



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 115A

Effective Date 05/02/2023

Policy Name Death Investigation (Non-Traffic Related)

Approved Date 05/02/2023

Approved by Wendell Franklin, Chief of Police

Previous Date 07/21/2009

PURPOSE OF CHANGE:

To add in custody deaths.

POLICY:

State law gives the State Medical Examiner (ME) jurisdiction in the investigation of any human death. The Tulsa Police Department will assist the ME in the investigation of the following types of deaths within the city of Tulsa as set forth in 63 O.S. 938:

1. Violent deaths, whether apparently homicidal, suicidal, or accidental, including but not limited to, deaths due to thermal, chemical, electrical, or radiational injury, and deaths due to criminal abortion, whether apparently self-induced or not.
2. Deaths under suspicious, unusual, or unnatural circumstances.
3. Deaths related to disease that might constitute a threat to public health.
4. Deaths unattended by a licensed medical or osteopathic physician for a fatal or potentially fatal illness.
5. Deaths of persons after unexplained coma.
6. Deaths that are medically unexpected and that occur in the course of a therapeutic procedure.
7. Deaths of any inmates occurring in any place of penal incarceration.
8. Deaths of persons whose bodies are to be cremated, buried at sea, transported out of the state, or otherwise made ultimately unavailable for pathological study.

Natural deaths that occur in nursing homes and hospitals, or hospice deaths, will not be investigated unless such deaths are reported to the Tulsa Police Department as being unusual or of suspicious circumstances. This does not include retirement homes, villages, or centers where residents are not under 24-hour medical care by a nurse and/or doctor.

The Detective Division will also assume responsibility for investigating deaths resulting from suicide and those cases where death is likely to result from an attempted suicide.

Patrol officers will respond to all calls for service involving human deaths and will complete the appropriate reports when investigating attended and unattended deaths.

SUMMARY: Procedures for investigating non-traffic deaths.

APPLIES TO: All police personnel

DEFINITIONS:

ATTENDED DEATH – a death is considered attended if the decedent has been under the care of a licensed medical or osteopathic physician for the natural process to which he/she succumbs during the 30 days prior to death and the decedent's physician signs the attending physician's death certificate.

HOSPICE DEATH – a natural death that occurs while the decedent is under the care of a hospice representative who is under the authority of the decedent's physician.

IN CUSTODY DEATH – a death of any person who is detained, under arrest, in the process of being arrested, or enroute to be incarcerated.

UNATTENDED DEATH – a death is considered unattended if the circumstances of the death are not consistent with a natural death, the decedent has not been under the care of a licensed medical or osteopathic physician during the last 30 days, or the decedent's physician refuses to sign the attending physician's death certificate.

PROCEDURES:

A. VIOLENT, UNUSUAL, OR SUSPICIOUS DEATHS

1. When an officer is assigned to investigate a non-traffic related death or when death is likely to occur that is violent, unusual, or suspicious in nature, they will record the exact time of the initial call or when the information was first received. If information is received in person, detain, and identify the individual.
2. The first officer to arrive on scene will become the Incident Commander (IC). This officer will maintain command until it is transferred to a supervisor or another officer based on expertise, knowledge, or certification. The IC on the scene will note the time of arrival and first observations. Officers will proceed with the presumption that the victim is alive unless circumstances leave no doubt that death has occurred.
3. The following notifications will be made (record the times and the identities of persons who were notified):
 - a. Ambulance, if needed.
 - b. Supervisor.
 - c. Shift commander.
 - d. Homicide detective.
 - e. Major Crimes Unit detective (MCU).
4. Secure the crime scene in accordance with Policy 112E, *Major Crime Scene Processing*.
5. Isolate and separate the witnesses. Individual witness statements will be taken using the *Witness Statement Form*.
6. If the suspect is still present at the scene:
 - a. Take the suspect into custody and remove them from the crime scene.
 - b. Ensure that an officer is available to observe the suspect's behavior and record any spontaneous statements.
7. Detectives will assume responsibility for the crime scene and the criminal investigation upon their arrival. Detectives will also be responsible for notifying the ME. Officers will update detectives and assist with the investigation, if requested, and continue to secure the scene until MCU detectives complete their investigation.
8. If an immediate family member is not present at the scene, make the death notification in accordance with Policy 137, *Tulsa Police and Fire Chaplaincy Corps*. The identity of the individual who made the death notification, the family member who was notified, and the date and time of the notification should be documented.

9. Complete the appropriate reports. All reports, logs, and supplementals pertinent to the investigation will be made available to the ME upon request.
10. An investigation will be conducted in conjunction with the ME and the District Attorney's Office (DA) of any death occurring in the City of Tulsa that was reported to the police, the ME, or the DA as being unusual, of suspicious circumstances, or upon receiving a complaint from any one of the following:
 - a. A physician.
 - b. The ME.
 - c. The DA.
 - d. Funeral home employees.
 - e. EMSA attendants.
 - f. Relatives of the deceased.
 - g. A legal guardian or attorney of the deceased.
 - h. Any person who has an interest in the well-being of the deceased.
11. If an officer is refused admittance or asked to leave a residence where a death has been reported to the police and there is suspicion that a crime has been committed, officers will secure the residence as a possible crime scene and notify a supervisor and detectives immediately.

B. DEATHS NOT UNUSUAL, VIOLENT, OR SUSPICIOUS

1. When an officer is assigned to investigate a non-traffic related death that is not violent, unusual, or suspicious in nature, they will investigate into whether the death was attended or unattended.
2. Upon arrival at the scene, officers will proceed with the presumption that the victim is alive unless circumstances leave no doubt that death has occurred.
3. Notify an ambulance, if necessary.
4. Notify the ME as soon as possible.
 - a. Hold the scene until contact is made by the ME's office.
 - b. If the ME determines that the death is attended, the attending physician or the designated health care representative may contact the funeral home selected by the family. The decedent's body may then be removed in accordance with the family's wishes without further involvement by the police.
 - c. If the ME determines the death to be unattended and believes the circumstances are suspicious, detectives will be contacted.
 - d. Process the scene in accordance with Policy 112E, *Major Crime Scene Processing*.
5. If an immediate family member is not present at the scene, make the death notification in accordance with Policy 137, *Tulsa Police and Fire Chaplaincy Corps*.
6. Complete an *Attended/Unattended Death Report* containing the following information:
 - a. The identity of the ME notified and whether the ME accepted jurisdiction of the investigation and/or custody of the body.
 - b. Whether or not the decedent's attending physician refused to sign the death certificate.
 - c. To whom the decedent's body was released.
7. If a police officer is refused admittance or asked to leave a residence where a death has been reported to the police and there is no suspicion of a crime, officers will leave the residence and notify the ME and the DA immediately.

REGULATIONS:

1. A field supervisor shall assume the role of the IC upon arrival and shall be responsible for the overall coordination of field officers at the crime scene.
2. Officers shall not use the telephone or other facilities within the crime scene, unless authorized by the MCU detective responsible for the scene.
3. When the death of an inmate occurs in any place of penal incarceration operated in part or wholly by the City of Tulsa, an investigation shall be conducted immediately. If there is a death of an inmate at the David L. Moss Criminal Justice Center, Tulsa County Sheriff's Office may request the assistance of TPD if their personnel are involved in any manner.
4. The Homicide Unit will be notified of, and responsible for the follow-up of all in custody deaths.
5. The ME shall be contacted in all instances where police are involved and there is a human death.
6. Officers shall cooperate with the ME in death investigations and shall make all evidence related to the investigation available.
7. The IC as well as a detective will evaluate the need to obtain a search waiver/warrant to gain access to the crime scene if necessary.

REFERENCES:

63 O.S. 938
112E, *Major Crime Scene Processing*
137, *Tulsa Police and Fire Chaplaincy Corps*
CALEA 32.1.4, 42.1.4, 55.2.5, 83.2.6