



INMATE DEATH, INJURY AND ILLNESS

POLICY.

It is the policy of the Deschutes County Sheriff's Office – Adult Jail (AJ) to have a prompt and compassionate method to communicate an inmate's death or serious injury or illness to the inmate's designated emergency contact person or the next of kin.

PURPOSE.

Corrections staff will support death or injury investigations and clinical reviews and take steps to prevent potential litigation.

OREGON JAIL STANDARDS:

- B-205 Intake Information
- E-601 Emergency Planning
- G-105 Emergency Notification

REFERENCES:

- ORS 146.090, Deaths requiring investigation.
- Death in Custody Reporting Act (PL. 106-297)

PROCEDURES.

SECTION A: ADMINISTRATIVE ISSUES

- A-1. Emergency Contact.** At booking, booking deputies will ask the inmate for the name, address and telephone number of an emergency contact person. The emergency contact information will be entered into JMS. An inmate may change this person at any time.
- A-2. Special Interest File.** The shift supervisor will follow the Inmate Death Checklist Form No. 390 to assemble information related to a death for use by jail management. Staff will secure original copies as evidence either in the Evidence Unit if a criminal investigation is on-going or with the Corrections Administrative Lieutenant for response to possible civil litigation. The shift supervisor may use applicable parts of the checklist to assemble similar information for a serious injury.

- A-3. E-mails and Other Correspondence.** A copy of any e-mails or other correspondence concerning the death or injury incident will be placed in the special interest file for the death or serious injury incident.

SECTIONS B: DEATHS

- B-1. Death Scene.** Corrections staff will treat the scene of any inmate death as a crime scene and protect it, and any evidence, according to policy [CD-8-17, *Criminal Acts*](#) and *Sheriff's Office Policy 7.01 Major Crime Scene Investigation*. The corrections chain of command and Sheriff's Office Legal Counsel will be immediately notified. A shift supervisor will contact a patrol supervisor for assistance. In addition to securing evidence, crime scene, etc. a detective supervisor needs to ensure someone obtains the temperature of the death scene area as soon as possible after the death in cases where a witness did not see the actual time of death.

- B.2 Confirmation of Death.** As soon as the information becomes available, corrections staff will gather the following from the hospital or medical examiner for the court and to "release" the inmate from custody, according to policy [CD-5-6, *Release*](#):

- a. A copy of the death certificate;
- b. A record of the time the inmate was pronounced dead;
- c. The doctor's opinion as to the cause and means of death, and
- d. The time, date, and results of the autopsy.

- B-3. Fingerprints.** A shift supervisor will ensure a deceased inmate's fingerprints are taken and sent to the Oregon State Police (OSP); only one set is needed with at least the thumbprints.

- a. For an inmate that is declared dead while still at the jail, a deputy or detective must manually fingerprint the deceased after detectives clear the scene (if applicable) and before the body is removed from the facility.
- b. For an inmate that dies or is declared dead at another location, detectives must manually fingerprint the deceased at that location.
- c. At any location, the shift supervisor must verify with the medical examiner that taking the fingerprints at the intended time will not interfere with the autopsy or death investigation. The shift supervisor will arrange to have a deputy or detective take the prints at a different time and place if necessary.
- d. The deputy or detective taking the prints will note on the card the deceased name, date of birth, "Deceased prints", date the prints were taken, and deputy's name. The cards must send to the Oregon State Police.

SECTION C: NOTIFICATIONS

- C-1. Means of Notification.** A corrections supervisor (in coordination with the Major Incident Team, *DCSO Policy 3.41 Major Incident Team*) will go to the residence (if local) to make the emergency or death notification to the inmate's next of kin. Whenever possible, a chaplain will make the visit with the corrections supervisor. A corrections supervisor may call and talk directly to the next of kin or emergency contact when notifying for an illness or injury. If repeated calls are not successful in contacting the person, the caller may leave a message to contact a supervisor.
- C-2. Serious Injury or Illness Notification.** In case of an inmate's serious injury or illness, a shift supervisor must call the inmate's designated emergency contact or the next of kin if no one was named, unless the inmate objects to the notification. The supervisor will not release any protected health information without the inmate's consent or as allowed by law.
- C-3. Death Notification.** In case of an inmate's death:
- a. A shift supervisor will notify the Corrections Captain.
 - b. The Corrections Captain will contact the Sheriff, other captains, Sheriff's Office Legal Counsel, detectives and the district attorney's office.
 - c. Confirm dispatch or other entity notified the medical examiner.
 - d. The chaplain may assist a corrections supervisor (in coordination with detectives) when notifying the emergency contact (or the next of kin if no one was named).
 - e. The supervisor making notification will provide the location of the body to the emergency contact if he will be the one seeking custody for burial.
 - f. The supervisor making notification will inform the person to contact a corrections supervisor if he has any future questions or concerns about the incident.
 - g. When doing a death notification, the supervisor will not engage in any speculation about the possible cause of death. Staff will not release the cause of death until the death certificate has been signed.
- C-4. Other Agency and Victim Notifications.** In case of death or serious injury or illness, a shift supervisor will call or ensure the written notification (such as teletype, fax or e-mail) is sent to the following as applicable:
- a. Circuit Court;
 - b. District attorney;
 - c. Probation or parole officer;
 - d. Issuing agency of any hold or detainer;
 - e. Foreign consulate if the inmate's country of citizenship requires mandatory notification, or if the inmate asked for notification if it was optional.

- f. Victims of record (only in case of death) and with a warning that he will receive an automated telephone call on the inmate's status if he is registered for notification in the Victim Information Notification Everyday (VINE) system.

C-5. Documenting Reactions to Notifications. The corrections staff member making a notification will use a Jail Incident Report (JMS), to document any statements the emergency contact, next of kin or visitor makes about the inmate's death or serious injury or illness and previous medical or mental health issues. The report will be a supplemental report to any original death or injury incident report.

C-6. Department of Justice Notification. Within 30 days after the end of any quarter in which an inmate died while in custody, the Corrections Administrative Lieutenant will fill out a *Deaths in Custody Form (DOJ/BJS Form CJ-11)* to report the death to the Department of Justice, Bureau of Justice Statistics.

SECTION D: INVESTIGATIONS

D-1. Investigations. At the discretion of the Sheriff, the Major Incident Team may conduct the investigation of a death, serious injury or illness of an inmate.

SECTION E: TRAINING

E-1. Training of Notifiers. The Sheriff's Office chaplain and corrections supervisors should receive training in grief counseling, post-incident services to families, and critical incident protocols.

FORMS USED:

- *Deaths in Custody, (DOJ/BJS Form CJ-11)*
- FBI Fingerprint Card (FD249)
- Inmate Death Checklist Form No. 390
- Jail Incident Report Form (JMS)