

P&P Draft 03/09/2022

3-24 IN THE LINE-OF-DUTY DEATH NOTIFICATIONS AND BENEFITS

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

- A. Related SOP(s)
 - 1-25 Chaplain Unit

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B. Form(s)

None

C. Other Resource(s)

NMSA 1978, §§ 21-21F-1 to 21-21F-5 Fire Fighter and Peace Officer Survivors Scholarship Act NMSA 1978, §§ 29-4a-1 to 29-4A-5 Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Benefits Act NMSA 1978, §§ 45-1-201 Uniform Probate Code Definitions Public Safety Officers' Benefits Program, Bureau of Justice Assistance, U.S. Department of Justice

D. Rescinded Special Order(s)

None

3-24-1 Purpose

The purpose of this policy is to outline the procedures for Albuquerque Police Department (Department) personnel when notifying next of kin about the death of sworn personnel while in the line-of-duty.

3-24-2 Policy

It is the policy of the Department to ensure that death notifications for sworn personnel who died in the line-of-duty are conducted with the utmost diligence and care.

N/A

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Definitions

A. Beneficiary

A designated person as defined in the Uniform Probate Code (NMSA 1978, § 45-1-201).

B. Benefits

Financial payments that made to the beneficiary to ensure financial stability following the death of a Department employee in the line-of-duty.



C. Casualty Assistance Representative (CAR)

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A Department-appointed officer who holds the rank of commander or higher who is the point of contact for all families who may have to go through the traumatic experience of a death notification. A CAR acts as a direct-line resource to the Department, including the chain of command, up to the Chief of Police.

D. In the Line-of-Duty Death

Any action, felonious, accidental or natural, which claims the life of a Department officer who was performing a work-related function while on-duty.

- E. Next of Kin (NOK)
 - A person designated by the officer who is responsible for the disposition of the officer's remains, personal effects, and release of records. If the Department employee did not designate someone to be their next of kin, it will be the employee's surviving spouse or, if the employee does not have a surviving spouse, their closest relative. If none of these conditions are met, the Department will recognize the following people in the following order as the Department employee's next of kin:
 - a. Natural and adopted children in order of seniority, including stepchildren and other children if acknowledged by the Department employee or as determined by a court;
 - i. The age of majority is eighteen (18) years.
 - ii. The rights of minor children, except for the disposition of the Department employee's remains, shall be exercised by their surviving parent or legal guardian.
 - b. A parent, unless sole custody was granted to a person because of a court decree or a statutory provision;
 - c. Blood or adoptive relative who was granted legal custody of the person by a court decree or a statutory provision;
 - d. A brother or sister who is of legal age in order of seniority;
 - e. A grandparent;
 - f. Another relative in order of relationship to the Department employee according to the Uniform Probate Code; or
 - i. The seniority of age will determine control when persons are of equal degree of relationship (e.g., parents or siblings).
 - g. A person who stands in the place of a parent to the Department employee.
 - i. The seniority of age will determine control when persons are of equal relationship.

7 3-24-4 Procedures

A. Preparing to Make a Death Notification



- 1. The on-duty supervisor shall notify their chain of command to ensure arrangements are made for the Chief of Police or Deputy Chief of Police and the involved officer's chain of command to notify the involved officer's next of kin, regardless of where the next of kin lives.
- 2. The Chief of Police or their designee shall appoint a CAR before going to the next of kin's residence.
- B. Delivering the Death Notification

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- 1. The Chief of Police or Deputy Chief of Police and the involved officer's chain of command shall be the only personnel who notify next of kin about an officer who died in the line-of-duty.
 - a. A Department Chaplain, consistent with SOP Chaplain Unit, and/or a personal acquaintance of the involved officer may assist with delivering the death notification, if possible.
- 2. The Chief of Police or Deputy Chief of Police and the involved officer's chain of command shall deliver the death notification in person with relevant, available facts as soon as possible.
- 3. When delivering the death notification, the Chief of Police or their designee shall:
 - a. Ask the next of kin permission to come inside their residence;
 - b. Gather the next of kin, immediate family members, other family members, as authorized by the next of kin, and request for everyone to be seated;
 - i. The Chief of Police or their designee shall not deliver the death notification at the doorstep of the residence.
 - c. When delivering the death notification:
 - i. Begin by informing the next of kin, immediate family members, and other family members, as authorized by the next of kin, of the officer's first name;
 - ii. Explain and describe the type of call for service the officer responded to;
 - 1. The Chief of Police or their designee shall refrain from extensively describing what happened.
 - iii. Avoid vague expressions, such as "passed away," and instead indicate the officer "died" or "was killed";
 - iv. Speak slowly and carefully;
 - v. Call the deceased by name, rather than using generic terms;
 - vi. Patiently answer questions about the officer's death; and
 - vii. Explain where the officer is located.
 - 1. If information about the officer's location is unknown or unavailable, the Chief of Police or their designee shall explain this to the next of kin, immediate family members, and other family members, and shall explain that they will provide the information as soon as it is determined.

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- 4. When necessary, the CAR shall stay at the residence with any children while adult next of kin, immediate family members, and other family members proceed to the hospital until the children's designated guardians can report to the residence.
- 5. Department personnel are prohibited from notifying the media outlets of the deceased officer's name until the next of kin has been notified.
- C. Casualty Assistance Representative (CAR) Responsibilities
 - 1. The CAR shall:

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- a. Be the next of kin's point of contact for all Department communication;
- b. Arrange for a secluded waiting area at the hospital away from media outlets and the public;
- c. Arrange for transportation for next of kin to and from the hospital in coordination with the Honor Guard Team Lieutenant;
- d. Arrange for medical bills to be sent to the Department, not the residence;
- e. Coordinate with the Honor Guard Team Lieutenant to work with the next of kin for funeral arrangements;
- f. Connect next of kin with a Behavioral Sciences Section (BSS) clinician;
- g. Provide information to the designated beneficiary(s) about the City of Albuquerque's insurance and benefits;
- h. Provide information to the designated beneficiary(s) from the following organizations, including, but not limited to:
 - i. Albuquerque Police Officers' Association (APOA);
 - ii. 100 Club of New Mexico;
 - iii. Benefits as granted to the beneficiary pursuant to the:
 - 1. Fire Fighter and Peace Officer Survivors Scholarship Act;
 - 2. Peace Officers', New Mexico Mounted Patrol Members' and Reserve
 - Police Officers' Survivors Supplemental Benefits Act; and
 - 3. Public Safety Officers' Benefits Program.
- i. When a lawsuit if filed in connection to the death of the Department employee, notify next of kin within a reasonable amount of time of the adjudication process and shall provide information regarding any relevant legislation that arose from the court case.
- D. Web-based Directory
 - 1. All command staff personnel shall have access to the web-based directory that stores the decedent's next of kin's contact information, including their name and address for death notification purposes.
 - 2. Department personnel shall confirm the information in the web-based directory for the next of kin is correct at the beginning of the bid and midway through the bid.
- E. Honorary Upgrade

N/A



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- 1. The Chief of Police may award an honorary upgrade to an officer who was killed in the line-of-duty or to an officer who died honorably for other causes while employed by the Department.
 - a. The officer's Deputy Chief of Police or Area Commander will offer the honorary upgrade to the surviving family of the deceased officer.
 - b. An honorary upgrade only applies to sworn personnel who hold the rank of Lieutenant or below.
 - c. The honorary upgrade is an optional recognition.
- 2. The Chief of Police of their designee will present the award for an honorary upgrade during a police memorial service, unless otherwise requested by the surviving family of the deceased officer.
 - a. The honorary upgrade award will have a badge mounted on a plaque, engraved with the deceased officer's name and dates of service.
 - b. Property Unit personnel will be responsible for procuring the badge and plaque.
- F. Civilian Department Personnel

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- 1. The Chief of Police or their designee will award with a plaque civilian Department personnel who were killed in the line-of-duty or who died honorably for other causes while employed by the Department.
- 2. The Chief of Police or their designee shall give the plaque to the decedent's family.
- 3. The plaque will have the decedent's name, dates of service, and the Department shield.
- 4. Property Unit personnel will be responsible for procuring the plaque.



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Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

1-25 Chaplain Unit

B. Form(s)

None

C. Other Resource(s)

NMSA 1978, §§ 21-21F-1 to 21-21F-5 Fire Fighter and Peace Officer Survivors Scholarship Act NMSA 1978, §§ 29-4a-1 to 29-4A-5 Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Benefits Act NMSA 1978, §§ 45-1-201 New Mexico-Uniform Probate Code, §§ 45-1-101 et seq. Definitions Public Safety Officers' Benefits Program, Bureau of Justice Assistance, U.S. Department of Justice Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Benefits Act, NMSA 1978, § 29-4a-1 et seq.

Fire Fighter and Peace Officer Survivors Scholarship Act, NMSA 1975, § 21-21F-1 et seq.

Federal Public Safety Officers' Benefits (PSOB) Programs.

D. Rescinded Special Order(s)

None

3-24-1 Purpose

The purpose of this policy is to provide a codified roadmapoutline the procedures for Albuquerque Police Department (Department) personnel when notifying next of kin about the death of sworn a Department employeesworn personnel personnel in the for deaths that occurred while event of in a the Line-line-of-Dduty-Death.

3-24-2 Policy

<u>It is the policy of the Department to...</u>Dealing with casualties is an important function of command. Commanders at all levels must give the In the Line of Duty Death/Causality Services program their personal attention. The program's primary goals are prompt and



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accurate reporting; dignified and humane notification; and efficient, thorough, and compassionate assistance to the next of kin (NOK).

It is the policy of the Albuquerque Police Department to ensure that all In-the-Lline-of-Duty duty death notifications for Department personnel sworn personnel who died in the line-ofduty are conducted with the aforementioned-utmost diligence and care-and diligence.

The Department will appoint a Casualty Assistance Representative (CAR) who will be the point of contact for all families who may have to go through this traumatic experience. The CAR will be the rank of Commander or above. The CAR will be the direct line resource to the Department and its chain of command up to the Chief of Police. Should any litigation arise from the Line of Duty Death, the CAR will keep the NOK reasonably notified of the adjudication process as the case makes its way through the justice system and information regarding any relevant legislation that arose from that case.

N/A 3-24-3 Definitions

A. Beneficiary

A designated person Those designated pursuant to as defined in the the New Mexico Uniform Probate Code (NMSA 1978, -S 45-1-101 et seq. as the recipients of specific death benefits for the deceased 201).

B. Benefits

Financial payments that may be made to the beneficiary to ensure financial stability following the death of a Department employee in the lan In-the-Line-of-Dduty-Death.

C. Casualty Assistance Representative (CAR)

A Department-appointed officer who holds the rank of commander or higher who is the point of contact for all families who may have to go through the traumatic experience of a death notification. A CAR acts as a direct-line resource to the Department, including the chain of command, up to the Chief of Police.

<u>Financial payments that may be made to the beneficiary to ensure financial stability</u> following an <u>Jin-the-Line-of-Duty-Death.</u>

A.D. In_-the Line-of-Duty Death

Any action, felonious, accidental or natural, which claims the life of a Department officer who was performing a work-related function while on-duty. The death of a An officer Department employee who dies while Any action, felonious or accidental or natural, which claims the life of a public safety officer/ peace officer who was performing work-related function while on-duty.

B.E. Next of Kin (NOK)



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1. AAThe The person designated by the Department employee officer who is responsible for the disposition of the officer's remains, personal effects, and release of recordswho (does something following the death of the employee) as their next of NOK kin. or ilf the Department employee did not designate someone asidentify did not designate someone to be their next of kinno designation exists, the it will be the employee's surviving spouse or, - lif the employee does not have a surviving spouse, their most closely related to the casualty is considered primary NOK-closest relative. If none of these conditions are met, the Department employee does will recognize the following people in the following order as the Department employee's next of kin: 1. for disposition of remains, personal effects, and the release of records to secondary NOK and third parties. Absent the designation by the employee, the surviving spouse (if applicable) is primary NOK, other NOK and interested parties are recognized in the following order: a. Natural and adopted children in order of seniority, including. *Includes stepchildren and other children if acknowledged by the member-Department employee or so-as determined by a court;-The age of majority is eighteen (18) years. 2.- The rights of minor children, except for the disposition of the Department employee's remains, shall be exercised by their surviving parent or legal guardian. ii. A Parents parent, unless legal exclusive (sole) custody was granted to a 3.b. person because of a court decree or a statutory provision;= Blood or adoptive relative who was granted legal custody of the person 4.c. by a court decree or a statutory provision;= A Brothers-brother or sisters who is of legal age in order of seniority;= 5.d. 6.e. A Grandparents grandparent; -Another Other-relatives in order of relationship to the member-Department employee according to the New Mexico-Uniform Probate Code, §§ 45-1-101 et seq; or= $\frac{7}{4}$ The seniority of age will determine control when persons are of equal degree of relationship (e.g., parents or siblings). g. Pperson whos standing stands in the place of a parent loco parentis to the decedent Department employee. —The seniority of age will determine control when the persons are of equal relationship.

C. Beneficiary

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Those designated pursuant to the New Mexico Uniform Probate Code, §§ 45-1-101 et seq. as the recipients of specific death benefits for the deceased.

D.<u>C.</u>Benefits

Financial payments that may be made to the beneficiary to ensure financial stability following an in-the-Line-of-Duty Death.

E. Public Safety Officer

A sworn law enforcement officer.

5 3-24-4 Procedures

- A. <u>Preparing to Make a Death Notifications will be made as follows:</u>
 - (Someone) The on-duty supervisor shall notify their chain of command to ensure make-arrangements are made for the Chief of Police or Deputy Chief of Police and the involved officer's chain of command to notify the involved officer's NOK next of kin, regardless of where the NOK next of kin lives.
 - 2. (Someone) The Chief of Police or their designee shall appoint a CAR before going to the NOK next of kin's residence.
- B. MakingDelivering the Death Notification
 - The Chief of Police or Deputy Chief of Police and the involved officer's chain of command shall be the only personnel who notify next of kin about the death of an officer that occurred who died in the line-of-dutymake death Notification notificationss will be only made by the Chief of Police or Deputy Chief along with the involved officers' chain of command.
 - a. A Department Chaplain, consistent with SOP Chaplain Unit, and/or a personal acquaintance of the involved officer may assist with making-delivering the death notifications, if possible, consistent with SOP Chaplain Unit.

<u>(Someone) shall make arrangements for personally notifying the involved officer's</u> NOK, regardless of where the NOK lives.

2. <u>This</u>The Chief of Police¥ or Deputy Chief of Police and the involved officer's chain of command shall deliver the <u>The-</u>death notification<u>s</u> <u>willshall be m made in person</u> and <u>_as soon as possible</u> with relevant, available facts as soon as possible.



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<u>A Department Chaplain and/or a personal acquaintance of the involved officer may</u> assist with making death notifications, if possible, consistent with SOP Chaplain Unit.

- 3. When delivering the death notification, the Chief of Police or their designee shall:
 - a. instead, a Ask the next of kinNOK permission to come inside their residence residence;
 - <u>g</u>Gather the next of kin, immediate family members, other the family members, as authorized by the next of kin, including children, and request for everyone to be seated;

The Chief of Police or their designee shall not deliver the death Hnotification will at-not be made on the doorstep of the residence.

- c. In providing When delivering the death notification:
 - i. Begin by linforming the next of kin, immediate family members, and the other family members, as authorized by the next of kin, ofm by stating the officer's first name;
 - ii. , and eExplain and describe the type of call for service the officery responded to and what happened;
 - 1. The Chief of Police or their designee shall refrain from extensively describing what happened.
 - iii. Avoid vague expressions, likesuch as "passed away,-" and instead indicate the officer Use "died" or "was killed";
 - iv. Speak slowly and carefully; and
 - <u>and iInform them by stating the othat "Officer's" first name, and explain the</u> type of call for service they responded to (the type of call and what happened); and; .
 - <u>The Chief of Police or their designee shall refrain from extensively Do not</u> drag outdescribing what happened in great detailthe details, but do not rush through them either.
 - v. Call the deceased by name, rather than using generic terms; and
 - vi. Patiently answer questions about the officer's death; and
 - vii. Explain where and where the officer is located.
 - If information about the officer's location is unknown or unavailable, the Chief of Police or their designee shall explain this to the next of kin, and the other immediate family members, and the other family members, and shall explain that they will provide the information provide theat information as soon as possible it is determined.

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<u>Call the deceased by name- rather than utilizing generalized terms such as, but not</u> <u>limited to, "the body."</u>

<u> (Someone) shall make</u>

<u>Aarrangements will be made for personal</u>personally notifying the involved officer's NOK, regardless of where the NOK lives notification even if the survivor lives far away.

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	necessary, the CAR shall will stay at next of kin, -and-immediate family m	AR before going to the NOK's residence. If the residence with any children while-the adult embers, and other family members proceed to pers or the officer's children's designated residence.
4	involved officer may assist with r	naplain and/or a <u>a</u> personal acquaintance <u>of the</u> naking death notifications, will be utilized if
	notification even if the survivor lives far away.	Arrangements will be made for personal
		have access to an online directory of ntaining NOK names, addresses, and contact Il personnel to confirm names and addresses
6		the NOK's residence. If necessary, the CAR en while the adults proceed to hospital, until ardians can respond to the residence.
		he doorstep of the residence; instead, ask to ling children, and request everyone to be
	(the type of call and what happened); a c- Do not drag out the details, but do not r	hem that "Officer's" first name responded to nd ush through them either.
	6. Call the deceased by name- rather than limited to, "the body."	utilizing generalized terms such as, but not
	7. Patiently answer questions about the description is unknown or unavailable, information as soon as possible.	eath, location of the officer, etc.; if the inform the individuals of this and provide that
	8-5. (Someone) Department personne the media outlets will not be made a next of kin and immediate family me	el areshall be are prohibited from notifying The ware o f the <u>deceased</u> officer's name until the mbers ha<u>ve</u>hass been notified.



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Web-based Directory

- <u>(Someone) shall maintain the web-based directory of Department personnel who</u> died in the line-of-duty and their next of kin's contact information, including their name and address.
- <u>All command staff personnel willshall have access to the an online web-based</u> <u>directory that stores of employees the decedent's next of kin's contact information,</u> <u>including their name and address for death notification purposes, containing NOK</u> <u>names, addresses, and contact information.</u> <u>The web-based directory of Department personnel's next of kin's contact</u> <u>information, including their name and address.</u>
- <u>Department personnel shall It will be incumbent upon all personnel to confirm the</u> information in the web-based directory for the next of kin is correct <u>names and</u> addresses once at the beginning of the bid and once at the midpoint of midway through the bid.

B.C. Casualty Assistance Representative (CAR) Responsibilities

- 1. The CAR shall:
 - a. Be the next of kin's Ppoint of contact for all Department communication-to-the decedent's familynext of kin;

<u>a.</u>

- b. Arrange for a secluded waiting area at the hospital away from media outlets and the public:
- c. Arrange for transportation for next of kin to and from the hospital in coordination with the Honor Guard Team Lieutenant;
- d. Arrange for medical bills to be sent to the Department, not the residence;
- e. Coordinate with the Honor Guard Team Lieutenant to work with the next of kin for funeral arrangements;
- When a lawsuit if filed The Department will appoint a Casualty Assistance Representative (CAR) who will be the point of contact for all families who may have to go through this traumatic experience. The CAR will be the rank of <u>Commander or above. The CAR will be the direct line resource to the</u> <u>Department and its chain of command up to the Chief of Police. Should any</u> <u>litigation arise from in connection to the death of the Department employee Line</u> <u>of Duty Death, the CAR will keep notify the next of kin within a reasonable</u> <u>amount of time NOK reasonably notified of the adjudication process as the case</u> <u>makes its way through the justice system and shall provide information</u> <u>regarding any relevant legislation that arose from that the court case;</u>
- b. Arrange for a secluded waiting area at the hospital away from media and public:

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c. Point of contact for all Department communication to the family.

d. <u>Arrange for Transportation transportation needs for next of kin</u>family members from to and from the hospital back to the residence.;

e. Arrange for medical bills to be sent to the Department, not the residence:

f. Coordinate with family next of kin for funeral arrangements;.

- g.f. Connect next of kin_Provide access to with the a_Department psychologist and staffBehavioral Sciences Section (BSS) clinician_for family.;
- <u>Coordinateion of officer presencewith the Honor Guard Team Lieutenant to</u> <u>arrange for officer presence</u> at the <u>next of kin's</u> residence until <u>for ten (10)</u> days after the funeral service, consistent with SOP Honor Guard Duty;
- a. Provide information to the designated beneficiary(s) about the City of <u>Albuquerque's insurance and benefits;</u>
- <u>g.</u>
- h. Provide information on benefits assistance to the designated beneficiary(s) or beneficiaries from the following organizations, including, but not limited to from the following resources:

a.i. Albuquerque Police Officers' Association (APOA);

- b.ii. 100 Club of New Mexico;
- c. City of Albuquerque Insurance insurance and Benefitsbenefits;
- iii. Benefits as granted to the beneficiary pursuant to the:
 - i. Health Insurance Benefits
 - ii. Worker's Compensation
 - iii. Retirement Pension
 - 1. Fire Fighter and Peace Officer Survivors Scholarship Act;
 - 2. Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Benefits Act; and
 - 3. Public Safety Officers' Benefits Program.
 - d. Statutory benefits through the State of New Mexico, including but not limited to the Peace Officers', New Mexico Mounted Patrol Members' and Reserve Police Officers' Survivors Supplemental Benefits Act, NMSA 1978, § 29-4a-1 et seq. and the Fire Fighter and Peace Officer Survivors Scholarship Act, NMSA 1975, § 21-21F-1 et seq.;
 - Federal statutory benefits, including but not limited to Federal Public Safety Officers' Benefits (PSOB) Programs.
- i. When a lawsuit if filed in connection to the death of the Department employee, notify next of kin within a reasonable amount of time of the adjudication process and shall provide information regarding any relevant legislation that arose from the court case.

D. Web-based Directory



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3. The plaque will include <u>have</u> the <u>deceased</u>decedent's<u>officer or employee's</u> name, dates of service, and <u>the Department APD</u> shield. b. c.4. The Police Property Unit personnel will be responsible for the procuringrement		
dates of service, and the Department-APD shield.		