

DEAD BODIES

WILLIAMSTOWN POLICE DEPARTMENT POLICY & PROCEDURE NO. 2.09	EFFECTIVE DATE: 12/8/2021
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I. GENERAL CONSIDERATIONS AND GUIDELINES

Death can be classified into five categories:

- A.1. Lawful homicide (lawful self-defense, by soldier in time of combat, etc.);
- A.2. Unlawful homicide (murder, if malice is present or legally inferable, manslaughter if the element of malice is not present; provocation is in no way the equivalent of justification, such as lawful self-defense);
- A.3. Suicide;
- A.4. Accidental death; and
- A.5. Natural death.

Although it is the function of the police to determine whether any crime may have been committed which caused or contributed to the death of a human being, the medical, scientific and forensic training and expertise needed to determine the cause of any death necessitate that the Medical Examiner play a major role in this process. The General Laws prescribe 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. ¹ In addition, the same statute defines the role and responsibility of the District Attorney's office in these circumstances.

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M.G.L. c. 38.

II. POLICY

It is the policy of this department to:

- A. Preserve dead bodies until the Medical Examiner authorizes their removal, preserve surrounding environs for possible crime scene investigation, and make all appropriate notifications promptly; and
- B. Diligently pursue all appropriate investigations into criminal activity surrounding a death.

III. PROCEDURE

A. *Responding Officer*

A.1. An officer who discovers or is dispatched to the scene of an apparent or unattended death shall:

- 1. Immediately evaluate the victim and attempt resuscitation if there is any possibility of reviving the victim.
- 2. Request medical assistance to treat the victim or pronounce the victim deceased; and
- 3. Attempt to obtain a dying declaration if the person is near death or dying.

If the person is obviously dead, the officer shall immediately secure the scene.

- 1. Clear the largest area possible.
- 2. Secure and isolate the actual crime scene.
- 3. Secure a larger area for police personnel conducting the investigation.
- 4. Begin a "Crime Scene Sign-in Sheet," recording the name, agency, date and time of all persons entering the inner crime scene.
- 5. Notify the Shift Supervisor. If suspicious in nature or extenuating circumstances, also notify the Lieutenant or Chief of Police.

6. Request a response from medics to examine the deceased and make a pronouncement of death.

A.2. Officers at the scene shall be observant for persons foreign to the scene or behaving in a suspicious manner.

A.3. An officer shall obtain information for a preliminary investigation and report to provide to the Shift Supervisor and Lieutenant/Chief of Police upon their arrival. Such information should include:

1. The date and time of his/her arrival.
2. Decedent's name, address, and age.
3. Any known medical conditions.
4. Any known medications.
5. The date and time of the last interaction with others and the identity of last person to see or speak with the decedent.
6. Location and condition of the body.
7. Any unusual circumstances, body position, injuries, or articles in relation to the body.
8. Next of kin.
9. The names and addresses of witnesses.
10. The names and time of arrival of officials responding to the scene.
11. Any "Do Not Resuscitate" order (DNR).
12. If the death was anticipated or unexpected; and
13. Name and telephone number of the funeral home requested by family for when the body is released by the medical examiner.

A.4. The first officer at the scene shall be in charge until the arrival of a superior officer.

A.5. The officer shall remain at the scene until relieved by a superior officer.

B. Investigation

B.1. GENERALLY

1. Once the Medical Examiner arrives, [s]he has the lawful right to take charge of the dead body.²
2. In cases of unnatural or suspicious death, the District Attorney or his/her representative shall have the authority to direct and control the criminal investigation of the death.³
3. Officers shall cooperate and coordinate their efforts with those of the Medical Examiner and the District Attorney.⁴
4. The Medical Examiner may take charge of any money or other personal property of the deceased found on or near the body or may ask the department to take charge of the property.⁵
5. Property of the deceased, which is not evidence, shall be delivered to the person entitled to its custody and possession (usually the next of kin or another appropriate person).
6. Property may be held if it is required as evidence.⁶
7. For further information, see the department policy on ***Evidence and Property Control***.

B.2. ASSESSMENT:

Officers responding to the scene of a death shall:

1. Make observations of the scene for evidence that may indicate the likelihood that a criminal act resulted in the death.
2. Speak with friends, family, witnesses, or other involved persons.

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M.G.L. c. 38, § 4.

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M.G.L. c. 38, § 4.

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M.G.L. c. 38, §5.

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M.G.L. c. 38, §15.

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M.G.L. c. 38, §15.

3. Take photographs of the scene and the body.
4. Seize cell phones, if appropriate.
5. Seize video surveillance, if appropriate.

B.3. NOTIFICATIONS:

1. The primary case officer shall notify:
2. The District Attorney's Office (CPAC);⁷and
3. The Office of the Medical Examiner.⁸
4. The primary case officer shall provide as much of the following information as is known at the time.
 - a. Deceased's name, address, and age.
 - b. Location where the body was found.
 - c. Any known medical conditions.
 - d. Likely cause of death if known.
 - e. If criminal activity is suspected or if the death was expected; and
 - f. Any other requested information, if known.
5. When the time is appropriate, ensure that notifications of the next-of-kin are made. See the department policy **4.05 - Death or Injury Notification**.

B.4. INVESTIGATION

In the event that the District Attorney's representative (CPAC) declines to respond, officers shall conduct a complete investigation to include:

1. Photographs of the scene and the body.
2. Any evidence.
3. Observations of officers; and
4. Information on attempts to identify, locate, and interview all persons who had contact with the deceased person during the period immediately before his/her death or disappearance.

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M.G.L. c. 38, §4.

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M.G.L. c. 38, §3.

5. A copy of all reports and photos shall be forwarded to the District Attorney's representative. (CPAC)
6. District Attorney's Office Responds: In the event that the District Attorney's representative (CPAC) responds to the scene of the death, department officers shall assist those investigators.⁹

C. Moving Dead Bodies

C.1. GENERALLY

1. A dead body, regardless of the cause of death, shall only be moved at the direction of the Medical Examiner or District Attorney.
2. The Medical Examiner may require a specific funeral home to respond.
3. If the body is released by the Medical Examiner, a funeral home of the decedent's family's choosing should be considered, if practical.

C.2. EXIGENCY:

A body may be moved by the police when one of the following circumstances exists:

1. A badly mangled body open to public view may be covered. Officers should consider the consequences of forensic contamination to the body prior to covering it.
2. 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.
3. If the dead body is found in the water, it may be removed to the nearest suitable shelter.
4. If the Medical Examiner is unable to respond and take charge of the body of the deceased in an expeditious manner, the Chief of Police or his representative may, **after conferring with the appropriate District Attorney**, move the body to another location until a medical examiner is able to respond.

Before moving a body, the police personnel shall:

1. Document all facts relevant to the appearance, condition and position of the body;
2. Document facts and circumstances tending to show the cause and circumstances of death; and

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M.G.L. c. 38, §4.

3. If possible, the location shall be marked and the body and scene photographed prior to moving.¹⁰

D. Autopsy

Either the Medical Examiner or the District Attorney in the jurisdiction where death occurred may order an autopsy.

The family does not decide about the autopsy but personal and religious concerns are to be considered. An alternative would be an external exam and samples taken for testing. There is no access to the body by anyone prior to autopsy.

Those present for the autopsy may include the Investigator(s), crime scene services and the Assistant DA.

The Office of the Chief Medical Examiner is located in Holyoke at Providence Hospital and in Boston at OCME HQ on Albany St.

E. Statutory Provisions Relating to Dead Bodies

C.1. If the Medical Examiner examines a dead body and is of the opinion that the death may have resulted from injuries sustained in a motor vehicle accident, and the death occurred within four hours of the accident, and the deceased was the operator and sole occupant of the motor vehicle, and no other individuals were involved in the accident, the Medical Examiner shall take a blood sample and submit it for analysis to the State Police laboratory.¹¹

C.2. Transportation of bodies of persons who have died from any disease dangerous to public health must be in accordance with the rules and regulations of the Department of Public Health.¹²

C.3. An officer who has reasonable cause to believe that a child under the age of eighteen (18) has died as a result of abuse, including sexual abuse, or from neglect, including malnutrition or from physical dependency on any addictive drug at birth, shall report the death to the Department of Children and Families, to the Chief of Police or Lieutenant, to the District Attorney for the county in which such death occurred, to CPAC and the Medical Examiner of the district of the county wherein the body lies.¹³

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M.G.L. c. 38, §4.

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M.G.L. c. 38, §4A.

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M.G.L. c. 111, §107.

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C.4. A search warrant may be obtained for the purpose of searching for the dead body of a human being.¹⁴

C.5. Officers should be aware that the following are crimes:

Unauthorized disinterring, removing, or conveying of any human body or the remains thereof;¹⁵

Buying or selling or possession with intent to sell any dead body of a human being¹⁶

Willfully destroying, mutilating, defacing or removing any tomb, monument, gravestone or other structure as a memorial to the dead;¹⁷

Wantonly or maliciously disturbing the contents of any tomb or grave;¹⁸

Unauthorized removal of gravestones and other memorials;¹⁹

Other acts of desecration of any place of burial.²⁰

C.6. The discovery of any unidentified dead body shall be reported to the Berkshire Law Enforcement Task Force, Department of Public Safety, C.J.I.S.,

M.G.L. c. 119, §51A.

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M.G.L. c. 276, §1.

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M.G.L. c. 272, §71.

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M.G.L. c. 272, §72.

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M.G.L. c. 272, §73.

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M.G.L. c. 272, §73.

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M.G.L. c. 272, §73A.

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M.G.L. c. 272, §74.

and N.C.I.C. Refer to operations manuals for C.J.I.S., N.C.I.C. and NLETS for input format and procedures. (See department policy **2.08 - Missing Persons.**)

F. Overdose Deaths

Notification: Contact Berkshire Law Enforcement Task Force Narcotics Unit.

Overdose Death Scene: Preserve the scene and secure evidence such as cell phone, surveillance videos, use paraphernalia, the drugs “branding” information, medications, pill count and trash pull.

The initial contact with witnesses is key; engage in conversation.