

# Death Investigation

## 360.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers initially respond to and investigate the circumstances of a deceased person.

Some causes of death may not be readily apparent, and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations and use of appropriate resources and evidence gathering techniques is critical.

## 360.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigation Division Commander as necessary. The Watch Commander will make notification to command staff in accordance with the Major Incident Notification Policy.

### 360.2.1 CORONER REQUEST

Government Code § 27491 and Health and 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 (No physician in attendance or during the continued absence of the attending physician. This 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 a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746, in the 20 days prior to death
- (c) Deaths where the physician is unable to state the cause of death. Unwillingness does not apply. This 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 (including suicide where the deceased has a history of being victimized by domestic violence)
- (f) Deaths involving any criminal action or suspicion of a criminal act. This includes child and dependent adult negligence and abuse.
- (g) Deaths related to or following known or suspected self-induced or criminal abortion
- (h) Deaths associated with a known or alleged rape or crime against nature

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- (i) Deaths following an accident or injury (primary or contributory). This includes deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
- (j) Deaths from drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation, or aspiration
- (k) Deaths from accidental poisoning (e.g., food, chemical, drug, therapeutic agents)
- (l) Deaths from occupational diseases or occupational hazards
- (m) Deaths from 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) Deaths that occur in prison or while under sentence. This 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. This includes patients that are 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.

#### 360.2.2 SEARCHING DEAD BODIES

- (a) The Coroner or a designee 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. If such a donor card is located, the Coroner or a designee shall be promptly notified (Government Code § 27491.3).
- (b) The Coroner, with the permission of the Department, may take property, objects, or articles found on the deceased or in the immediate vicinity of the deceased that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (Government Code § 27491.3).
- (c) Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner or a designee, the investigating officer should first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).
- (d) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to 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.

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- (e) Whenever personal effects are removed from the body of the deceased by the Coroner or a designee, a receipt shall be obtained. This receipt shall be attached to the death report.

#### **360.2.3 DEATH NOTIFICATION**

When practical, and if not handled by the Coroner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, 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.

#### **360.2.4 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.

#### **360.2.5 DEATH INVESTIGATION REPORTING**

All incidents involving a death shall be documented in the appropriate reporting format, except for confirmed hospice care related deaths (see section 360.2.9).

#### **360.2.6 SUSPECTED HOMICIDE**

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

#### **360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES**

Any member of this agency 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)).

#### **360.2.8 AUTOPSIES**

When autopsies are performed as a result of an unattended death, there shall be no more than two (2) persons present from the police department. Those present shall be there for investigative or evidentiary collection purposes. Those allowed will be determined by the investigative supervisor. Any exceptions to this policy must be cleared by the Field Services Division commander.

#### **360.2.9 HOSPICE DEATHS**

Confirmed incidents of hospice related deaths, where there are no signs of suspicious physical injury or other suspicious circumstances, do not require a death report. These incidents include deaths where the deceased has been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746, within the 21 days prior to death.

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In any confirmed hospice related death, the CAD call card should be updated with the following information:

- (a) Name and date of birth of the deceased.
- (b) Last date attended to by a physician or registered nurse, who is a member of a hospice care interdisciplinary team.
- (c) Name and contact information of the hospice care nurse present during the death if applicable.
- (d) Method for confirmation deceased was on hospice
  - 1. Include name of person providing the official hospice documentation, company works for, and type of documentation provided.
- (e) Name and contact information of the person who presented DNR paperwork if applicable