**Positive Identification**

**Policy**

This policy establishes the procedure to be followed to make a positive identification of a decedent.

**Purpose**

It is the responsibility of the Coroner’s Office to ensure that the decedent's identity is accurate and has been confirmed prior to release of the body to a funeral home. The forensic and investigative staffs will work together to positively identify decedents through the use of investigative and forensic standards.

 The Coroner’s Office will use the resources available to them to ensure that a positive identification is made in a timely yet appropriate manner. The following procedures will be used to establish positive identification:

***A) Facial Recognition***

1. Facial recognition may be accomplished by a physical viewing of the body by a family member or a friend of at least six months acquaintance. Recent acquaintances will not be allowed to make a positive identification. If a family member or friend is not available, medical personnel who have had direct contact with either the decedent or a family member will be asked to make identification.

1. Identification may be made from a photograph viewed by a family member or a long-time friend if it is the opinion of the Medicolegal Investigator that the photograph resembles the decedent. Photo ID’s or a postmortem photograph may be used. The postmortem photograph must clearly display the decedent's features and/or profile.

1. If injuries are noted to the face/head, the Medicolegal Investigator will take additional steps to ensure the quality and appropriateness of any photographs taken.

***B) Circumstantial***

Circumstantial identification is acceptable as long as identification is made by family, friends, hospital or law enforcement. Photo ID’s are acceptable as a means of identification. Decedent must be identifiable. Friends must have known the decedent for 6 years.

***C)  Not Facially Recognizable***

If identification cannot be made by viewing the face of the decedent, distinguishable features, such as tattoos, scars, birthmarks, deformities or any other unusual attributes may be used to make identification. In all such cases, a senior Medicolegal Investigator and/or a Forensic Pathologist must approve the identification.

***D)******Fingerprint Comparison***

1. A qualified fingerprint examiner will make a comparison between postmortem fingerprints and ante mortem fingerprints taken by an outside agency if such prints have been taken.

1. If a copy of the decedent’s fingerprint cards has been sent to an outside agency for comparison and a response is received indicating that a positive identification was made, the receiving Medicolegal Investigator will attach the written response to one original fingerprint card, along with the copies that were sent. This information will be attached to the computer file and then filed in the decedent’s case file.

***E) Radiographs ( NOT APPLICABLE TO KCCO)***

1. **Coroner’s office procedures:**

a.) If identification is to be made by an x-ray comparison (either dental or body x-ray), the ante mortem x-rays will be obtained from a medical facility and/or physician's office by a Medicolegal Investigator, or the Medicolegal Investigator will request that the x-rays be sent to the coroner's office.

b.) The ante mortem x-rays will be given to forensic staff along with the postmortem x-rays, for a comparison.

c.) If the Forensic Pathologist is unable to make a positive identification, he/she will indicate that in the     follow-up investigative report, clarifying that either he/she was unable to make the identification or that    identification could not be made because of the quality of the ante mortem or postmortem x-rays.

**2.** **Outside Radiologists**: ( SEE KCCO MOU’S)

If necessary, the forensic staff will confer with an outside radiologist to establish identity. The forensic staff will arrange to have a Medicolegal Investigator take the x-rays to the radiologist for examination.

**3. Odonatologists: ( SEE KCCO MOU’S)**

a.) When an odonatologist has completed his/her examination, he/she will physically give the x-rays, charts, etc. to a coroner designee who will hand deliver them to the coroner office.

b.) The odonatologist will indicate on his/her form that a positive identification has been made based upon the comparison.

The follow-up Medicolegal Investigator will update all case information and will contact the decedent's family.

***F) DNA***

1.If identification must be established using DNA evidence, a comparison will be made between the decedent and known first degree relatives. The DNA testing will be conducted at a nationally approved lab/agency. That agency or lab will submit a report which will be retained in the decedents file.

2. In cases where identification cannot be made, the decedent will remain unidentified, and the case will be turned over to Kootenai County for disposition.

***G) Authority of Medicolegal Death Investigator in establishing Identity***

Decomposed bodies, mummified bodies, or bodies distorted due to severe injury usually prohibit accurate visual identification. The investigative and forensic staffs will confer on cases which are questionable and will jointly accept or reject the accuracy of visual identification. In the event that questions arise, the staff is directed to proceed to the next available logical form of establishing identification.

Once identification is established, the person making the identification will make a written report which will become part of the case file.

No policy can or will address all issues that may arise when attempting to establish positive identification of a decedent. The goal of this policy is to provide a logical work procedure and to formalize methods of identification already being utilized. Common sense and good judgment must always prevail.

***Follow-up Investigation when a Positive Identification Cannot be Made.***

A) If an identification card or driver’s license belonging to, or believed to belong to, the decedent is available, it will be properly affixed to the case file and kept with the follow-up investigation until positive identification is made.

B) The follow-up investigation to determine the identity of the decedent will include but not be limited to: contacting the proper agency and obtaining copies of ante mortem fingerprints, ante mortem dental x-rays or ante mortem body x-rays.

C) The follow-up investigation to locate and notify the legal next of kin will include but not be limited to:

* Contacting other family members and/or friends
* Conducting extensive Internet searches, TLO etc.
* Contacting previous places of employment
* Contacting other law enforcement agencies that may have dealt with the decedent
* Contacting addresses, past or present, where the next of kin may have lived
* Contacting outside agencies for assistance in making the notification

D) If after identification is made and the legal next of kin cannot be located, the case will be turned over to the Kootenai County Public Administrator for review and final disposition.

E) All unidentified case files or files in which the next of kin has not been located, will be maintained in their entirety for an indefinite period of time. All DNA samples that can aid in identification will be kept indefinitely.