



DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
CBP DIRECTIVE

**CBP DIRECTIVE NO.: 51250-021**

**DATE: May 3, 2021**

**ORIGINATING OFFICE: ES/HRM**

**SUPERSEDES: N/A**

**REVIEW DATE: May 2023**

**CBP LINE OF DUTY DEATH DETERMINATION**

**1 PURPOSE**

1.1 This directive establishes the criteria and procedures to establish a U.S. Customs and Border Protection (CBP) official Line of Duty Death (LODD) Determination for purposes of recognition, funeral honors, and those survivor benefits, which CBP is authorized to manage.

1.2 The criteria and procedures outlined in this directive are considered independent of other survivor benefits including, but not limited to, the Department of Justice's Public Safety Officers' Benefits Act program and the Department of Labor's Federal Workers Compensation program.

**2 POLICY**

This directive establishes a formal internal process to establish an official LODD Determination.

**3 BACKGROUND & SCOPE**

CBP is committed to honoring our fallen and demonstrating compassion and support for those affected by the death of a CBP employee from injuries sustained in the line of duty. As such, it is important for CBP to outline the criteria and procedures to establish an official LODD Determination. This determination will affect certain benefits afforded to the employee's survivors, and proper recognition and honors.

**4 AUTHORITIES**

Department of Homeland Security (DHS) Delegation 0160.1 "Delegation to the Department of Homeland Security Organizational Elements."

**5 DEFINITIONS**

The definitions below apply for the purposes of this directive.

5.1 CBP program offices – CBP offices that report directly to the Commissioner and are led by an Executive Assistant Commissioner, U.S. Border Patrol Chief, Assistant Commissioner, or Executive Director.



DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
CBP DIRECTIVE

5.2 Direct and proximate cause – a substantial factor in bringing about the injury or condition that immediately precedes and produces death.

5.3 Injury – a traumatic physical wound (or a traumatized physical condition of the body) directly and proximately caused by external force (such as bullets, explosives, sharp instruments, blunt objects, or physical blows), chemicals, electricity, climatic conditions, infectious disease, radiation, virus or bacteria, but does not include:

- 1) Any occupational disease or
- 2) Any condition of the body caused or occasioned by stress or strain.

5.4 Line of Duty – any activity or action that an employee is, in his or her capacity as a CBP employee, obligated or authorized by law, rule, regulation, or written condition of employment to perform to which he is assigned or for which the employee is compensated.

5.5 Line of Duty Death – the death of a CBP employee from the direct and proximate cause of an injury sustained in the line of duty. This may include the examples listed below.

5.5.1 CBP law enforcement officers who, while in an off-duty capacity, act in response to a law violation; are en route to or from a specific emergency or responding to a particular request for assistance; are required or authorized by law or condition of employment to drive a Government vehicle to or from work; or when otherwise determined to be in an on-duty status.

5.5.2 Personnel who are the victims of terrorist acts with a nexus to duty.

5.5.3 Deaths occurring as a direct and proximate cause of the employee engaging in a situation involving nonroutine stressful or strenuous physical activity that poses (or, if in training scenario, appears to pose) significant dangers, threats, or hazards or provoke an unusually high level of alarm, fear, or anxiety. This may include, but is not limited to:

- 1) a physical struggle with a suspected or convicted criminal;
- 2) performing a search and rescue mission that requires rigorous physical activity;
- 3) performing a rigorous and time-extended mission requirement, such as assisting with emergency medical treatment;
- 4) responding to a violation of law or emergency situation that involves a serious injury or death; or
- 5) a situation that requires either a rapid response or pursuit on foot, by vehicle, or by vessel.



DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
CBP DIRECTIVE

5.5.4 Deaths occurring as a direct and proximate cause of the employee being medically diagnosed with an infectious disease that: the employee is likely to have been exposed to during the course of his or her duties; the employee engaged in a line of duty action or activity within the timeframe where it was medically likely to contract the disease from the exposure; and there is no compelling evidence to show that the employee contracted the disease outside of his/her official duties.

5.5.5 Not included under this definition are deaths attributed to:

- 1) voluntary alcohol or controlled substance use or abuse;
- 2) the intentional misconduct of the employee;
- 3) the employee's intention to bring about his or her own death; or
- 4) an employee performing his/her duty in a grossly negligent manner at time of death.

## 6 RESPONSIBILITIES

6.1 The Commissioner has the responsibility to determine whether a CBP employee died in the line of duty for CBP purposes.

6.2 Each CBP program office is responsible for establishing internal procedures for making LODD recommendations. Program offices will submit a recommendation to the Commissioner for a CBP employee death that they believe meets the definition of a CBP LODD.

6.2.1 For CBP law enforcement officers, the CBP program office shall make its recommendation within 24 hours of the notification of the death.

6.2.2 For all other CBP employees, the CBP program office shall make its recommendation within 72 hours of the notification of the death.

6.2.3 The procedures for making a LODD recommendation will include convening a panel of at least three executives to include a senior ranking official (GS-15 or higher) within the employee's chain of command. Additionally, the panel will include the Survivor Advocate for continuity and consultation purposes only.

6.2.4 The LODD recommendation will include, at a minimum, the 24-hour situation report. Other documents to be provided, if available, include a death certificate, police reports, or other related reports that support the recommendation. Examples of a LODD recommendation are provided in Appendix 1.

6.3 The Office of Human Resources Management (HRM) Survivor Advocates are responsible for providing direct support and connecting grieving survivors in the wake of an employee death with available resources across CBP.



DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
CBP DIRECTIVE

6.3.1 The Survivor Advocates will engage with program offices across CBP to provide proper ceremonial engagement and benefits information.

6.3.2 The Survivor Advocates will work with the peer support and chaplaincy programs of the program offices to ensure overall consistent communication and dialogue between the families and CBP.

## 7 PROCEDURES

7.1 Upon the death of an employee, the CBP office that employed the fallen employee will review available facts and information surrounding the circumstances of the death and determine whether it will submit a recommendation to the Commissioner that the death meets the definition of LODD.

7.2 The Executive Assistant Commissioner/Chief, Executive Director, or Assistant Commissioner submits the LODD recommendation to the Commissioner for consideration and copies the Survivor Advocates.

7.3 The Commissioner's decision on the LODD recommendation will be disseminated to the CBP program office, the Enterprise Services's Office of Facilities and Asset Management (OFAM), and HRM.

7.4 OFAM is responsible for the preparation, routing, and distribution of the CBP Commissioner's request that the DHS Secretary authorize the United States, DHS, and DHS component flags at DHS facilities to be flown at half-staff for a period of up to three days to include the day of interment. The approved LODD, along with the fallen employee's background information is necessary to prepare this request.

7.4.1 Upon the DHS Secretary's approval of this request, a notification of the flag posting order will be sent to the CBP Situation Room (SITROOM). The SITROOM will notify CBP offices of the required flag posting action(s) and affiliated timelines. All CBP offices (locations) must post their flags in accordance with the SITROOM notification (order).

7.4.2 The CBP Commissioner has been delegated and may authorize that CBP flags be flown at half-staff through sunset the day of interment in honor of line of duty deaths.

7.5 The Survivor Advocates will lead coordination within HRM.

7.5.1 HRM Retirement and Benefits Advisory Services will engage with the surviving family members regarding eligible benefits.



DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
CBP DIRECTIVE

7.5.2 HRM Strategic Partnerships and Communication will engage the Office of Public Affairs (OPA), and OPA will post the Line of Duty Death on CBPnet. Approval from the family of a fallen employee is required before broad disclosure of the cause of death.

**8 RECORDKEEPING**

HRM will maintain a copy of the LODD recommendation and Commissioner's decision. The CBP History Program will maintain appropriate documentation of CBP LODDs in its research collection.

**9 POINT OF CONTACT**

Office of Human Resources Management, Human Resources Policy and Program Directorate,  
**(b)(6) (b)(7)(C)**

**10 NO PRIVATE RIGHTS CREATED**

This document is an internal policy statement of CBP and does not create or confer any rights, privileges, or benefits for any person or party.

**(b)(6) (b)(7)(C)**

**Troy A. Miller**  
**U.S. Customs and Border Protection**  
**Senior Official Performing the Duties of the Commissioner**

May 3, 2021

**Date**

Attachments:  
Appendix 1



DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
CBP DIRECTIVE

**CBP DIRECTIVE NO.: 51810-011**

**DATE: May 3, 2021**

**ORIGINATING OFFICE: ES/HRM**

**SUPERSEDES:** Valor Memorial 51810-007  
dated September 3, 2010

**REVIEW DATE: May 2023**

**CBP VALOR MEMORIAL AND RECOGNITION**

**1 PURPOSE**

This directive establishes the criteria and procedures for memorializing U.S. Customs and Border Protection (CBP) employees determined by the CBP Commissioner to have died in the line of duty and honoring those who paid the ultimate sacrifice through the CBP Valor Memorial.

**2 POLICY**

2.1 It is the policy of CBP to honor CBP employees who have passed away and ensure the highest honors are rendered to those who died in the line of duty.

2.2 CBP employees determined by the CBP Commissioner to have died in the line of duty are eligible for recognition, to be determined by the Valor Memorial Committee. The Valor Committee will establish criteria and processes to ensure dutiful recognition of CBP's fallen employees.

**3 BACKGROUND & SCOPE**

3.1 CBP is committed to ensuring proper recognition and honors are rendered to those employees who, in the course of faithfully performing their duties, paid the ultimate sacrifice in the furtherance of the Agency's mission. The death of a CBP employee in the line of duty is a vivid reminder that CBP personnel risk their lives every day to protect and defend our Nation. The safety and well-being of CBP employees is paramount. Unfortunately, despite CBP's best efforts to prevent the loss of life, tragedies will occur as a consequence of the difficult and dangerous mission.

3.2 The CBP Valor Memorial is dedicated to honoring both CBP employees and CBP legacy agency employees who faithfully performed their duties and sacrificed their lives in the furtherance of the Agency's mission.

3.3 The criteria and procedures outlined within this directive are considered separate and distinct from recognitions and benefits managed external to CBP.



DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
CBP DIRECTIVE

#### 4 DEFINITIONS

The definitions below apply for purposes of this directive only.

4.1 CBP Employee – a federal employee appointed to a position at CBP or any of its legacy agencies.

4.2 CBP program offices – CBP offices that are led by an Executive Assistant Commissioner, Chief, Assistant Commissioner, or Executive Director.

4.3 CBP Valor Memorial – A memorial at CBP Headquarters that honors employees of CBP and CBP legacy agencies who died in the line of duty.

4.4 CBP Valor Memorial Ceremony – An annual ceremony conducted during National Police Week to honor CBP employees who died in the line of duty.

4.5 CBP Valor Memorial Committee – A board composed of one representative, preferably at the GS-15 level or above, from each of the following offices: Air and Marine Operations (AMO), Enterprise Services (ES), Office of Field Operations (OFO), Operations Support (OS), Office of Trade (OT), U.S. Border Patrol (USBP), Office of the Chief Counsel (OCC), Office of Public Affairs (OPA), and Office of Professional Responsibility (OPR). A representative from the Office of Human Resources Management (HRM) serves as the committee chairperson, and the HRM Survivor Advocate(s) participate as non-voting members.

4.6 Line of Duty Death (LODD) – A death occurring as a direct and proximate cause of a personal injury and/or illness sustained in the line of duty as determined by the CBP Commissioner per the CBP Line of Duty Death Determination Directive 51250-021.

4.7 Silent Partner Program – An initiative implemented at select CBP training academies to honor fallen employees. Throughout training, trainees will carry a Silent Partner Card featuring a fallen employee's name, photo, and background.

4.8 Survivor Advocate – A liaison official who directly supports and connects grieving survivors in the wake of an employee death with available resources across CBP; engages with CBP program offices to provide proper ceremonial engagement and benefits information; and ensures overall consistent communication between the families and CBP.

4.9 National Law Enforcement Officers Memorial – An organization who honors U.S. law enforcement members who have died in the line of duty throughout American history.

#### 5 RESPONSIBILITIES

5.1 The Commissioner will approve or disapprove the recommendations from the CBP Valor Memorial Committee on the names of the fallen CBP employees to be recognized through the CBP Valor Memorial, Silent Partner Program, training academy memorials, and other relevant CBP



DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
CBP DIRECTIVE

honors, and the names of fallen law enforcement officers to be submitted for the National Law Enforcement Officer's Memorial (NLEOM) in Washington, D.C.

5.2 CBP program offices are responsible for submitting nomination packets for CBP employee recognitions through the CBP Valor Memorial Committee, Silent Partner Program, training academy memorials, submission to NLEOM, and other relevant CBP honors. CBP program offices will provide the CBP Valor Memorial Committee the appropriate documentation and support necessary to honor CBP employees.

5.3 Each CBP program office defined as a board member under CBP Valor Memorial Committee (Section 4.5) is responsible for providing a representative, preferably at the GS-15 level or above, to serve as a voting member on the CBP Valor Memorial Committee for a minimum of one year (may be extended from year to year).

5.4 CBP program offices are required to fund any honors rendered outside of the CBP Valor Wall Memorial.

5.5 The Office of Human Resources Management (HRM) will issue an annual call for Valor Memorial Committee Members and provide the chairperson for the CBP Valor Memorial Committee. The chairperson is required to serve for a minimum of one year and may be extended from year to year.

5.5 The CBP Valor Memorial Committee Chair is responsible for scheduling committee meetings, providing all committee members copies of pending nominations and other relevant information for review and decision. The Chair works with the Office of Facilities and Asset Management, OPA, and all offices to ensure proper recognition through CBP Valor Memorial ceremony execution.

5.6 The CBP Valor Memorial Committee will meet at least quarterly and more as needed to recommend nomination packets for approval by the Commissioner and vote on decisions required to move CBP Valor Memorial Ceremony planning forward.

5.6.1 For purposes of award nominations, the voting members will be the representatives from AMO, ES, OFO, OS, OT, USBP, OCC, OPA, and OPR. The majority vote will determine the Committee's recommendation to the Commissioner.

5.6.2 For purposes of planning the CBP Valor Memorial Ceremony, all CBP Valor Memorial Committee representatives will serve as voting members. The majority vote will render decisions required to move planning forward.

5.7 HRM's Survivor Advocate(s) are responsible for attending all meetings, keeping the Committee informed on surviving family member activities as it relates to recognition, and coordination with the CBP program offices as needed to ensure fallen employees and their survivors receive proper recognition and support.





DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
CBP DIRECTIVE

## 6 PROCEDURES

6.1 The respective CBP program office will prepare a CBP Valor Memorial nomination packet for submission within 60 calendar days of receiving the LODD for a CBP employee. Nominations for individuals from CBP legacy agencies and CBP employees whose deaths occurred prior to the enactment of this directive may be submitted, once all required information is obtained.

6.1.1 All nominations packets will be sent to (b)(7)(E)@cbp.dhs.gov.

6.1.2 Nomination packets should include:

- 1) Executive summary of events surrounding the employee's death to be used for the CBP Valor Memorial and Ceremony (this should include dates and places of birth and death; entry on duty date into service; relevant legacy agency, if applicable; and position title at the time of death);
- 2) Photo of the CBP employee to be used for the CBP Valor Memorial and Ceremony;
- 3) Copy of the CBP Commissioner's LODD determination or, for individuals from CBP legacy agencies, a copy of the legacy agency's LODD determination or sufficient supporting information to support a determination that the individual's death occurred in the line of duty; and
- 4) Other relevant information such as, but not limited to, death certificate, medical reports, police reports, etc.

6.2 The CBP Valor Memorial Committee chairperson will compile all nominations packets for review during the next quarterly or scheduled meeting. The Committee Chair will provide all members a copy of nomination packets and information relating to any other business to be conducted during meetings.

6.3 The CBP Memorial Committee will review nomination packets, recommend nomination packets for approval by the Commissioner, and vote on decisions required to move Valor Memorial Ceremony planning forward.

6.4 HRM will submit recommended nomination packets and other business as appropriate to the Commissioner for final decision.

6.5 The Commissioner will review the recommendation(s) for approval/disapproval and disseminate to HRM and the respective CBP program office (responsible for submitting the nomination) for action.

6.6 The respective CBP program office and HRM will coordinate to ensure the fallen CBP employee is recognized as determined by the Commissioner.

6.7 The Survivor Advocate(s) will coordinate with the survivors/families to review:



DEPARTMENT OF HOMELAND SECURITY  
U.S. CUSTOMS AND BORDER PROTECTION  
CBP DIRECTIVE

- 1) Official spelling of CBP employee's name as it would appear on any memorial(s), plaque(s) or award(s);
- 2) Text/summary for memorial service brochure (see appendix 1);
- 3) Approval from the family of a fallen employee is required before broad disclosure of the cause of death; and
- 4) Additional information as needed.

6.8 The Survivor Advocate(s) will provide the CBP History Program relevant information on those individuals approved for inclusion on the CBP Valor Memorial. This information includes, but is not limited to:

- 1) Full legal name;
- 2) Dates of birth and death;
- 3) Places of birth and death;
- 4) Date of entry into service (including relevant legacy agency, if applicable);
- 5) Position title at the time of death;
- 6) Concise statement detailing line of duty death; and
- 7) Relevant biographical information.

## 7 POINT OF CONTACT

Office of Human Resources Management, Human Resources Policy and Program Directorate,  
**(b)(6) (b)(7)(C)**

## 8 NO PRIVATE RIGHTS CREATED

This document is an internal policy statement of U.S. Customs and Border Protection and does not create or confer any rights, privileges, or benefits for any person or party.

**(b)(6) (b)(7)(C)**

**Troy A. Miller**  
**U.S. Customs and Border Protection**  
**Senior Official Performing the Duties of the Commissioner**

May 3, 2021  
**Date**