

 MIDDLETON POLICE DEPARTMENT	DATE February 21, 2013	POLICY 6.1.08
	REVIEWED September 20, 2017	
SUBJECT: Anatomical Gifts		

Refer to: [157.06\(12\)](#)
History: 2/2013; 06/2015
[WILEAG \(5th Ed.\) Standards](#): 6.1.8

PURPOSE

The purpose of this policy is to comply with Wis. Stat. Sec. [157.06\(12\)](#) which requires that law enforcement officers or other first responders make a search of an individual who is deceased or near death for a record to determine if the party is an anatomical donor.

POLICY

It is the policy of the Middleton Police Department to ensure officers make a search of individuals who are deceased or near death for any record to determine if the person is an anatomical donor.

DEFINITIONS

Anatomical Gift - A donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research or education.

Donor - An individual whose body or part is the subject of an anatomical gift.

Record of Gift - A donor card or other record used to make an anatomical gift, including a statement or symbol on a driver's license or identification card or in a donor registry.

Record of Refusal - A record that expressly states an intent to bar other persons from making an anatomical gift of an individual's body or part.

PROCEDURE

- A. Pursuant to Wis. Stat. Sec. [157.06\(12\)](#), a law enforcement officer, fire fighter, emergency medical technician, first responder or ambulance service provider who reasonably believes an individual to be dead or near death, is required to make a reasonable search of the individual for a record of gift or a record of refusal or other information identifying the individual as a donor or as an individual who has refused to make an anatomical gift.
- B. If a law enforcement officer responds to a scene where an individual is dead or near death, the officer must take into consideration that the individual may possibly be an organ donor.

- C. The officer must make a reasonable search of the individual for a record of gift or a record of refusal. The record of gift can be in the form of a donor card or a statement on the individual's driver's license or State Department of Transportation identification card that they are a donor. The fact that the driver's license or identification card, on which the anatomical gift is made, is revoked, suspended, expired or cancelled does not invalidate the anatomical gift.
- D. If an officer locates a record of gift or a record of refusal, the officer shall forward this record to the hospital, if the person is transported to a hospital. An officer is immune from criminal and/or civil liability for failure to discharge their duty to search. However, the officer may be subject to administrative discipline for failure to perform this duty.
- E. In conducting a search for a record of gift or refusal, the officer should take into account the fact that law requires a reasonable search. Therefore, the officer must weigh the need to provide medical assistance to the individual and possible criminal investigation procedures in the incident. If the individual appears to be near death, officer safety and the safety of the public is paramount. The officer should render first aid within their abilities and summon emergency medical personnel. In many of these situations, it may be prudent for the officer not to move the body and leave the search to the emergency medical personnel.
- F. If an officer responds to a scene where the individual is deceased, the officer should utilize the following procedure. If the death is perceived to have been from natural causes, the officer shall contact the medical examiner's office and advise them of the circumstances of the death and obtain clearance to release the body. Once this is obtained, the officer may conduct a reasonable search for the record of gift or record of refusal.
- G. If the death is perceived to be a possible homicide, suicide or the result of an accident, the officer shall not immediately conduct a search for the record of gift or record of refusal. At this point, the officer should treat the area as a crime scene.
- H. If an individual is deceased and the remains are going to the Medical Examiner's Office, no search shall be required.