

AOM CHAPTER O-610**DEAD BODIES****Table of Contents**

- I. INTRODUCTORY DISCUSSION**
- II. DISCOVERING A DEAD BODY[42.1.4]**
- III. SUSPICIOUS/UNNATURAL DEATH – PRESERVING THE SCENE**
- IV. NOTIFYING FAMILY MEMBERS IN CASES OF DEATH, SERIOUS BODILY INJURY OR SERIOUS ILLNESS [55.2.6]**
- V. OTHER STATUTORY PROVISIONS RELATING TO DEAD BODIES**

I. Introductory Discussion

A. Death can be classified into five categories: lawful homicide (lawful self-defense, by soldier in time of combat, etc.), unlawful homicide, suicide, accidental and natural death. In any case, 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 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 necessitates that the medical examiner play a major role in this process. Chapter 38 of the Massachusetts 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. In addition, the same statute defines the role and responsibility of the district attorney's office in these circumstances.

It is the responsibility of the local police to preserve the body and surrounding environment so that the Medical Examiner and representatives of the District Attorney can conduct their required tasks effectively and successfully. Police shall cooperate fully with those authorities and contribute all relevant and useful information

pertaining to the identity of the deceased and the nature and manner of death.

II. Discovering a Dead Body

- A. 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. He/she should enlist the help of a physician or any person trained in CPR in the immediate vicinity, if available.
- B. If a physician or emergency medical technician determines that the person is dead, the officer shall immediately notify the Officer-in-Charge, who will notify the Detective Bureau Commander, as well as the Medical Examiner.
- C. M.G.L. Ch. 38, §3 specifies the types of deaths which must be reported to the Medical Examiner and includes: [41.2.4]
 - 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 following an unlawful abortion;
 - 5. Death under suspicious or unusual circumstances;
 - 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. Sudden death when the decedent was in apparent good health;
 12. Death in any public or private conveyance;
 13. Fetal death, as defined by M.G.L. Ch.111 §202, where the period of gestation has been twenty weeks or more, or where fetal weight is 350 grams or more;
 14. Death of children under the age of 2 years from any cause;
 - a. For all occurrences in which a child, 2 years of age and under, has died, the Detective Bureau Commander shall be notified and a full investigation conducted in accordance with departmental procedures.
 17. Any person found dead
- D. The on-duty supervisor shall be called to the scene for any sudden death, and the Detective Bureau Commander shall be notified.
- E. The first officer at the scene shall be in charge until the arrival of a supervising officer, and shall only leave the scene in case of an emergency, such as the necessity of making an immediate arrest. He/she shall carefully secure the scene and be present there personally to ensure that everything remains undisturbed until the arrival of the Medical Examiner and the DA's law enforcement representative or until relieved by a supervising officer or member of the Detective Bureau.
1. 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 DA's law enforcement representative either arrives at the scene or gives directions as to what shall be done at the scene. However, the following are exceptions:

- a. With the prior approval of the OIC on scene, a badly mangled body open to public view may be covered.
 - b. 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 only with the approval of the OIC on the scene.
 - c. If the dead body is found in the water, it may be removed to the nearest suitable shelter.
2. Before the body is moved, its location and position shall be carefully recorded, and if possible, photographed and marked.
- F. According to M.G.L. Ch. 38, §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 of the city or town wherein the body lies, or his/her designee, may, after conferring with the appropriate District Attorney, move the body to another location until the Medical Examiner is able to respond.

III. Suspicious/Unnatural Death – Preserving the Scene

- A. Upon arrival of the Medical Examiner, he/she has the lawful right to take charge of the dead body and shall have the full cooperation of this Department. However, 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 DA or his/her law enforcement representative (M.G.L. Ch. 38, §4).
- B. In case of a suicide or suspected homicide, a preliminary investigation according to departmental procedures will commence. While awaiting the arrival of a member of the Detective Bureau, the Medical Examiner, and the District

Attorney's law enforcement representative, the responding officer shall make a record of all the particulars including:

1. Date and time of his/her arrival;
2. Names and addresses of witnesses;
3. Names and time of arrival of officials responding to the scene;
4. Names and addresses of all persons who may have any knowledge of the incident;
5. Identity, address, age and sex of the victim, if known;
6. Names of nearest kin of the victim, if known; and
7. Place where the body was found and all known circumstances surrounding the manner of death.

Detectives and first responding officers may utilize the [Death Scene Checklist](#) forms.

- C. In addition, the responding officer should 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.
- D. Pending the arrival of the Medical Examiner or the DA's law enforcement representative, and providing that the body is undisturbed, the usual police investigation can commence, including photographs and search/preservation of evidence and latent fingerprints. All usual procedures for preliminary investigations, securing of crime scene and collection of evidence will be followed in accordance with departmental policy and procedure entitled [Criminal Investigations](#).
- E. Once the DA's law enforcement representative arrives at the scene or is notified of the discovery of the dead body, he/she shall have the authority to direct and control the criminal investigation of the death. Local police shall cooperate and coordinate their efforts with those of the Medical Examiner and the DA's representative (M.G.L. Ch. 38, §4).

IV. Notifying Family Members in Cases of Death, Serious Bodily Injury or Serious Illness [55.2.6]

- A. In any case of death, serious bodily injury or serious illness, whether accidental or not, the responding officer shall be responsible for obtaining the names, addresses, and telephone numbers of all family members.
 - 1. All family members shall be notified in a timely and considerate fashion.
 - 2. Every attempt should be made to notify all family members in person, unless circumstances make it impossible to do so.
- B. At the request of an outside police department, this Department shall notify the family members of any person who has died, has had serious bodily injury or serious illness outside the service area of this Department, but whose permanent residence is within this area.
- C. In any case of death, serious bodily injury or serious illness of a person whose permanent residence is outside this Department's service area, the responding officer shall contact the appropriate Department and request that they make every attempt to notify all family members in person.

Note: For further information refer to training brief *Death Notifications*

V. Other Statutory Provisions Relating to Dead Bodies

- A. In accordance with M.G.L. Ch. 119 §51A, 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 immediately report such condition to the Department of Social Services, to the District Attorney for the county in which such death occurred, and to the Medical Examiner of the district of the county wherein the body lies. The method of reporting shall be immediately by oral communication followed by a written report within 48 hours, said report to include:
 - 1. Names and addresses of the child and his/her parents or other persons responsible for his/her care, if known;

2. Child's age and sex;
3. Circumstances under which the officer first became aware of the death;
4. Action taken;
5. Name and addresses of the reporting officer; and
6. Any other information that may be helpful in establishing the causes of death.

B. Additionally, police officers who have reasonable cause to believe that a disabled person has died as a result of a reportable condition (a serious physical or emotional injury resulting from abuse, including unconsented sexual abuse) shall immediately report such death, in writing, to the Disabled Persons Protection Commission, to the District Attorney, and to the Medical Examiner as required by M.G.L. Ch. 38, §4.

Dissemination Date: 02/16/99	EMBED Word. Picture.8
Effective Date: 03/02/99	
Rescinds, Amends, or Special Instructions: Revised: 12/08 Reviewed: 4/02, 1/04, 1/05, 09/08, 12/08, 4/11, 4/2013, 6/2015	