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**Best Practice Recommendation for Communicating with
Next of Kin during Medicolegal Death Investigations**



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Best Practice Recommendation for Communicating with Next of Kin during Medicolegal Death Investigations

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Foreword

When a medicolegal death investigation occurs, next of kin may have questions and concerns for the medicolegal death investigation authority. The ability of medicolegal death investigation professionals to communicate with next of kin may have a direct impact on how they react following a death, view the medicolegal death investigation system, and cooperate with the investigation.

The best practices outlined in this document address sensitivity in the delivery of information, associated training, dissemination of information including cause and manner of death, recognizing and accommodating cultural and religious beliefs, and timely response to next of kin inquiries. The recommendations herein are also applicable to communications with other family members of the deceased who are not the legal next of kin.

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This document was revised, prepared, and finalized as a standard by the Medicolegal Death Investigation Consensus Body of the AAFS Standards Board. The draft of this standard was developed by the Medicolegal Death Investigation Subcommittee of the Organization of Scientific Area Committees (OSAC) for Forensic Science.

Questions, comments, and suggestions for the improvement of this document can be sent to AAFS-ASB Secretariat, asb@aaafs.org or 410 N 21st Street, Colorado Springs, CO 80904.

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Best Practice Recommendation for Communicating with Next of Kin during Medicolegal Death Investigations

1 Scope

This document provides recommendations for medicolegal death investigation authorities communicating with next of kin during an investigation including delivery of information, associated training, dissemination of information, recognizing and accommodating cultural and religious beliefs, and timely response to inquiries. This document does not address specific investigative practices.

2 Normative References

There are no normative reference documents. Annex E, Bibliography, contains informative references.

3 Terms and Definitions

For purposes of this document, the following definitions apply.

3.1

cause of death

Medical opinion of the disease or injury that resulted in a person's death

3.2

decedent

Deceased person or any suspected human remains

3.3

family liaison

A member of the medicolegal death investigation team tasked with providing assistance and support to decedent's families

3.4

forensic pathologist

Physician who is board-certified in forensic pathology by an accredited credentialing body; currently American Board of Pathology and American Osteopathic Board of Pathology

3.5

manner of death

Classification system based on the circumstances under which death occurred and any available postmortem findings, as known to the MDI authority at the time of certification; usually consists of accident, homicide, natural, suicide, and undetermined. Manner of death classification is a statutory function of the medicolegal death investigation authority, as part of death certification for purposes of vital statistics and public health, and does not imply a legal or judicial conclusion

3.6

medicolegal death investigation

Formal inquiry into the circumstances surrounding the death of a human being; investigative information is considered with autopsy findings and adjunctive studies (if performed) to determine the cause and manner of death

3.7

medicolegal death investigation authority

Person or persons whose duty it is to perform medicolegal death investigations for a designated jurisdiction, and ensure certification of cause and manner of death; duties vary based on local enabling statutes

3.8

medicolegal death investigator

Individual who performs medicolegal death investigations and includes those who have not completed the requirements for certification and are not certified

3.9

next of kin

The person(s) who stand(s) in the closest legally recognized relationship to a deceased individual.

3.10

postmortem examination

Examination of a decedent and associated information by a forensic pathologist or other medical personnel certified to perform such examinations; this may include autopsy, external examination, ancillary tests, evaluation of circumstances, review of medical records and other contextual information.

4 Recommendations

4.1 General

The medicolegal death investigation (MDI) authority should comply with all of the recommendations outlined in this document

4.2 Training of Medicolegal Death Investigation Authorities

Training content should include communication styles, notification of death, communicating with individuals in crisis, effective crisis intervention, fundamental aspects of grief and loss, physical and psychological effects of trauma, responding to angry reactions and managing hostile situations, and the management and return of personal effects, as relevant to individual duties. Examples of appropriate training providers include experienced medicolegal death investigation professionals, victim assistance programs, mental health professionals involved in trauma intervention, bereavement programs, hospice programs, and organizations dealing with sudden, unexpected deaths. Annex A provides examples of suggested resources.

4.3 Information Provided to Next of Kin

4.3.1 Next of kin should be informed that an ongoing medicolegal death investigation will be performed to assist in the determination of the cause and manner of death.

4.3.2 Additional steps, including the extent of any postmortem examination, possible accommodations for religious, cultural, and other individual beliefs, and the potential for organ, eye, and/or tissue donation, should be discussed.

4.3.3 The MDI authority should convey preliminary investigative circumstances, condition of the decedent's body, timeframes, how information will be shared, information addressing frequently asked questions (see Annex B), and who the next of kin can contact should they have additional questions.

4.3.4 Grieving next of kin may have difficulty processing information verbally and remembering details. The MDI authority should provide information on the medicolegal death investigation process and available resources in multiple formats.

4.3.5 The information should include answers to common questions in easily understood language. Offering the same information in commonly spoken languages is encouraged.

4.3.6 Access to interpreters not related to the decedent or the investigation should be provided, including sign language.

4.3.7 The MDI authorities should employ family liaisons or social workers to provide information to and answer and direct questions from next of kin throughout the medicolegal death investigation.

4.4 Recognition of Cultural, Religious, and Other Beliefs

4.4.1 The MDI authority should recognize and accommodate cultural, religious, and other beliefs as practicable. For additional resources, see Annex A.

NOTE Grief is a unique and personal experience based on multiple factors, including cultural, religious, or other beliefs. Communication is most effective if the MDI authority recognizes and accommodates the grief and related needs expressed by next of kin to the extent that the investigation allows. The medicolegal death investigation may alter mourning rituals, which may create uncertainty, additional frustration, and stress.

4.5 Resources for Grief and Final Disposition Assistance

4.5.1 Information provided should include crime victim assistance programs, advocacy and family support programs, bereavement counseling and support groups, including cause-of-death specific organizations, and disposition assistance, as applicable (see Annex C). Information can be supplemented by a handout (see Annex D) and information on the MDI authority's public-facing website.

4.5.2 Handouts and website information should be made available to law enforcement personnel and hospitals to provide to family members in the absence of an on-scene medicolegal death investigator.

4.6 Communication with Next of Kin

4.6.1 The MDI authority should have a policy regarding how, when, and which next of kin are contacted.

4.6.2 The method of communicating the cause and manner of death to next of kin should be determined early in the investigation.

4.6.3 If the next of kin have a specific preference for communication, it should be documented, and consideration should be given to accommodating their wishes.

4.7 Obtaining Legal Documents and Reports

4.7.1 The MDI authority should ensure that next of kin understand their right to access and obtain medicolegal death investigation report(s) and death certificate.

4.7.2 Next of kin should be provided the medicolegal report(s), if desired and legally allowed. Medicolegal death investigation reports may include postmortem examination reports, medicolegal death investigative reports, toxicology reports, and other ancillary testing or consultation reports.

4.7.3 Some next of kin may want to know the cause and manner of death, but they may not want copies of the report(s). The cause and manner of death can be communicated verbally or in writing, as allowed by law. Information should be delivered concisely but with sensitivity and compassion.

4.8 Inquiries

4.8.1 Inquiries from next of kin should be responded to in a timely manner by the MDI authority suitable to reply.

4.8.2 Complicated postmortem findings should be communicated by the forensic pathologist. In circumstances when next of kin requests for communication are excessive and/or repetitive, consider utilizing local or national resources to assist in their grief and coping with the medicolegal death investigation process (see Annex C).

Annex A **(informative)**

Communication Resources

The following resources are provided to assist the MDI authority in communicating with next of kin.

- 1] *Death Notification with Compassion, FBI Teams Up with Penn State to Offer Online Training*. FBI Online News. www.fbi.gov/news/stories/death-notification-with-compassion
- 2] *Trauma Notification Training, Providing trauma notifications with professionalism, dignity, and compassion*. Online course developed by the Federal Bureau of Investigation's Victim Services Division. www.deathnotification.psu.edu
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Annex B **(informative)**

Frequently Asked Questions

The following questions are commonly asked by families, and it is the responsibility of the MDI authority to answer the questions honestly and respectfully. The questions can also be answered in written materials to provide to families and/or have available on their website in addition to information on grief resources.

- 1) Where are they (being mindful of gender)?
- 2) Can I see them?
- 3) Do I need to identify them? How will they be identified?
- 4) What do I do now?
 - a) Include information on final disposition
 - b) Advise family they need to provide the medical examiner or coroner office with information on their choice of final disposition
 - c) Do not promote or endorse any specific funeral home to avoid conflicts of interest
- 5) Why is the medical examiner or coroner office involved?
 - a) Provide legal requirements
- 6) Will an autopsy be performed? Is there a charge?
- 7) Can I refuse an autopsy?
- 8) Why are autopsies performed? What are they? Who performs them?
- 9) When will they be released? What is the timing?
- 10) How can I obtain a death certificate?
- 11) Who is responsible for making arrangements?
- 12) Are they viewable?
- 13) How do I recover personal effects and clothing collected by the medical examiner or coroner office?
- 14) Who can I contact with questions?
- 15) How do I learn the cause and manner of death?

- 16) If their identification is pending, what information can be shared?
- 17) What does it mean for a cause of death to be “pending?”
- 18) What information is available publicly?
- 19) Can I meet with the medicolegal death investigator or forensic pathologist?
- 20) How can I get financial aid to assist with disposition?
- 21) How/where can I get assistance with scene (crime scene, fire scene, etc.) clean up?

Annex C **(informative)**

Abbreviated Listing of National Advocacy/Family Support Programs and Resources

The following resources are provided to assist the MDI authority in supporting the next of kin with crime victim assistance programs, advocacy and family support programs, bereavement counseling and support groups, including cause-of-death specific organizations, and disposition assistance, as applicable.

- Compassionate Friends, Inc. www.compassionatefriends.org 877-969-0010
- The Dougy Center for Grieving Children www.dougy.org 866-775-5683
(Materials tailored to children and adolescents, will refer to local support resources)
- First Candle www.firstcandle.org 800-221-7437
- Grief Recovery Resources – The Center for Grief Recovery www.griefcounselor.org
- Mattel Children’s Hospital UCLA Support Groups
<https://www.uclahealth.org/hospitals/mattel/patient-family-guide/admissions-information/support-services>
- MISS Foundation www.missfoundation.org
- Mothers Against Drunk Driving (MADD) www.madd.org 800-GET-MADD
- National Organization of Parents of Murdered Children, Inc www.pomc.com 888-818-POMC
- National Center for Victims of Crime victimsofcrime.org/ 202-467-8700
- National Organization for Victim Assistance www.trynova.org 800-TRY-NOVA
- SADS Foundation www.sads.org 800-STOP-SAD
- Sesame Street Grief Resource sesameworkshop.org/topics/grief/
- Sudden Unexplained Death In Childhood Foundation www.sudc.org 800-620-SUDC (7823)
- Tragedy Assistance Program for Survivors (TAPS) – (for military families) www.taps.org 800-959-8277

Annex D **(informative)**

MEC Office Brochure Examples

The following resources are examples of handouts and information that can be provided on the MDI authority's public facing website.

- When a loved one dies – Hennepin County Medical Examiner. www.hennepin.us/-/media/hennepinus/residents/public-safety/medical-examiner/medical-examiner-information-for-families.pdf
- Frequently Asked Questions – Regional Medical Examiner's Office – Washoe County, NV. <https://www.washoecounty.gov/coroner/faq/index.php>
- Family Brochure Folder https://drive.google.com/drive/folders/1R1651DrHAsfRrKrj0a1haPtx8IG_N5LT

Annex E **(informative)**

Bibliography

The following bibliography is not intended to be an all-inclusive list, review, or endorsement of literature on this topic. The goal of the bibliography is to provide examples of publications addressed in the standard.

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