



BY-LAW NO. 229-2000

**A BY-LAW RESPECTING
SUDDEN DEATH & FOUND HUMAN REMAINS
(LE-037)**

1. PREAMBLE

- 1.1 WHEREAS subsection 31(1) of the *Police Services Act* provides that a Board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall:
- b. generally determine after consultation with the Chief of Police, objectives and priorities with respect to police service in the municipality;
 - c. establish priorities for the effective management of the police service, and
 - e. direct the Chief of Police and monitor his or her performance;
- 1.2 AND whereas subsection 31(6) of the *Police Services Act* provides that the Board may, by by-law, make rules for the effective management of the police service;
- 1.3 AND whereas O. Reg. 3/99 prescribes standards for adequacy and effectiveness of police services;
- 1.4 AND whereas subsection 12(1)(j) of O. Reg. 3/99 requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into sudden death and found human remains;
- 1.5 AND whereas section 29 of O. Reg. 3/99 requires a police services board to have a policy on investigations into sudden death and found human remains;
- 1.6 AND whereas Part LE-037 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Chief and the police service relative to sudden death and found human remains.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD ENACTS AS FOLLOWS:

2 DEFINITIONS

- 2.1 "Act" means *Police Services Act*, R.S.O. 1990, c.P.15, as amended;
- 2.2 "Board" means the Regional Municipality of Niagara Police Services Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;

2.4 “Manual” means the Policing Standards Manual published by the Ministry of the Solicitor General;’

2.5 “Member” means a member of the Niagara Regional Police Service;

2.6 “Ministry” means the Ministry of the Solicitor General;

2.7 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

3.1 The Board recognizes that issues relating to sudden death and found human remains form an important part of investigative policing, and it is therefore the policy of this Board that investigations into such matters be conducted professionally and thoroughly, and in accordance with procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 PROCEDURES - SUDDEN DEATH

4.1.1 The Chief shall establish procedures that address a standardized approach for all sudden death investigations in accordance with Appendix A.

4.1.2 Where an occurrence falls within the definition of a major case, the Chief shall ensure that officers comply with the procedures set out in the Ministry’s designated Ontario Major Case Management Manual.

4.2 PROCEDURES – FOUND HUMAN REMAINS

4.2.1 The Chief shall develop procedures to be followed when unidentified human remains are found in accordance with Appendix A.

4.2.2 Where an occurrence falls within the definition of a major case, the Chief shall ensure that officers comply with the procedures set out in the Ministry’s designated Ontario Major Case Management Manual.

4.3 TRAINING

4.3.1 The Chief shall ensure that all Members involved in the investigation of a sudden death or found human remains have the requisite knowledge, skills and abilities and receives the appropriate training.

5 CHIEF CORONER’S MEMORANDA

5.1 The Chief shall ensure that the procedures concerning sudden death are in compliance with any and all memoranda issued by the office of the Chief Coroner.

6 REPORT TO THE BOARD

6.1 The Chief shall make a written report to the Board on or before August 30 of each year in respect of sudden death and found human remains investigations. The report shall include:

- a. a summary of the written procedures concerning sudden death and found human remains investigations;
- b. the status of Service compliance with the said procedures;
- c. a summary of the memoranda of the Chief Coroner relating to sudden death; and
- d. the status of Service compliance with the said memoranda.

7 IMPLEMENTATION

7.1 This By-law shall come into force upon the date of its passage.

7.2 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 30th day of November, 2000.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

(Original Signed Copy on File)
Chairperson

(Original Signed Copy on File)
Vice Chairperson

Legislative/Regulatory Requirements

Section 29 of the Adequacy Standards Regulation requires a police services board to have a policy on investigations into found human remains.

Section 12(1)(j) requires the Chief of Police to develop and maintain procedures on and processes for undertaking and managing investigations into found human remains.

In addition to the above legislative requirements, a number of Chief Coroner's Memoranda outline protocols to be followed during the investigation of:

- sudden and unexpected deaths of children under five years of age;
- multiple fatality incidents, as well as railway fatalities and aviation fatalities;
- persons dying in hospitals following suspected accidents, suicides or homicides;
- firearm-related suicides; and
- homicides.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to sudden or unexplained death investigations and investigations into found human remains that the Chief of Police will:

- a) develop and maintain procedures that require that investigations into sudden or unexplained deaths and found human remains be considered potential homicides and be undertaken in accordance with the police service's criminal investigation management plan;
- b) ensure that officers investigating sudden or unexplained death and found human remains occurrences have the knowledge, skills and abilities required; and
- c) where an occurrence falls within the definition of a major case, ensure that officers comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*.

Police Service Guidelines

- Procedures*
1. Every police service's procedures should:
 - a) require that sudden or unexplained death and found human remains occurrences be considered potential homicides and investigations be undertaken in accordance with the police service's criminal investigation management plan;

- b) where an occurrence falls within the definition of a major case, ensure that officers comply with the procedures set out in the Ministry's designated *Ontario Major Case Management Manual*;
- c) provide that a sudden death includes any death resulting from:
 - i) homicide;
 - ii) suicide;
 - iii) accident; or
 - iv) unexplained or unknown causes;
- d) require that officers do not assume that an individual is deceased, unless there is obvious signs of:
 - i) decomposition;
 - ii) decapitation;
 - iii) transection;
 - iv) gross rigor mortis;
 - v) gross outpouring of cranial or visceral contents; or
 - vi) grossly charred body;
- e) address the responsibilities of:
 - i) members receiving information on the location of a suspected deceased person;
 - ii) communications/dispatch personnel; and
 - iii) supervisory and investigative personnel;
- f) address the responsibilities of a first officer(s) at a scene, including:
 - i) considering the scene as a possible homicide scene and taking appropriate actions;
 - ii) providing assistance to preserve life to any victims; and
 - iii) notifying a supervisor;
- g) require officers to consider the need to secure the scene, in cases of sudden death, apparent suicides and found human remains, until after an autopsy is performed to ascertain the cause of death;
- h) ensure all sudden death and suspected suicide scenes be treated as homicide scenes until determined otherwise;
- i) outline the procedures to be followed in an investigation of a sudden death of a child;
- j) set out the procedures to be followed, including notifying next-of-kin and providing assistance to survivors present at the scene, when the death under investigation occurred from:
 - i) natural causes; or
 - ii) accidental causes;
- k) require the notification of a coroner pursuant to the *Coroners Act*;
- l) require that appropriate members comply with the protocols and guidelines set out in Chief Coroner's Memoranda; and
- m) require that any found skeletal remains not be excavated before the arrival of a Coroner, and, if required, a forensic anthropologist.

- Information*
2. Every Chief of Police should ensure that appropriate members are kept informed of new guidelines and procedures, as they become available through the Chief Coroner.

 3. Every Chief of Police should ensure that officers investigating sudden or unexplained death and found human remains occurrences have the knowledge, skills and abilities required.