

## **Death Cases**

### **6.05.01 PURPOSE**

The purpose of this order is to establish guidelines regarding the preliminary investigation of death cases. This order does not cover DGO 8.12, *In-Custody Deaths* or DGO 8.11, *Investigations of Officer-Involved Shootings and Firearm Discharges* resulting in death.

### **6.05.02 DEFINITIONS**

- A. Dying Declaration** – A statement made by a dying person regarding the cause and circumstances of their impending death.
- B. “End of Life Option” Act (Act)** – California’s “End of Life Option” Act authorizes an adult who meets certain qualifications and has been determined by their attending physician to be suffering from a terminal disease, to request a drug prescription to be self-administered for the purpose of ending their own life. Nothing in the Act authorizes a physician or any other person to end an individual’s life by lethal injection, mercy killing, or active euthanasia. Patients who activate the “End of Life Option” Act intend to pass away peacefully without the involvement of emergency services; however, there are rare times when police and fire are summoned.
- C. Sudden Infant Death Syndrome (SIDS)** – “The sudden death of an infant under one year of age which remains unexplained after a thorough case investigation, including performance of a complete autopsy, examination of the death scene, and review of the clinical history.”  
(California Department of Public Health – *Sudden Infant Death Syndrome (SIDS) Program*)

### **6.05.03 POLICY**

- A.** A member’s primary responsibility in death cases is to determine whether any crime occurred which contributed to the death. Members shall treat the location as a crime scene until determined otherwise. Members should notify field Supervisors of any death cases to which they’ve been dispatched.
- B.** The Office of the Chief Medical Examiner (OCME) is the lead investigating agency for SIDS, suicides, overdose deaths, and natural death cases.
- C.** The San Francisco Police Department (SFPD) Homicide Detail is the lead investigating unit for suspicious deaths and homicides.

- D.** Homicides and suspicious deaths which occur in San Francisco but fall under the jurisdiction of another law enforcement entity (e.g., SF Sheriff's Department, UCSF Police Department, BART Police Department, etc.) may be investigated by that jurisdiction or by the SFPD Homicide Detail, if requested by the other law enforcement agency and approved by the Deputy Chief of the Investigations Bureau.
- E.** Airport Bureau personnel shall be guided by Airport Bureau Orders regarding San Mateo County jurisdiction.

## **6.05.04 PROCEDURES**

### **A. General Procedures for Death Investigations**

1. Documenting Incidents – Members shall document all death cases to which they are dispatched.
2. Determining Death – Members are reminded that paramedics must declare the time of death, even in cases of obvious death (advanced decomposition, decapitation, evisceration of heart, etc.). The paramedics will notify the OCME after death is declared. If on scene, members shall note the time of death in CAD.

Personnel from the OCME will determine whether the death appears natural or suspicious. If SFPD and OCME personnel disagree about the nature of the death, members should contact the Lieutenant of the Homicide Detail.

3. 802 Standby Requests – The OCME does not respond to every death in the field.
  - a. If the OCME chooses to investigate the death or if the body cannot be secured until the OCME's arrival, paramedics will request SFPD to respond for an "802 Standby."
    - i. SFPD personnel will remain on scene until the arrival of either SFPD or the OCME; thus, it is vital for members to respond quickly to the scene.
  - b. If the OCME determines that a death investigation is not warranted, SFPD will not request an "802 Standby."
4. Searching or Moving a Body – Members should not search nor move a body, except in the following situations:
  - a. If the member believes their life or the lives of others are in danger if the body is not searched or moved immediately.
  - b. If failure to move the body would likely result in its loss (e.g., by fire, ocean currents, etc.).
  - c. Authorization from the OCME.

Whenever a body is moved or searched prior to the arrival of the OCME, members shall notify the OCME, document the reason in the incident report, and if applicable, document the name of the individual who authorized the search or movement.

5. “Witnessing” of Body Searches – If present, members should witness searches conducted by OCME personnel and accept an OCME property receipt for any property taken from the body or scene, unless Homicide Investigators are present and direct otherwise.
6. OCME Property Receipt – If an OCME Property Receipt is provided:
  - a. Provide to the Homicide Investigator (if requested), OR
  - b. Generate a digital copy by using Body Worn Camera (BWC) or mobile device, AND
  - c. Book the original into evidence.
  - d. Note the method by which a digital copy was created in the incident report.

If an OCME Property Receipt is not issued at a documented scene, note in the incident report that none was issued.

7. Leaving the Scene of a Death – Members may leave the scene of a death case prior to OCME personnel’s arrival only when all of the following conditions are present:
  - a. The death appears to be the result of natural causes;
  - b. The OCME personnel will be delayed more than 30 minutes;
  - c. There is no reason to remain at the scene (e.g., a relative is willing to take responsibility for the deceased); and
  - d. A field supervisor has responded to the scene and authorized SFPD’s departure from the scene.
8. Unidentified Dead Bodies – The OCME will issue a “John Doe” or “Jane Doe” number for the incident report if the deceased’s identity cannot be established on scene.
9. Death Notification – Members are not responsible for, nor should members make, death notifications to relatives or family members; this is the responsibility of the OCME.
10. CAL/OSHA Notifications – Members may be required to notify Cal/OSHA regarding the death of an employee occurring in a place of employment or in connection with any employment. Members should review current Department Notices regarding Cal/OSHA notifications when applicable.

## **B. Homicides and Suspicious Deaths**

1. Investigative Notifications – At the scene of a homicide or suspicious death, members shall secure the crime scene and make notifications to:
  - a. Paramedics (if not already on scene)

- b. Field Supervisor
  - c. Department Operations Center (DOC)
2. Evidence and Crime Scenes – Members are reminded to review and follow current evidence and crime scene preservation protocols (DGO 6.02, *Physical Evidence and Scene Preservation*).
  3. Dying Declarations – Members should attempt to obtain as much information as possible regarding any suspects, the cause, and circumstances of the incident from the injured party.
  4. Alerts/Teletypes/Emails – Members shall not publish alerts, teletypes, or emails without the approval of a Homicide Investigator.
  5. Family Members – If family members request information, members should put them in contact with Homicide Investigators or OCME personnel, if on scene.
  6. Remaining at the Scene – At least one member shall remain at the scene until released by a Homicide Investigator.

When the deceased is transported to the hospital, members shall remain at the hospital, maintaining the unbroken chain of custody of the body (evidence) until the OCME assumes custody of the body or until released by a Homicide Investigator.

### **C. Overdose Deaths**

1. While the OCME is the primary investigative lead for overdose deaths, the SFPD Narcotics Unit will investigate specific drug overdose deaths with the goal of prosecuting a narcotics trafficker for distributing a controlled substance that caused a death due to overdose.
2. Members who respond to a suspected overdose death shall consider the following when determining if the Narcotics Unit is notified:
  - a. Decedent has been positively identified
  - b. Physical signs of overdose are present with no signs of trauma or underlying health issues
  - c. Narcotics and/or narcotics paraphernalia are located
  - d. Witnesses are at the scene or available for interview
  - e. A phone or other electronic device belonging to the victim is located
  - f. The victim is in a controlled environment (i.e. indoors, residential, apartment, or business)
  - g. Mass casualty incident (i.e., multiple overdose victims)
  - h. High profile victim (e.g., child, teen, notable public figure, or other possible media interest)

The above list is not comprehensive. Members shall use their training and experience when determining if the Narcotics Unit is notified. Members shall make their notification to the DOC.

3. Members are reminded to forward all overdose investigation reports to the Narcotics Unit.

#### **D. SIDS**

1. A preliminary investigation into the circumstances surrounding the sudden death of an infant is essential in order to separate natural or accidental death from criminal misconduct. Although the OCME is the lead investigating agency for SIDS, members shall:
  - a. Follow current evidence and crime scene preservation protocols.
  - b. Notify Family & Children Services.
  - c. Document in an incident report.

#### **E. Suicides**

Members are reminded to review and follow current evidence and crime scene preservation protocols (DGO 6.02, *Physical Evidence and Scene Preservation*).

**NOTE** – The OCME will take custody of any suicide note and/or instruments of death (knife, pills, ligature, etc.) that are present at the scene.

#### **F. “End of Life Option” Act Deaths**

1. Members may be presented with documents such as a Physician’s Order for Life-Sustaining Treatment, an Advanced Directive, and/or a final attestation form signed by the decedent. These documents are not legally required by the Act. Members should attempt to contact the deceased’s physician to confirm they will sign the death certificate. In these incidents, the family often prearranges for a funeral home to collect the deceased. There is no requirement to contact the OCME, nor is a police report required, unless other circumstances dictate a report should be written.
2. Members shall note in CAD that the incident is an “End of Life Option” Act death.