

# **FIREFIGHTER LINE-OF-DUTY DEATH AND SERIOUS INJURIES**



**NJ Division of Fire Safety  
Fire Investigation / K-9 Unit  
1-877-NJ-FIRES      609-633-6070  
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# Firefighter Death & Injury

- The NJDFS Arson / K-9 Unit (along with NJ PEOSH) is tasked with investigating all serious injuries and/or fatalities to firefighters.
- "Serious injury" = Admittance into hospital (not EMS or ER treat & release).
- FD should also report significant incidents / injuries which result in extended time-off, rehab, etc. (not required)



# Firefighter Death & Injury

Steps must be taken to protect the FD, FF, and family interests.

- Evidence and scene must be secured.
- Proper notifications must be made.
- Established protocols must be followed.



# Firefighter Death & Injury

Your initial actions (or lack of) can greatly affect the future outcome of the case.

- Incident investigation
- Criminal / administrative charges
- Claims / Benefits
- Potential Lawsuits



# FF and Family Interests

Send a fire department officer or senior member along with the injured or deceased firefighter to hospital.

- Look after the firefighter's needs.
- Provide updates and make decisions as necessary.
- Provide an initial FD liaison at hospital for doctors and family.



# Evidence Preservation

## ■ SECURE SCENE:

- Potential crime scene.
- Contain / extinguish fire as necessary.
- Remove LODD victim only if in imminent danger from fire, collapse, etc.
- Begin entry / exit log
- Minimize personnel if possible



# Evidence Preservation

## ■ SECURE SCENE:

- Do not release custody of scene until authorized by Incident Commander to turn over scene to proper authority

Fire Official

PD / Prosecutor

State Investigator

- Do not alter, add or remove anything from the scene, or allow anyone else to do so.



# Evidence Preservation

## ■ IMPOUND EQUIPMENT:

- Impound all personal and department property used by the firefighter, including items removed by EMS or hospital.
- Properly package any "Bio-Hazard" items.
- Multiple items may have played a part in the firefighter's injury/death, and may be significant to the incident investigation.
- Items impounded by the FD must be secured and held in the same manner as any other legal evidence (chain of custody, *etc.*).





# Evidence Preservation

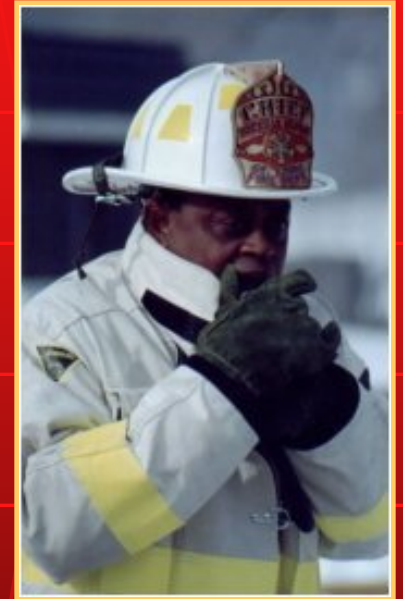
## ■ IMPOUND EQUIPMENT:

- PPE, SCBA, fire apparatus, etc.
- If fire apparatus is involved in MVA, then incident would be handled by law enforcement in same manner as any other serious MVA.
- Accident Investigation (AI) team.
- Fire apparatus may need to be towed to avoid altering any mechanical systems involved.
- Equipment may be OOS for extended time.



# Evidence Preservation

- **RECORDS DOCUMENTATION:**
  - The supervisor of the firefighter as well as the IC must be instructed to immediately document all observations, decisions, orders and actions as well as any other pertinent information.
  - Notify dispatch center to preserve radio communications tapes (in real-time if possible).



# Evidence Preservation

## ■ RECORDS DOCUMENTATION:

- Written witness statements from all personnel involved.
- Detail all actions, observations, etc. from time of dispatch thru conclusion of operations.
- Personnel should complete statements immediately and/or prior to ending shift.
- These statements will provide a baseline for any follow-up interviews.
- NFIRS reports – casualty info.



# Notifications

- Fire Chief.
- Fire Official.
- Police Department.
  - Remember: Fire scene may be a crime scene! (even if "Accidental" fire).
- Family member (should be done in person).
- Municipal Executive.



# Notifications

- County Fire Coordinator / Fire Marshal.
- State agencies (DFS, DOL, etc.).
- Clergy.
- Union and/or human resources.
- LAST (Local Assistance State Team).
- CISD Assistance
- Media – Provide PIO.



# Hospital or Medical Examiner Responsibilities

- Continue to impound equipment & evidence.
- Blood analysis for CO, alcohol, drugs, toxic chemicals, etc.
- Autopsy in case of death.
- Must have and follow FF Autopsy Protocol, as issued by US Fire Admin (USFA).
  - Failure to do so may forfeit potential survivor benefits.



# Hospital or Medical Examiner Responsibilities

- Reasons for autopsy exemptions
  - Age
  - Religion
  - Medical history
- May not forfeit potential benefits, but will make claims process much more difficult.
- Basic screenings and/or past medical records may suffice.



# State Agency Contacts

- **NEW JERSEY DIVISION OF FIRE SAFETY:**
  - Contact the Division to report firefighter serious injury or fatality within 4 HOURS and to obtain immediate assistance.
  - Duty investigator on-call 24/7/365.

**1-(877)-NJFIRES**

**1(877) 653-4737**





# State Agency Contacts (cont.)

## ■ NEW JERSEY DEPARTMENT OF LABOR (PEOSH):

- Contact at **1-(800)-624-1644** to report any firefighter hospitalization or fatality within 8 HOURS.
- Employer's First Report of Accidental Injury or Occupational Disease form must be faxed to the Office of Public Employees Safety at **1-(609)-292-4409**.



# Other Incident Contacts

- Workers' Compensation.
- Municipal or FD Insurance carrier.
- NJ Division of Pensions.
- County 200 Club.
- NJ Firemen's / Exempt / Relief Associations.
- LAST (Local Assistance State Team)
- Critical Incident Stress Debriefing (CISD)



# LAST TEAM

Through a collaborative effort between the US Department of Justice and the National Fallen Firefighters Foundation, resources and training have helped establish Local Assistant State Teams (LAST).

- Voluntarily deploy and provide assistance to FDs and the families immediately following LODD.



# CISD Resources

- The Statewide CISD Network –  
(609) 394-3600
- The NJ Fire & EMS Lifeline –  
(866) 653-3367
- LAST Team – (866)-736-5868



# PSOB Benefit

- US DOJ "Public Safety Officer Benefit"
- Currently \$343,589. (Not all next-of-kin may qualify for PSOB).
- Line-of-Duty Death Only
  - No limit on how long after incident occurred.
- Traumatic death or exposure to lethal chemicals/combustion by-products.
- Medical death within 24 hrs. of any response or official duty **MAY** be eligible.



# PSOB Benefit

- Cardiac events are still #1 killer, despite being at all-time low in 2016.
- 2016: Total LODDs = 69  
39 Vols. / 19 Career / 10 "other"
- Medical events were 1<sup>st</sup> at 42% (29)  
(Were 51% in 2015)
- MVAs were 2<sup>nd</sup> at 25% (18)  
(Were 12% in 2015)



# PSOB Benefit

- **Within 24 hrs.** of any response or "official duty" may still be considered LODD.
- Stress-type fatalities are now eligible for PSOB Benefit.
- "Hometown Heroes Act" (Effective 12/15/03)
  - Heart Attack.
  - Stroke.
- Have up to 3 years to file claim.



# PSOB Benefit

- Most FFs and/or families are unaware of this benefit provision.
- Results in late / lack of notifications.
- Family should not take possession of body until LODD procedures are followed.
- Private autopsy may be required if body is released from EMS / hospital custody.
- PLEASE SHARE WITH YOUR FAMILIES!!!
- Treat it just like any other "life insurance".





# PSOB Contact

- US DOJ PSOB PROGRAM:
  - Contact PSOB at (888)-744-6513 or [www.psob.gov](http://www.psob.gov) to begin processing of claim under federal PSOB statutes.
  - Secure online application & records submission process.
  - FD and family personal info required.
  - 3-year claim filing deadline.
  - Additional federal, state, and local benefit info listed at [www.firehero.org](http://www.firehero.org)



# Investigations

Investigations may be undertaken by:

- State Agencies:

- DFS
- DOL
- DHSS

- Local Agencies:

- FD
- Police
- Prosecutor's Office



# Investigations

Investigations may be undertaken by:

- Federal Agencies:
  - ATF
  - NIOSH (Voluntary)
- Other Interested Parties:
  - Insurance Carriers
  - NFPA



# Investigations

- The FD may be required to provide:
  - Incident Reports;
  - Written statements;
  - Photos/videos;
  - Communications info/dispatch tapes/transcripts;
  - Gear/equipment;
  - Records (training, certification, response etc.);
  - Interviews.



# Violations

- If violations of State or Federal laws or regulations are found, FD or municipality / employer may be cited by the various state agencies involved with the investigation.
- Volunteer firefighters are employees of their municipality or board of fire commissioners.
- PEOSH investigations: unlimited scope.



# Regulations

- DFS – NJAC 5:73  
IMS; Training & Certs., etc.
- DOL – NJSA 12:100\*  
Firefighter Standard
- DOH – 29CFR1910-134  
Respiratory Protection

\*Plus any other applicable standards (whether adopted or not) as per "General Duty" clause.



# Regulations

- Enhanced DFS Investigative Ability
  - Issue and enforce subpoenas;
  - Secure or order to be secured, any and all evidence;
  - Test or order to be examined or tested, any and all evidence;
  - Preserve or order the preservation of buildings, structures, areas, apparatus or equipment from destruction or demolition.



# Regulations

- Notification to the Division of any line-of-duty serious injury (hospitalization) or death as soon as possible, but no later than 4 HOURS from the time of injury or death.

**1-(877)-NJFIRES**

**1-(877)-653-4737**

- State agencies may issue penalties against an appropriate party for failure to timely notify or for hindering notification.





# QUESTIONS?...

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