

PROCEDURES FOR THE TRANSPORTATION AND MOVEMENT OF DECEASED PERSONS FROM ROADWAYS

Traffic incidents involving fatalities - requiring law enforcement investigation and additional response by the county medical examiner - often result in extended lane or roadway closures. When responding to fatality traffic incidents, it is important to balance the need for thorough investigations into the cause of death, with the need to minimize responder exposure to danger, minimize risk of secondary incidents involving the motoring public, respect the dignity and privacy of the decedent and the decedent's family, and restore the flow of traffic.

The *Texas Code of Criminal Procedures, Article 49.25, Subchapter B* states that a "body shall not be disturbed or removed from the position in which it is found by any person without authorization from the medical examiner or authorized deputy, except for the purpose of preserving such body from loss or destruction or maintaining the flow of traffic on a highway".

These procedures have been developed by the Austin Police Department (APD), Austin Fire Department (AFD), Austin-Travis County Emergency Medical Services (EMS), and Travis County Office of the Medical Examiner (TCME) and they outline mutual operating procedures to expedite the removal of deceased persons from the scene of an incident when the incident restricts the free movement of traffic on the State and National Highway Systems. They also address operating procedures related to the dispatch of and communications with TCME investigative personnel, the expedited transport of deceased person(s), the relocation/removal of deceased persons in the absence of TCME investigative personnel, and the maintenance/capture of evidentiary information.

Dispatch and Communications

The first qualified responder on the scene (i.e., personnel from APD, AFD, EMS) should notify APD dispatch, who will subsequently notify the TCME investigator; APD dispatch notification is not limited to the first arriving APD officer or APD Crime Scene Unit (CSU) or Vehicle Homicide detective. This notification process should occur through existing communication channels. TCME should continue to make traffic fatalities its top response priority in the County; earlier notification would allow the TCME investigator additional time to mobilize for response.

Direct communications between the TCME investigator and either the on-scene APD officer or Vehicle Homicide detective should be established as soon as possible thereafter to exchange further details about the incident, estimate the potential timeline of actions, and, as necessary, determine the need to move the deceased person(s) and/or vehicle(s) out of the roadway prior to TCME's arrival at the scene. Through better communications with the on-site officer or detective, unproductive on-scene "wait" time for the ME investigator may be avoided. To support this change in procedure, APD and TCME should routinely exchange contact and on-call information for their respective investigators.

Expedited Transport

To expedite transport of the deceased person(s), the TCME investigator should either: (1) call to request transport services immediately when arriving at the scene (the contracted transported services are allowed up to a one-hour response time but have significant hourly costs; requesting them late in the process could significantly delay incident clearance but requesting them too early in the process could result in unnecessarily high transport costs) or (2) provide transport in the TCME investigator's vehicle, with the assistance of either APD or AFD personnel for loading at the scene and offloading at the TCME office or other designated location.

Relocation or Removal

When the TCME investigator is determined to be detained and unable to respond to the incident scene in a reasonable amount of time or if extrication efforts are determined to be lengthy, the decision to relocate or remove deceased person(s) and/or vehicle(s), in the interest of responder and public safety, should be mutually determined by the APD Vehicle Homicide detective, or qualified supervisor, and the TCME investigator. Law enforcement has jurisdiction over the incident scene; TCME has jurisdiction over the decedent.

Where death is quite evident, ejected person(s) located in the roadway that constitute a traffic hazard to other vehicles, law enforcement, or fire and rescue personnel may be moved to a safer off-site location, such as the TCME office or other agreed upon facility, or discreetly to the side of the road.

Deceased person(s) still located inside a vehicle(s) may also be moved to a safer off-site location, such as the TCME office or other agreed upon facility, or to the shoulder of the roadway or other nearby location for further investigation.

If the deceased person(s) are transported while still in the vehicle(s) to an off-site location, TCME should make arrangements with AFD/EMS to assist with the extrication of the person(s) from the vehicle(s). Prior to transport, the vehicle should be securely covered with a tarp to ensure human remains are not visible and that no evidence and/or property is lost during transport. The vehicle(s) should be transported on a flatbed vehicle; TCME or APD, if appropriate, should follow or meet the transporting vehicle to the off-site facility to preserve the chain of evidence.

The transport of deceased person(s) and/or vehicle(s) to an off-site location maintains the privacy and dignity of the decedent and the decedent's family, provides a safer environment for AFD/EMS responders to perform extrication, and expedites reopening the roadway.

Evidentiary Information

Fatality traffic incidents are investigated from two perspectives: (1) APD's Vehicle Homicide Unit is responsible for determining whether criminal negligence has occurred, and (2) TCME is responsible for determining the specific cause of death and confirming positive identification. APD and TCME should consider opportunities to conduct their respective investigations concurrently rather than sequentially to reduce the duration of related lane or roadway closures.

When the TCME investigator is determined to be detained and the decision is made to relocate or remove deceased person(s) and/or vehicle(s), APD Vehicle Homicide detectives should provide necessary information to assist TCME in determining placement of the deceased

person(s) as they were found, as well as any preserved medical evidence, physical evidence, shoes, and clothing for later forensic examination, as needed. APD's Vehicle Homicide Unit or CSU will take photos of the scene prior to the removal of the decedent or possessions from their original location.

These procedures are to better balance the need for thorough investigations into the cause of death, with the need to minimize responder exposure to danger, minimize risk of secondary incidents involving the motoring public, respect the dignity and privacy of the decedent and the decedent's family, and restore the flow of traffic.

I concur with these procedures and intend to implement them among the employees under my supervision.

Date: 11/12/08



David Carter, Assistant Chief – Chief of Staff
Austin Police Department

I concur with these procedures and intend to implement them among the employees under my supervision.

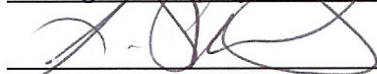
Date: 12-4-08



Jim Evans, Assistant Chief – Chief of Staff
Austin Fire Department

I concur with these procedures and intend to implement them among the employees under my supervision.

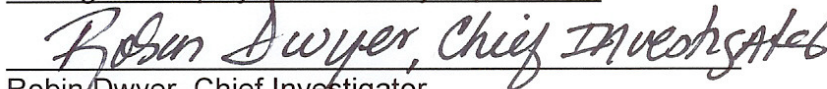
Date: 12-15-08



James Shamard, Assistant Chief – Chief of Staff
Austin-Travis County Emergency Medical Services

I concur with these procedures and intend to implement them among the employees under my supervision.

Date: 12-8-08



Robin Dwyer, Chief Investigator
Travis County Medical Examiner