

		Policy & Procedures			No. 2.05	
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		Dead Bodies				
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GENERAL CONDITIONS AND GUIDELINES

Death can be classified into four categories: homicide, suicide, accidental death and natural death. The discovery of a dead human body is one of the most serious matters of police concern and requires a prompt and knowledgeable response.

In all instances of unattended death or suspicious death, the Medical Examiner must be notified. **Massachusetts General Law (MGL) chapter 38, section 3** states the following:

“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 the 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 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 within twenty-four (24) hours of admission to a hospital or nursing home;
14. death in any public or private conveyance;
15. fetal death, as defined by section two hundred and two of chapter one hundred and eleven (C.111 s.202), where the period of gestation has been twenty weeks or more, or where fetal weight is three hundred and fifty (350) grams or more;
16. death of children under the age of 18 years from any cause;
17. any person found dead (unattended death);
18. death in any emergency treatment facility, medical walk-in center, day care center, or under foster care; or
19. deaths occurring under such other circumstances as the chief medical examiner shall prescribe in regulations promulgated pursuant to the provisions of chapter 30A (C.30A)

It should be noted that it is the function of the police to determine the **manner** of death **not the cause of death**. This is the statutory responsibility of the Medical Examiner. MGL C.38 s.4 states, in part, the following:

“Upon notification of a death in the circumstances enumerated in section 3 (of Ch.38), the chief medical examiner or his designee shall carefully inquire into the cause and circumstances of the death. If, as a result of such inquiry, the chief medical examiner or such designee is of the opinion that the death was due to violence or other unnatural means or to natural causes that require further investigation, he shall take jurisdiction. The body of the deceased ***shall not*** be moved, and the scene where the body is located ***shall not*** be disturbed, until either the medical examiner ***or the district attorney or his representative*** either arrives at the scene or gives directions as to what shall be done at the scene. **In such cases of unnatural or suspicious death where the district attorney’s office is to be notified, the medical examiner *shall not* disturb the body or the scene without permission from the district attorney or his representative”.**

“The medical examiner shall be responsible for making arrangements for transport of the body. The district attorney or his law enforcement representative ***shall direct and control the investigation*** with the office of the chief medical examiner and the police department within whose jurisdiction the death occurred”.

Although it is the duty of the medical examiner, it is the policy of the Canton Police Department to immediately notify the office of the District Attorney or their law enforcement representative (which is the Massachusetts State Police) in the event of any suspicious, unnatural or unattended death. Section 7 of chapter 38 states, in part, the following:

“If, during the course of investigation, the medical examiner is of the opinion that the death may have been caused by the act or negligence of another, he shall at once notify the district attorney within whose district the deceased was found”. The medical examiner must also notify the district attorney of the death of any child for any reason (C.38 s.4).

The medical examiner is responsible for any money or personal property found on or near the deceased unless such money or property is or may be evidence of a crime. Section 15 of chapter 38 states, in part, the following:

“A medical examiner responding to the scene of a death *shall* take charge of any money or other personal property of the deceased found on or near the body, *or* may request the police department to do so.”

In the event of an *unnatural death* all property should be considered evidence and will be retained by the Canton Police Department unless otherwise directed by the district attorney’s office. This property shall include notes or other evidence left by victims of suicide.

Attended versus Unattended Deaths

In all incidents of unattended death or any death enumerated in MGL C. 38 s. 3, the medical examiner and the district attorney’s office will be notified. In certain instances where the death is not suspicious and appears to be natural, such as the death of a very elderly person, the Medical Examiner may decline to take jurisdiction at the scene and may direct that the body be released to an undertaker provided the decedent’s physician signs a death certificate.

In incidents of attended death, the police department may or may not be notified. If such notification is made an officer should be sent to the scene to verify that it was an attended death and that the death certificate was lawfully signed by the appropriate person.

Massachusetts General Law C.46 s.9 deals with attended deaths and who may declare people dead and sign death certificates in these matters:

1. A physician who has attended the dead person during their last illness, or the physician declaring such person dead, or the medical examiner, or a hospital medical officer duly appointed by the administrator may issue a death certificate to an undertaker or other authorized person or a member of the family of the deceased.
2. A registered physician assistant or a nurse practitioner may declare dead a person who dies while under their care, or a registered professional nurse may declare dead a patient who was suffering from a terminal illness or whose death was anticipated and who was receiving the services of a home health agency, or a licensed hospice program, or who resided in a licensed nursing home *provided* that said physician assistant, nurse practitioner or registered nurse first makes a reasonable effort to contact the attending physician or the medical examiner and inform them of the location to which the decedent has been moved. A determination or pronouncement of death must be made in writing on a form approved by the commissioner of public health. In these instances, the police may or may not be notified.

UNATTENDED DEATH PROCEDURES

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 medical facility. If there is a physician available in the immediate vicinity request their assistance.

2. If there is absolutely no question that the person is dead, the officer shall immediately notify the officer in charge, the District Attorney's office and the Medical Examiner shall be notified.¹ Canton Fire Department ambulance should also be requested to the scene to confirm that death has occurred. Officers are reminded that the body and the area around it may be a crime scene and all efforts should be made to preserve it. Except in extraordinary circumstances, the ambulance should not be allowed to transport a dead body from the scene.
3. In any case of suicide or suspected homicide, the officer in charge shall notify, or cause to be notified, the District Attorney's office and transmit those facts immediately available to him/her. The first officer at the scene shall be in charge until the arrival of a superior officer, and only leave the scene in case of an emergency, such as the necessity of making an immediate arrest. He shall carefully secure the scene and be present there personally to ensure that everything remains undisturbed until the arrival of the Medical Examiner and/or a representative from the District Attorney's office (MSP), or is relieved by another officer.
4. Normally, a dead body, regardless of the type of death, should only be moved at the direction of the Medical Examiner. However, a badly mangled body open 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 the dead body is found in the water, it may be removed to the nearest suitable shelter. Before a body is moved, its location and position shall be carefully recorded and, if possible, marked.
5. While awaiting the arrival of the Medical Examiner, the officer in charge will make or cause to be made a record of all the particulars including the date and time of his arrival, the names and addresses of witnesses, the names and time of arrival of officials responding to the scene, the names and addresses of all who may have any knowledge of the incident, the identity of the victim, if known, the address, approximate age, sex and nearest of kin of the victim, the place where the body was found and all known circumstances surrounding the manner of death. He/she should also be observant for persons foreign to the scene or who are behaving in a suspicious manner. A full report will be submitted in writing and a copy made available to the Medical Examiner.
6. In any case of suicide or suspected homicide, pending the arrival of the Medical Examiner, and providing that the body is undisturbed, the usual police investigation can be commenced, including photographs, search for and preservation of physical evidence, biological evidence and for latent fingerprints. All usual procedures for preliminary investigations, securing of crime scene and collection of evidence will be followed.
7. It is the responsibility of the Shift Commander to ensure that all appropriate personnel and agencies are informed of a death. These include, but are not limited to, the Chief of Police, the OIC of the Detective Bureau, the on-call Detective, the Medical Examiner and the District Attorney or their representative.²

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8. In most instances the Shift Commander is also responsible for the notification of the next of kin. In the event of an unnatural or suspicious death, the Shift Commander should confer with the OIC of the Detective Bureau before such notification is made.

STATUTORY PROVISIONS RELATING TO DEAD BODIES

1. **MGL C. 38 s.3—Duty to report deaths**
2. **MGL C. 38 s.4—Investigation and transportation of dead bodies**
3. **MGL C. 38 s.7—Notification of the District Attorney**
4. **MGL C. 38 s.15—Personal property of the deceased**
5. **MGL C. 46 s.9—Declaration of death by nurse, nurse practitioner or physician's assistant; death certificates**
6. **MGL C. 111 s.107—Transportation of infected dead bodies**
7. **MGL C. 119 s.51A—Death of child under 16 where there is abuse or neglect**
8. **MGL C. 272 s.71—Disinterring bodies**
9. **MGL C. 272 s.72—Buying, selling or possessing dead bodies**
10. **MGL C. 276 s.1—A search warrant may be obtained to search for and seize a dead body or parts thereof.**