

**MEDICAL EXAMINER INVESTIGATIONS
POLICY AND GUIDELINE MANUAL**

The purpose of this policy and guideline manual is to establish a countywide system of Medical Examiner Investigators and procedures for death scene investigation.

The Medical Examiner Investigators shall have the primary responsibility of death scene investigation in Branch County. All Medical Examiner Investigators shall be law enforcement officers.

Almost without exception, when a medical examiner death occurs outside of a hospital, the police agency having jurisdiction is called and always responds.

The Michigan State Law concerning Medical Examiners (P.A. 1953, No. 1817) states,

"An act relative to investigation in certain instances of the cause of death within this state due to violence, negligence or other act of omission of a criminal matter or to protect the public health."

Once the death investigation, as outlined in this manual, has determined that the manner and cause of death was natural and was not due to violence, negligence, or other act of omission of a criminal nature, the investigation is to be closed. An autopsy is not warranted.

ADOPTED BY THE BRANCH COUNTY BOARD OF COMMISSIONERS

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BRANCH COUNTY OFFICE OF THE MEDICAL EXAMINER
"POLICIES AND GUIDELINES"

1. GENERAL INFORMATION

1.1 Duty of Medical Examiner. It shall be the duty of the Medical Examiner to observe and enforce the Michigan State law in regard to the Medical Examiner's Office.

1.2 Purpose of the Medical Examiner's Office. The Medical Examiner's Office shall determine the cause and manner of deaths within the Office's jurisdiction.

The cause of death shall mean a medical cause leading to death, as required in the death certificate. The manner of death is the fashion in which the cause came into being solely by disease (natural) or by injury (violent). Violent deaths can be classified as accidental, homicidal, or suicidal.

The primary purpose of the Office is to investigate the possibility that a death within its jurisdiction was the result of criminal action, either through violence, or through omission or negligence. Therefore, the determination of the manner of the cause of death in a criminal action context precedes in importance the determination of the cause of death. Once it is established through the policy and Medical Examiner field investigation that there is no criminal action involved, the exact cause of death is then of secondary importance.

2. ORGANIZATION

2.1 The office of the Branch County Medical Examiner shall consist of the County Medical Examiner, Deputy Medical Examiners, Medical Examiner Investigators, Forensic Pathologists and the Prosecuting Attorney Ex Officio.

2.2 County Medical Examiner (M.E.). The County Medical Examiner shall be a physician licensed in the State of Michigan and shall be a resident of Branch County. The County Medical Examiner shall be appointed by the Branch County Board of Commissioners for a term of two (2) years.

2.3 Deputy Medical Examiners (D.M.E.). The Deputy Medical Examiners shall be physicians licensed in the State of Michigan and shall be residents of Branch County. Deputy Medical Examiners shall be nominated by the County Medical Examiner and appointed by the Branch County Board of Commissioners.

2.4 Medical Examiner Investigators (M.E.I.). The Medical Examiner Investigators shall be law enforcement officers from the Branch County Sheriff's Department and/or the Michigan State Police, Cities of Coldwater Police, Bronson Police, and Union City Police. Each Medical Examiner Investigator must have a picture identification card signed by the Medical Examiner.

- 2.5 Forensic Pathologists. The Forensic Pathologists shall be physicians licensed in the State of Michigan who are qualified pathologists. The Forensic Pathologists shall be appointed by the Branch County Medical Examiner.
- 2.6 Body Holding Stations. The Community Health Center of Branch County has approved the Medical Examiner's Office the use of their body storage facilities.

3. DUTIES AND RESPONSIBILITIES

- 3.1 County Medical Examiner. The County Medical Examiner shall be in charge of the Office of the County Medical Examiner, and the County Medical Examiner's duties shall include:
 - A. Assuring that the statutory duties of the Office are carried out.
 - B. Promulgating rules relative to the conduct of the Office, as deemed appropriate.
 - C. Delegating responsibilities as deemed appropriate and permitted by law.
 - D. Recommending appointments of Deputy Medical Examiners, delegating duties to deputies, recommending removal of Deputy Medical Examiners when appropriate.
 - E. Appointing Medical Examiner Investigators and determining their qualifications and Medical Examiner duties.
 - F. Performing such other duties as may be required by law or as assigned by the County Board of Commissioners.
- 3.2 Deputy Medical Examiners. The duties of Deputy Medical Examiners shall include:
 - A. Acting as the County Medical Examiner in the absence of the Medical Examiner.
 - B. Receiving all calls reporting deaths, as required by MCLA 52.203, and determining if each such death is within the Medical Examiner's Office jurisdiction.
 - C. Completing the required report for the Medical Examiner's Office (ME Form 1), and such other reports as requested by the Medical Examiner.
 - D. Completing and signing death certificates.

- E. Signing Cremation Permits (Body Transit Permit). The Funeral Director must present a completed and signed death certificate and have the first section of the cremation permit showing the name of the deceased completed before signing.
- F. Giving the order of where a deceased body under the Office's jurisdiction may be moved or releasing such body to the next of kin.
- G. Ordering an autopsy to be performed on a deceased body under the Office's jurisdiction and signing the autopsy authorization form for the same.
- H. Proceed to where the body lies and take charge of Medical Examiner's investigation, where appropriate. This shall be mandatory if the death is a homicide or suspected homicide, but unnecessary in most other deaths.
- I. Direct a Medical Examiner Investigator to be present at the scene to investigate and report back, when appropriate.

3.3 Medical Examiner Investigators. Duties of Medical Examiner Investigators shall include:

- A. Proceed to where the body lies, whenever a Medical Examiner death comes to the Investigator's attention that in their opinion requires the presence of a Medical Examiner Investigator and the body lies within the jurisdiction of their Police Department, and whenever requested by the Medical Examiner or a Deputy Medical Examiner.
- B. Attempt to identify the deceased, if not previously identified.
- C. Notify the deceased's next of kin of the death and location of the body, if such notification has not already occurred, and further, keep written notes of all efforts to locate and notify the next of kin.
- D. Examine the body of the deceased for signs of injury or disease.
- E. Make an investigation into the manner and cause of death.
- F. In the absence of the deceased's next of kin, take possession of an inventory and deliver all property of value found on the deceased person to the person in title of custody or possession of the body.
- G. Complete a report of the investigation for the Medical Examiner's Office and have it delivered to the Medical Examiner's Office by the next working day.

- H. Immediately after investigation of the scene, report it by telephone to the Medical Examiner or Deputy Medical Examiner, and in the case of homicide or suspected homicide, the Prosecuting Attorney is to be called.
- I. Medical Examiner Investigators are not authorized to order an autopsy and may not order a body moved or released without specific permission of the Medical Examiner or a Deputy Medical Examiner, with the exception that a body cannot remain in a public place to impede traffic or to become a public spectacle, and in such cases, may be moved prior to obtaining permission from the Medical Examiner or a Deputy Medical Examiner.

3.4 Forensic Pathologists. The duties of the Forensic Pathologists shall include:

- A. Perform a forensic autopsy at the request of the Medical Examiner or Deputy Medical Examiner.
- B. To use skills and training to assist in the identification of the body, if necessary.
- C. To report the preliminary findings by telephone to the Medical Examiner or Deputy Medical Examiner.
- D. To send a complete written report of findings to the Medical Examiner when the autopsy has been completed giving the cause and manner of death.

3.5 The duties and responsibilities outlined as to the various Medical Examiner positions are not intended to be all inclusive, but rather are intended as a general outline of the functions assigned to such positions.

4. MEDICAL EXAMINER INVESTIGATION PROCEDURES

4.1 Summary. The following steps and diagram constitute a summary of the Medical Examiner's Office investigation procedures, each of which step will be explained in more detail in subsequent sections.

- STEP 1: The first person having knowledge of a reportable death calls the Medical Examiner Investigator (M.E.I.).
- STEP 2: The M.E.I. visits the scene and makes an evaluation.
- STEP 3: If deceased is under medical care see M.E.
- STEP 4: Deceased's doctor agrees to sign death certificate and releases body.

- STEP 5: Victim's doctor refers case back to M.E., then M.E.I. takes Step 6.
- STEP 6: If death is caused by violence, is sudden or unexpected, or the victim has no personal physician, or personal physician refers Death to Medical Examiner, M.E.I. completes B, C, D, E, F, and G of Section 3.3 and calls Medical Examiner (H).
- STEP 7: Medical Examiner visits scene. It is required if homicide, not Required in other cases unless in the opinion of M.E.I. or M.E. the presence of the M.E. will aid in the investigation.
- STEP 8: M.E. arranges autopsy and notifies M.E.I. how to proceed or orders body to holding stations.
- STEP 9: M.E. closes case and releases body.
- STEP 10: If traffic accident or body is public spectacle, M.E.I. may order Body to holding station at his or her discretion.

Decision Flow Diagram - Medical Examiner Investigation Process

4.2 The first person having knowledge of a reportable death, call the Medical Examiner Investigator.

A. Reportable deaths in Step 1 mean deaths that are within the jurisdiction of the Medical Examiner's Office. Prior to calling the Medical Examiner's Office, the reporting person should attempt to ascertain whether the death is a reportable death.

B. Reportable deaths include the following types of deaths:

1. **Violent Deaths.** All deaths by violence, whether accidental or purposely, self-inflicted, or caused by another person. This also includes deaths by poison or drug overdose.

NOTE: The passage of time between the injury and the death does not alter the requirement of reporting this type of death, nor does the duration, type or quality of medical treatment given.

Violent deaths include deaths caused by the following:

- a. Injuries of any kind including automobile, home, occupational, athletics, or any other.
- b. Homicide.
- c. Suicide.
- d. Drowning.
- e. Poisoning.
- f. Electrocution.
- g. Drug or alcohol induced.

2. **Sudden, Unexpected Deaths.** Deaths of persons believed to be in good health where no history of major medical problems or progressive disease can be determined. This also covers deaths of persons who have had medical attention for such a short time that the diagnosis could not be established, or who were treated only for illnesses or injuries unrelated to the death.

NOTE: The determination of whether or not a death fits into this category is usually made as the policy agency with jurisdiction (MEI) conducts its original investigation into the acquaintances, inspection of personal belongings and/or residence, and evaluation of the body and scene. This frequently establishes the presence or absence of such history. If such a history is found and the treating physician can determine the cause of death, the case **IS NOT** reportable under this classification.

Unexpected Deaths Include:

- a. Unexpected death is when a physician of record cannot designate the cause.
 - b. Unexpected death or found dead, cause unknown, under two years of age (Sudden Infant Death Syndrome). See Section 4.4 (A) (5) page 9.
 - c. Unexpected or accidental death possibly connected to the dependent's occupation.
 - d. Deaths suspected to result from acute toxic overdose of alcohol, other drugs, or combinations thereof.
 - e. Unexpected deaths in association with, or as a result of, diagnostic or anesthetic procedures.
 - f. Unexpected deaths without recent medical attendance when the attending physician will not or cannot certify the cause.
 - g. Death suspected of resulting from neglect.
3. Deaths more than 10 days After the Deceased was Seen by a Physician. When death occurs more than 10 days after the deceased was seen by a physician, if the cause of death appears to be other than the illness or condition for which the deceased was being treated, or condition for which the deceased was being treated, or if the attending physician cannot accurately determine the cause of death, the case shall be referred to the County Medical Examiner for investigation to determine and certify the cause of death. If the County Medical Examiner determines that the case does not fall into his/her jurisdiction, the County Medical Examiner shall refer the case back to the deceased's physician within 24 hours for completion of the medical certification.
4. Deaths in a City or County Jail. The law requires that the death of any prisoner within a City or County jail be reported.
5. Deaths as a Result of Abortion. The death of any female and or viable fetus following an abortion or attempted abortion, whether self-induced or otherwise, must be reported to the Medical Examiner System. See Section 4.9 (A) pages 10 and 11.
6. Found Bodies. Bodies that are found within Branch County that are believed to have come to their death in any of the manner described above.
- 4.3 A. The following types of deaths are NOT within the Medical Examiner's jurisdiction and are NOT to be reported:
1. When there is a treating physician able and willing to certify the death.

2. Deaths occurring in the hospital, even if the period of stay is brief (less than 24 hours), unless the death otherwise qualifies as a Medical Examiner death (i.e. violence related).
3. Operating or recovery rooms deaths, unless the surgery is being performed because of some previous act of violence, such as an automobile accident. Crimes of omission, commission, or negligence that result in death must be reported.
4. In a case where life support is discontinued, this need not be reported to the Medical Examiner's Office unless the death is a result of violence. These cases should not be reported until after the death is pronounced.
5. Emergency rooms deaths or deaths on arrival in the emergency room that result from natural causes, if there is a treating physician to certify the cause of death. Treating physician does not mean emergency room physician.

4.4 A. Reasons for ordering an autopsy:

The autopsy is important for precise description and documentation of injuries. It may provide the basis for unequivocal statement as to the cause of death. As an item of evidence, the body is perishable and all information should be collected from the body before it is destroyed.

The difference between the cause of death and the manner of death is important. The cause of death is a medical fact. The manner of death is an opinion as to how the cause was inflicted. See Paragraph 3, Section 1.2, Page 1.

An autopsy is expensive and it should not be ordered unless there is a specific need for the information it may provide.

1. Homicide in its various degrees including involuntary manslaughter and negligent homicide, or wherever it is probable that criminal proceedings will be initiated. This also includes motor vehicle accidents.
2. Situations in which the manner of death or possible criminal responsibility cannot be immediately determined.
3. When no other information exists as to the probable cause of death and homicide cannot be definitely excluded.
4. All deaths in the Juvenile Home, County and City jails, State penal institutions, or occurring while the deceased was in police custody.

5. Sudden Infant Death Syndrome: If the Medical Examiner so determines for any of the reasons above, an autopsy should be ordered at the expense of Branch County. Michigan law provides for autopsy in these cases, with parental consent at State expense. Parents should be encouraged, but not coerced, to take advantage of this opportunity. The autopsy report should contain the notation that the suspected cause of death is Sudden Infant Death Syndrome and the autopsy is to be at State expense. See Section 4.8 (b).
 6. Deaths resulting from automobile accidents that occur in Branch County, except one-car accidents. For one-car accidents where the driver is the only fatality, a blood alcohol and, if indicated, a drug screen is sufficient unless an autopsy is specifically requested by the Medical Examiner or the Prosecuting Attorney.
 7. Other accidents if in the opinion of M.E. or M.E.I. an autopsy is indicated.
 8. Suicides. If there are suspicious circumstances. If the suicide is obvious and nothing is to be gained as to the cause of death by doing an autopsy, an autopsy should not be ordered.
 9. Sudden unexpected deaths when there is a possibility the death is other than natural.
- 4.5 Autopsies should not be ordered in the following cases:
1. Obvious natural deaths.
 2. Deaths on arrival in the Emergency Room or death in the Emergency Room from natural causes.
- 4.6 An order for an autopsy may be issued for miscellaneous reasons at the request of MEI after conference with the Medical Examiner and/or the Prosecuting Attorney.
- 4.7 After completion of a case, it shall be the responsibility of the Deputy Medical Examiner to close the case and release the body to a funeral home or to the next of kin.
- 4.8 In a Medical Examiner case, the Deputy Medical Examiner shall complete the appropriate death certificate as required by the State.

4.9 Special Cases.

A. Fetal Deaths

Concerns have been expressed as to what are reportable medical examiner cases as they relate to the induced abortion fetal or early neonatal death of an immature fetus. The laws on this point are confusing, incomplete, and unsettled, particularly as to the viability of a fetus, which has been defined as the "judgment" of the responsible attending physician". Nevertheless, for practical operational needs, the following distinctions are to be applied as general guidelines as to access that the Medical Examiner's Office will assume jurisdiction:

DELIVERY OF A FETUS THROUGH INDUCED ABORTION

1. "Delivered Alive"

A. Certain criteria must be fulfilled:

1. Heart Beat
2. Muscle Spasm
3. Respiration

B. Fill out Birth and Death Certificate.

C. Must be reported to the Medical Examiner's Office.

2. Viable

A. Certain criteria must be fulfilled:

1. Weight is greater than 500 gms.
2. Length is greater 25 cms.
3. Obstetrical evaluation by physician indicates duration of gestation greater than 20 weeks.

B. Fill out Stillborn certificate.

C. Consult Medical Examiner on call.

3. Not Viable

A. Certain criteria must be fulfilled:

1. Weight is less than 500 gms.
2. Length is less than 25 cms.

- B. Surgical Specimen -- no death or birth certificate is needed.
- C. Do not contact Medical Examiner.

The above guidelines are intended to be only general in nature and will not be rigidly applied. Please consult the Chief Medical Examiner or Prosecuting Attorney if you face such a case and need assistance in deciding the proper action to take.

B. Sudden Infant Death Syndrome Cases

Act 350 of M.P.A. of 1974, approved by the Governor, December 21, 1974, mandates:

"When a child under the age of two (2) years dies within this State under circumstances of sudden death, cause unknown, or found dead, cause unknown, that death shall be immediately reported to the County Medical Examiner of the County wherein the body lies, whereupon the County Medical Examiner shall inform the parents or legal guardians of the child that they may request an autopsy performed on the child, the costs of which shall be borne by the State. An autopsy requested by the parents or legal guardians shall be arranged for by the Chief Medical Examiner and the parents or legal guardians shall be promptly notified of the results of that autopsy. The costs of the autopsy performed under this section shall be reported to the State director of Public Health, who shall pay the account to the person entitled thereto out of funds appropriated for this purpose by the legislature. The reasonableness and propriety of all claims and accounts under this section shall be passed upon and determined by the State Director of Public Health. Nothing in this section shall be construed as interfering with the duties and responsibilities of the County Medical Examiner as defined in other sections of this act".

C. Inquests

Inquest can be held under certain circumstances (See MCLA 52.207). The Judge of the District Court presides and the Medical Examiner serves only as a witness.

The law provides for such an event: "Upon the written order of the Prosecuting Attorney or the Attorney General, or upon the filing of a petition signed by six electors of a county, the County Medical Examiner or Deputy shall conduct an investigation, as provided in Section 5, of the circumstances surrounding any death believed to have occurred in the county. Upon determination of the Prosecuting Attorney, or upon the determination of the examiner, an inquest shall be held by a District Court Judge or a Municipal Court Judge".

The Prosecuting Attorney can be asked to order the inquest by a "complainant" who "knows or has good reason to believe that the said deceased person came to his or her death by means of poison or violence, or in consequence of any criminal act committed by a person known or unknown". (Code of Criminal Procedures 23:1183).

Part of the inquest can be to disinter the body and perform an autopsy on it.

A case of inquest should be referred to the County Medical Examiner.