



MEDFIELD POLICE DEPARTMENT

POLICY NO 2.09

DEATH INVESTIGATIONS

MASSACHUSETTS POLICE ACCREDITATION
STANDARDS
REFERENCED: NONE

DATE OF ISSUE:

06/04/2023

EFFECTIVE DATE:

06/04/2023

REVISION DATE:

11/07/2025

ISSUING AUTHORITY:

Michelle Guerette
Chief of Police

I. GENERAL CONSIDERATIONS AND GUIDELINES

Death can be classified into five categories:

- 1) Lawful homicide (lawful self-defense, by soldier in time of combat, etc.);
- 2) unlawful homicide (murder, if malice is present or legally inferable, manslaughter if the element of malice is not present; although provocation is in no way the equivalent of justification, such as lawful self-defense);
- 3) suicide;
- 4) accidental;
- 5) and natural.

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. 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.

II. POLICY

A. It is the policy of this department to:

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

III. PROCEDURE

A. Discovering a Dead Body

1. An officer who discovers or is dispatched to the scene of an apparent death shall, in the absence of a Do Not Resuscitate Order, immediately initiate resuscitation procedures if there is any possibility of reviving the victim and arrange for prompt transportation to the nearest medical facility. [S]he shall immediately notify the dispatcher to request medical assistance and should enlist the help of a physician or any person trained in CPR in the immediate vicinity.
2. If there is absolutely no question that the person is dead, the officer shall immediately notify the Officer-in-Charge.
3. The Medical Examiner shall be notified of the known facts concerning the time, place, manner, circumstances and cause of the death when the person is thought to have died under any of the following circumstances:²

¹M.G.L. c. 38

² M.G.L. c. 38, s. 3

- a. Death where criminal violence appears to have taken place;
- b. Death by accident or unintentional injury;
- c. Suicide;
- d. Death under suspicious or unusual circumstances;
- e. Death following an unlawful abortion;
- f. Death in custody, in any jail or correctional facility, or in any mental health or mental retardation facility;
- g. Death where suspicion of abuse of a child, family or household member, elder person or disabled person exists;
- h. Death due to poison or acute or chronic use of drugs or alcohol;
- i. Skeletal remains;
- j. Death associated with diagnostic or therapeutic procedures;
- k. Sudden death where decedent was in apparent good health;
- l. Death within twenty-four hours of admission to a hospital or nursing home;
- m. Death in any public or private conveyance;
- n. Fetal death;
- o. Death of children under the age of two years from any cause;
- p. Any person found dead;
- q. Death in any emergency treatment facility, medical walk-in center, day care center, or under foster care; or
- r. Other deaths occurring under such other circumstances as provided in regulations.

4. A superior officer shall respond to the scene for any sudden death.

5. The Chief of Police or designee will be notified of all dead body reports.
6. 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. The first officer shall carefully secure the scene and remain there personally to ensure that everything remains undisturbed until the arrival of the Medical Examiner and the District Attorney or his/her representative or until relieved by a superior officer.
7. In a case of suicide or suspected homicide, the procedures for preliminary investigations shall be commenced. (See departmental procedure on Preliminary Investigations.)
8. The next-of-kin shall be notified in accordance with the departmental policy on Death or Injury Notification.

B. Moving Dead Bodies

1. A dead body, regardless of the cause of death, shall only be moved at the direction of the Medical Examiner or District Attorney. However, a body may be moved by the police when one of the following circumstances exists:
 - a. 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;
 - c. If the dead body is found in the water, it may be removed to the nearest suitable shelter; and
 - d. When the Medical Examiner is unable to respond in an expeditious manner after consultation with the District Attorney.
2. Before moving a body, the Officer-in-Charge shall document all facts relevant to the appearance, condition and position of the body and every fact and circumstance tending to show the cause and circumstances of death. If possible, the location shall be marked and the body photographed prior to moving.³

³ M.G.L. c. 38, s. 4

C. Preliminary Investigations

1. While awaiting the arrival of the Medical Examiner and District Attorney, the Officer-in-Charge shall make a record of all the particulars by completing the department's Death Scene Check-List.
2. The Officer-in-Charge shall be observant for persons foreign to the scene or who are behaving in a suspicious manner.
3. The Officer-in-Charge shall attempt to locate, identify and interrogate all persons who had contact with the deceased person during the period immediately before his/her death or disappearance.
4. Pending the arrival of the Medical Examiner or District Attorney, and providing that the body is undisturbed, the usual police investigation can be commenced, including photographs, search for and preservation of evidence and for latent fingerprints. All usual procedures for preliminary investigations, securing of crime scene and collection of evidence will be followed. (See departmental policy on Preliminary Investigations.)
5. A full report of the incident will be submitted in writing, according to departmental procedures and a copy shall be made available to the Medical Examiner and District Attorney.

D. Upon Arrival of Medical Examiner

1. Once the Medical Examiner arrives [s]he has the lawful right to take charge of the dead body.⁴ In cases of unnatural or suspicious death, once the District Attorney or his/her representative arrives at the scene or is notified of the discovery of the dead body, [s]he shall have the authority to direct and control the criminal investigation of the death.⁵ Officers shall cooperate and coordinate their efforts with those of the Medical Examiner and the District Attorney.⁶

⁴ M.G.L. c. 38, s. 4

⁵ Id.

⁶M.G.L. c. 38, s. 5

2. The Medical Examiner shall 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.⁷
 - a. The Medical Examiner (or the department) shall deliver that money or personal property to the person entitled to its custody and possession (usually, the next of kin or other appropriate person).
 - b. However, the Medical Examiner shall not deliver the money or other personal property if it is required as evidence.⁸

E. Statutory Provisions Relating to Dead Bodies

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 that 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.⁹
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.¹⁰
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 Social Services, to the appropriate superior officer, 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.¹¹

⁷ M.G.L. c. 38, s. 15

⁸ Id.

⁹ M.G.L. c. 38, s. 4A

¹⁰ M.G.L. c. 111, s. 107

¹¹ M.G.L. c. 119, s. 51A

4. A search warrant may be obtained for the purpose of searching for the dead body of a human being.¹²
5. Officers should be aware that the following are crimes:
 - a. Unauthorized disinterring, removing or conveying of any human body or the remains thereof;¹³
 - b. Buying or selling or possession with intent to sell any dead body of a human being;¹⁴
 - c. Willfully destroying, mutilating, defacing or removing any tomb, monument, gravestone or other structure as a memorial to the dead;¹⁵
 - d. Wantonly or maliciously disturbing the contents of any tomb or grave;¹⁶
 - e. Unauthorized removal of gravestones and other memorials;¹⁷
 - f. Other acts of desecration of any place of burial.¹⁸
6. The discovery of any unidentified dead body shall be reported to the Department of Public Safety, C.J.I.S., and N.C.I.C. It shall also be reported to the Colorado Bureau of Investigation (CBI) Unknown Dead File (via the National Law Enforcement Telecommunications System, Inc. - NLETS). Refer to operations manuals for C.J.I.S., N.C.I.C. and NLETS for input format and procedures. (See departmental policy on Missing Persons.)

¹²M.G.L. c. 276, s. 1

¹³M.G.L. c. 272, s. 71

¹⁴M.G.L. c. 272, s. 72

¹⁵M.G.L. c. 272, s. 73

¹⁶M.G.L. c. 272, s. 73

¹⁷M.G.L. c. 272, s. 73A

¹⁸M.G.L. c. 272, s. 74

7. If Opiate Overdose is a possible cause of death; the Norfolk District Attorney's directive will be followed. (See departmental policy on Follow-Up Investigations).

