

Memorandum

TO: ALL DEPARTMENT PERSONNEL **FROM:** Anthony Mata
Chief of Police

SUBJECT: DUTY MANUAL REVISIONS: **DATE:** May 23, 2022
PENDING RELEASE
AUTHORIZATIONS

APPROVED

Memo# 2022-020

BACKGROUND

Patrol officers often conduct death investigations in cases where the Coroner Investigator is contacted and provides the officer with a *pending release authorization*, based on the facts and circumstances provided by the officer on scene.

The effect of issuing a *pending release authorization* is approval for the decedent's body to be transferred at the direction of a family member or next of kin from the scene to an approved facility. Upon review of the facts and circumstances provided to the Coroner by the officer on scene and the Coroner's review of the officer's Death Investigation Report (Form 200-2-AFR), the County Coroner's Office will follow through with the decedent's treating physician to secure a completed death certificate.

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike through~~ form.

L 5901 DEATH CASES - INITIAL RESPONSE:
Revised 05-23-22

Officers initially assigned to a death case will adhere to one of the following appropriate procedures:

SUSPICIOUS DEATHS

When the incident involves suspicious circumstances or other indications of possible homicide, the incident will be reported immediately to the area Watch Commander who will be responsible for notifying the Homicide Commander or his/her designee in order to ascertain whether the Homicide and/or Crime Unit will respond. It will be the responsibility of the officer initially assigned to the case to secure and, if necessary, take photographs of an actively changing crime scene until the arrival of members of the Crime Scene Unit. The initial officer will not allow any persons, including other

ALL DEPARTMENT PERSONNEL

SUBJECT: DUTY MANUAL REVISIONS: PENDING RELEASE AUTHORIZATIONS

May 23, 2022

Page 2

police personnel, into the crime scene until the scene has been examined by the Crime Scene Unit. At this point, Crime Scene Unit members will escort those police personnel whose duties necessitate viewing the scene. When authorized by the Crime Scene Unit Supervisor, any evidence or item(s) believed to be at risk of destruction and/or contamination may be photographed, measured, and collected, prior to the arrival of Crime Scene Unit personnel.

ATTENDED DEATHS

A death is attended if it occurred under one of the following circumstances and a physician is willing to state the cause of death and sign a death certificate:

- The decedent was under a doctor's care for an existing medical condition.
- The decedent was seen by a doctor within 20 days of his or her death.
- The death occurred at a hospital (excluding the ER) or licensed facility.

If the death is attended, officers will contact the Coroner's Office to explain the circumstances of the death, to answer any questions the Coroner's Investigator may have, and to obtain a release number. Prior to leaving the scene, the investigating officer will ensure the release number has been provided to the family, a mortuary of the family's choosing has been contacted, and an ETA has been provided.

Attended deaths do not require a crime report or notification to the Homicide Unit. Officers shall document the release number and the name of the Coroner's Investigator in the CAD event prior to clearing the call.

NATURAL DEATHS

Officers assigned to investigate deaths which are not attended but which appear to be of natural causes (history of illness, old age, etc.) do not need to notify the Homicide Unit. The investigating officer will contact the Coroner's Office to explain the circumstances of the death and answer any questions the Coroner's Investigator may have.

- When the Coroner's Investigator provides a release number, a crime report is not required and the officer shall document the release number and the name of the Coroner's Investigator in the CAD event prior to clearing the call.
- When the Coroner's Investigator provides a pending release authorization, the officer will prepare a General Offense Report (Form 200-2-AFR) in accordance with Duty Manual section L 5905 – DEATHS REQUIRING CRIME REPORT.
- If the Coroner's Investigator responds to take custody of the body, a General Offense Report (Form 200-2-AFR) will be prepared in accordance with Duty Manual section L 5905 – UNATTENDED-DEATHS REQUIRING CRIME REPORT.

HOSPICE DEATHS

Hospice was designed to avoid the activity associated with emergency services at the time of death; however, there are times when police and fire are summoned. Officers shall assess each situation and determine if there is a need to enter the residence and/or conduct an investigation. Documents which may aid in the investigation are a Physician's Order for Life-Sustaining Treatment (POLST) or an attestation form signed by the decedent. To assist with the investigation, officers

should contact the assigned Hospice care worker. Once an officer has verified the decedent was a Hospice patient, there is no requirement to contact the coroner (per Government Code 27491) or the medical physician. The Homicide Unit does not need to be notified, nor is a police report required for a hospice death. Officers shall document in the CAD event that the incident is a Hospice death.

END OF LIFE OPTION ACT DEATHS

Under the End-of-Life Option Act, the Health and Safety Code authorizes an adult who meets certain qualifications, and who has been determined by their attending physician to be suffering from a terminal disease, to make a request for 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 times when police and fire are summoned. Officers assigned to End-of-Life-Option-Act cases shall assess each situation to gauge their level of involvement. During initial contact, documents which may aid in the investigation are a Physician's Order for Life-Sustaining Treatment (POLST), an Advanced Directive, and/or a final attestation form signed by the decedent, although these documents are not legally required by the Act. Officers should attempt to contact the patient's physician to confirm they will sign the death certificate.

End-of-Life-Option-Act cases should not be referred to as a suicide, assisted suicide, or euthanasia as the attending physician will list the underlying disease as the cause of death. There is no requirement the investigating officer contact the coroner, nor is a police report required, unless other circumstances dictate a report should be written. Officers shall document in the CAD event that the incident is an End-of-Life-Option-Act death.

CHILD DEATHS

Non-traffic deaths of children under the age of 18 that are not medically attended, or where medical personnel suspect other than natural cause, shall be immediately reported to Night Detectives (if available) and the area Watch Commander, who will be responsible for notifying the Homicide Commander or his/her designee in order to ascertain whether the Homicide and/or Crime Unit will respond. Child death investigations will comport with Duty Manual Section L 3034 - Severe Child Injury or Death (SCID) and with the Santa Clara County Child Abuse Protocol.

IN-CUSTODY DEATHS

When the incident involves the death of an individual as a result of a police action or the death of a subject in police custody, the incident will be reported immediately to the area Watch Commander who will be responsible for notifying the Homicide Commander or his/her designee in order to ascertain whether the Homicide and/or Crime Unit will respond. In addition, all in-custody death investigations shall be conducted consistent with the most recently published Santa Clara County Police Chief's Association Officer-Involved Incident guidelines.

Communications will immediately notify the area Watch Commander, who will advise Communications when to activate the Officer-Involved Incident callout procedure.

L 5905 DEATHS REQUIRING CRIME REPORT:

Revised 05-23-22

A General Offense Report (Form 200-2-AFR) will be completed detailing the circumstances surrounding the following events:

- Homicides
- Suicides
- Accidental deaths, except traffic accidents which are reported on a "Traffic Collision Report" (Form 200-16)
- Suspected drug overdose deaths
- Suspicious deaths
- In-custody deaths
- Imminent-death cases where the victim is being transported to a medical facility and the cause of death or imminent death is unknown. This does not apply to cases where death or imminent death is believed to be from natural causes or for known medical reasons (e.g. Hospice or End-of-Life-Option Act)-
- Unattended deaths occurring outside medical facilities where a doctor will not sign, or a doctor's involvement is unknown or unverified (e.g., coroner is contacted and responds)-
- Unattended deaths occurring outside medical facilities where the Coroner's Investigator provides a pending release authorization

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



Anthony Mata
Chief of Police