**Sample Policy**

**Child Abuse Notifications and Reports of Child Abuse/Neglect**

**The materials provided in this correspondence are for general informational and educational purposes only and are not intended to be and should not be considered legal advice or opinions. Prior to making any policy or rule changes seek the advice of your municipal attorney, as appropriate your County Prosecutor for any specific directives or specific procedures they may require.**

I. PURPOSE

 The purpose of this directive is to establish a uniform procedure for the investigation of human death that occurs within the jurisdiction of the ABC Town

II. POLICY

It is the policy of the ABC Police Department to conduct an investigation in any of the following circumstances: as a result of violence, apparent suicide, or injury; suddenly when in apparent good health; when unattended by a physician; or in any suspicious, unexplained, or unusual manner. The role of first arriving police officers is critical to any death investigation.

III. PRELIMINARY COMMENTS

* 1. It is recognized that the Prosecutor is the chief law enforcement officer in ABC County, and may have specific guidelines and procedures regarding death investigations.
	2. A cooperative effort must be maintained between the Prosecutor's Office and the ABC Police Department to ensure that a thorough, coordinated investigation occurs subsequent to the occurrence of any questionable human death.
	3. The role of first arriving police officers is critical to a death investigation. All reported or discovered human deaths should be treated as suspicious until the contrary is established. This may be unless the death occurs while the person is under the care of a physician in a hospital or other healthcare facility.

IV. DEFINITIONS

A. Apparently Natural: In these cases, the deceases should have a history of recent treatment by a physician for serious natural ailments such as heart disease, on hospice etc. There should be no evidence of violence or drug overdose (empty pill bottles, etc) or any suspicious circumstances.

 B. Suspicious or Clearly Unnatural: Examples may include

1. Death resulting from traumatic injury.
2. Violence, gunshot wound, stab wound, assault, etc.
3. Poisoning, including drug overdose.
4. Accident, regardless of duration of survival.
5. Suicide, regardless of duration of survival.
6. Homicide, regardless of duration of survival.
7. Sudden death, without obvious cause, when apparent good health.
8. When in police custody.
9. As an apparent result of fire.
10. Any other suspicious, unusual or unnatural manner.
11. Death of an infant or child who is less than 18 years old which was not anticipated or significantly possible, for example, 24 hours before the death; or where there was an incident leading to or precipitating the events which led to the death.

V. PROCEDURES

* 1. INITIAL RESPONSE TO A DEATH SCENE
		1. The scene of a death or potential death should be treated and approached as a crime scene until such time that investigation reveals that the death or potential death was the result of natural causes that were not unusual or suspicious.
		2. The first officer to arrive at the scene of a death or potential death that is unusual or suspicious, must do so carefully and cautiously, first checking the scene for assailants to identify and detain or arrest perpetrators, then check conditions that would pose a danger to the safety of responding police and other public safety personnel while ensuring that the scene is not unnecessarily disturbed.
			1. After ensuring that the scene is safe, responding police must locate the victim or victims, and evaluate the physical condition of each person for any sign of life, taking care not to unnecessarily disturb the scene.

(1). If a victim(s) is found, it is the responsibility of responding police to take all actions that are necessary to preserve life and to summon emergency medical services, while protecting, to the greatest extent possible, the condition of the scene.

(2) If a victim(s) is deceased, evidenced by the presence of rigor mortis, decomposition, putrefaction, decapitation, or other similarly obvious indicator(s), it is the responsibility of responding police to ensure that the body is not moved when possible. The original condition of the body and of the scene must be preserved for processing and for evaluation by the Medical Examiner or his/her representative.

(3). It is the responsibility of responding police to assume that the victim is alive, and to take all actions that are necessary to preserve life and to obtain emergency medical service.

(4). Providing medical services is an overriding priority. Officers shall typically have a higher level of emergency service such as an EMS provider evaluate and make a determination if the medical services are appropriate.

 a. There may be extraordinary times where the patient is so severely injured such as decapitation or dismemberment that having EMS assess the patient is futile and when that is the case, such decision not to have the patient assessed by EMS must be authorized by a supervisor.

* + - 1. In situations where it appears to be a drug induced death, it is the responsibility of the responding officers to promptly follow all leads and seek to preserve physical evidence by identifying and taking statements from witnesses at the earliest opportunity, and securing cellular devices if there is probable cause to believe those devices store information pertaining to the offense. Investigative protocols are to be followed in accordance with (Insert Agency Specific or County Prosecutor Specific Directives or Guidelines Here)

* 1. AT THE SCENE OF A NATURAL DEATH
		1. In situations where the victim is obviously dead, where the death was anticipated (usually a terminal illness, under hospice care), and where there is no evidence or suspicion of criminal wrong doing, the attending physician should be contacted and asked to respond to the scene to formally pronounce the victim. The term, *attending physician*, is defined as a physician who had provided on‑going treatment for the decedent within the three months prior to the death.
		2. In the event that the attending physician will not respond, cannot be contacted, or Advanced Life Support Services respond and pronounce the victim at the scene, the ABC County Medical Examiner’s Office will be notified and the ABC County Medical Examiner’s Office Investigator will: (Insert Specific County Procedures Below – Sample Language is Below in Yellow Font for Review with Agencies in Specific Jurisdictions)
			1. Make a determination to respond and remove the body.
			2. Authorize the release of the body to a funeral director, provided that the funeral director obtains a pronouncement of death either by:

(1). Supplying a person authorized to make a pronouncement of death at the scene, or

(2). Being escorted by police to the nearest open medical facility and obtaining a pronouncement of death. Or

(3) Otherwise authorized by the Medical Examiner to remove the body; however, an officer shall not authorize the removal of a body pursuant to the Medical Examiner’s direction unless EMS personnel have assessed the patient and determined that no care was necessary or appropriate.

* + 1. In the event that the identity of an attending physician is not known and cannot be determined after a reasonable effort to do so, the County Medical Examiner or his/her designated representative shall be summoned, and shall be responsible for the pronouncement of death.

4. In the case of a natural death, where pronouncement is made by the attending physician, the body may thereafter be released to a funeral service at the direction of the family. There is no requirement for the County Medical Examiner to be notified prior to the release of the body. However, the County Medical Examiner will have an on‑call investigator available for consultation at any time if there is a question or controversy about a particular situation.

5. It shall be the policy of the ABC Police Department to ensure that a police officer remains at the scene of a natural death (at other than a medical facility), after the pronouncement of death has been made and until a funeral director other authorized person arrives to remove the body. This requirement is intended to provide support and guidance for relatives of the decedent until the body can be removed. In cases of natural death, a supervisor may authorize, after consulting with the primary officer, to leave and release the body to a competent adult willing to accept responsibility of staying with the body until the funeral home arrives.

* 1. AT THE SCENE OF A SUSPICIOUS OR UNNATURAL DEATH
		1. In situations where the first responding police officer determines that a death or potential death is suspicious or unnatural, that officer must survey the area and establish the boundaries of the crime scene in accordance with (Insert Agency Specific Crime Scene Policy Reference and Title Here). Once established, the boundaries must be protected against intrusion by all persons except those officials who are authorized to enter to perform the following functions:
			1. Render emergency medical care.
			2. Provide emergency fire suppression and/or emergency rescue service.
			3. Process and/or investigate the crime scene.

3. Supervisors responsibilities include the following:

 a. Respond to the scene and ensure the incident is handled in an appropriate and professional manner.

 b. Obtain a verbal report from responding officers regarding the incident, including matters as: manner in the discovery of death; condition of the scene at the time of arrival; the presence, status and identity of suspects, victim and witnesses; any preliminary determination by emergency medical services personnel; the disposition of the body; and any other information known to the responding officers that is pertinent to the case.

 c. Provide guidance and direction, as needed, to subordinates conducting the investigation in accordance with policies, procedures and laws while ensuring all notifications are made.

 d. Responding officers and supervisors are responsible to provide assistance and support to the survivors of the deceased who are present. They must be mindful of the emotional and physical condition of survivors who may need support. If no such support is on hand at the scene, officers should arrange for assistance and wait before leaving.

 4. Assigned Investigation Personnel responsibilities include the following:

 a. Assume authority and responsibility to coordinate the investigation in keeping with training, policies, and procedures.

 b. Provide survivors with the names, email address and telephone numbers of any law enforcement with whom the survivor may communicate regarding the death or any investigation.

D. NOTIFICATIONS - SUSPICIOUS/UNNATURAL DEATH

1. After evaluating the scene of a suspicious or unnatural death, the first responding officer shall contact police radio, provide a preliminary report, and request that a supervisor respond to the scene.

2. It shall be the responsibility of the responding supervisor to ensure notifications are made to the following (Insert Agency Specific Notification Requirements Here)

E. DOCUMENTATION

1. Natural Death

* + - 1. Officers/Investigative Personnel shall attempt to interview all persons present at the scene who have knowledge of the victim and the incident.
			2. Complete a standard preliminary Major Investigations Report minimally including:
				1. Facts that support the manner of death
				2. Medical history/medications
				3. Complaint of illness or poor health
				4. Timeline leading up to the death or recent activities
				5. Identity and contact information relevant to the death
				6. Description and condition of the body and the location
				7. Description and disposition of valuable items found near the body or relevant to the death
				8. Information of the person or agency taking possession of the body.
			3. The case will be reviewed by (Insert Agency Specific Procedures Here) and assigned to (Insert Agency Specific Procedures Here) for further action as needed.
			4. If investigating a death of a person under hospice care officers should do the following:
				1. Determine the death appears to be natural (no signs of abuse or other suspicious circumstances)
				2. Determine if the deceased was under hospice care, (extended medical care evident, witness statement of hospice care, documentation)
				3. Contacts the hospice care provider and request they respond if not on location
				4. Discusses the incident with the on scene supervisor
				5. Release the scene to a competent adult, or if a competent adult is not available, remains at the scene until the hospice care provider responds
				6. Documents the circumstances in the report and RMS disposition narrative as a hospice death.

2. Suspicious or Unnatural Death

a. Prior to preparing an incident report, the first officer to arrive at the scene of a suspicious or unnatural death should document facts, including but not limited to the following:

(1). The precise location of the crime scene (inside, outside, first floor, basement, room number, building number, etc.).

(2). The physical condition of the scene (open/locked doors, open/locked windows, lights on/off, ransacked, etc.).

(3). The identity of all persons on the premises (suspects, witnesses, employees, relatives, bystanders, public safety personnel, etc.).

(4). Identifying data about weapons or potential weapons that are present.

(5). The condition, location and position of the body of the victim(s) (face up/down, hanging, submerged, stab wound, body fluids, etc.).

(6). Any uncontrollable changes in the crime scene that occurred in the presence of the police (fire, collapse, water damage, etc.).

(7). Any alterations made to the crime scene during search or medical assistance shall be thoroughly documented in the incident report.

b. Complete a standard (Insert Agency Specific Procedures Here) minimally including:

* + - * 1. Facts that support the manner of death
				2. Medical history/medications
				3. Complaint of illness or poor health
				4. Timeline leading up to the death or recent activities
				5. Identity and contact information relevant to the death
				6. Description and condition of the body and the location
				7. Description and disposition of valuable items found near the body or relevant to the death
				8. Information of the person or agency taking possession of the body.

c. The case will be reviewed by (Insert Agency Specific Procedures Here)

F. POST MORTEM EXAMINATION

1. It shall be the responsibility of the (Insert Agency Specific Procedures Here) to transport evidence when such evidence is requested by the Medical Examiner for use in conducting a post mortem examination.