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BUENA PARK POLICE DEPARTMENT GENERAL ORDERS

POLICY 360 DEATH INVESTIGATION

360.1 PURPOSE AND SCOPE

The investigation of cases involving death includes those ranging from natural causes to homicide. Some causes of death may not be readily apparent, and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations cannot be emphasized enough. This policy provides guidelines for all death investigations.

360.1.1 ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 41.2.4, 55.2.6, 82.2.1

360.2 POLICY

It is Department policy to investigate all deaths: natural, accidental, suicidal, or as the result of a known or suspected homicide. Officers and detectives will work with the Orange County Coroner and conform to the procedures outlined in the attachments at the end of this policy.

360.3 CORONER REQUEST

Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner, and cause of certain deaths. The Coroner shall be called in any of the following cases:

- a) Unattended deaths.
 1. No physician in attendance or during the continued absence of the attending physician.
 2. Also includes all deaths outside hospitals and nursing care facilities.
- b) Deaths where the deceased has not been attended by either a physician or a registered nurse who is an employee of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746, in the 20 days prior to death.
- c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected, and unusual deaths, and fetal deaths when the underlying cause is unknown.
- d) Known or suspected homicide.
- e) Known or suspected suicide.
- f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.
- g) Related to or following known or suspected self-induced or criminal abortion.
- h) Associated with a known or alleged rape or crime against nature.
- i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation, or aspiration.

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- k) Accidental poisoning (food, chemical, drug, therapeutic agents).
- l) Occupational diseases or occupational hazards.
- m) Known or suspected contagious disease and constituting a public hazard.
- n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room, or elsewhere.
- o) In prison or while under sentence. Includes all in-custody and police involved deaths.
- p) All deaths of unidentified persons.
- q) All deaths of state hospital patients.
- r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
- s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the Coroner (See § 360.4.3 below for exceptions).

360.4 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed). A supervisor shall be notified in all death investigations.

360.4.1 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Detective Bureau shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

360.4.2 EMPLOYMENT RELATED DEATHS OR INJURIES

Any Department employee who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment, shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately, or as soon as practicable, with all pertinent information (8 CCR 342(b)).

360.4.3 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or a designee shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or a designee, the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

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Whenever possible, a witness, preferably a relative to the deceased or an employee of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever the Coroner or a designee removes personal effects from the body of the deceased, a receipt shall be obtained. This receipt shall be attached to the death report.

360.4.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner's office will issue a "John Doe" or "Jane Doe" number for the report.

360.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.6 DEATH NOTIFICATION

If the Coroner's Office does not handle the death notification to the decedent's next-of-kin, the officer assigned to the incident should, when practical, make the notification in person per BPPD Policy § 337, Emergency Notifications. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be asked to make the personal notification. If the relatives live outside the United States, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

360.7 ATTACHMENTS

The following attachments are Operational and Procedural Protocols adopted by the Orange County Chiefs of Police and Sheriff's Association related to this policy. They are included for reference and further clarification when handling death investigations.

These protocols include:

- a) Guidelines for the Uniform Reporting of Deaths to the Coroner (Revised: January 6, 2012)
- b) Guidelines for the Release of Information to the Media on Deceased Persons (revised: January 6, 2012)
- c) Guidelines for Coordinating the Intake and Release of Law Enforcement Personnel Deaths (Revised: January 6, 2012)

(Copies of above protocols are shown below.)

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Subject: Guidelines for the Uniform Reporting of Deaths to the Coroner	Number: 120 Effective: April 13, 1995 Revised: January 6, 2012
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I. Purpose

To provide broad guidelines relative to the reporting of deaths to the Coroner by all law enforcement jurisdictions within Orange County.

II. Authority

The policies/protocol established herein are adopted pursuant to Section 102850 of the California Health & Safety Code and Sections 27491-27491.3 of the California Government Code.

III. Application

The operating protocol and procedures contained in this document are recommended for use by all law enforcement officers in Orange County.

IV. Protocol

Operational procedures are recommended as follows:

A. Deaths that are Reportable to the Coroner

All sudden, violent, unexpected, and unusual deaths are immediately reportable to the Coroner, as are natural deaths of individuals not under the care of a physician within the past 20 days pursuant to 102850 H&S and 27491 C.G.C. Additionally, unwitnessed, natural deaths at residences should be reported.

B. Notification Requirements

1. Reporting on-scene deaths:

When several agencies are conducting an investigation into a death, the law enforcement agency having jurisdiction over the location of death is responsible for immediate notification to the Coroner Division of the Sheriff-Coroner Department.

2. Reporting hospital deaths:

When the deceased has been transported to a medical facility, the law enforcement agency having primary jurisdiction over the law enforcement investigation is responsible for immediate notification to the Coroner Division of the Sheriff-Coroner Department.

C. Death Reporting Considerations: Crime Scenes

When reporting these deaths to the Coroner, the reporting agency should attempt to address specific issues that may delay access to the body. Based on the information available, the

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Coroner will coordinate with the reporting agency to determine appropriate timing for response to the scene. Such considerations may include the necessity for a search warrant; the need for evaluation of post mortem changes prior to issuance of a search warrant 27491.2(a) C.G.C, and the coordinated arrival times of key investigative personnel (investigators, CSI, criminalists).

D. Crime Scene Processing when the Body is Present

California Government Code Section 27491.3(c) provides for the following:

1. Officers may not search for, or remove, any papers, moneys, valuable property or weapons constituting the estate of the deceased from the body of the deceased or from the scene of death prior to the arrival of the Coroner or without the permission of the Coroner.
2. At the scene of a suspected criminal death, the Coroner shall not disturb the body, or any related evidence, until the law enforcement agency has had reasonable opportunity to respond to the scene to conduct their investigation.
3. The Coroner shall allow reasonable time at the scene of death for the criminal investigation being conducted by other law enforcement agencies.
4. Custody and control of the body shall remain with the Coroner at all times, with the time of removal of the body to the Coroner facility to be determined at the discretion of the Coroner.

E. Moving/Disturbing the Body Prior to the Coroner's Arrival

California Government Code Section 27491.2(b) states "...the body of one who is known to be dead from any of the causes or under any of the circumstances described in Section 27491 shall not be disturbed or moved from the position or place of death without permission of the coroner or the coroner's appointed deputy."

1. Moving the Body with Coroner Permission:

When an officer believes the circumstances surrounding the scene requires moving the body prior to the Coroner's arrival, the Coroner should be contacted immediately by phone and apprised of the circumstances. The Coroner will authorize the body to be moved to a nearby location when appropriate.

2. Moving the Body without Coroner Permission:

In some rare cases, exigent circumstances may require the body be moved to a secure location prior to the officer contacting the Coroner. This must only be considered when the circumstances are such that the scene cannot reasonably be rendered safe and the delay caused by contacting the Coroner for permission to move the body may result in loss of the body or crucial evidence on the body.

- a. When the body is floating in the ocean or river, it may be removed from the water and moved to the shore immediately adjacent to the location of discovery prior to

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contacting the Coroner.

- b. When the body is in **immediate** danger of being damaged by approaching fire or other hazard, it may be moved to a safe location immediately adjacent to the location of death prior to contacting the Coroner.
- c. When the body must be rescued from a violent environment where officer safety is in jeopardy, such as barricaded suspect situations and SWAT operations, it may be moved to a safe location immediately adjacent to the location of death prior to contacting the Coroner.

3. Covering the Body when in Public View:

When appropriate, the body may be covered with a clean, unused plastic emergency blanket; however, under optimum circumstances, it is favorable to leave the body uncovered to avoid evidence contamination or loss.

4. Sudden Unexpected Infant Deaths:

Special consideration should be given to infant deaths.

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 - a. When an unresponsive infant is transported to the hospital and does not respond to life saving measures, it is critical to the medicolegal death investigation for the Coroner to thoroughly examine the location where the infant was found. The handling law enforcement agency is requested to secure the location and ensure it remains undisturbed until the Coroner's arrival. It is the Coroner's policy to respond to the location in addition to the examination of the infant at the hospital.
 - b. Every effort should be made not to transport infants who are obviously deceased.

5. When Victims are Transported to Hospitals:

During criminal investigations in which victims are transported to the hospital and death appears imminent, officers should accompany the victim and ensure the Coroner is notified immediately following pronouncement of death.

- a. Once death is pronounced, no one should be permitted to further disturb the body or any related evidence.
- b. The clothing and personal property of the decedent fall within the Coroner's jurisdiction and should not be further disturbed, discarded or released prior to the Coroner's arrival.

F. Officer Involved and In-Custody Deaths

Deaths involving law enforcement agencies generally involve multiple considerations and it is recognized that several separate, but parallel and often overlapping, investigations may be conducted. In the event of officer-involved or in-custody death, the Coroner Division should be immediately notified by the law enforcement agency having jurisdiction over the incident location. In the case of the Sheriff's Department, such notification is to be made by the Sheriff's Department Watch Commander.

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G. *Notification of Death to the Decedent's Next-of-Kin*

The Coroner has the responsibility to ensure that the decedent's next-of-kin are notified of the death in a timely manner in all cases falling within the Coroner's jurisdiction.

1. A Deputy Coroner will make the notification within Orange County, in person whenever possible, and in most cases will request the assistance of local law enforcement officers as a safety measure. On rare occasions, the Coroner may request local law enforcement officers to make notification on the Coroner's behalf.

2. Sheriff-Coroner involved deaths:

A custodial death is any death that occurs while the decedent is in the custody or control of an Orange County Sheriff's Department employee, or when the decedent is under orders of confinement in the Orange County Jail System or in any other county confinement facility or any other law enforcement confinement facility involving Orange County Sheriff's Department personnel, or where there is direct involvement by any Orange County Sheriff's Department personnel. The Orange County District Attorney's Office will investigate all custodial deaths and have primary responsibility for the investigation.

- a. Death notification will normally be accomplished by the District Attorney; however, on request, the assigned Deputy Coroner may make the death notification. When the District Attorney makes the notification of death to the next-of-kin, the Coroner will be advised as soon as possible after the notification is completed.

3. Cases involving homicide or suspected homicide:

In some cases, the next-of-kin may be a suspect in the homicide, or the investigating law enforcement agency may need to interview kin at time of notification. The Deputy Coroner and homicide investigator should discuss these issues and determine who is best suited to make the notification.

- a. When the law enforcement agency makes the notification of death to the next-of-kin, the agency will advise the Coroner as soon as possible after the notification is completed.

H. *Miscellaneous Specimens*

Local law enforcement agencies may occasionally come into contact with cremated remains, bones or tissue specimens.

1. Cremated Remains:

Pursuant to section 7104 of the Health and Safety Code, the law enforcement agency with possession of the cremated remains should initiate a found property report and attempt to return the remains to the next-of-kin or rightful owner (pursuant to Health & Safety Code 7100 and 7100.1) by performing a reasonably diligent search for the next-

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of-kin or rightful owner.

- a. Only after a reasonably diligent search has been performed and the next-of-kin or rightful owner is not located, may the law enforcement agency notify the Coroner. The law enforcement agency will contact the Coroner to schedule an appointment whereby the remains and the found property report may be transferred to the custody of the Coroner.

2. Bones:

Bones appearing human should be reported to the Coroner immediately. If the apparent human bones are still in the place of discovery, the Coroner may elect to respond. In some cases, the Coroner may request a photograph. If the bones have been removed from the place of discovery and/or there is no reason to hold the original place of discovery, the bones may be brought to the Coroner Facility.

3. Tissue Specimens:

Tissue appearing human may be reported to the Coroner. The Coroner will attempt to determine if the tissue has forensic value, which includes determining whether the tissue is human and, if human, whether the loss of the tissue necessarily means there was a death. If the tissue is still in the place of discovery, the Coroner may elect to respond. In some cases, the Coroner may request a photograph.

I. Jurisdictional Boundaries

The Orange County Coroner's jurisdiction covers deceased persons located within the County of Orange. In the event a victim is killed or gravely injured in Orange County and the body is discovered in a location outside Orange County, the Coroner or Medical Examiner having jurisdiction in the county where the body lies must be contacted and an official request to transfer jurisdiction can be made.

1. The local law enforcement agency handling the criminal investigation will notify the Orange County Coroner Division of their desire to have the Orange County Coroner conduct the medicolegal death investigation. The Orange County Coroner will contact the outside Coroner/Medical Examiner Agency and make an official request that jurisdiction be relinquished.

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Subject: Guidelines for the Release of Information to the Media on Deceased Persons

Number: 134
Effective: January 6, 2012
Revised:

I. Purpose

To provide guidelines relative to the Orange County Coroner's release of deceased persons' identity to the media (California Public Records Act, Government Code Section 7923.625(c)).

II. Authority

The policies/protocol established herein are adopted pursuant to Government Code, § 7923.600-7923.625.

III. Application

The operating protocol and procedures contained in this document are recommended for use by all law enforcement officers in Orange County.

IV. Protocol

Operational procedures are recommended as follows:

A. *Request by Media for Information on Deceased Person*

The Coroner will release the names and dates of birth of decedents to the media on criminal cases, providing the release of the information does not endanger the successful completion of a pending law enforcement investigation.

B. *Coroner Notification*

It is the responsibility of the investigating law enforcement agency to notify the Coroner immediately if the release of the information will endanger the successful completion of a pending criminal investigation.

The Coroner Division Watch Commander will collaborate with the investigating agency to establish a mutually agreed upon plan of action for the eventual release of the information.

The investigating agency may request a hold by notifying the Coroner Division Watch Commander at (714)647-7411.

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Subject: Guidelines for Coordinating the
Intake and Release of Law
Enforcement Personnel Deaths

Number: 135
Effective: January 6, 2012
Revised:

I. Purpose

Since the September 11 World Trade Center tragedy, it has become a matter of protocol for many departments to honor the service of their respective employees with an escort to and/or from the Sheriff's Coroner Facility. In an effort to best serve all of these requests, and to balance the Coroner's operational needs, the Coroner Division has set forth this policy.

II. Authority

The policies/protocol established herein are adopted pursuant to Gov. Code § 27491 et seq. and Health and Safety Code § 102850.

III. Application

The operating protocol and procedures contained in this document are recommended for use by all law enforcement agencies in Orange County.

IV. Protocol

Operational procedures are recommended as follows:

A. *Coroner Notification*

It is the responsibility of the law enforcement agency to notify the Coroner that a death has occurred involving a employee of their organization.

B. *Course of Action*

The Coroner Division shall make every effort possible in assisting agencies when a death has occurred involving a employee of their organization.

1. Deaths occurring in the line of duty:

When requested by the law enforcement agency, the Coroner Division will collaborate with the agency's representative to coordinate an agency-sponsored escort to and from the Coroner's Facility. Considerations can be made for agencies that wish to post an Honor Guard at the Facility.

2. Deaths of those who die while employees of an agency, but the death is not service-related:

When requested by the law enforcement agency, the Coroner Division will collaborate with the agency's representative in coordinating the agency-sponsored escort from the Coroner's Facility to the selected mortuary.

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3. The Coroner Watch Commander will be the point of contact and will coordinate with the law enforcement agency to establish a mutually agreed upon plan of action to best suit the needs of the agency.