



# Lincoln Police Department

Standard Operating Procedures

Integrity, Competency, Fairness



<b>Subject:</b>	<b>Death Investigations</b>	<b>Policy #</b>	<b>O-14</b>
<b>Effective Date:</b>	<b>February 9, 2026</b>	<b>Review Cycle:</b>	<b>2 Years</b>
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<b>MLEAP:</b>	<b>N/A</b>	<b>MCJA Mandatory Policy 11</b>	
	<b>Rescinds All Previous Policies Related To This Current Policy</b>		
<b>Issuing Authority:</b>	<b>Chief of Police Lee Miller</b>		

## DEATH SCENE CHECKLIST

### I. POLICY

It is the policy of the Lincoln Police Department to recognize the importance of death scene control and that all death investigation procedures must, at a minimum, comply with the Office of the Attorney General's "**Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons**" (hereinafter protocol) and the statutes governing the Office of the Chief Medical Examiner entitled the "**Medical Examiners Act**." It is also the policy of this agency that its members assist the appropriate death investigation agency as outlined in this policy. **BOT 11-1, 11-2**

Given this is a statutorily mandated policy, officers must abide by this agency's policy as it applies to all standards of the Maine Criminal Justice Academy Board of Trustees. Any violation of these standards may result in action by the Board of Trustees. **BOT 11-16**

### II. PURPOSE

To establish guidelines and procedures for this agency in cases involving deaths, situations where death appears imminent, situations where death is reasonably suspected, and missing persons under suspicious or unusual circumstances. Timely implementation of these procedures and notifications required by the death investigation protocol are often critical.

Technical assistance and expertise are indispensable to the successful investigation of these cases. The Office of the Attorney General and the Office of Chief Medical Examiner will continue to rely upon the State Police Major Crimes Unit (MCU) as its primary death investigative arm, except in the City of Portland and the City of Bangor, where the respective police department is the primary death investigative arm.

### III. IMPORTANCE OF DEATH SCENE CONTROL

Control and security of the death scene is a primary focus of these procedures. Often, the medical examiner and medico-legal death investigator can gain valuable insight into the cause, manner, and circumstances of death, as well as the time of death, from viewing the scene and viewing the body at the scene. Moreover, the scene is sometimes replete with subtle clues that could aid in the identification or discovery of a perpetrator. All, or a significant part, of this evidence, could be lost through inadvertent disturbance of the scene by persons lacking the required expertise.

#### **IV. PROCEDURES IN ALL CASES *BOT 11-3***

- a. Officers are required to follow the procedures outlined by the policy and the protocol for all cases involving death, probable death, or missing person under suspicious or unusual circumstances.
- b. Officers of this agency are required to assist the appropriate investigating agency as designated by the protocol, as well as assisting the Office of the Chief Medical Examiner.
- c. **Procedures:** The first officer at the scene of a death, a situation involving a probable death, or a missing person under suspicious or unusual circumstances should, without disturbing the body or scene:
  1. Conduct a cursory search of the premises for the limited purpose of determining if there are perpetrators or other victims present.
  2. Determine that death has occurred. If there is any evidence of life, initiate all necessary life-sustaining measures.
  3. Make a cursory examination of the scene to determine if the circumstances are at all suspicious. (All deaths or injuries resulting from gunshot wounds are suspicious until a thorough investigation has determined otherwise.) If the circumstances are at all suspicious (or there is not a body, but there is a possibility that death or foul play may have occurred), the following procedures will be followed:
    - a. Secure and protect the scene. Do not move or otherwise disturb a body unless it is in immediate danger of destruction or further damage.
    - b. Notify supervisors, the Office of Chief Medical Examiner, and State Police Major Crimes Unit (MCU). The Office of Chief Medical Examiner will notify the Office of the Attorney General. If you wish, you may obtain the name and telephone number of the Attorney General Duty Officer from the Office of Chief Medical Examiner or the Regional Communications Center (RCC), enabling you to be in direct contact with the Duty Officer.
    - c. Record names, addresses, telephone numbers, and other pertinent information of all persons present or assign another person to this task.
    - d. Maintain a timetable of all persons arriving and leaving the scene.
    - e. Unless circumstances require it, do not arrest or detain a suspect without prior authorization of the MCU detective in charge or the Attorney General Duty Officer.
    - f. If the circumstances require arresting or detaining a suspect, do not undertake questioning of the suspect without first discussing this procedure with the MCU detective in charge or the Attorney General Duty Officer. Be prepared to electronically record any statements volunteered or spontaneously made by a suspect.
    - g. Determine if a child has lost both parents as a result of homicide or has lost one parent and the other parent has been arrested, detained, or committed to a correctional facility or mental health facility for an offense related to a homicide, and advise MCU, which is then responsible for notifying the Maine Bureau of Child and Family Services at 800-452-1999.
  4. In a case of accidental death, including a motor vehicle crash, contact the Office of the District Attorney and the Office of Chief Medical Examiner.
  5. Death from natural causes that is certified by a physician and is not suspicious need not be reported to the Office of Chief Medical Examiner.
  6. Attendance at examination or autopsy. The Office of Chief Medical Examiner may arrange for a local medical examiner or medico-legal investigator to conduct an examination of a body at a local funeral home, or an autopsy may be conducted at the Office of Chief Medical Examiner in Augusta. In either situation, the investigating officer or a representative of the investigating agency should be available for the examination or autopsy so that the medical examiner or investigator is fully aware of all the known facts and circumstances regarding the scene and the investigation.

#### **V. PROCEDURES FOR CASES WITH SPECIAL CIRCUMSTANCES *BOT 11-2***

1. **Fire or Explosion Deaths *BOT 11-4***

The State Fire Marshal is the official representative of the Attorney General in the investigation of fires or explosions resulting in a fatality. The officer or firefighter discovering a body in a fire or following an explosion shall notify the Office of the State Fire Marshal and the Office of Chief Medical Examiner. The scene is not to be disturbed, or the body moved unless the body is in immediate danger of destruction or further damage. If the case is one of suspected arson or otherwise suspicious death, it is to be handled as any other suspicious death, which includes notifying the appropriate MCU.

The federal Public Safety Officers Benefits (PSOB) Program provides death and education benefits to survivors of fallen firefighters, and the State Fire Marshal is the entity that carries out the provisions of a Line-of-Duty Death Response Plan that will assure compliance with the requirements of the PSOB Program. ***BOT 11-14***

2. **Hunting Deaths *BOT 11-5***

The Maine Warden Service is the official representative of the Attorney General in the investigation of a hunting fatality. The officer encountering an apparent hunting fatality shall notify the Maine Warden Service by calling the appropriate RCC and the Office of Chief Medical Examiner. The Maine Warden Service will, in turn, notify the appropriate MCU for assistance in conducting the investigation. The scene is not to be disturbed, or the body moved unless the body is in immediate danger of destruction or further damage.

3. **Deaths while in Custody or Confinement *BOT 11-6***

The death or probable death of an individual while in custody or confinement in a jail, holding facility, correctional institution, or in mental health facility<sup>1</sup>, regardless of the likely cause, manner, and circumstances, is to be reported immediately to the Office of Chief Medical Examiner, the appropriate MCU, and the Operations Division of the Department of Corrections. These notifications are necessary for these agencies to carry out their responsibility of investigating the death to determine the cause, manner, and circumstances of death. The Operations Division of the Department of Corrections is responsible for conducting an investigation into the operational practices, policies, and procedures to determine compliance with required standards. The Attorney General's Office review all investigative results.

4. **Deaths Involving Law Enforcement *BOT 11-7***

The death or probable death of an individual while interacting with law enforcement, regardless of the likely cause, manner, and circumstances, requires an immediate report to the Investigation Division of the Office of the Attorney General and the Office of Chief Medical Examiner. When an officer uses deadly force in the performance of the officer's duties, regardless of the outcome, immediate reporting to the Investigation Division of the Attorney General's Office is required. If death was the outcome, the Office of the Attorney General would contact the Office of Chief Medical Examiner. Also see agency *Policy A-12 Deadly Force Incidents*.

5. **Workplace Deaths *BOT 11-8***

The "workplace manslaughter" statute may apply to a situation where an employee dies in the workplace. The investigation of a workplace death is the responsibility of the responding law enforcement agency but requires an immediate report to the Office of Chief Medical Examiner. The Office of Chief Medical Examiner will notify the Office of the Attorney General and, if necessary for assistance, the appropriate MCU. It is also likely that investigators from the Occupational Health and Safety Administration (OSHA) or the Maine Bureau of Labor Standards (BLS) will be assigned to assist in the investigation. In the initial scene investigation, officers should treat the situation as they would vehicular manslaughter, securing photographs, measurements, and other evidence.

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<sup>1</sup> While in custody or confinement because of an order to undergo a mental health examination, being involuntarily committed to a mental institution following acceptance of a negotiated insanity plea or following a verdict or finding of insanity or having been taken into protective custody.

6. **Deaths of Children under Three Years *BOT 11-9***

In addition to the Office of Chief Medical Examiner, MCU is to be contacted in any case of the death of a child under the age of three (3) years. Singling out deaths of young children for special investigation is necessary because of the different technical approaches and types of inquiry required in pursuing the investigations.

7. **Suicide or the Suspected Suicide *BOT 11-10***

When circumstances suggest suicide, the Office of Chief Medical Examiner must be notified.

Victims who are less than 18 years old, in addition to the OCME, the MCU must be notified, or if the victim is in custody or confinement. An adult person to whom a suicide note is addressed or an adult next of kin may retain the note provided that a clear copy is sent to the Office of Chief Medical Examiner. Electronic submission of the copy is preferred. Investigators are not permitted to send such material with the body.

8. **Drug Overdoes Deaths or Serious Bodily Injury *BOT 11-11***

Cases of a suspected drug overdose resulting in death or serious bodily injury require special attention. The purpose of the investigation in each case is to determine, to the extent possible, the cause, manner, and circumstances surrounding the drug overdose, the identity of the drug involved, and the source of the drug. Furnishing scheduled drugs that result in the death or serious bodily injury of a person is a serious crime. In all cases of a suspected drug overdose, the following procedures are required:

1. Notification of the Office of Chief Medical Examiner (if death has occurred or is reasonably anticipated) and the Maine Drug Enforcement Agency (MDEA).
2. The MDEA supervisor will determine if sufficient information exists to initiate an investigation into the source of the drug(s) suspected of causing the overdose. The responding agency is primarily responsible for all aspects of the investigation, to include proper crime scene processing and coordination with the Office of Chief Medical Examiner and MDEA. The MDEA supervisor will immediately notify the appropriate prosecutor of the suspected overdose and the ensuing investigation.
3. A thorough scene investigation is necessary to determine the cause, manner, and circumstances surrounding the overdose. This includes witness statements, inventory of any drugs or drug paraphernalia, cell phone information, information about the victim's medical or mental health history, and identification of all known treating physicians. One aspect of an investigation is to determine if the victim possessed any drugs other than those legally prescribed.
4. Medications, illicit drugs, or substances thought to be illicit drugs at the scene are to be secured as evidence. Do not leave such evidence with the body for transport or at a funeral home. Inventory and record the evidence and fax a copy of the inventory or evidence receipt to the Office of Chief Medical Examiner at 624-7178. A proper inventory of the items includes the name of the drug, the dosage, the date of prescription, the number of pills prescribed, the number of pills remaining, the name of the prescribing physician, and the name of the dispensing pharmacy. If there is a reason to believe that the victim ingested medications prescribed to someone else, those medications should likewise be inventoried. (A form for documenting this inventory is attached.)
5. The actual cause of death in suspected drug overdoses is not readily apparent, and may not be determined for several weeks pending the results of toxicology. These cases are to be investigated until the investigating agency, MDEA, and the Office of Chief Medical Examiner have determined no further investigation is necessary and/, or the cause and manner of death are determined.

9. **In-water Deaths *BOT 11-12***

Deaths of persons found in water require notification to the Office of Chief Medical Examiner and the appropriate MCU and may be specially investigated because of the different technical approach and types of inquiry needed in pursuing such investigations. There are three types of categories for water-related deaths; accidental, suicidal, and homicidal. When officers respond to the scene of an

aquatic/marine related death and foul play is either obvious or suspected, the responding officer should follow this protocol. The decision to specially investigate will be made on a case-by-case basis by the Office of Chief Medical Examiner, usually in collaboration with appropriate law enforcement authority and the Office of the Attorney. Even when not specially investigated, an investigation is still necessary as in any medical examiner case.

#### 10. **Missing Persons**

In addition to the requirements set out in *Title 25 M.R.S chapter 257* (Missing Children Act), the report of a missing person, child or otherwise, requires within two (2) hours of the report the issuance of a File 6 and inclusion in the computer files of the Maine State Police and National Crime Information Center (NCIC). Notification of MCU is required if there are suspicious or unusual circumstances. An example of "unusual circumstances" is a reported absence under the circumstances inconsistent with established patterns of behavior.

*Title 22 M.R.S § 3034.1* requires that the Office of Chief Medical Examiner maintain information on missing persons. Accordingly, if a person reported as missing is not located within 24 hours of the report, notification to the Office of Chief Medical Examiner is required.

### **VI. PUBLIC STATEMENTS BOT 11-15**

Only the Office of the Attorney General is authorized to disseminate information or public statements in homicide or suspected homicide cases. The appropriate MCU may disseminate information in these cases only after consultation with and approval of the Office of the Attorney General.

#### **A. Examples of information that may be released in investigations covered by this protocol, other than homicide or suspected homicide cases:**

1. Unless confidential under law, the identity of a victim, if confirmed and not in question, after notification of family or next of kin. If there is any question as to the identity, the information remains confidential.
2. Information regarding the cause, manner, and circumstances of a death, but only with the authorization of and after consultation with the Office of Chief Medical Examiner and the Office of the Attorney General.
3. A brief description, e.g., hunting fatality, suspicious death, accident, time and place, whether the investigation is in progress, and the identity of the investigating agency.
4. A warning to the public of any dangers.
5. A request for assistance in apprehending a suspect or assistance in other matters, if the information released is limited to accomplishing that purpose.
6. The name of a person charged (except a juvenile), age, residence, employment, and marital status.
7. The circumstances surrounding an arrest or charge, including the time and place of the arrest, resistance, pursuit, and possession and use of weapons.
8. The substance or text of the charge, such as a complaint or indictment.
9. Information contained in a public record stated to attribute the information to a public record.
10. The scheduling or result of any step or action in the judicial proceeding.

#### **B. The following types of information should not be released:**

1. Information as to the character, reputation, or prior criminal record or mental health history of an accused person or a prospective witness.
2. Admissions, confessions, or a statement or alibi attributable to any accused person, except as otherwise contained in a public record.
3. The performance or results of tests or the desire, agreement, or refusal of the accused or any potential witness to take or perform a test, including a polygraph examination.
4. Statements or information concerning the credibility or anticipated testimony of prospective witnesses.

5. The possibility of a plea to the offense charged or to a lesser offense, or other disposition.
6. Opinions concerning evidence or arguments in the case, whether or not it is anticipated that such evidence or arguments will be used at trial.
7. Opinions as to the guilt of the accused, the evidence, or the merits of the case.
8. General Rule: DO NOT COMMENT ON THE EVIDENCE.



Maine Office of the  
**Attorney General**

**PROTOCOL FOR THE  
INVESTIGATION OF  
DEATHS,  
PROBABLE DEATHS,  
AND  
MISSING PERSONS**

**AARON M. FREY  
Attorney General**

**April 15, 2021**



**INVESTIGATION OF DEATHS, PROBABLE DEATHS, AND MISSING PERSONS**

<b>Augusta RCC</b>	<b>624-7076</b>	<b>800-452-4664</b>
<b>Bangor RCC</b>	<b>973-3700</b>	<b>800-432-7381</b>
<b>Houlton RCC</b>	<b>532-5400</b>	<b>800-924-2261</b>
<b>Bangor PD</b>	<b>947-7382</b>	<b>947-7382 x1 (CID)</b>
<b>Portland PD</b>	<b>874-8575</b>	<b>874-8526 (CID)</b>

**Criminal Division – Office of the Attorney General**

<i>Name</i>	<i>Office</i>	<i>Work Cell</i>	<i>Personal Cell</i>
Lisa Marchese, Deputy AG	626-8508	557-5688	831-9145
Lisa Bogue, Assistant AG	626-8567	557-5655	798-9791
Bud Ellis, Assistant AG	626-8833	441-1024	239-0155
Jen Ackerman, Assistant AG	626-8580	441-6149	228-5612
Kate Bozeman, Assistant AG	626-8514	446-2330	485-4367

**In all cases, contact Office of Chief Medical Examiner – 1-800-870-8744  
(Toll free number is for law enforcement use only.)**

***FIRE AND EXPLOSION DEATH***

Contact Office of the State Fire Marshal through RCC

***HUNTING DEATH***

Contact Maine Warden Service through RCC

***DEATH WHILE IN CUSTODY OR CONFINEMENT***

(Jail, Holding Facility, Correctional Institution)

Contact appropriate Major Crimes Unit through RCC

Contact Department of Corrections:

James Hancox 530-1540 **or** Steven French 530-0116 **or** Cheryl Preble 816-1687

***USE OF DEADLY FORCE BY LAW ENFORCEMENT or  
DEATH WHILE INERACTING WITH LAW ENFORCEMENT***

Contact Investigation Division of Attorney General’s Office through RCC

***WORKPLACE DEATH***

Contact Office of Chief Medical Examiner

***MISSING PERSON***

*Under appropriate circumstances explained in the Protocol,*

Contact appropriate Major Crimes Unit through RCC and Office of Chief Medical Examiner

***DEATH OF CHILD LESS THAN 3 YEARS OF AGE***

Contact appropriate Major Crimes Unit through RCC and Office of Chief Medical Examiner

***DRUG OVERDOSE***

Contact MDEA District Supervisor through RCC

***SUICIDE OF PERSON LESS THAN 18 YEARS OF AGE***

Contact appropriate Major Crimes Unit through RCC and the Office of Chief Medical Examiner



Maine Office of the  
**Attorney General**

## **Protocol for the Investigation of Deaths, Probable Deaths, and Missing Persons**

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### **I. BACKGROUND**

A. The purpose of this protocol is to establish procedures for law enforcement agencies in cases involving deaths, situations where death appears imminent, situations where death is reasonably suspected, and missing persons. Timely implementation of these procedures and notifications is often critical. Accordingly, this protocol and its required notifications apply to cases of death, cases when it is reasonably anticipated that death may result, cases where death is reasonably suspected, or a missing person under suspicious or unusual circumstances.

B. Technical assistance and expertise are indispensable to the successful investigation of these cases. The Office of the Attorney General and the Office of Chief Medical Examiner will continue to rely upon the State Police Major Crimes Unit as its primary death investigative arm, except in the City of Portland and the City of Bangor where the respective police department is the primary death investigative arm.<sup>2</sup>

### **II. IMPORTANCE OF DEATH SCENE CONTROL**

Control and security of the death scene is a primary focus of these procedures. Often, the medical examiner and medico-legal death investigator can gain valuable insight into the cause, manner, and circumstances of death, as well as the time of death, from viewing the scene and viewing the body at the scene. Moreover, the scene is sometimes replete with subtle clues that could aid in the identification or discovery of a perpetrator. All, or a significant part, of this evidence could be lost through inadvertent disturbance of the scene by persons lacking the required expertise.

### **III. PROCEDURES IN ALL CASES**

A. Initial Procedures. The first law enforcement officer at the scene of a death, a situation involving a probable death, or a missing person under suspicious or unusual circumstances should, without disturbing the body or scene:<sup>3</sup>

1. Conduct a cursory search of the premises for the limited purpose of determining if there are perpetrators or other victims present.
2. Determine that death has in fact occurred. If there is any evidence of life, initiate all necessary life-sustaining measures.
3. Make a cursory examination of the scene to determine if the circumstances are at all suspicious. (All deaths or injuries resulting from gunshot wounds are suspicious until a thorough investigation has determined otherwise.) If the circumstances are suspicious (or there is no body, but there is a possibility that a death or foul play may have occurred), the following procedures will be followed:
  - (a) Secure and protect the scene. Do not move or otherwise disturb a body unless it is in immediate danger of destruction or further damage.

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<sup>2</sup> References to "MCU" in this Protocol mean the State Police Major Crimes Unit and the respective criminal investigation divisions of the Portland Police Department and the Bangor Police Department.

<sup>3</sup> See the attached Death Investigation guide.

- (b) Notify supervisors, the Office of Chief Medical Examiner, and MCU. The Office of Chief Medical Examiner will notify the Office of the Attorney General. If you wish, you may obtain the name and telephone number of the Attorney General Duty Officer from the Office of Chief Medical Examiner or the Regional Communications Center (RCC), enabling you to be in direct contact with the Duty Officer.
- (c) Record names, addresses, telephone numbers, and other pertinent information of all persons present or assign another person to this task.
- (d) Maintain a timetable of all persons arriving and leaving the scene.
- (e) Unless circumstances require it, do not arrest, detain, or question a suspect without prior authorization of the MCU detective in charge or the Attorney General Duty Officer.
- (f) If the circumstances require arresting or detaining a suspect, do not undertake questioning of the suspect without first discussing this procedure with the MCU detective in charge or the Attorney General Duty Officer. Electronically record any statements volunteered or spontaneously made by a suspect.
- (g) Determine if a child has lost both parents as a result of homicide or has lost one parent and the other parent has been arrested, detained, or committed to a correctional facility or mental health facility for an offense related to a homicide, and advise MCU, which is then responsible for notifying the Maine Bureau of Child and Family Services at 800-452-1999.<sup>4</sup>

B. In a case of an accidental death, including a motor vehicle crash, contact the Office of the District Attorney and the Office of Chief Medical Examiner.

C. Deaths NOT reportable, i.e., "attended death." A death from natural causes that is, has been, or will be certified by a physician and is not suspicious need not be reported to the Office of Chief Medical Examiner.

D. Attendance at Examination or Autopsy. The Office of Chief Medical Examiner may arrange for a local medical examiner or medico-legal investigator to conduct an examination of a body at a local funeral home, or an autopsy may be conducted at the Office of Chief Medical Examiner in Augusta. In either situation, the investigating officer or a representative of the investigating agency should be available for the examination or autopsy so that the medical examiner or investigator is fully aware of all the known facts and circumstances regarding the scene and the investigation.<sup>5</sup>

#### IV. PROCEDURES FOR CASES WITH SPECIAL CIRCUMSTANCES

##### ***A. Fire or Explosion Death***

The State Fire Marshal is the official representative of the Attorney General in the investigation of fires or explosions resulting in a fatality. The law enforcement officer or firefighter discovering a body in a fire or following an explosion shall notify the Office of the State Fire Marshal and the Office of Chief Medical Examiner. The scene is not to be disturbed or the body moved unless the body is in immediate danger of destruction or further damage. If the case is one of suspected arson or an otherwise suspicious death, it is to be managed as any other suspicious death, which includes notifying the appropriate MCU.

##### ***B. Hunting Death***

The State Warden Service is the official representative of the Attorney General in the investigation of a hunting fatality. The law enforcement officer encountering an apparent hunting fatality shall notify the State Warden Service by calling the appropriate RCC and the Office of Chief Medical Examiner. The State Warden Service will in turn notify the appropriate MCU for assistance in conducting the investigation. The scene is not to be disturbed or the body moved unless the body is in immediate danger of destruction or further damage.

##### ***C. Death while in custody or confinement***

1. Jail, Holding Facility, Correctional Institution. The death or probable death of an individual while in custody or confinement in a jail, holding facility, or correctional institution, regardless of the likely cause, manner, and circumstances, is to be reported immediately to the Office of Chief Medical Examiner, the appropriate MCU, and the Operations Division of the Department of Corrections. The Attorney General's Office will thereafter review all investigative results.

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<sup>4</sup> 17-A M.R.S. § 4023

<sup>5</sup> When death has not occurred, but is probable or reasonably anticipated, the Office of Chief Medical Examiner needs the admission bloods from the first hospital where the patient was treated. Hospitals usually discard blood after seven days unless requested to preserve it. Accordingly, law enforcement must notify the OCME in such cases so that bloods are preserved in possible delayed deaths.

2. Mental Health Facility. The death or probable death of an individual while in custody or confinement as a result of an order to undergo a mental health examination<sup>6</sup>, being involuntarily committed to a mental institution following acceptance of a negotiated insanity plea or following a verdict or finding of insanity<sup>7</sup>, or having been taken into protective custody<sup>8</sup>, regardless of the likely cause, manner and circumstances, is to be reported immediately to the Office of Chief Medical Examiner and the appropriate MCU. The Attorney General's Office will thereafter review all investigative results.

#### **D. Deadly Force by Law Enforcement**

When a law enforcement officer uses deadly force in the performance of the officer's duties, regardless of the outcome, immediate reporting to the Investigation Division of the Attorney General's Office is required. If death was the outcome, the Attorney General's Office will contact the Office of Chief Medical Examiner.<sup>9</sup>

#### **E. Death While Interacting with Law Enforcement**

The death or probable death of an individual while interacting with law enforcement, regardless of the likely cause, manner, and circumstances, requires an immediate report to the Investigation Division of the Office of the Attorney General and the Office of Chief Medical Examiner.

#### **F. Workplace death**

The "workplace manslaughter" statute may be applicable to a situation where an employee dies in the workplace. The investigation of a workplace death is the responsibility of the responding law enforcement agency but requires an immediate report to the Office of Chief Medical Examiner. The Office of Chief Medical Examiner will notify the Office of the Attorney General and, if necessary, the appropriate MCU. It is also likely that investigators from the Occupational Health and Safety Administration (OSHA) or the Maine Bureau of Labor Standards (BLS) will be assigned to assist in the investigation. In the initial scene investigation, law enforcement officers should treat the situation as they would a vehicular manslaughter, securing photographs, measurements, and other evidence.

#### **G. Death of Child less than 3 years of age**

Sections II and III are applicable when responding to a child death. In addition to the Office of Chief Medical Examiner, MCU is to be contacted in any case of the death of a child under the age of three years. Singling out deaths of young children for special investigation is necessary because of the different technical approach and types of inquiry required in pursuing the investigations.

#### **H. Suicide**

1. When circumstances suggest a suicide, the Office of Chief Medical Examiner must be notified.
2. Victim less than 18 years. In addition to the OCME, MCU must be notified if the victim is less than 18 years of age, or if the victim is in custody or confinement.
3. An adult person to whom a suicide note is addressed or an adult next of kin may retain the note provided a clear copy is sent to the Office of Chief Medical Examiner. Electronic submission of the copy is preferred. Do not send such material with the body.<sup>[9]</sup>

#### **I. Suspected Drug Overdose**

Cases of a suspected drug overdose resulting in death or serious bodily injury require special attention. The purpose of the investigation in each case is to determine, to the extent possible, the cause, manner, and circumstances surrounding the drug overdose, the identity of the drug involved, and the source of the drug. Furnishing scheduled drugs that result in the death or serious bodily injury of a person is a serious crime. In all cases of suspected drug overdose, the following procedures are required:

1. Notification of the Office of Chief Medical Examiner (if death has occurred or is reasonably anticipated) and the Maine Drug Enforcement Agency (MDEA).

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<sup>6</sup> 15 M.R.S.A. § 101-B

<sup>7</sup> 15 M.R.S.A. § 103

<sup>8</sup> 34-B M.R.S.A. § 3862

<sup>9</sup> See the attached *Attorney General's Protocol for the Reporting of the Use of Deadly Force by a Law Enforcement Officer*.

[9] State law provides that original written or recorded material, including text messages or other electronic media, which may express suicidal intent, e.g., "suicide note," must be provided to the Office of Chief Medical Examiner. The Chief Medical Examiner may elect to accept copies in place of originals. 22 M.R.S. § 3028(5). The law also declares such material to be confidential, i.e., not subject to public access.

2. The MDEA supervisor will determine if sufficient information exists to initiate an investigation into the source of the drug(s) suspected of causing the overdose. The responding agency is primarily responsible for all aspects of the investigation, to include proper crime scene processing and coordination with the Office of Chief Medical Examiner and MDEA. The MDEA supervisor will immediately notify the appropriate prosecutor of the suspected overdose and the ensuing investigation.
3. A thorough scene investigation is necessary to determine the cause, manner, and circumstances surrounding the overdose. This includes witness statements, inventory of any drugs or drug paraphernalia, cell phone information, information about the victim's medical or mental health history, and identification of all known treating physicians. One aspect of an investigation is to determine if the victim possessed any drugs other than those legally prescribed.
4. Medications, illicit drugs, or substances thought to be illicit drugs at the scene are to be secured as evidence. Do not leave such evidence with the body for transport or at a funeral home. Inventory and record the evidence and fax a copy of the inventory or evidence receipt to the Office of Chief Medical Examiner at 624-7178. A proper inventory of the items includes the name of the drug, the dosage, the date of prescription, the number of pills prescribed, the number of pills remaining, the name of the prescribing physician, and the name of the dispensing pharmacy. If there is reason to believe that the victim ingested medications prescribed to someone else, those medications should likewise be inventoried. (A form for documenting this inventory is attached.)
5. The actual cause of death in suspected drug overdoses may not be readily apparent and may not be determined for several weeks pending the results of toxicology. These cases are to be investigated until the investigating agency, MDEA, and the Office of Chief Medical Examiner have determined no further investigation is necessary and/or the cause and manner of death are determined.

### ***J. In-water Death***

Deaths of persons found in water require notification to the Office of Chief Medical Examiner and may be specially investigated because of the different technical approach and types of inquiry needed in pursuing such investigations. There are three types of categories for water-related deaths: accidental, suicidal, and homicidal. When law enforcement officers respond to the scene of an aquatic/marine related death and foul play is either obvious or suspected, the responding officer should follow this protocol as stated in Section II and III above. The decision to specially investigate will be made on a case-by-case basis by the Office of Chief Medical Examiner, usually in collaboration with an appropriate police authority and the Attorney General's Office. Even when not specially investigated, an investigation is still necessary as in any medical examiner case.

### ***K. Missing Person***

1. In addition to the requirements set out in state law in the Missing Children Act,<sup>10</sup> the report of a missing person – child or otherwise – requires within two hours of the report the issuance of a File 6 and inclusion in the National Crime Information Center (NCIC). Notification of MCU is required if there are suspicious or unusual circumstances. An example of “unusual circumstances” is a reported absence under circumstances inconsistent with established patterns of behavior.
2. State law also requires that the Office of Chief Medical Examiner maintain information on missing persons.<sup>11</sup> Accordingly, if a person reported as missing is not located within 24 hours of the report, notification to the Office of Chief Medical Examiner is required.

### ***L. Line-of-duty death of a firefighter.***

It is imperative to notify the Office of the State Fire Marshal as soon as possible in the event of the death of a firefighter in the line of duty. The federal Public Safety Officers Benefits (PSOB) Program provides death and education benefits to survivors of fallen firefighters, and the State Fire Marshal is the entity that carries out the provisions of a Line-of-Duty Death Response Plan that will assure compliance with the requirements of the PSOB Program.

## **V. PUBLIC STATEMENTS**

Only the Office of the Attorney General is authorized to disseminate information or public statements in homicide or suspected homicide cases. The appropriate MCU may disseminate information in these cases only after consultation with and approval of the Office of the Attorney General.

A. Examples of information that may be released in investigations covered by this Protocol, other than homicide or suspected homicide cases:

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<sup>10</sup> 25 M.R.S. chapter 257.

<sup>11</sup> 22 M.R.S. § 3034.

1. Unless confidential pursuant to law, the identity of a victim, if confirmed and not in question, after notification of family or next of kin. If there is any question as to the identity, the information remains confidential.
  2. Information regarding the cause, manner, and circumstances of a death, but only with authorization of and after consultation with the Office of Chief Medical Examiner and the Office of the Attorney General.
  3. A brief description, e.g., hunting fatality, suspicious death, accident, time, and place, whether the investigation is in progress, and the identity of the investigating agency.
  4. A warning to the public of any dangers.
  5. A request for assistance in apprehending a suspect or assistance in other matters if the information released is limited to accomplishing that purpose.
  6. The name of a person charged (except a juvenile), age, residence, employment, and marital status.
  7. The circumstances surrounding an arrest or charge, including the time and place of the arrest, resistance, pursuit, and possession and use of weapons.
  8. The substance or text of the charge, such as a complaint or formal accusation.
  9. Information contained in a public record, stated so as to attribute the information to a public record.
  10. The scheduling or result of any step or action in the judicial proceeding.
- B. The following types of information should not be released:
1. Information as to the character, reputation, or prior criminal record or mental health history of an accused person or a prospective witness.
  2. Admissions, confessions, or a statement or alibi attributable to any accused person, except as otherwise contained in a public record.
  3. The performance or results of tests or the desire, agreement, or refusal of the accused or any potential witness to take or perform a test, including a polygraph examination.
  4. Statements or information concerning the credibility or anticipated testimony of prospective witnesses.
  5. The possibility of a plea to the offense charged or to a lesser offense, or other disposition.
  6. Opinions concerning evidence or arguments in the case, whether or not it is anticipated that such evidence or arguments will be used at trial.
  7. Opinions as to the guilt of the accused, the evidence, or the merits of the case.
  8. General Rule: DO NOT COMMENT ON THE EVIDENCE.

Dated: April 15, 2021

AARON M. FREY  
Attorney General