

<b>Anchorage Police Department Regulations and Procedures Manual</b>	<b>Operational Procedures 3.01.015</b>	
<b>Policy and Procedure Title Death Investigations- Child Deaths</b>	<b>Effective Date 1/15/2021</b>	<b>Page 1 of 10</b>
<b>Replaces Prior Policy: 8/10/2009</b>	<b>Approved by: Chief Justin Doll</b>	

**This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.**

### **3.01.015 Death Investigation- Child Deaths**

#### **PURPOSE**

To instruct all members on the procedures regarding investigation of all non-traffic related child death investigations in which the death may have occurred through some form of child abuse.

#### **POLICY**

That all deaths of children under the age of 18 years, except expected home or hospital deaths, be investigated as homicides until or unless evidence causes the investigator to conclude otherwise.

Investigation of the deaths of children due to overt acts of violence such as gunshot victims, or neglect shall be the responsibility of the Homicide Investigation Unit. (Refer to procedure - Death Investigations 3.01.010)

Investigation of child traffic fatalities shall be the responsibility of the Traffic Accident Investigations Unit. (Refer to procedure Collision Investigation, 3.03.020).

#### **DISCUSSION**

The death of a child is one of the most traumatic events a family and a community can experience. This type of death always evokes strong emotions in family members, community members, first responders and medical personnel. As such it is important that Anchorage Police personnel conduct their investigation carefully and tactfully so as not to exacerbate the already emotionally charged situation. Unfortunately, in the unexpected death of a child, the evidence as to what caused the death is often subtle or not immediately apparent even to the most seasoned investigator. As with all homicides, except for hospital deaths from natural causes or expected home deaths, any death of a child occurring within the Anchorage Police Service area becomes the responsibility of the Anchorage Police Department to investigate. This investigation is to collect evidence regarding the cause, manner, and mechanism of death, and, if the manner is criminal, to

identify, apprehend the person(s) responsible and provide evidence to the court regarding culpability.

There are four distinct manners of death: natural, accidental, suicide, and homicide. Additionally, there is a fifth category, which cannot be readily classified within one of the four distinct manners of death due to lack of information and/or unknown circumstances. This will be initially classified as “Death--Undetermined Cause”. All deaths to which APD responds shall be regarded as potential homicides. This should also include any rescue assist call where death is imminent or likely to result, even though the victim is transported to a medical facility.

All child deaths should be investigated not only to prove a specific manner, like homicide, but also to eliminate the other manners. Further, the investigation should not stop if criminal culpability is eliminated, as the Department still carries the obligation to investigate cause, manner, and mechanism of death for other than criminal purposes, including civil litigation and insurance concerns.

## **DEFINITIONS**

**Deceased Person:** The physical remains of a human who has either been pronounced dead by a licensed physician, paramedic or is noted to bare unmistakable evidence of death.

**Child Death:** The death of a child under the age of 18 years which resulted from physical abuse and/or neglect.

**Expected Home Deaths:** Death of a person suffering from a terminal illness. Procedures are established by the family, through the attending physician, with the Coroner’s Office prior to death to allow the terminally ill person to die at home. (Formerly known as No-Code Deaths and currently referred to as Comfort One Patients)

**Impending Death:** Physical condition in a child such that death may be imminent.

**Natural Death:** Death which occurs through the progression of natural disease processes.

**Accidental Death:** Death which results from an unexpected and unintentional event.

**Homicide:** Death which results from one person killing another person.

**Unmistakable Evidence of Death:** Bodily evidence which makes death clear and obvious. This evidence includes decapitation, rigor mortis, postmortem lividity, and decomposition and putrefaction.

**Dying Declaration:** A statement made by a victim who believes they are about to die in reference to the manner in which he/she received the injuries of which he/she is dying, or other immediate cause of his/her death, and in reference to the person who inflicted such injuries or the connection with such injuries of a person who is charged or suspected of

having committed them. The victim must die or must be unable to testify and must have been otherwise competent and rational at the time of the statement.

**Cause, Manner, and Mechanism of Death:** A legal method of describing the total circumstances of a death. Specifically:

**Cause** is the injury or disease which begins the process which leads to death.

**Manner** is that circumstance under which death occurred. There are five manners of death; natural, accidental, homicide, suicide, or undetermined.

**Mechanism** is the physical or biochemical derangement which was set into motion by the cause of death.

An example of this classification would be:

Cause of Death: Violent shaking of an infant.

Manner of Death: Homicide.

Mechanism of Death: Brain swelling (cerebral edema).

## **REFERENCES**

AS 11.41.100 (a)--Murder in the First Degree

AS 11.41.110 (a)--Murder in the Second Degree

AS 11.41.120 (a)--Manslaughter

AS 11.41.130 (a)--Criminally Negligent Homicide

Alaska Rules of Evidence, Rule 804 (b)(2)

## **PROCEDURES**

**I. EXPECTED HOME DEATHS:** Procedures are the same as detailed in Death Investigation 3.01.010 Procedure I.

## **II. HOMICIDES**

**Note:** Usually the manner of death in a child death is not immediately evident. It should be approached as a homicide recognizing that it may be due to other causes such as SIDS or meningitis.

- A. Dispatch. Recognize that many child homicides are originally dispatched as something else--a baby not breathing, a medic assist for a fall, or a simple “welfare check.” Often children are transported to a medical facility by a caregiver after sustaining injuries which result in their deaths.

B. **Officer's Responsibilities--General.** The responding officer has several duties to perform in the relatively brief period from dispatch to the arrival of the Homicide Investigators who assume responsibility of the case. In the simplest terms, the responding officer:

1. Protects/preserves life.
2. Assesses and stabilizes the scene.
3. Protects/preserves the scene.
4. Identifies witnesses.
5. Identifies and detains suspects.
6. Supervisor notification.

C. **Officer's Responsibilities--Specific.** What follows are guidelines in the processing of a potential child homicide case. It is important to note that the circumstances confronting officers to a large degree dictate the order in which these duties are performed, and that these activities can often be delegated and accomplished simultaneously.

1. Preservation of life. Protection of life supersedes a police investigation.
  - a. If the slightest possibility of life/revival exists, officers shall give medical personnel great latitude in the delivery of medical services. This includes entry into the crime scene, moving evidence if necessary, and removal of the victim for medical treatment. Consequently, officers shall adjust the investigation to accommodate this activity by the following:
    - 1) Attempt to photograph the victim while being attended to by medical personnel.
    - 2) Note body position as accurately as practical prior to intervention by the paramedics.
    - 3) Attempt to photograph and/or mark location of physical evidence likely to be disturbed by the actions of the paramedics.
    - 4) Be alert and document by recording and in a police report any explanations of the mechanism of injury given by caregivers and information about the caregivers just prior to and at the time of the onset of

symptoms or time of discovery of the injured or dead child given.

- 5) Should a victim be transported, make all reasonable effort to coordinate with associated personnel to ensure an officer accompanies that victim to process possible dying declarations of older children, clothing seizure, evidence seizures, and caretaker statements. Note that the scene should be secured immediately after the victim's departure.

**-OR-**

- b. If officers and/or paramedics detect the unmistakable evidence of death, Anchorage Fire Department medics will not transport the victim and the officer is responsible to assure a continued police presence with the victim until the removal of the body takes place. The officer shall exclude all unauthorized and/or unnecessary persons from entry into the scene, being sensitive to the fact that grieving family members may have access to the remains of the child as long as a police officer or police chaplain is present to assure that the remains and scene are not altered in any way. In any event the officer must assure that the remains and the scene are not changed until the arrival of investigating detectives.

**Note especially the following:**

All unnecessary traffic, including police not directly involved in the crime scene investigation, shall be excluded. Maintain a "Crime Scene Entry Log." Traffic through the scene shall be strictly minimized, and any such traffic entered completely in the log.

1. Isolate and protect the scene. Be extremely "evidence conscious." Encourage family members to go to another location after the body has been removed. If the body remains at the scene, it can be released to the medical examiner or to a funeral home with the medical examiner's consent.
2. Assess the Circumstances. Officers should be concerned with determining if a crime has been committed, who the witnesses are, and who is suspect. This information is gained by:
  - a. Personal observations.
  - b. General questioning of all persons present.

- 1) This questioning is to acquire sufficient information to permit officers to make informed decisions on how to proceed (stabilize any remaining dangers, identify and locate people involved, and other such urgent concerns).
  - 2) General questioning is distinguished from formal interviews, statements, and custodial interrogation of suspect(s). It is normally a brief discussion of urgent matters. General questioning should, if at all possible, be recorded.
3. Witnesses. Investigating detectives might request the transportation of any witnesses to the police station for interviewing. In these cases, witnesses should be transported separately to the police station to allow comprehensive interviewing in a managed environment.
4. Suspects. Should the initial investigation establish any suspects, the following guidelines apply:
  - a. General questioning. To reiterate: initial, on-the-scene questioning of the suspect is necessary, permissible, and encouraged. However, if the general questioning brings the officers closer to probable cause for an actual arrest, “general questioning” gradually changes into “custodial questioning.” Being “in-custody” is a state of mind of the suspect; it is when a reasonable person, placed in the suspect’s position, in light of the totality of circumstances, could reasonably feel that his/her liberty is restrained in some significant way. Therefore, to avoid conflict with *Miranda* requirements, when the officer establishes a suspect and conducts general questioning, the length of questioning shall be brief, and the objectives of such questioning shall be limited to:
    - 1) What happened to the child, when it happened, how the child was prior to the event, how the child acted after the event, who was with the child at the onset of symptoms, and who had been with the child over the last 72 hours.
  - b. Advisement of Rights. In this situation and under these circumstances (i.e., general, non-custodial questioning for limited purposes), the suspect need not be advised of their Constitutional rights under *Miranda*, as it does not apply.
  - c. Custody and Arrest of the Suspect. Recalling that “custody” (for interviewing purposes) can attach before a suspect is

formally arrested (and always attaches *after* arrest), officers shall adhere to the following guidelines should a suspect be in custody or under arrest:

- 1) Once general questions above have been asked, do not question the suspect further.
  - 2) Do not advise the suspect of his/her rights. Since further questioning is not occurring, Miranda is not necessary and will not be given.
  - 3) Transport suspect(s) at the request of Homicide Detectives (separately, if several) to the police station or arrange to have the investigating Homicide Detective come to the suspect for questioning. This serves to control the investigation and provide the Homicide Investigator an opportunity to formally interview the suspect(s).
  - 4) Be alert for spontaneous statements, and any other incriminating acts/gestures. If practical, an approved recording device should be used anytime there is contact with the suspect(s) to record spontaneous and unsolicited comments. Officers have no duty to inform the suspect that such recording is being made providing the suspect realizes he/she is talking to a police officer (there is no expectation of privacy with a police officer).
  - 5) Await arrival of the Homicide Investigator to conduct formal questioning. That investigator shall conduct an interview following Homicide Unit procedures and guidelines.
5. Scene. Once all persons have left the crime scene, and the victim has either been confirmed deceased and transported by the Medical Examiner or transported for medical treatment, then all officers shall:
- a. Isolate and secure the immediate scene; and
  - b. Await the arrival of the Homicide Investigators.
  - c. Attempt to establish who has legal ownership/right of occupancy or legal control of the premises or of the crime scene, if the incident occurred within a structure. Any information gleaned shall be forwarded to the Homicide Investigators. They will take measures to ensure proper search and seizure requirements are met.

- d. Brief the Homicide Investigator(s). This shall include witness statements from the scene, the result of the initial investigation, etc.
  - e. Homicide Investigators will do recorded interviews with first responding officers. This interview will serve as the officer's narrative report, but the officers may be required to complete a face sheet and additional names reports.
6. Patrol Supervisors' Responsibilities. The Patrol Supervisor shall:
- a. Ensure the following notifications are made:
    - 1) Shift Commander;
    - 2) Dispatch Center Supervisor;
    - 3) Captain of Detectives;
    - 4) Homicide Supervisor through dispatch.
  - b. Assist the responding unit as applicable.
7. Dispatch Center's Responsibilities. Upon notification of a suspicious death or impending death, Dispatch Center shall follow existing Unit Procedures for subsequent notifications. Notify the Homicide Unit Supervisor first to facilitate proper resources and personnel activation.
8. Homicide Unit Supervisors' Responsibilities. Upon learning of a suspicious death, the Homicide Unit Supervisor shall:
- a. Notify the Unit Lieutenant;
  - b. Determine if the members of the Homicide Unit should be dispatched;
  - c. Determine if notification should be made to the Medical Examiner and/or District Attorney;
  - d. Make any appropriate case assignments;
  - e. Provide all authorized releases of information to the Community Relations Unit for release of information to members of the media;
  - f. Assure next of kin notification if needed.
9. Homicide Unit's Responsibilities. On arrival, the following shall apply:



- a. Assume responsibility for all aspects of the investigation;
- b. Confer with the on-scene Supervisor and initial investigating officer(s) to establish case status;
- c. If indicated, provide for the dissemination of information, i.e. suspect information, possible witnesses, vehicles, and other evidence. This information shall be given to all assigned investigators and assisting patrol units.

### III. SUICIDE

- A. If the victim is older than 16 years of age, refer to procedure – Death Investigation 3.010.010 III. SUICIDES.
- B. If the victim is under age 16, treat as a child death investigation – homicide. Keep in mind that there is a strong relationship between suicide in children and sexual, physical and emotional abuse and the apparent suicide of a young child is highly suspicious.

### IV. NATURAL DEATHS

- A. **Dispatch.** Recognize that a natural death can originally be dispatched as a "rescue assist" or other type of call. The code may vary accordingly.
- B. **Officers' Responsibilities--General.** Responding officers should approach a natural death similarly to a homicide. The general responsibilities are:
  1. Protect/preserve life.
  2. Assess and stabilize the scene.
  3. Protect/preserve scene.
  4. Identify witnesses.
  5. Supervisor notification.
- C. **Officers' Responsibilities--Specific.** The resolution of the mode of death as being the result of natural disease processes is based on factors which eliminate homicide, suicide, and accident as the cause of death.
  1. Be aware that the pathological condition which produced the death often is not readily apparent especially in young children. Consequently, autopsy results may be needed to determine the actual cause of death. The death investigation should include homicide as a possible manner of death until another manner has been proven.

2. Conduct interviews with witnesses, family members, medical personnel, and other appropriate people. Attempt to determine any previous medical history or complaints.
3. If possible, provide next of kin information to the shift supervisor and Medical Examiner, if no family members are present.
4. Ensure the following notifications are made:
  - a. Patrol Supervisor;
  - b. Medical Examiner's Office. The Medical Examiner's office will decide the disposition of the deceased.
5. Be alert to questionable circumstances. A Supervisor shall be notified, should information come to the attention of officers casting doubt on the mode of death. That Supervisor shall decide if the Homicide Unit Supervisor should be notified.
6. Officers shall:
  - a. Photograph the Scene;
  - b. Complete a Police Report; and
  - c. Complete a Death Investigation Report: One copy of the Death Investigation Report shall accompany the deceased to the Medical Examiner's Office.
7. If the victim lived alone in a residence, that residence shall be locked and/or secured when the investigation has concluded.

**D. Patrol Supervisors' Responsibilities.** The Patrol Supervisor shall:

1. Ensure the next of kin is notified;
2. Assist the responding unit as applicable;
3. Notify Homicide Supervisor.

## **V. ACCIDENTAL DEATHS**

- A. Dispatch. Recognize that the dispatch for an accidental death can range from rescue assists, to overdoses, falls from great heights, and more. Fatal automobile accidents are "accidental deaths," but are processed as described in the procedure "Collision Investigation, 3.03.020".

Especially significant in the accidental death of a child is whether or not the explanation of injury matches the scene evidence and age of development of

the child. A child who cannot walk will have difficulty falling from a window. A child who does not yet have the physical coordination to open a medicine bottle will probably not overdose on medication.

**B. Officers' Responsibilities--General.** Responding officers should approach an accidental death similarly to a homicide. The general responsibilities are:

1. Protect/preserve life.
2. Assess and stabilize the scene.
3. Protect/preserve the scene.
4. Identify witnesses.
5. Supervisor notification.

**C. Officers' Responsibilities--Specific.** The resolution of the manner of death as being the result of an "accident" (an unexpected and unintentional event) is based on factors which eliminate homicide, suicide, and natural disease processes as the cause of death.

1. Note that criminal charges may still result from an accidental death (criminal negligence).
  - a. A proper investigation includes awareness of possible contributing circumstances. This could include unsafe home conditions, severe child neglect or dangerous acts of others.
  - b. Interviews should be conducted with witnesses and/or other appropriate persons (neighbors, family members).
  - c. Should any questionable circumstances arise, or if the filing of criminal charges appears possible, notify a Supervisor. That Supervisor shall decide if the Homicide Unit Supervisor should be notified.
2. Autopsies are generally needed to conclude the actual cause of death.
3. If possible, provide next of kin information to the shift supervisor and Medical Examiner, if no family members are present.
4. Ensure the following notifications are made:
  - a. Patrol Supervisor;
  - b. Medical Examiner's Office. The Medical Examiner's Office will decide the disposition of the deceased;

- c. Homicide Unit Supervisor.
- 5. Assist outside agencies with investigation if needed.
- 6. Officers shall:
  - a. Photograph the Scene;
  - b. Complete a Police Report; and
  - c. Complete a Death Investigation Report: One copy of the Death Investigation Report shall accompany the deceased to the Medical Examiner's Office.

**D. Patrol Supervisors' Responsibilities.** The Patrol Supervisor shall:

- 1. Ensure the following notifications are made:
  - a. Next of kin notification.
  - b. The Patrol Supervisor shall notify, cause to be notified, or verify that notification has been made to any appropriate agency. Depending on the nature of the accidental death, such notification could include:
    - 1) Municipal Fire Investigator if a fire death.

**\*\*\*END OF DOCUMENT\*\*\***