

<b>SUBJECT:</b> LINE OF DUTY DEATH OR SERIOUS INJURY INVESTIGATION	<b>SECTION:</b> 103.16E
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## PURPOSE

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This procedure describes the activities, roles and responsibilities that are required in the event an employee is seriously injured or killed in the line-of-duty. It establishes the need for, and membership of, an Investigation Team. This policy details the procedures the Investigation Team should follow in conducting its investigation.

## DEFINITIONS

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**Serious Injury** — any injury sustained in the line-of-duty which is, or may become life-threatening or will disable the employee for a substantial period of time.

**Line-of-duty Death** - The death of any member of the Fire Department while on duty, or while undergoing medical treatment for any injury or disease resulting from such duty is considered a line-of-duty death. This also includes the death of a Fire Department member while traveling in connection with such duty.

## PROCEDURE

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As soon as possible after a line-of-duty death has occurred, the Fire Chief shall assign an Investigation Team to conduct an investigation of the circumstances of the event. The objective of this team shall be to thoroughly analyze and document the events leading to the death and to make recommendations aimed at preventing similar occurrences in the future. This procedure may also be utilized in the event of a serious accident involving Fire Department personnel that may or may not have resulted in death or injuries.

The principal goal of the Investigation Team shall be to identify the causal factors pertaining to the event and to recommend actions that would prevent or reduce the risk of a similar event. A secondary objective shall be to obtain, document and secure evidence that may be a factor in any regulatory actions or litigation resulting from the incident.

If the death occurred at a fire scene, the Investigation Team report shall be separate and distinct from any fire cause investigation. A copy of the fire investigator's report shall be included in the final report package. The Investigation Team report and all related documentation shall be an internal Fire Department administrative report.

The investigation of incidents involving death or serious injury to Fire Department members shall be directed by an officer designated by the Fire Chief. The Investigation Team shall report through the designated Team Leader, who shall be responsible for the management of the investigative process.

The Investigation Team shall include a Chief Officer, Fire Department Safety Officer, a Fire Investigator and such additional personnel as may be required by the specific circumstances of the event. All members of the Department shall give their full and complete cooperation to the Investigation Team.

Duties and Responsibilities of the Investigation Team:

1. Gathering and analysis of all physical evidence relating to the event.
2. Interview of all witnesses with direct or indirect knowledge of the circumstances.
3. Documentation of radio traffic, telephone conversations, photographs, film, videotape and related information.
4. Consultation with persons having special knowledge of the factors involved in the incident, including experts and consultants from the private sector.
5. Liaison with other agencies involved in investigation of the incident.
6. Development of a comprehensive written report of the incident, including conclusions and recommendations.

The Investigation Team Leader shall establish and maintain an ongoing liaison with the Department's legal office relating to the investigation.

It is the policy of the Fire Department to cooperate fully with all other governmental agencies having legal cause to be involved in the investigation of a Line-of-duty death incident, and to cooperate voluntarily, when appropriate, with organizations working in the areas of fire service occupational safety and health education and training.

Other governmental agencies that may be involved in an investigation include:

*United States Fire Administration*

*National Institute for Occupational Safety and Health*

*Law Enforcement Agencies*

*State Fire Marshal*

The participation of these agencies shall be at their own discretion, depending on the circumstances of the particular incident. These agencies may or may not produce their own reports of the incident with recommendations or corrective actions. These reports do not supercede the Investigation Team Report.

The Investigation Team shall utilize the resources of individuals and agencies outside the Fire Department to assist in the investigation and/or provide technical consultation when necessary.

These resources may include:

*National Fire Protection Association*

*International Association of Fire Chiefs*

*Ohio Fire Chiefs Association*

*International Association of Fire Fighters*

*Consultants*

*Testing Laboratories*

*American Petroleum Institute*

## **DOCUMENTATION**

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The Investigation Team shall ensure that the scene of the incident is fully documented, including diagrams, photographs and observations.

When feasible, all witness interviews shall be recorded and/or transcribed. When recording and/or transcription is not feasible, the investigator's notes of the interview shall be filed.

1. Employees shall have the right to have legal or a union representative present during an interview.
2. The Investigation Team shall coordinate its activities with the Police Department to avoid interference in any criminal investigation relating to the incident.

The Investigation Team shall:

1. Obtain and secure tapes and printouts of telephone and radio conversations and CAD transactions relating to the incident. The pertinent aspects of the radio and telephone tapes shall be transcribed.

2. Gather and document any physical evidence relating to the incident. Physical evidence shall be secured and labeled, and the chain of custody procedures maintained.
3. Obtain, examine and secure all protective clothing, breathing apparatus and equipment used by the personnel involved in the incident as soon as is feasible. A complete physical description of the protective clothing, breathing apparatus and equipment shall be included in the report of the incident. (A performance status report shall be conducted by a qualified professional on all safety equipment).
4. Review and comment on the application of policies and procedures to the incident, the observance of procedures, their effect on the situation and recommendation for changes, additions or deletions.
5. Attempt to obtain any photographs, videotape or other information relating to the incident from news media or other sources. Such evidence shall be obtained with the written agreement that it is to be used only for investigative and educational purposes.
6. Interact and cooperate with Fire Investigator and Law Enforcement personnel in their activities related to the incident.
7. When feasible, the Investigation Team shall obtain copies of autopsy reports, medical treatment records, injury reports and other information relating to members involved in the incident.

The Fire Chief shall determine the schedule and method of presentation for the final report of the Investigation Team.

In cases involving a Line-of-duty death it is not recommended that a formal post-incident analysis be held.

## **REFERENCE**

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*Firefighter Line-of-Duty Death Guidelines*, State of Ohio Fire Marshal, April 2010.