



POLICY & PROCEDURE

PORTAGE POLICE DEPARTMENT

SUBJECT: **ANATOMICAL GIFTS**

SCOPE: All Department Personnel
DISTRIBUTION: Policy & Procedures Manual

REFERENCE: WI State Statute: 157.06(12)

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STANDARDS: 6.1.8

PURPOSE: The purpose of this Policy & Procedure is to provide guidance to officers of the Portage Police Department in identifying individuals who are anatomical gift donors or those who have refused to make an anatomical gift.

This Policy & Procedure consists of the following numbered sections:

- I. DEFINITIONS
- II. PROCEDURE

I. DEFINITIONS

- A. **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.
- B. **DONOR** - an individual whose body or part is the subject of an anatomical gift.
- C. **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.
- D. **RECORD OF REFUSAL** - a record that expressly states intent to bar other persons from making an anatomical gift of an individual's body or part.

II. PROCEDURES

- A. Pursuant to WI State Statute 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 deceased 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 deceased or near death, the officer must take into consideration that the individual may possibly be an organ donor. Therefore, the officer must make a reasonable search of the individual for a record of gift or a record of refusal.
- C. 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 sanction 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.
- F. If the individual appears to be near death, officer safety and the safety of the public are paramount. The officer should render first aid within their abilities and summon emergency medical personnel. In many of these situations, it may prudent for the officer to not move the body and leave the search for a record of gift to the emergency medical personnel.
- G. If an officer responds to a scene where the individual is deceased, the officer should utilize the following procedure. The officer shall contact the Columbia County Medical Examiner's Office and advise them of the circumstances of the death. In coordination with the Medical Examiners Officer, a reasonable search for the record of gift or record of refusal shall be conducted.
- H. 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. A search for the record of donation or refusal should be conducted only after the approval Columbia County Medical Examiner's Office and the lead investigator.

Keith J. Klafke
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

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