

Line-of-Duty Death Investigations

329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of a line-of-duty death, the documentation of the events leading to the death and to make recommendations directed toward preventing similar occurrences in the future.

329.2 POLICY

It is the policy of the Fresno County Fire Protection District to identify the causal factors pertaining to any event involving a line-of-duty death, and to document and secure evidence which may be a factor in any regulatory actions or litigation resulting from the event. An investigation into the circumstances of the line-of-duty death is separate and distinct from any investigation being conducted regarding the cause of a fire.

329.3 PROCEDURE

As soon as practicable after a line-of-duty death has occurred, the Fire Chief or the authorized designee, shall assign an investigation team to conduct an investigation into the circumstances of the event.

- (a) A Duty Officer designated by the Fire Chief, should function as the team leader and direct the investigation of the incidents involved in the line-of-duty death. The investigation team should report to the team leader, who is responsible for the management of the investigative process.
- (b) All members of the Fresno County Fire Protection District shall give their full and complete cooperation to the investigation team.
- (c) The California Division of Occupational Safety and Health (Cal/OSHA) will conduct an investigation of the incidents involving the death of an employee. The investigation team shall provide a liaison to the Cal/OSHA investigators.
- (d) The Fresno County Fire Protection District should cooperate with all other government agencies that have a legal cause to be involved in the investigation of a line-of-duty death and should voluntarily share relevant information with other organizations working in areas of fire service occupational safety and health education and training. Participation by these agencies shall be at their own discretion, depending on the circumstances of the incident. These agencies may or may not produce their own reports of the incident with recommendations for corrective actions. These reports do not supersede the investigation team report.
- (e) The investigation team report and all related documentation shall be an internal Fresno County Fire Protection District administrative report.

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- (f) Any public release of the report requires the approval of the Fire Chief or the authorized designee. Such release will generally be processed in accordance with the provisions of the California Public Records Act .

329.4 INVESTIGATION TEAM

The investigation team shall consist, at a minimum, of the following team members:

- (a) Duty Officer
- (b) Fire investigator
- (c) District Safety Officer
- (d) Risk manager
- (e) Employee labor representative

Additional personnel may be added as required by the specific circumstances of the incident, including an investigative representative from the appropriate law enforcement agency, when there is reasonable cause to believe a crime may be connected with the investigation.

329.4.1 DUTIES AND RESPONSIBILITIES

The duties of the investigation team include, but are not limited to, the following:

- (a) Gather and analyze all physical evidence related to the incident.
- (b) Interview all witnesses with direct or indirect knowledge of the circumstances. When interviewing members, represented employees shall have the right to have their labor representatives present, and all firefighter interviews shall comply with the Firefighter Bill of Rights.
- (c) Collect and preserve recordings and copies of radio traffic, telephone conversations, photographs, film, videotape, incident histories and other related information. The pertinent aspects of the radio and telephone recordings should be transcribed.
- (d) Consult with persons having special knowledge of the factors involved in the incident, including private sector experts and consultants.
- (e) Liaison with other agencies involved in the investigation of the incident.
- (f) Establish and maintain ongoing communication between the team leader and the legal counsel for the District.
- (g) Develop a written report of the incident, including conclusions and recommendations.
- (h) Coordinate activities with Fire Prevention to avoid interference with any criminal investigation.

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329.4.2 DOCUMENTATION

The investigation team should ensure that the scene where the line-of-duty death occurred is documented, including diagrams, photographs and observations. When feasible, all witness interviews should be recorded or transcribed. When recording or transcription is not feasible, the investigator's notes of the interview should be preserved. In addition, the investigation team should:

- (a) Obtain, examine and secure all protective clothing, breathing apparatus and equipment used by the deceased employee.
 - 1. A complete physical description of the protective clothing, breathing apparatus and equipment shall be included in the report of the incident.
 - 2. A performance evaluation report conducted by a qualified professional on all safety equipment should be included in the report of the incident.
- (b) Review and comment on the application of policies and procedures to the incident, the observance of policies and procedures and their effect on the situation. Recommend changes, additions or deletions to such policies and procedures.
- (c) Attempt to obtain any photographs, videotape or other information relating to the incident from news media or other sources. Such evidence should be obtained with the agreement that it will only be used for investigative and educational purposes.

329.5 FINAL REPORT

The investigation team should present the final report to the Fire Chief. The Fire Chief should determine the schedule and method of presentation of the final report.