



Virginia Department of Corrections

Human Resources

Operating Procedure 150.4

Line of Duty Death or Injury

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REVIEW

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

COMPLIANCE

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, American Correctional Association (ACA) standards, Prison Rape Elimination Act (PREA) standards, and DOC directives and operating procedures.

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DEFINITIONS

Beneficiary - The spouse of a deceased employee and such persons as are entitled to take under the will of a deceased employee if testate, or as their heirs at law if intestate.

Corrections Officer - A duly sworn employee of the Department of Corrections whose normal duties relate to maintaining immediate control, supervision, and custody of prisoners confined in any state correctional facility; includes all uniformed security staff.

Employee - A person who is paid by the Department of Corrections on an hourly, salaried, or contractual basis, or who is paid by another state agency or outside vendor for working in a position within DOC or in a position that supervises inmates or probationers/parolees.

Facility Unit Head - The person occupying the highest position in a DOC residential facility, such as an institution, field unit, or Community Corrections Alternative Program.

Line of Duty Act (LODA) - Provides death and disability benefits for eligible state public safety officers or their beneficiaries due to death or disability resulting from the performance of duty.

Line of Duty Death - Death as the direct or proximate result of the performance of the employee's job duties

Line of Duty Disability - Mental or physical incapacitation so as to prevent the further performance of duty where such incapacity is likely to be permanent as the direct or proximate result of the performance of the employee's job duties.

Serious Injury/Illness - An injury or illness that requires the employee to be transported from the work site for medical care.

Special Agent - An employee of the Department of Corrections, designated by the Director, with internal investigation authority to have the same power as a sheriff or law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the DOC. Such employees shall be subject to minimum training standards established by the Department of Criminal Justice Services for Law Enforcement Officers.

Survivor - Primary family members of the injured or deceased employee or volunteer, including spouse, children, grandchildren, parents, grandparents, siblings, fiancé, and/or significant others.

Volunteer - Any citizen of the community who, of their own free will, provides goods or services to the DOC without any financial gain.

Will - A document that directs who will receive the employee's property at the employee's death and appoints a legal representative to carry out the employee's wishes.

PURPOSE

This operating procedure provides guidance for actions to be taken in response to the Line of Duty death or injury of a Department of Corrections (DOC) employee.

PROCEDURE

- I. Coverage/Eligibility
 - A. Corrections Officers, all ranks, and their family members may be eligible for certain Line of Duty benefits in accordance with COV §9.1-400 et seq., *Line of Duty Act*; see the *Accessing Services and Benefits* section of this operating procedure.
 - B. Corrections Officers, all ranks, Special Agents, and Probation and Parole Officers, family members may be eligible for Line of Duty benefits in accordance with 34 U.S.C. Subtitle I. -Comprehensive Acts, Chapter 101, Subchapter IX; *Public Safety Officers' Benefits Program*, see the *Accessing Services and Benefits* section of this operating procedure.
 - C. All DOC employees and volunteers as defined in this operating procedure are covered by all other sections of this operating procedure.
 - D. The provisions of this operating procedure apply to the serious injury, serious illness, disability, or death of an employee or volunteer while performing their job duties, including authorized travel status, or commuting to or from the DOC work site. Employees in commuting status may be ineligible for Line of Duty benefits.
 - E. The wishes and preferences of the employee and their significant others should be honored to the extent possible.
 - F. Other DOC units, state agencies, and local law enforcement should be enlisted to provide assistance and support as needed to overcome geographic or logistical obstacles.
- II. Notification to Family/Significant Others
 - A. Each employee will ensure their contact information such as address, telephone numbers, and emergency contacts are up to date in the Cardinal Employee Self-Service (ESS) module. New employees will complete an *Employee Personal Data Sheet 102_F25* upon employment and promptly update Cardinal ESS when updates are needed.
 1. It is the employee's responsibility to promptly update Cardinal ESS or notify Human Resources of any changes to name, address, phone number, or emergency contact information.
 2. Emergency Contacts will be listed in order of priority. Unless marked as *Primary*, generally notification will only be made to first available contact.
 3. Emergency contacts selected as *Primary* may receive medical information regarding the employee as necessary.
 - B. Each volunteer will complete a *Volunteer Data Sheet 027_F5* to include emergency contact information.
 - C. Each employee and volunteer should keep their wills up to date to ensure the death benefit payment is made according to their wishes. Otherwise, the order of precedence, see COV §64.2-201. *Distribution of personal estate; right of Commonwealth if no other distribute*, will determine who receives the death benefit.
 - D. Notification should be made based on the emergency contact information available whenever an employee suffers serious injury or serious illness while performing their job duties, commuting to, or from the DOC work site.
 1. Whenever feasible, the employee or volunteer should make the notification by telephone.



2. The employee or volunteer may request that no notifications be made.
- E. If the employee or volunteer is unable to make or direct the notification, senior facility, Human Resources, or office staff will determine the most appropriate notification method based on the circumstances.
 1. Notification must be rapid and timely so that the family/significant others do not learn about the situation from other sources first.
 2. Someone who knows the employee should make notification.
 - a. The person providing notification should be the highest-ranking person available, at least the immediate supervisor.
 - b. If the person to be notified is also a DOC employee, their Unit Head or designee may assist in notification.
 3. In case of serious injury or death, notification should be personal and face-to-face whenever possible. For serious situations where the emergency contact lives a significant distance from the DOC work unit, other DOC units, State Police, or local law enforcement should be enlisted to make timely, face to face notifications.
 - a. Face to face notifications should be made inside the residence, not on the doorstep.
 - i. Two persons should make notifications.
 - ii. These two persons should travel in separate vehicles in the event that the family needs transportation assistance and to help care for any small children who may be present at the time of notification.
 - iii. All persons in the home should be gathered for the notification or one person should accompany small children to another room while the notification is being made.
 - b. Only the facts should be given.
 - c. No medical diagnosis or prognosis should be assumed.
 - d. The person making the notification must not promise anything that is beyond their personal control.
 - e. Provide the employee's current location or destination if in transport.
 - f. Express personal and DOC sympathy or condolences.
 4. The person making the notification should offer assistance as needed, such as transport to the hospital, assistance with childcare, etc.

III. Services to or Interactions with the Family Following an Event

- A. The Unit Head or Administrative Duty Officer may authorize reasonable use of state vehicles and staff to transport family and significant others to a hospital or other location as needed. Whenever possible this should be preauthorized as to reduce any delay in assisting family members and significant others to the hospital or other location as required.
- B. The staff person transporting the family or significant other should stay at the hospital with that person until other family/significant other arrives with assurance that arrangements are made for transport and assistance.
- C. The staff person should assist, to the extent possible, the family in obtaining information from hospital staff on the employee's condition.
- D. For employees and volunteers seriously injured in performance of their job duties, the Facility Unit Head may approve DOC payment for temporary lodging, up to three days, for their families if the employee is hospitalized a significant distance from the home of the family member/significant other. The Director or designee must approve additional lodging.
- E. For employees and volunteers who die as a result of injuries received in performance of their job duties, the Facility Unit Head may authorize reasonable use of state vehicles and staff to transport family and significant others to a funeral home or other location as needed for funeral arrangements.

- F. For Line of Duty Death or serious injury, Executive Staff, Regional, and/or Headquarters staff should follow-up the initial notification with a personal expression of sympathy and offer of assistance as appropriate.

IV. Participation in Funeral or Last Rites Ceremonies

- A. DOC staff attendance at a funeral service for a current or retired employee should be in accordance with Operating Procedure 110.1, *Hours of Work & Leave of Absence*.
- B. For a Line of Duty Death of an employee or volunteer, senior staff of the DOC should attend the funeral/memorial service. Other work unit staff may also attend the funeral/memorial service.
 - 1. For a Line of Duty Death of a Corrections Officer, Special Agent, or Probation and Parole Officer, notification should be provided to State Police, local law enforcement agencies, and correctional agencies in other states so that they may be represented at the funeral/memorial service.
 - 2. Neighboring DOC facilities should offer staff assistance to stand security posts at the affected facility to allow additional staff to attend the funeral/memorial service.
 - 3. The work unit should coordinate with the Director's Office to provide flowers at DOC expense.
 - 4. State vehicles may be used for DOC representatives to attend the funeral/memorial service.
 - 5. At the discretion of the Director, the DOC may contribute to funeral expenses.
- C. The following forms of recognition should be offered at the death of a current or retired DOC employee subject to the wishes and acceptance of the family or significant other of the deceased.
 - 1. The State of Virginia flag may be used to drape the casket of a DOC employee when killed in the line of duty or on the casket of any current or former Corrections Officer.
 - 2. The DOC flag may be used to drape the casket of a current or former DOC employee.
 - 3. The DOC may be represented in the funeral processional.
 - 4. An Honor Guard may be provided to attend the funeral/memorial service for any active or retired employee and perform flag or processional ceremonies as may be desired by the family. The Honor Guard will not fire weapons as a salute.
 - 5. A DOC representative should be offered an opportunity to speak at the funeral/memorial service.

V. Safety and Security of Employees

- A. If the circumstances of a Line of Duty death or serious injury indicate that the employee or others may be in additional danger due to their relationship with the DOC, local law enforcement should be notified to provide for the safety and security as appropriate.
- B. In cases of extreme risk, the Director or designee may approve provision of private security service at DOC expense.
- C. The DOC Critical Incident Peer Support (CIPS) is available to respond to and provide support for employees directly or indirectly involved in a serious work-related incident.
 - 1. The primary goal of the CIPS is to help the involved employees cope as effectively as possible with the experience by providing direct services and other resources resulting in a satisfactory adjustment in the aftermath of the incident.
 - 2. Peer support, mental health services, education, and training are the key components of the CIPS.
 - 3. See Operating Procedure 075.7, *Critical Incident Peer Support Team*, for more information on the team's functions and methods to access their services.
- D. The Facility Unit Head is encouraged to allow liberal approval of unscheduled leave for staff traumatized by a line of duty death or injury incident. If continued support is needed, the employee should be referred



to the Department of Human Resources (DHRM) [Employee Assistance Program](#) (EAP).

- E. In the event that an employee death occurs during a declared State or National emergency, the Director or designee may suspend those parts of this operating procedure which, if allowed to take place, may place other employees or members of the public at risk.

VI. Accessing Services and Benefits

- A. The Human Resource office at the employee's work unit is required to train and provide guidance and assistance to all DOC covered employees regarding the *Line of Duty Act* during orientation and again every two years thereafter.

- B. COV §9.1-400 et seq. The *Virginia Line of Duty Act* (LODA) provides state-funded disability and death benefits for eligible participants or their surviving spouse and dependents due to disability or death resulting from the performance of duties. Benefits include:

1. One time death benefit payment for surviving spouse and dependents.
 - a. \$100,000 Death as the direct or proximate result of performing duty January 1, 2006, or after.
 - b. \$25,000 Cause of death is attributed to one of the applicable presumptions and is within five years of the retirement date.
 - c. \$20,000 Additional benefit paid when certain members of the National Guard and U.S. military reserves are killed in action in any armed conflict on or after October 7, 2001.
2. Funeral expenses.
3. Continued health insurance coverage for a disabled officer and for a qualified spouse and dependents.
4. Educational benefits.
5. Claims must be filed with the Virginia Retirement System. Eligible employees or family members may obtain claim forms by visiting: www.valoda.org/claims.

- C. The Human Resource Office will notify eligible family members of the benefits available under the Line of Duty Act.

- D. 42 U.S.C. Chapter 46, Subchapter XII, the *Public Safety Officers' Death Benefits (PSOB) Act* is a partnership effort between the U.S. Department of Justice and local, state, tribal and federal public safety agencies to provide death, disability, and education benefits to the families of Corrections Officers, Special Agents, and Probation and Parole Officers killed or disabled in the line of duty.

1. The Public Safety Officers' Benefits Program includes the following programs:
 - a. Death Benefits
 - b. Disability Benefits
 - c. Education Benefits
2. Claims must be filed with the Public Safety Officers' Benefits Office, Bureau of Justice Assistance, and Office of Justice Programs.

E. Line of Duty Act Disability Benefits

1. If VRS determines an eligible Line of Duty Act (LODA) employee is disabled in the line of duty, the employee and their eligible family members may continue health plan coverage under the LODA Health Benefits Plans administered by the Virginia Department of Human Resource Management.
2. The Human Resource Office will assist the qualified LODA employees in applying for LODA Disability Benefits. Resource tool: www.valoda.org/claims.

- F. All salaried DOC employees are covered by a group life insurance policy. The Human Resources Officer should provide information on filing for benefit payments.



- G. All DOC employees are covered by Workers' Compensation; see Operating Procedure 261.3, *Workers' Compensation*, for information related to coverage and benefits.
- H. The Virginia Retirement System will have funds deposited in the employee's retirement account for payout to beneficiaries. Depending on the employee's status, there may be disability or survivor benefits available.
- I. The employee may have elected to participate in the deferred compensation program or purchased optional health, accident, or life insurance coverage, which may pay refunds or benefits.
- J. Various organizations may provide assistance to DOC employees and their families in a time of need:
 - 1. DOC Employee Assistance Fund (Immediate monetary assistance may be available).
 - 2. Virginia Public Safety Foundation (Immediate monetary assistance may be available).
 - 3. Concerns of Police Survivors (C.O.P.S.).
 - 4. Correctional Peace Officers Foundation (<http://cpof.org/>).
 - 5. Various professional organizations the employee may have joined.

VII. Follow-up with the Family

- A. Depending on the wishes of the employee, family, or significant other, the DOC should remain in contact to provide follow-up services and support following a line of duty death, disability, or injury.
- B. Human Resources Officers and others as appropriate should ensure that survivors are aware of and assisted in accessing available services and benefits.
- C. Human Resource Officers may obtain the *Claim for Line of Duty Act Benefits* form online through *Virginia Line of Duty*
- D. At the discretion of the Director or designee, the DOC may provide survivors with access to private grief counseling services.
- E. Disabled employees and other survivors of a line of duty death or injury should be invited to attend special events of the DOC work unit such as service awards, employee recognition, and facility anniversary celebrations.

REFERENCES

34 U.S.C. Subtitle I. - Comprehensive Acts, Chapter 101, Subchapter IX; *Public Safety Officers' Benefits Program*
42 U.S.C. Chapter 46, Subchapter XII, *the Public Safety Officers' Death Benefits (PSOB) Act*
COV §9.1-400 et seq. *The Virginia Line of Duty Act (LODA)*
COV §64.2-201. *Distribution of personal estate; right of Commonwealth if no other distribute*
Operating Procedure 075.7, *Critical Incident Peer Support Team*
Operating Procedure 110.1, *Hours of Work & Leave of Absence*
Operating Procedure 261.3, *Workers' Compensation*
Public Safety Officer's Benefits Program, Bureau of Justice Assistance, United States Department of Justice
Virginia Line of Duty Act (LODA) www.valoda.org

ATTACHMENTS

None

FORM CITATIONS



Volunteer Data Sheet 027_F5

Employee Personal Data Sheet 102_F25

