



## Policy 703

Subject	
<b>DEATH AND SERIOUS ASSAULT INVESTIGATIONS</b>	
Date Published	Page
<b>13 September 2017</b>	<b>1 of 6</b>

*By Order of the Police Commissioner*

### **POLICY**

It is the policy of the Baltimore Police Department (BPD), consistent with the law, to conduct an investigation when any person dies in Baltimore City, in any of the following circumstances:

1. As a result of violence, suicide, or injury;
2. Suddenly, when in apparent good health;
3. When unattended by a physician (not currently under a doctor's care for a serious condition);
4. In any suspicious or unusual manner.

BPD members shall work cooperatively with the Office of the Chief Medical Examiner to ensure the successful conclusion of all such investigations.

### **GENERAL**

1. In cases of homicide, or serious assault where death is likely to occur, the authority and responsibility to coordinate the entire investigation shall rest with the Homicide Section, Criminal Investigations Bureau (CIB).
2. In cases of non-fatal shootings not retained by the Homicide Section, the authority and responsibility to coordinate the entire investigation shall rest with the Citywide Shooting (CWS) Unit, CIB.
3. In cases where an individual is shot at, but not struck by gunfire, the CWS Unit shall have the authority and responsibility to coordinate the entire investigation.
4. In cases where an individual is shot at, but not struck by gunfire during the commission of a commercial robbery or street robbery, the Citywide Robbery (CWR) Unit, CIB shall have the authority and responsibility to coordinate the entire investigation.
5. In cases where a member of the BPD is shot at, but not struck by gunfire, and does not return gunfire, the Homicide Section shall have the authority and responsibility to coordinate the entire investigation.
6. In cases where a member of the BPD is shot at, but not struck by gunfire, and returns gunfire, the Special Investigation Response Team (SIRT), Office of Professional Responsibility (OPR) shall have the authority and responsibility to coordinate the entire investigation (See Policy 710, *Level 3 Use of Force Investigations / Special Investigation Response Team (SIRT)*).

7. In cases of serious assaults not retained by the Homicide Section, the authority and responsibility to coordinate the entire investigation shall rest with the District Detective Unit (DDU), CIB.

### **REQUIRED ACTION**

#### **Responding Member**

1. When there is any doubt whether a person is deceased, request EMS via the Communications Section. (EMS personnel are not required to remove the deceased's body from the scene. In instances where EMS responds but does not remove the body, EMS will provide the primary officer with a copy of the Fire Department EMS Report.)
2. Only pronounce a person deceased if obvious signs of death are present, such as rigor mortis or post mortem decomposition. Note in the incident report the time such a determination was made.
3. Until facts indicate otherwise, all deaths shall be investigated as homicides. Secure the scene and request Homicide detectives and the Crime Scene Unit to respond when there is any doubt as to whether it is a homicide.
4. Immediately notify your supervisor of the situation.
5. Complete a Crime Incident Report, Form 008, noting the facts and circumstances of the incident.

### **INVESTIGATION OF NON-VIOLENT SUDDEN DEATHS**

#### **Primary Investigating Officer**

1. When it is obvious from the onset that a death is not a homicide, furnish the following information, if available, to The Office of the Chief Medical Examiner (OCME). Obtain OCME contact information via the Communication Section:
  - 1.1. Telephone number at which you can be contacted.
  - 1.2. Deceased's name, address, sex, race and date-of-birth.
  - 1.3. EMS number and name of Fire Department member or unit number and name of the police officer who pronounced the person dead.
  - 1.4. Time death was pronounced.
  - 1.5. Name, address, sex, race, date-of-birth and phone number of next-of-kin who has been notified.
2. Upon notification from the Medical Examiner's office that the body may be released, advise the deceased's next-of-kin that the body may be released to a funeral home of their choice.
3. The body may be relinquished only to legitimate next-of-kin or a responsible party designated by the next-of-kin.

4. When notifying next-of-kin, do so in a sensitive and professional manner. Telephone notification of next-of-kin is prohibited except in extreme circumstances, such as when the relative is already on the phone demanding information, and failure to respond will add to the person's grief. Document in the incident report any reason(s) for deviation from in-person notification.
5. Where next-of-kin reside outside Baltimore City, contact that jurisdiction and request that they make an in-person notification.
6. If the body is not released by the Medical Examiner's Office, or in the absence of next-of-kin:
  - 6.1. Release the body, a copy of the EMS Report (when applicable), and all medicines or substances possibly taken by the deceased, to Medical Examiner personnel and obtain a Receipt for Body Form.
  - 6.2. Secure and inventory all monies and valuable property of the deceased in keeping with Policy 1401, *Control of Property and Evidence*.

### **Homicide Liaison Detective to Office of the Chief Medical Examiner**

The Homicide Section investigator who is assigned as the liaison to the Medical Examiner's office shall be responsible for follow-up notification of next-of-kin if the body has not been claimed within 3 days of arrival at the Medical Examiner's office. The liaison investigator is also responsible for identifying unidentified bodies in cases where a police investigation has been initiated.

## **INVESTIGATIONS OF HOMICIDES, SUSPICIOUS DEATHS AND SERIOUS ASSAULTS**

### **Primary Investigating Officer**

1. Request EMS and provide medical attention.
  - 1.1. If the victim is removed by EMS, assign a secondary unit to follow EMS to the hospital. Where that cannot be done, assign another unit to respond directly to the hospital.
2. Broadcast any suspect description.
3. In all assaults, regardless of the weapon used, prevent the suspect from destroying any potential trace evidence on his/her person by restricting movement to include washing hands, removing clothes and shoes, tampering with cell phones, and contaminating oneself with readily available items (i.e., soft drinks, detergents, urine, etc.).
4. Notify Communications and your supervisor. Request the Homicide Section, CWS, CWR, or the DDU, as appropriate.
5. Secure and protect the crime scene. Leave all evidentiary items untouched unless on-going events or natural and human-made elements threaten their integrity. Where you must take custody of such items to prevent their destruction:
  - 6.1. Mark their original position as best you can and make notes as to where you found them.
  - 6.2. If the items must be handed off to another officer, note chain-of-custody. Provide a history of all such events to responding detectives.

6. If the victim is to be moved by medical personnel, note the original position of the body. Chalking is not necessary and can contaminate the crime scene. However, marking may be required if the crime scene is not readily securable.

NOTE: Other than in extreme circumstances, taking photos of deceased individuals by police personnel other than the Crime Scene Unit or Homicide detectives is prohibited.

7. Locate witnesses and ensure their availability to arriving CIB detectives. Every effort should be made to keep witnesses separated.
8. Next-of-kin notification should be made by CIB detectives. Avoid doing so yourself. However, in unfolding situations where CIB detectives are not available, or where you are directed by detectives to make the notification, do so in a professional and sensitive manner. Be as certain as possible that the person you are notifying is, in fact, a relative of the deceased. Record the person's name, race, date of birth, address, and phone number and relay that information to detectives.
9. If no supervisor is present, detail a secondary officer to begin the Crime Scene Log, Form 98/229. Record the names and unit numbers of all persons who respond to and are allowed entry into the crime scene. Non-BPD personnel, such as investigators from the Office of the Chief Medical Examiner or Fire Department personnel, should be included in the log.
10. Complete required reporting as directed by Homicide detectives, ensuring that the completed report is reviewed and signed by a Homicide supervisor.

### **Secondary Units**

1. Assist the Primary Unit as directed, including:
  - 1.1. Protecting the crime scene(s).
  - 1.2. Maintaining a crime scene log.
  - 1.3. Conducting crowd or traffic control.
  - 1.4. Separating and transporting witnesses.
  - 1.5. Transporting suspects.
  - 1.6. Completing applicable supplement reports for any actions taken.
2. If in a residential or commercial area, conduct a door-to-door canvass for witnesses. Complete a report detailing those efforts, to include notice of homes where no answer was received at the door but where there were observable signs of occupancy.
3. If assigned to accompany the victim to the hospital:
  - 3.1. Attempt to obtain information on the suspect and broadcast such information over BPD radio.
  - 3.2. Attempt to obtain facts surrounding the assault, to include a dying declaration when necessary. (A dying declaration requires some acknowledgement by the victim that he/she is likely to die.)

- 3.3. Take possession of the clothing of the victim and all available evidence. Ensure separate packaging of each item to protect its evidentiary value, being cognizant of the possibility of trace evidence. Ensure the attachment of GSR hand protection bags to the victim when appropriate.
- 3.4. Submit clothing and evidence to the Evidence Control Section. Complete appropriate reporting, ensuring the documentation of chain-of-custody matters.

#### **Sector Supervisor & Shift Commander**

1. Respond to all deaths and serious assaults that occur in your sector/district.
2. Ensure that the incident is being handled in an appropriate and professional manner.
3. Assign secondary officers to carry out duties as needed.
4. Ensure the Communications Section and chain-of-command are aware of the incident.

#### **Homicide Section, Criminal Investigations Bureau**

1. Respond to all homicides and serious assaults and assume the authority and responsibility to coordinate the entire investigation.
2. Respond to all incidents that involve the shooting at of a BPD member, in which the member does not return fire and was not struck.
3. When it is determined that the victim of an assault will survive, transfer responsibility for the investigation to the appropriate component of CIB. (The Homicide Section may choose to retain investigative responsibility for such cases if larger investigative goals merit.)
4. Ensure that next-of-kin are notified.

#### **Member of Citywide Shooting (CWS) Unit**

1. Respond to all non-fatal shootings and assume the authority and responsibility to coordinate the entire investigation.
2. In serious shootings that may become fatal, assist the Homicide Section until it is determined which entity will assume primary responsibility for the investigation.

#### **Member of Citywide Robbery (CWR) Unit**

Respond to all cases where an individual is shot at, but not struck by gunfire during the commission of a commercial robbery or street robbery and coordinate the entire investigation.

#### **ASSOCIATED POLICIES**

Policy 710, *Level 3 Use of Force Investigations / Special Investigation Response Team (SIRT)*  
Policy 1008, *Investigative Operations*  
Policy 1401, *Control of Property and Evidence*  
Policy 1405, *Oral Swab for DNA Standard*

**RESCISSION**

Remove and destroy/recycle Policy 703, *Death and Serious Assault Investigations*, dated 17 October 2016.

**COMMUNICATION OF POLICY**

This Policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.