

DURHAM POLICE DEPARTMENT

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POLICY #: 55.2.6

SUBJECT: Victim and Witness Assistance, Next of Kin Notification

NOTE: This written directive is for the internal governance of the Durham Police Department, and as provided by RSA 516:36, is not intended and should not be interpreted to establish a higher standard of care in any civil or criminal action than would otherwise be applicable under existing law.

PURPOSE

One of the most difficult assignments facing a police officer is the notification to a family or individual that a friend or family member has died or has been seriously injured. Generally, the Police become involved in these notifications when the death or injury is tragic and sudden, which makes the news all the more difficult for family members to receive.

Tragic, personal news must be told quickly, concisely, yet with compassion and understanding. This directive provides guidance to officers in making death/injury notifications.

POLICY

It is the policy of the Durham Police Department that death notifications will only be made when the identity of the victim and the relationship to the individual being notified is certain. In those cases where identity is uncertain, standard investigative procedures shall be followed to identify the deceased prior to any death notification.

PROCEDURE

Assignment of Death/Injury Notifications

- Whenever possible, a Supervisory officer will be assigned to make death/injury notifications.
- When this is not possible, the Shift Supervisor will assign an officer to make this notification.

Method of Notification

- Whenever a death/injury notification is made by the Durham Police Department within the Town of Durham, that notification shall be made in person.
 - The exception to this requirement is when an injury notification is being made where time is critical and is a factor in the notification process or where the injury is not of a serious nature and the notification is a courtesy rather than an emergency notification.
- There are times when notification must be made immediately and provisions made for transportation to the hospital etc. The decision to make notification by telephone shall be made by a Supervisory officer.
- The police department becomes involved in death/injury notifications in two ways.
 - The death/injury occurs within the Town of Durham. In these cases, the officer will generally have all of the information required by the family as to the nature and circumstances of the death. For death notifications that occurred within the Town and are related to an on-going investigation, the Deputy Chief or Captain's approval is required.
 - The officer will provide the family with full disclosure unless there are special circumstances surrounding the investigation that would prevent full disclosure.
 - The officer conducting the notification may, when appropriate, accompany the family to the hospital or other location, and may provide whatever assistance the family requires during this difficult period.
 - The death/injury occurs outside of the Town of Durham, and the Durham Police Department is requested to contact the family.
 - In these cases, the requesting department or agency may not have provided all relevant information to the officer.
 - Although this department has less control over the information, and can only serve to relay information as requested, the officer shall attempt to get as much information as possible from the agency of jurisdiction prior to making the notification.

Out of Jurisdiction Death/Injury Notification

- In the event of a death/serious injury occurring within the Town of Durham where the next of kin resides outside of the jurisdictional limits of the Town, the Shift Sergeant responsible for the investigation shall request the agency of jurisdiction to make notification.
- Only in those cases, where the agency of jurisdiction refuses or is unable to complete the notification, or where time is critical, will this department make a death/serious injury notification by telephone.

General Guidelines

- Whenever possible, officers should not conduct death notifications alone.
- If possible, officers should attempt to locate a close family friend or religious figure that can help comfort the family.
- Whenever possible, officers making death notifications should try to gather critical information about the family they are going to notify.
- In cases where the family is elderly, in poor health or in a special needs category, the officer may have to make additional supportive preparations prior to making the notification.
- When making death/injury notifications, the officer shall be direct and professional with the family.
- Officers should expect that death/injury notifications will be emotional in nature, and that the family may be overcome by their grief.
- People handle death in different ways, and demonstrate grief on a very individual and personal level.
- The officer shall be professionally supportive without making unnecessary attempts at casual conversation.
- When you have made a notification, there is nothing wrong with standing by quietly while the family begins to get itself together. Unnecessary attempts at conversation will only impede this process.
- Officers should wait to insure that family members have composed themselves and had an opportunity to ask any questions before leaving.

- In cases of injury/death, the officer may offer to transport the family to the hospital, or make efforts to have a friend or family member come to the house before the officer leaves.
- The proper words to use can be very important. The words "dead" and "killed" may be hard, yet they describe the situation exactly and, when spoken with compassion, provide the family with information that is direct and do not provide any room for misinterpretation on the part of the family.

Telephone Inquiries by Family Members

- There are times when family members will contact the police during a death investigation because a family member is late arriving home, is missing or they have heard a rumor that the police are investigating a serious accident and suspect that a family member is involved.
- These telephone inquiries shall be handled by a Supervisor, and should be handled cautiously. The very best efforts of the officer will generally be inadequate. The supervisor shall not make notification by phone, but shall ask for information necessary to make a personal notification.
- The officer shall, depending upon the status of the investigation, furnish the facts, as they are known, to the family.

Death or Serious Injury of a Foreign National

- If the Durham Police Department is investigating the death or serious bodily injury of a foreign national, the shift supervisor shall contact the United States Department of State Bureau of Consular Affairs at 202-647-4415 and request guidance with regard to the notification of and access to the foreign national's consulate or embassy, as applicable.
- Urgent after-hours inquiries may be directed to (202) 647-1512 – the United States State Department Operations Center.
- If the Department of State cannot be reached, the shift supervisor shall contact the Chief of Police or designee for guidance. Generally, in the absence of guidance from the Department of State, the Durham Police Department will contact the embassy or consulate of the dead or seriously injured person's home country. A listing of embassy's and consulates can be found on the internet at www.state.gov.
- In the absence of available guidance from the Department of State, the following countries REQUIRE by international treaty that their consulate be notified when a foreign national from their country has died or has been seriously injured in the

United States. By international treaty you **MUST** notify the consulate of these countries even if relatives of the dead or injured person specifically request that you not notify the consulate!

MANDATORY NOTIFICATION COUNTRIES

Algeria
Antigua and Barbuda
Armenia
Azerbaijan
Bahamas
Barbados
Belarus
Belize
Brunei
Bulgaria
China¹
Costa Rica
Cyprus
Czech Republic
Dominica
Fiji
Gambia
Georgia
Ghana
Grenada
Guyana
Hong Kong²

¹ Notification is not mandatory in the case of persons who carry "Republic of China" passports issued by Taiwan. Such person should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office (TECRO), the unofficial entity representing Taiwan's interests in the United States, can be notified at their request.

² Hong Kong reverted to Chinese sovereignty on July 1, 1997, and is now officially referred to as the Hong Kong Special Administrative Region (SAR). Under paragraph 2 (f)(2) of the

Hungary
Jamaica
Kazakhstan
Kiribati
Kuwait
Kyrgyzstan
Malaysia
Malta
Mauritius
Moldova
Mongolia
Nigeria
Philippines
Poland
Romania
Russia
Saint Kitts and Nevis
Saint Lucia
Saint
Vincent/Grenadines
Seychelles
Sierra Leone
Singapore
Slovakia
Tajikistan
Tanzania
Tonga
Trinidad and Tobago
Tunisia
Turkmenistan

March 25, 1997 US-China Agreement on the Maintenance of the US Consulate General in the Hong Kong SAR, US officials are required to notify Chinese officials of the death or serious injury of the bearers of Hong Kong passports in the same manner as required for bearers of Chinese passports.

Tuvalu
Ukraine
United Kingdom³
USSR⁴
Uzbekistan
Zambia
Zimbabwe

³ United Kingdom includes England Scotland, Wales, Northern Ireland and Islands and the British dependencies of Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.

⁴ Although the USSR no longer exists, some national of its successor states may still be traveling on USSR passports. Mandatory notification should be given to consular officers for all nationals of such states, including those traveling on old USSR passports; the successor states are listed separately above.

STEPS TO FOLLOW

- Determine the foreign national's country. Normally, this is the country on whose passport or other travel document the foreign national travels.
- If the foreign national's country is not on the mandatory notification countries list (above):
 - Offer, without delay, to notify the foreign nationals' consular officials of the persons' death or serious injury.
- If the foreign national asks that the consular notification be given, notify the nearest consular officials of the foreign national's country without delay.
- If the foreign nationals country is on the list of notification countries (above):
 - Notify the countries nearest consular officials, without delay, of the death or serious injury.
 - Tell the foreign national that you are making this notification, as applicable.
- Keep a written record (Durham Police Arrest or Offense Report) of the provision of notification and actions taken.