



# POLICY AND PROCEDURE

# NO.535

## Deceased Persons

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### 1. GENERAL CONSIDERATION AND GUIDELINES:

The discovery of a dead human body is one of the most serious matters of police concern and requires a prompt and knowledgeable response. Although it is the function of the police to determine whether any crime may have been committed which contributed to the death of a human being, the medical, scientific and forensic training and expertise needed to determine the cause of any death necessitates that the medical examiner play a major role in this process. Chapter 38 of the General Laws prescribes the duties and authority of the medical examiner in relation to taking charge of the body of the deceased, conducting searches and examinations and providing for the removal and disposition of the body. Chapter 38 also defines the role and responsibility of the district attorney's office in these circumstances. It is the local police responsibility to pursue all appropriate investigative procedures and to preserve the body and surrounding environs so that the medical examiner and representatives of the district attorney can conduct their required tasks effectively and successfully. The Worcester Police shall cooperate fully with these authorities and contribute all relevant and useful information pertaining to the identity of the deceased and the nature and manner of death.

In most instances where a deceased person is found the medical examiner will take charge of the dead body, however the Chief of

Police or his representatives may seek telephone authority from the medical examiner or from the office of the Chief Medical Examiner to remove such body. If neither the medical examiner nor the headquarters office can be contacted, the Chief of Police or his representatives, or the representative of the District Attorney's Office may authorize transfer of the body to the Regional Medical Examiner's Office or to a funeral home. All communication concerning the death must be transferred to the medical examiner, including all names and addresses of known witnesses.

MGL Chapter 38 section 3 states the following:

“Section 3. It shall be the duty of any person having knowledge of a death which occurs under the circumstances enumerated in this paragraph immediately to notify the office of the chief medical examiner, or the medical examiner designated to the location where the death has occurred, of the known facts concerning the time, place, manner, circumstances and cause of such death:

1. death where criminal violence appears to have taken place, regardless of the time interval between the incident and death, and regardless of whether such violence appears to have been the immediate cause of death, or a contributory factor thereto;
2. death by accident or unintentional injury, regardless of time interval between the incident and death, and regardless of whether such injury appears to have been the immediate cause of death, or a contributory factor thereto;
3. suicide, regardless of the time interval between the incident and death;

4. death under suspicious or unusual circumstances;
5. death following an unlawful abortion;
6. death related to occupational illness or injury;
7. death in custody, in any jail or correctional facility, or in any mental health or mental retardation institution;
8. death where suspicion of abuse of a child, family or household member, elder person or disabled person exists;
9. death due to poison or acute or chronic use of drugs or alcohol;
10. skeletal remains;
11. death associated with diagnostic or therapeutic procedures;
12. sudden death when the decedent was in apparent good health;
13. death in any public or private conveyance;
14. fetal death, as defined in section 202 of chapter 111, where the period of gestation has been 20 weeks or more or where fetal weight is 350 grams or more;
15. death of children under the age of 18 years from any cause;
16. any person found dead;
17. death in an emergency treatment facility, medical walk-in center, child care center or under foster care; or
18. deaths occurring under such other circumstances as the chief medical examiner shall prescribe in regulations promulgated pursuant to chapter 30A.

A physician, police officer, hospital administrator, licensed nurse, department of children and families social worker, or licensed funeral director, within the commonwealth, who, having knowledge of such an unreported death, fails to notify the office of the chief medical examiner of such death shall be punished by a fine of not more than five hundred dollars. Such failure shall also be reported to the appropriate board of registration, where applicable.”

## **2. PROCEDURES:**

The following procedures are to be followed in all cases of discovery of dead human bodies, no matter what the age of the deceased (even a fetus) and no matter what condition of decomposition it may be in.

1. An officer who discovers or is dispatched to the scene of an apparent death shall immediately initiate resuscitation procedures if there is any possibility of reviving the victim and arrange for prompt transportation to the nearest facility. He should enlist the help of any person trained in CPR.
2. If there is absolutely no question that the person is dead the responding officer(s) shall initially determine if the death will be classified into one of four categories; HOMICIDE, SUICIDE, ACCIDENTAL or NATURAL
3. If the death is due to apparent NATURAL causes in a home or other place where a doctor or family member is present, the officer should notify his SECTOR SERGEANT who will insure that the MEDICAL EXAMINER has been notified and will be guided by the instructions given by the MEDICAL EXAMINER.
4. If the death is due to apparent natural causes in a home or other place WITH NO doctor or family member present, the first officer at the scene shall notify his SECTOR SERGEANT.
5. The SECTOR SERGEANT SHALL respond to the scene and take over responsibility for the incident.

6. The SECTOR SERGEANT will insure that the MEDICAL EXAMINER is notified and be guided by the instructions of the MEDICAL EXAMINER.
7. In any case where the Sector Sergeant at the scene of a dead body is unable to determine if the cause of death is natural or has cause to believe that the matter should be investigated further, the SECTOR SERGEANT shall request a DETECTIVE BUREAU investigation. If no detectives are working, the on call detective shall be called.
8. In the cases of natural deaths the responding officer should obtain the following information;
  - a. Name and address
  - b. Date of Birth
  - c. Next of Kin
  - d. any medical information available
  - e. The name of the victim's doctor
  - f. Name of the Medical examiner
  - g. Disposition of the body
9. If no family member is present the officer(s) at the scene shall conduct an investigation.
  - a. The premises should be searched for prescriptions and medications that may indicate the cause of death and/or the name of the doctor treating the person.
  - b. If necessary, inquiries should be made of the neighbors who may have knowledge of the victim's health.
  - c. A search of the premises should be made under the direction of a police official at the scene. The search should be limited in scope and pertain to cause and manner of death.
  - d. Articles of excessive value that are discovered or found in plain view and that are not securable within the residence should be held for safekeeping within the Detective Bureau until such time as the items can be turned over to next of kin. Any item taken and held in safekeeping shall be documented and photographed. Any next of kin taking possession of such articles shall sign for and acknowledge receipt of all items.
10. A diligent effort should be made to determine the next of kin and they should be notified as soon as possible, preferably in person. In the event you cannot locate the next of kin the Detective Division should be notified who will conduct a follow up investigation.
11. Secure the house or premises if practical.
12. A full report will be submitted in writing.
13. In cases where the cause of death is ACCIDENTAL, HOMICIDE, or SUICIDE, the responding officer(s) will notify the dispatcher who shall notify the COMMANDING OFFICER and the DETECTIVE BUREAU.
14. The DETECTIVE BUREAU is charged with the responsibility for the investigation of these cases. The DETECTIVE BUREAU personnel shall respond to the scene when requested by operations and conduct an investigation.
15. The usual police investigation will be commenced, including photographs, search for and the preservation of evidence related to cause and manner of death. All usual procedures for preliminary and follow-up investigations, securing of crime scene, obtaining search warrants and collection of evidence will be followed.
16. Normally, a dead body, regardless of the type of death, should only be moved at the direction of the medical examiner or district attorney. However, a badly mangled body opens to public view may be covered. If the death is due to a traffic accident and the remains create a traffic hazard, the body may be relocated to a nearby suitable site. If a body is found in the water, it

may be removed to the nearest suitable shelter. Before any body is moved, it's location and, if possible, marked and photographed.

17. The discovery of any unidentified dead body shall be reported to the Department of Public Safety, C.J.I.S., and N.C.I.C. It should also be reported to NAMUS (National Missing Unidentified Person System) via the National Law Enforcement Telecommunications System, Inc-NLETS. Refer to operational manuals for input format and procedures into these systems.

PER:



Gary J. Gemme

Original Policy Issued January 14, 1994.

\*MGL Chapter 38 expanded upon; parts 1-18 added; Section 11 numbers 5, 9c and d, 15, and 17 edited/added Oct. 23, 2015.