

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

SKELETAL REMAINS / BONES
SUBJECT

DATE: June 5, 2019

NO: R-5

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: **Skeletal Remains/Bones**
Cremated Remains

I. POLICY

Officers may be dispatched to a location where skeletal remains/bones are discovered. A supervisor will also be notified and will respond as necessary. Officers will attempt to determine if the remains/bones are human and if so, determine if they are related to a crime.

Skeletal remains and bones that may be human are sometimes located or unearthed (most typically during construction projects). The remains/bones may be related to a crime, but frequently are not. Such remains, if human, may be from an American Indian, a burial site, a pioneer cemetery, an unmarked family burial plot, or have some other explanation unrelated to criminal activity. The following is a guideline for cases where skeletal remains or potentially human bones are found.

II. LAW

- A. Officers will comply with all local, state, and federal laws, as well as any tribal compacts dealing with the disposition, transportation and storage of human remains including Indigenous American Peoples.
 - 1. There are numerous code sections from a variety of State and Federal sources, including: The Constitution of the United States, the Business and Professions Code, the Civil Code, the Code of Civil Procedure, the Government Code, the Public Resource Code, the Revenue and Taxation Code, the Unemployment/Corporation Code, the Vehicle Code and the Welfare and Institutions Code, which regulate Cemeteries, Funeral Directors, and Coroners as to the disposition, storage, and possession of human remains.

III. PROCEDURE:

- A. Officers will be dispatched to the location where skeletal remains/bones are discovered. Officers will secure and ensure that no further excavation or disturbance of the site occurs until a further determination is made. A supervisor will also be notified and will respond as necessary.
 - 1. If possible, the officer shall determine if human.
 - a. If the officer, using his/her expertise, is able to determine that the remains/bones are human, he/she should then notify the San Joaquin County Coroner's Office who then will attempt to determine whether the remains/bones are contemporary (modern) or indigenous (native to the area).
 - 2. If the remains/bones are human and contemporary:
 - a. The officer, through their chain of command, should advise the on call Robbery/Homicide Sergeant.

3. If the remains/bones are human but do not appear to be contemporary: i.e., worn dental work, yellowish and crispy bones or fossilized, you may have Native American remains. If they are determined to be consistent with Native American remains:
 - a. Contact the San Joaquin County Coroners office. Once the Coroner advises that the bones are non-contemporary and do not appear to be related to a crime, Stockton Police officers do not need to stay on scene any longer
 - b. Complete a Significant Incident Report (routed to the Coroner). Insure the property owner's/representatives contact information: name, address and phone number is documented in the Significant Incident Report.
 - c. If on private property, the property owner is responsible to keep the site secure until the coroner can respond and a final determination made. If the remains are determined (by the Coroner) to be Native American, the remains shall be left in place and secured from further damage or disturbance by further development or activity until the landowner has discussed and conferred with the Most Likely Descendant, as prescribed under the Public Resources Code, Section 5097.98.
 - d. If on public property, notify the Coroners office for a final determination.
4. If you are unable to determine what type of bones you have and they appear contemporary:
 - a. Animal Control may be able to assist you and will take animal remains.
 - b. Pathologists are available to respond to make a determination. Contact the Coroners office for coordinating a pathologist response.
 - c. The patrol supervisor should be contacted and made aware of what you have. He/She may need to respond and make a further determination.
5. Human remains which have been determined to have been legally cremated are not considered skeletal remains or body parts. Cremated human remains are to be treated as personal property.
 - a. Every effort will be made to contact the mortuary which originally processed the cremains to determine the lawful owner.
 - b. If the lawful owner can be determined, every effort should be made to return the remains. If the owner cannot be determined or contacted, the cremated remains may be booked as property. Cremated remains shall not be destroyed without the approval of the Technical Services Division Commander.
 - c. Complete the appropriate significant incident report or crime report documenting the efforts made to contact the mortuary and legal owner.

Every situation is different, so utilize the Robbery/Homicide Unit for expertise if needed. The San Joaquin County Coroners office can also be utilized as a resource. It is **not** appropriate to book remains of any kind into the evidence room. **You will be expected to conduct an investigation prior to contacting any of the on-call personnel.**