

HOMICIDE AND SUDDEN DEATH SURVIVORS

Homicide and Sudden Death Survivor Guidelines

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I. INTRODUCTION

The sudden and unexpected death of a family member(1) is one of the most traumatic events that can affect an individual during a lifetime. In a criminal justice system which has traditionally concerned itself primarily with preserving the rights of the suspect/accused, and which has only recently begun to rechannel its energies toward protecting the rights and the needs of crime victims and witnesses, the needs of surviving victims of sudden and unexpected death have in many cases been overlooked. Dorothea Morefield, mother of a murdered son, emphasized the plight of survivors when she stated:

"I can accept a great deal of ignorance and a great deal of lack of awareness - but to be told that I am not a real victim when I have lost something more precious to me than my own life I will not tolerate. So if any of you feel you are not dealing with real victims when you deal with homicide survivors, just call me."

Assuring that the needs of survivors are identified and that every effort is made to meet these needs are indeed monumental tasks. The need for a compassionate and dignified notification procedure, as well as access to information regarding the death have been consistently identified as basic requirements for alleviating the trauma which results from the sudden and unexpected death of a loved one. The specific needs of survivors are unique and varied, and while many of them may not fall within the traditional purview of law enforcement responsibility, prosecutors, police officers, medical examiners, and others have a moral obligation to provide proper assistance to survivors whenever possible.

In his keynote address at the June, 1983 Annual Conference of the County Prosecutors Association of New Jersey, former Attorney General Irwin I. Kimmelman identified the criminal justice system's lack of concern for surviving victims as a problem to be addressed and corrected. The Attorney General emphasized that families of victims of homicide and sudden death are also victims who require services similar to those provided to victims of other crimes. At the Conference, Attorney General Kimmelman stated,

"Where sudden or suspicious deaths are involved, the surviving families are usually not included in our assistance efforts. Once it has been determined that no crime exists, the law enforcement

community normally has no further involvement in the matter."

The Attorney General suggested that uniform statewide procedures be developed for prosecutors, police officers, and medical examiners to ensure that survivors of homicide and sudden death are afforded proper assistance by law enforcement personnel. As a result, a Working Group, composed of representatives from State, county and local law enforcement agencies, medical associations and concerned public and private organizations was impaneled to develop uniform statewide guidelines to ensure that survivors of homicide and sudden death are afforded proper assistance. The types of sudden and unexpected death subject to these guidelines involve homicide, including manslaughter and death by auto, suicide, fatal accident, drowning, poisoning, and fire related deaths. The Department of Health has compiled statistics which indicate that during calendar year 1982 there were 2962 such sudden and unexpected deaths.

The Working Group in its original report, identified three major areas to be addressed, which included, notification of death, release of information and property, and the rendering of other assistance. That report set forth minimum and optimum guidelines for dealing with survivors of homicide and sudden death.

In a continuing effort to assist survivors, the Working Group reconvened in September, 1985 to evaluate the implementation of the guidelines. The Working Group agreed that in order to properly evaluate the dissemination and implementation of the guidelines, a questionnaire needed to be developed for each affected group or agency concerning compliance, and to secure suggestions that could provide the means to ensure that survivors are afforded proper assistance. Subsequently, law enforcement agencies, funeral home directors, hospital emergency room personnel, county medical examiners, survivors who applied for death claims benefits through the Violent Crimes Compensation Board, as well as survivors who belong to various self-help groups within the State, were surveyed. The result of the surveys indicated that there has been significant progress in the area of assisting survivors, but that we have not yet reached full implementation of the guidelines.

Since the original and revised reports are geared toward the law enforcement community and others who have contact with survivors, the Working Group agreed that survivors needed information specifically designed for themselves. Therefore, the pamphlet entitled "Survivors Rights to Information and Property" was developed.

The Working Group also became sensitized to the issue of organ donations/transplants and the positive effect that making an anatomical gift can have on the surviving family members. Therefore, a section was included in this report along with a resource list of the organ donations/transplant programs in the New Jersey area.

As a part of a public awareness effort, selected members of the Working Group served on a panel which was videotaped for the Health Information Network (HIN) on February 19, 1986. The Health Information Network production entitled "Sudden Death Survivors" is another means of dissemination of the guidelines to doctors and nurses throughout the State by way of satellite TV.

The Working Group, through these Revised Homicide and Sudden Death Survivor Guidelines, has attempted to include all pertinent information regarding recent legislation that applies to survivors as well as every other crime victim.

II. NOTIFICATION OF DEATH

Notification of death presents unique difficulties for both law enforcement personnel and survivors. Both notifying and being notified of the death of a loved one are most often painful and extremely traumatic experiences. Although there is no "good" way to notify survivors of a sudden and unexpected death, the compassionate expression of dignity and respect will result in proper notification which will assist survivors to cope with their great loss.

It is recommended that law enforcement officers, preferably those involved in the investigation, notify the next of kin of the death in person. At no time should survivors be notified of the death by telephone. It is further suggested that law enforcement agencies utilize two officers to effectuate the in-person notification function, and that one of them be in uniform. Although some survivors have asserted that the appearance of a uniformed officer at their home caused trauma, the uniform itself is an identification that will prevent confusion. Thus, the survivors will be more likely to be put at ease and to answer the door and permit entry. Also, there are other advantages in utilizing two officers to effect a death notification. One officer should communicate the information while the other carefully observes the reactions of the survivors. Individuals react to death in various and often unexpected ways. Some may suffer physical reactions which may require emergency first aid, while others may become violent or aggressive which may require their being physically restrained from harming themselves or others. In addition, it may be advantageous to notify two or more survivors separately, especially in instances which may require them to provide law enforcement officers with investigative information.

In order to ensure that survivors are informed of a death by official sources, notification of the next of kin should occur as soon as possible after the death is discovered and the victim's identity determined. The identity of the deceased or the facts and circumstances concerning the death should be provided to the next of kin prior to release to the media. However, in those cases where

established methods of identification of the deceased are unsuccessful, it may be necessary to rely upon the media to aid in identification by publishing a composite sketch or photograph of the victim.

If possible, the notifying officers should obtain pertinent medical information about the survivors prior to making the notification. This will enable the notifying officers to respond more properly to the immediate needs of those who suffer chronic medical problems such as heart disease, hypertension, etc.

Upon arriving at the survivors' residence, the officers should introduce themselves, present their credentials, and politely request to be admitted. If a child answers the door, the officers should request to speak with his or her parents or guardian. After admission to the residence the officers should attempt to seat the survivors and ensure that the notification will be made to the appropriate individuals. The officers should inform the survivors of the death simply and directly and answer their questions tactfully but honestly. They should provide as much information as possible without jeopardizing a potential criminal investigation. The officers should ask the survivors if they would like to have family or friends contacted to assist them. Under no circumstances should the officers depart the residence of a survivor who resides alone until a designated friend or relative arrives.

After the survivors have recovered from the initial shock of learning of the loss of a loved one, the officers should explain what can be expected of them in the immediate future. The survivors should be informed that it may be necessary for them to identify the deceased. If so, the officers should transport or arrange the transportation of the survivors to and from the hospital or morgue. Survivors should also be informed that State law may require that an autopsy be performed to establish the exact cause of death. If it appears likely that survivors will have to be questioned by other law enforcement personnel, they should be so informed. If it is imperative that the survivors be questioned immediately following notification, it should be conducted with compassion. Prior to departing the residence, the officers should provide the next of kin with their names and telephone numbers so that additional questions can be answered and further assistance rendered, if necessary.

There will be times when the survivors of sudden and unexpected death are not immediately available. In such cases it is suggested that the officers inquire of a neighbor if the next of kin is expected home and at what time. If a survivor is at his place of employment, the notifying officers should proceed there, contact the survivor's supervisor, and request to speak to the survivor privately so that notification can be made. In other cases where survivors are unavailable and the neighbor is able to provide an expected time of arrival, the officers should return at such time to make the notification. If the neighbor is unable to provide a time when the next of kin should be expected home, the officers should explain to the neighbor that there has been a "medical emergency" involving the deceased, and they should request that the neighbor contact

one of them when the survivors return home. The officers should request that the neighbor not provide the next of kin with any information pertaining to the "medical emergency" until they have been officially contacted by the officers. In the event that there is no adult next of kin at home at the time that notification is attempted, it is recommended that the officers inquire as to when an adult is expected home and they should return at that time to accomplish the notification. If the next of kin are out of state and are not expected home, the notification process should be carried out in the same manner as that utilized in notifying family members residing outside of the investigating agency's jurisdiction as set forth below.

In the event that the victim's next of kin reside outside of the investigating law enforcement agency's jurisdiction, the investigating officer should contact the appropriate law enforcement agency in the other jurisdiction. That agency should be requested to make the in-person notification of death as described herein. The investigating officer should request that the notifying officer provide survivors with the investigating officer's name and telephone number in the event that the survivors require additional information or assistance.

When a critically injured person is transported to a hospital, it is recommended that the hospital staff promptly notify the appropriate law enforcement agency. Generally, if the injured person dies shortly after arriving at the hospital the investigating law enforcement officers should assume responsibility for notifying the survivors of the death.

When a critically injured person is brought to the hospital, care should be taken to preserve and label the package containing the individual's clothing and personal effects. These possessions should be secured in accordance with hospital policy, since they may later be significant in establishing the victim's identity, assisting the investigative effort and facilitating the return of property to the victim's next of kin.

Where it is hospital policy to prepare the body of the deceased for viewing by next of kin for identification purposes, investigating law enforcement personnel should permit hospital staff adequate time to properly complete their preparation. It is further recommended that where possible, hospital staff permit survivors sufficient time with the deceased. Where this is not possible survivors should be provided with an explanation.

In a continuing effort to assist the next of kin of death by auto victims and victims of assault by auto, former Attorney General Irwin I. Kimmelman and the 21 County Prosecutors issued a Policy Statement on July 15, 1985. This Policy Statement resulted from discussions with representatives from Mothers Against Drunk Driving (MADD) that followed enactment of P.L. 1985, c. 97, which upgraded the crime of death by auto and established the new offense of assault by auto.

It was determined that there was a need for a statewide policy to ensure that next of kin of decedents in all motor vehicle crashes/accidents, and victims of motor vehicle crashes/accidents who incur serious bodily injury, are provided proper notification of any determination to seek or decline criminal prosecution. The policy states that:

ALL LAW ENFORCEMENT AGENCIES OPERATING WITHIN A COUNTY SHALL NOTIFY THE COUNTY PROSECUTOR OF THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE VICTIM'S NEXT OF KIN IN ALL MOTOR VEHICLE CRASHES/ACCIDENTS INVOLVING DEATH AND OF THE VICTIM IN ALL MOTOR VEHICLE CRASHES/ACCIDENTS INVOLVING SERIOUS BODILY INJURY. THE COUNTY PROSECUTOR SHALL IMPLEMENT INTERNAL PROCEDURES TO ENSURE THAT THE VICTIM OR NEXT OF KIN IS NOTIFIED OF ANY DETERMINATION TO SEEK OR DECLINE CRIMINAL PROSECUTION.

NOTIFICATION OF DEATH SUMMARY

1. Notification of death should be made in person by a law enforcement officer conducting the investigation.
2. Where staffing levels permit, two officers should effectuate the notification, one of whom should be in uniform.
3. Notification should occur as soon as the deceased's identity has been established and the next of kin located.
4. An attempt should be made to ascertain pertinent medical information about surviving family members prior to their being notified so that the officers will be better able to react to potential medical emergencies.
5. Upon arriving at the survivors' residence, the officers should introduce themselves, present their credentials and request admission.
6. If a child answers the door, the officers should request to speak to the child's parents and ensure that notification is being made to the appropriate individual.
7. Survivors should be informed of the death simply and directly.

8. Upon the request of the survivors, the officer should provide as much information as possible regarding the circumstances of the death without jeopardizing a criminal investigation.

9. The officers should ask the survivors if there is anyone they would like to have called to provide assistance or comfort. The officers should not leave a survivor who resides alone until someone designated by him arrives.

10. The survivors should be informed that it may be necessary for them to identify the deceased. If identification is necessary, the officers should transport or arrange for the transportation of the survivors to and from the hospital or morgue.

11. Survivors should be informed that state law may require an autopsy to establish the exact cause of death.

12. Survivors should be informed that other law enforcement officers may need to question them at a future time. If it is imperative that survivors be questioned immediately after notification, questioning should be conducted compassionately.

13. Prior to departing the residence, the officers should provide the survivors with their names and telephone numbers.

14. If surviving family members reside outside of the jurisdiction of the law enforcement agency responsible for investigating the death, the investigating officer should contact the appropriate law enforcement agency in the other jurisdiction. That agency should be requested to make the in person notification as described herein.

15. If a victim is brought to a hospital, care should be taken to preserve and label the package containing the victim's clothing and personal effects.

16. Where it is hospital policy to prepare the body for identification, investigating law enforcement personnel should allow hospital staff adequate time for preparation.

17. When possible, hospital staff should permit survivors sufficient time with the deceased or provide an explanation.

18. All law enforcement agencies operating within a county shall notify the county prosecutor of the name, address, and telephone number of the victim's next of kin in all motor vehicle crashes/accidents involving death and of the victim in all motor vehicle crashes/accidents involving serious bodily injury. The county prosecutor shall implement internal procedures to ensure that the victim or next of kin is notified of any determination to seek or decline criminal prosecution.

III. RELEASE OF INFORMATION AND PROPERTY

Survivors of homicide and sudden death have identified the inability to readily obtain detailed, accurate information regarding the circumstances of the death as a source of frustration and an impediment to a complete resolution of the grieving process.

The following procedures governing the release of information to survivors of homicide and sudden death were designed to alleviate much of the frustration experienced by the victim's next of kin. It is suggested that these procedures be followed when information is requested by survivors. While many survivors will require all available information to successfully deal with the emotional trauma caused by the loss of a loved one, others will be further traumatized by being made aware of the specific details of a death.

In order to ensure that information which can be properly furnished to survivors is made available, it is recommended that each law enforcement agency designate an appropriate staff member to be responsible for coordinating the dissemination of information in all cases involving sudden and unexpected death. It is further recommended, that where two or more law enforcement agencies are involved, the agency that has primary responsibility should handle the dissemination of appropriate information to both the survivors and the media.

Upon request, all information pertaining to a suicide or an accidental death should be made available to the victim's next of kin. The individual responsible for disseminating such information should exercise discretion in doing so. Some survivors may be emotionally able to handle more details than others. Information pertaining to homicide, including death by auto, and suspicious deaths should be made available by the County Prosecutors Office to the victim's next of kin upon their request provided that the release of the requested information will not jeopardize a criminal investigation.

Autopsy information is available to the victim's next of kin upon their written request to the State or County medical examiner. Autopsy reports prepared by the medical examiner are generally

available within thirty days of the autopsy, however, toxicology reports may take longer. In cases involving homicide, death by auto and suspicious death, it is recommended that the medical examiner consult with the County Prosecutor prior to releasing autopsy information.

Release of information to the media shall be governed by Executive Order No. 123, which was signed by Governor Thomas H. Kean on November 12, 1985. It is recommended that specific details pertaining to a death be scrutinized to ensure that the information released will not intensify the grief of surviving family members. It is strongly suggested that the information released regarding the death be made available to survivors prior to its release to the media.

It is recommended that hospital staff and funeral service personnel provide only that information to the next of kin which is within their specific areas of responsibility. Hospital staff and funeral service personnel should refer survivors and members of the media to the responsible law enforcement agency for any other information.

In addition to obtaining detailed, accurate information regarding the circumstances of a death, survivors have indicated that they frequently encounter difficulty in securing the return of the deceased's personal property. The following procedures governing the return of property are recommended. In cases involving homicide and suspicious death where initially the victim is brought to the hospital, it is suggested that the investigating law enforcement officer take possession of the victim's clothing and personal effects in compliance with hospital procedure. In those cases where an investigation has determined that a death is accidental, all of the victim's personal property should be returned to surviving family members in accordance with New Jersey law. All property not deemed pertinent to a criminal investigation should be released promptly. Wherever possible, property which is determined to be essential to a criminal investigation and is normally physically retained should be photographed and returned upon the approval of the County Prosecutor. If it is determined that the victim's property cannot be promptly released, a designated law enforcement officer should explain the reason for withholding the property and ensure that it is returned when possible.

When the Working Group reconvened in September, 1985 it was agreed that a pamphlet entitled "Survivors Rights to Information and Property", which had been discussed in the original meetings of the Working Group, should be developed for the survivor or significant other to assist in the grieving process by answering questions often asked by survivors. The Working Group agreed that survivors need this information within 72 hours after the death of a loved one and the only common denominator for all survivors in this time period is the funeral director. The newly created Office of Victim-Witness Advocacy in the Division of Criminal Justice and the Office of Victim-Witness Assistance in the Violent Crimes Compensation Board agreed to publish the pamphlet, and the Board of Mortuary Science in the Division of Consumer Affairs agreed to handle its distribution. Further, the Board of Mortuary Science was requested to determine that distribution of this pamphlet by funeral directors to survivors be a mandatory

requirement to be set forth in the New Jersey Administrative Code.

All hospital emergency room personnel, law enforcement officers, and others who have contact with survivors of homicide and sudden death should be familiar with the pamphlet entitled "Survivors' Rights to Information and Property."

RELEASE OF INFORMATION AND PROPERTY SUMMARY

1. Every law enforcement agency should designate an appropriate staff member to coordinate the dissemination of information pertaining to all sudden and unexpected deaths.
2. All information pertaining to a death which has been determined to be a suicide or otherwise accidental should be made available to the victim's next of kin upon their request. Discretion should be exercised so that the survivors are not provided details which might produce additional trauma.
3. In homicides, including death by auto, and cases involving suspicious death, information which will not jeopardize a criminal investigation should be provided by the county prosecutor's office to the survivors upon their request. Discretion should be utilized when providing details regarding the circumstances of the death which might further traumatize the survivors.
4. The state or county medical examiner shall provide a copy of the autopsy report upon the written request of the next of kin except in homicides, death by auto or suspicious deaths, whereupon the medical examiner should consult with the county prosecutor prior to its release.
5. Executive Order No. 123 shall govern the release of information to the media. Information should be provided to survivors prior to its being released to the media. Information concerning details of the death should be scrutinized to ensure that its release will not intensify the grief of the survivors.
6. Hospital staff and funeral service personnel should release only that information which is related to their specific area of responsibility. All other requests for information should be referred to the appropriate law enforcement agency.
7. In those cases involving accidental death, the victim's personal effects should be promptly returned. In homicides, including death by auto, and suspicious deaths, property not deemed

pertinent to a criminal investigation should be released promptly. Property which is determined to be essential to a criminal investigation and is normally retained should be photographed and returned upon the approval of the county prosecutor. If it is determined that the property cannot be promptly released, a designated law enforcement officer should explain the reason for withholding property and ensure that it is returned when possible.

8. Funeral directors shall provide survivors with a copy of the pamphlet entitled "survivors rights to information and property" within 72 hours after the death of a loved one.

IV. ASSISTANCE TO SURVIVORS

Survivors, especially survivors of homicide and sudden death, experience a period of intense grief as a result of the death of a loved one. In order to enable the surviving family members to successfully resolve their grieving process, it is necessary for those having contact with them to provide assistance and attempt to meet their needs.

A compassionate notification procedure and access to information pertaining to the death do much to facilitate the resolution of the grieving process. The survivors, however, may require other types of assistance to successfully overcome the trauma associated with the death of a loved one. Inasmuch as survivors will be notified of the death by law enforcement personnel, will arrange for burial, and frequently will have contact with hospital personnel, it is suggested that law enforcement, funeral service and hospital personnel be familiar with the various types of other assistance which may be required by survivors of homicide and sudden death.

The following are some of the types of assistance which may be required by survivors.

In those cases where the decedent was the primary source of family income, financial assistance will be of paramount importance. If financial need is demonstrated, survivors should be directed to the municipal or county welfare department. Where children are involved, and the integrity of the family is temporarily endangered because of financial hardship, the Division of Youth and Family Services will provide indirect emergency financial aid. Every police department and health care facility which provides emergency medical care must by statute make available and post information pertaining to assistance provided by the Violent Crimes Compensation Board. In cases of homicide, survivors should be provided assistance in completing the Violent Crimes Compensation Board claim form. In addition, survivors should also be directed to the regional Social Security office to apply for available benefits and should be reminded of potential insurance and pension benefits.

Many survivors may require counseling services to help resolve the emotional crisis resulting from the sudden and unexpected death of a loved one. Information regarding counseling agencies can be obtained from the County Offices Victim/Witness Advocacy within the Prosecutor's Office and from the Violent Crimes Compensation Board's Counseling Services Program. In many areas, the United Way Human Services Directory which contains a listing of counseling agencies and other services may be of assistance to survivors of sudden and unexpected death and ensure that they are referred to the appropriate agencies.

In addition, there are support groups, many of which have chapters in New Jersey, that may provide assistance to survivors of sudden and unexpected death. These include the Compassionate Friends, an organization which assists parents of deceased children resolve the grief experienced as the result of their loss; Parents of Murdered Children (POMC), a group whose purpose is to provide emotional support to parents of children who were victims of homicide; Justice for Murder Victims (J.M.V.), a group dedicated to helping the families of murder victims through the trauma they suffer; and Mothers Against Drunk Driving, (MADD) an organization which provides emotional support to individuals who have experienced the death or injury of a family member as a result of drunk driving. A complete listing of support groups is published in the Self Help Group Source Book which is available through the New Jersey Self Help Clearinghouse.

Assistance to survivors has also been accomplished through enactment of law. On July 31, 1985, Governor Thomas H. Kean signed into law the "Crime Victim's Bill of Rights" which specifically defines a victim to include the nearest relative of the victim of a criminal homicide and requires that information be provided about financial assistance and social services. On January 13, 1986 Governor Thomas H. Kean signed into law the "Drunk Driving Victim's Bill of Rights" which provides that in the event of a death, "victim" means surviving spouse, a child of the next of kin and also mandates that assistance be provided.

Since survivor needs are often unique, it is difficult to determine all forms of assistance which may be required. It is equally difficult to identify all available resources to meet those needs. It is recommended that law enforcement, funeral service, and hospital personnel attempt to identify the resources within their geographic or jurisdictional area which may prove useful in their effort to facilitate the survivors' recovery from the trauma produced by the sudden and unexpected death of a loved one.

ASSISTANCE TO SURVIVORS SUMMARY

1. Law enforcement, funeral service, and hospital personnel should attempt to meet the needs of survivors of sudden and unexpected death.
2. Where financial assistance is required, survivors should be referred to the appropriate agency.
3. Various offices and support groups in New Jersey are available to provide assistance to survivors of homicide and sudden death.
4. Assistance to survivors has been accomplished through enactment of the "Crime Victim's Bill of Rights" and the "Drunk Driving Victim's Bill of Rights."
5. Law enforcement, funeral service, and hospital personnel should attempt to identify resources within their geographic or jurisdictional area which can assist survivors.

V. CASE STATUS

The Division of Criminal Justice and the County Prosecutors have determined that crime victims and witnesses have the right to be advised of the status and outcome of the criminal case in which they are involved. As a result, victims and witnesses are informed of the outcome of their case at each stage of the criminal justice process. Survivors of homicide, which include manslaughter and death by auto, have now become a part of this notification procedure.

In addition, survivors are informed of their right to make a victim impact statement to the probation department regarding how the crime has affected their lives. This statement will be considered by the Court prior to imposition of the sentence upon the defendant. Also, it is now possible for survivors as well as other crime victims to make a victim input statement or give testimony at a parole hearing.

The role of the Division of Criminal Justice and the Violent Crimes Compensation Board have been expanded due to recent enactment of the P.L. 1985 c. 404, effective April 9, 1986. This law establishes and delineates the responsibilities of the newly created Office of Victim-Witness Advocacy within the Division of Criminal Justice as well as the County Offices of Victim-Witness Advocacy within the 21 County Prosecutors' Offices. The statute provides for the Attorney General, through the State Office of Victim-Witness Advocacy and in consultation

with the County Prosecutors, to promulgate standards for all law enforcement agencies to make sure that crime victims' rights are enforced. The standards will require the State and County offices of Victim-Witness Advocacy to provide 16 statutorily mandated services to victims and witnesses. These will include orientation information about the criminal justice process and crime prevention, social services and available compensation. In addition, this statute created an Office of Victim-Witness Assistance within the Violent Crimes Compensation Board which will develop and coordinate a statewide victim-rights information program.

CASE STATUS SUMMARY

1. Survivors of homicide, which includes manslaughter and death by auto, shall be notified of the status and outcome of the criminal case.
2. Survivors shall be informed of their right to effectuate victim impact statements which will be considered by the court prior to sentencing and the parole board prior to granting parole.
3. Survivors should receive the services and assistance required by the attorney general victim-witness standards for law enforcement agencies

VI. ORGAN DONATIONS/TRANSPLANTS

The New Jersey State Legislature, as well as many public and private agencies and organizations, have recently focused their attention upon organ donations. A Uniform Anatomical Gift Act card, available through the Division of Motor Vehicles and the New Jersey State Bar Association's "Give the Gift of Sight and Life" pamphlet, is a mechanism for indicating that a person desires to make an anatomical gift; including the donation of an organ. The Uniform Anatomical Gift Act provides that if an individual signs a donor card in the presence of two witnesses, it becomes a legal document. However, it is strongly suggested that individuals wishing to donate organs inform their next of kin of their wishes so that the next of kin will give permission for the organ donation upon the individual's death. It should be noted that not all organs intended to be donated can be accepted upon the death of the deceased. The age and past medical history of the potential donor, and the condition of the organ, may make that individual an unsuitable candidate for organ donation.

When the issue of organ donation is approached in a sensitive manner, experience has shown that the survivors can be helped through the grieving process by knowing that the deceased has been

able to make an anatomical gift. Many families are comforted by the fact that some good may come from their family's tragedy.

ORGAN DONATIONS/TRANSPLANTS SUMMARY

1. Experience has shown that making an anatomical gift has positive effects on the surviving family members.

VII. CONCLUSION

As is true of all areas of law enforcement, no two sudden and unexpected death situations are exactly alike. There is no perfect way to notify surviving family members of the death of a loved one. There is no clearly identified procedure for determining what information can or cannot be provided to the victim's next of kin in every case. The types of assistance required by survivors will differ. Therefore, the recommendations provided herein are in the nature of guidelines. They are designed to ensure that survivors of sudden and unexpected death are afforded the same treatment provided to every other crime victim.

The revised guidelines will be widely disseminated to law enforcement agencies, health care facilities and funeral homes and hopefully will continue to be utilized in the day to day activities of such agencies. It is also our hope that the distribution of the pamphlet entitled "Survivors Rights to Information and Property" by funeral home directors will help alleviate some of the stress associated with the death of a loved one. Although the basic training course for newly appointed police officers mandated by the Police Training Commission includes proper treatment of these guidelines, it is recommended that in-service training for police officers regarding the guidelines, specifically in the area of death notification, be conducted on a county/regional level for line supervisors who in turn will instruct officers within their own police department. The Working Group grew closer together while revising these guidelines through the exploration of problems experienced by survivors of sudden and unexpected death. The Working Group is pleased that the law enforcement community and others have joined us in recognizing that survivors of homicide or sudden death are indeed victims. Thus, the Working Group recommended that these Revised Homicide and Sudden Death Survivors Guidelines be announced along with the pamphlet entitled "Survivors Rights to Information and Property" at the Crime Victims' Rights Week Seminar.

1. For purpose of this report, family member also includes significant others.