES

The department will select a Master of Ceremonies to direct memorial activities at the cemetery. This should be a person well versed in military drill, who possesses a commanding voice. The Master of Ceremonies is not a function of rank, but of competence, assertiveness, and expertise.

The Master of Ceremonies will position the main formation, honor guard, rifle squad, etc. and issue commands to all uniformed elements.

Upon arrival of the hearse, the pallbearers should stand at parade rest, facing one another in two ranks at the rear of the hearse, until directed by the Master of Ceremonies to remove the casket.

The Master of Ceremonies will issue verbal commands to the participating elements as follows:

DETAIL ATTENTION! This signals the mortuary director and the pallbearers to remove the casket from the hearse.

PRESENT ARMS! This is directed to the entire formation. “Present Arms” is held while the pallbearers move the casket to the bier. (The casket is oriented feet first when moved and when positioned for the service. If the casket needs to be turned or reoriented it is done with a pivoting movement immediately prior to being set to rest).

DETAIL – ORDER ARMS! Order given after the pallbearers have placed the casket on the bier, adjusted the flag to its proper position and come to attention.

DETAIL – PARADE REST! The officer in charge of the pallbearer detail directs a facing movement followed by a marching order that positions the detail to the side (but in close proximity to the bier), for the duration of the ceremony. Upon completion of the religious rites the Honor Guard positions itself on either side of the casket for the folding of the flag.

DETAIL - ATTENTION! Order queues the piper to begin a musical selection and the Honor Guard to begin folding the flag.

The folded flag is presented to the Chief of Police who renders a flag salute, receives the folded flag from the presenter, turns and presents it to the primary next of kin.

DETAIL – PRESENT ARMS! Order is issued to all personnel. Immediately thereafter:

PREPARE FOR THE VOLLEY! Order given as a warning that the rifle volley is about to occur and queues the rifle squad to conduct the rifle salute.

Immediately after the rifle squad completes its volley and comes to "Present Arms" the bugler begins "TAPS."

DETAIL ORDER ARMS! Order given upon completion of TAPS. The signals the pallbearers to align with the end of the casket farthest from the next of kin, remove their gloves, and file past the casket, placing their gloves thereon as they do so. After having completed their movement, the pallbearers form a rank at attention.

DETAIL – DISMISSED! Order given signaling the end of the ceremony.

VII. FLAG AND COFFIN PROTOCOL

- When the United States flag is draped on a coffin, the field of stars is positioned at the head and over the left shoulder of the deceased.
- When a flag-draped coffin is on display, the head is to the viewer's left. The striped area of the flag faces the viewer and is considered the "front" view.
- When a coffin is moved, flag-draped or not, it is oriented feet first.
- When outside, if a flag-draped coffin is moved from one place to another, uniformed personnel are expected to salute when it passes.
- Nothing is to be placed on a flag-draped coffin at any time.
- During the ceremony, the United States flag is folded by the Honor Guard. Once folded it may be transferred or carried from place to place. If so, it is carried with the left hand on the bottom, right hand on top. Before it changes hands, the receiving person, if in uniform, salutes the presenter.

VIII. PROVIDING INFORMATION AND ASSISTANCE ON BENEFITS AVAILABLE TO FAMILY SURVIVORS

- A. The department liaison officer, acting in concert with a "benefits coordinator" should gather information on all monetary and/or other death benefits available to the family. A printout should be prepared listing available benefits, known beneficiaries, contact numbers/names at various companies and organizations, such forms or certificates that may be required, and the time frame in which they can expect to receive the benefit. The liaison officer and benefits coordinator will then meet with the family to discuss the benefits they should be eligible to receive. This meeting should take place within a few days after the funeral, and department personnel will provide the family with a printed copy of the benefit list at that time.

- B. If there are surviving children from a former marriage, the guardian of those children should also receive a printout of what benefits the children are eligible to receive.
- C. The benefits coordinator should pay special attention to the possible revocation of health coverage for the surviving family. The current medical insurance plan carried by the City of Clayton stipulates that if an officer is killed in the line of duty, medical insurance coverage for the family ceases on the day of the officer's death.

The surviving spouse can elect to participate in the COBRA Plan for a period of eighteen (18) months. Should she or he choose to do so, participation documents will be dated so that medical coverage remains unbroken. The surviving spouse will then be required to pay for the coverage provided by this plan, and at the end of the allotted time frame, the spouse or family will be required to obtain private medical insurance.

- D. If criminal actions are responsible for or connected to an officer's death, the family should be informed of all new developments prior to any press release.
- E. The liaison officer will also relay all pertinent details to the family in regard to any court proceedings and/or hearings connected with the line of duty death.
- G. The Chief of Police and other high-ranking department officials should be highly visible during the time period following a subordinate's death.
- H. An attorney and/or financial counselor should be made available to the family for whatever legal or financial arrangements are necessary. The attorney should not be affiliated with the department or City, and should strictly work as an advocate for the family.

IX. CURRENT AND POTENTIAL DEATH BENEFITS

The following is a list of actual and potential benefits provided by the federal government, the State of Missouri, the City of Clayton, and other civic and fraternal organizations for the survivors of officers killed in the line of duty.

A. Federal Government

1). Public Safety Officer Benefit

The federal government provides a Public Safety Officer Benefit for public safety officers killed or totally disabled in the line of duty. The benefit is a \$250,000.00 cash payment that is exempt from federal income and estate taxes.

The department and City personnel office will assist the family in securing this benefit in the most timely manner possible.

2). Public Safety Officer's Educational Assistance Program

In 1998, the Federal Law Enforcement Dependents Assistance Act was amended by the addition of a "Public Safety Officer's Educational Assistance Program." This provides for an educational assistance allowance to eligible survivors of public safety officers whose deaths or permanent total disability are the direct result of a traumatic injury sustained in the line of duty. The maximum allowance for the benefit is \$404.00 per month, and the recipient must attend an eligible educational institution and have not reached their 27th birthday.

B. State of Missouri

1). Educational Benefit

This program provides that the dependent child of any officer killed in the line of duty is entitled to a free college education at any state college in Missouri. Eligible persons may not be older than 24 years of age, and must be enrolled in a program leading to a certificate, or an associate or Baccalaureate degree.

2). Parole Board

The state parole board will notify the families of officers killed or disabled by felonious action, (where the suspects have been convicted and incarcerated), of escapes, furloughs, and parole hearings of the responsible individuals.

C. City of Clayton

1). Group Life Insurance

- a. The City provides a life insurance benefit to all full-time regular employees. In a line of duty death, the beneficiary will receive two times the annual base salary of the employee.
- b. If the death occurred as a result of an accident under the terms of the City's Accidental Death and Dismemberment Policy, the beneficiary would receive the principal amount (two times base salary) in addition to the life insurance benefit.

2). Uniformed Employees Pension Plan

Should a participant die in the line of duty after completing ten or more years of credited service, the retirement income benefit as determined under the governing ordinance shall be paid to the surviving spouse. In those cases where a participant dies in the line of duty prior to completing ten years of credited service, the participant's contributions plus interest shall be paid to the surviving spouse.

In the event a participant is killed in the line of duty and no spouse exists, the participant's pension contributions plus interest shall be paid to the participant's minor children, if any. Minor children are those under 18 years of age.

3). Uniformed Employees 401K Plan

In circumstances where a participant is killed or permanently disabled in the line of duty, the participant and/or his beneficiary shall be entitled to receive a distribution of the entire balance of his/her 401K account as of the settlement date.

4). Salary and Benefit Earnings

The City of Clayton will provide payment of the following monies to the survivors of an officer or other employee killed in the line of duty.

- a. Earned salary.
- b. Earned but unused vacation, holiday, and personal holiday time.
- c. Accumulated compensatory time.
- d. A \$1.00 per hour for each hour of unused accumulated sick leave.

5). Employee Assistance Program (EAP)

The Employee Assistance Program used by the City can provide a variety of services to surviving family members. These include grief counseling, legal assistance, and financial advice to name a few.

D. Workers Compensation

A death that occurs due to a covered worker's compensation injury or accident entitles the eligible beneficiary to reimbursement for funeral expenses up to \$5,000.00. The beneficiary may also receive two-thirds of the weekly wages of the deceased, subject to certain monetary maximums and changes in status (e.g. remarriage, achieving age 18, etc.), or when other limitations are met.

F. Social Security

Under the Social Security Administration, if an officer is killed in the line of duty, his/her spouse is entitled to benefits if the spouse is not working and dependent children are under age sixteen (16). Once children reach the cut off age, the spouse is no longer eligible for benefits.

If a spouse is working at the time of an officer's death, he/she are not entitled to benefits; however, dependent children are entitled to survivor's benefits until age eighteen (18) or graduation from high school.

The amount of benefits will vary depending upon the length of the deceased's employment and the amount of monetary contributions paid into the Social Security System during the officer's working life.

G. Backstoppers

A community service organization, the Backstoppers has historically provided tangible material and moral support to the families of fallen police officers. While no specific set of benefits is supplied by the organization, the Backstoppers typically attempt to present themselves to the stricken officer's family within hours of the officer's death. Upon review of the family's situation, the Backstoppers routinely provide a wide range of support options to include immediate financial assistance, debt reduction, health insurance, and educational benefits.

H. Clayton Police Officers Association

An internal fraternal organization, the CPOA does not offer a specific death benefit for the survivors of a deceased officer; however, the Clayton Police Officers Association has in the past made financial contributions to families of officers in similar circumstances.

I. Veterans Administration

Police officers who have lost their lives, either feloniously or accidentally, and who have been discharged from the armed services under conditions other than dishonorable, will be eligible for certain burial benefits from the National Cemetery Administration. Benefits include a gravesite, opening and closing of grave, government headstone, casket, burial flag, and perpetual care of the grounds at no cost to the family.

J. Missouri Peace Officers Association

Provides a one-time benefit of \$500.00 to the family of an officer killed in the line of duty, as approved on a case-by-case basis by the MPOA executive board.

K. Concerns of Police Survivors

Offers assistance to the immediate survivors of any officer who dies in the line of duty, either feloniously or accidentally, while an active member of the department. Such assistance shall include the clarification of survivor benefits, and providing emotional and psychological support to the surviving family.

L. Victim Service Council

The Victim Service Council primarily provides crisis intervention and family support in line of duty death incidents. However, any bill not covered by insurance may be eligible for payment by the Victim Service Council.

If a suspect is apprehended, the Victim Service Council will assist during court proceedings, keeping the family informed and providing a room to segregate surviving family members from the proceedings.

M. St. Louis Mortuaries

Hoffmeister Mortuaries and Cassity Heritage Funeral Homes will provide traditional funeral services at no charge for any police officer killed in the line of duty. This will include (with certain limitations/restrictions) professional services, embalming, funeral home facilities, transportation (hearse and limousine), casket and vault, floral arrangement, and grave space.

N. National Rifle Association

The National Rifle Association will provide the surviving spouse or family of a police officer killed in the line of duty as a result of felonious action with a \$25,000.00 death benefit. The sole requirement is that the deceased officer be a current member of the NRA.

X. NEEDED DOCUMENTS

To file and receive benefits under most of these programs, certain documentation will be required. Specific forms that each family should have available include, but are not limited to:

1. Notarized copy of Marriage License.
2. Certified copy of Death Certificate.
3. Certified copies of both spouse's and children's Birth Certificates.
4. Notarized copy of military form DD-214 (veteran's only).

XI. ESTATE/INHERITANCE TAXES

A. Federal Government

In accordance with current tax law, personal estates that are valued up to one million dollars are exempt from federal estate taxes. This amount is scheduled to increase in the next several years.

B. State of Missouri

Missouri estate taxes are based on the federal tax. If no federal estate tax is due, the estate shall also be exempt from state tax.

The state of Missouri no longer has an inheritance tax.

BY ORDER OF:

THOMAS J. BYRNE
Chief of police

TJB:dld
CALEA Reference: 22.2.6