

HS-18.04, "Inmate Death," July 1, 2008

SCDC POLICY/PROCEDURE

NUMBER: HS-18.04

TITLE: INMATE DEATH

ISSUE DATE: July 1, 2008

RESPONSIBLE AUTHORITY: DIVISION DIRECTOR OF HEALTH SERVICES

OPERATIONS MANUAL: HEALTH SERVICES

SUPERSEDES: HS-18.04 (JANUARY 1, 2005)

RELEVANT SCDC FORMS/SUPPLIES: 8-2, 26-8

ACA/CAC STANDARDS: 4-ACRS-7D-15, 3-4375

SCDC MEDICAL DIRECTIVES: 200.4, 500.1, 2000.6,

STATE/FEDERAL STATUTES: South Carolina Code of Laws, Section 17-7-10 and Section 24-9-35, as amended

PURPOSE: To outline Agency guidelines for documenting an inmate death, notifying proper authorities, and processing the inmates body for transfer either to a contracted pathologist or to a funeral home.

**POLICY STATEMENT:** In compliance with state statutes, ACA Standards, and applicable regulations, the SCDC will ensure that appropriate notifications are made concerning an inmates death while s/he is under the custody of the South Carolina Department of Corrections. Appropriate documentation will be completed concerning the inmates death in compliance with the South Carolina Code of Laws and other regulations promulgated under the authority of South Carolina statutes. 4-ACRS-7D-15, 3-4375)

THE LANGUAGE USED IN THIS POLICY/PROCEDURE DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY/PROCEDURE DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY/PROCEDURE, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

SPECIFIC PROCEDURES:

## 1. NOTIFICATION OF INMATE DEATH INSIDE AN SCDC INSTITUTION: (4-ACRS-7D-15, 3-4375)

When the death of an inmate occurs inside an SCDC institution, the following notifications will be made and the procedures will be followed as indicated:

1.1 Staff Discovering the Inmate will be responsible for immediately securing the area where the body has been found and informing the security supervisor in charge of that area.

1.2 The Supervisor will be responsible for:

1.2.1 notifying the Emergency Action Center (EAC); (For more information, see SCDC Policy/Procedure OP-22.22, "Emergency Action Center [EAC].")

1.2.2 notifying Medical or, if during non-duty hours, the medical staff that provides coverage for after hours, weekends, and holidays;

1.2.3 notifying the Warden or Duty Warden; and

1.2.4 notifying the Division of Investigations. (If the death is from natural causes, notification can be made on the next working day.)

1.3 The Nurse will be responsible for:

1.3.1 notifying the institutional physician or, during non-duty hours, the on-call physician;

1.3.2 notifying the appropriate Health Care Authority (HCA);

1.3.3 notifying the appropriate county coroner;

1.3.4 notifying the designated funeral home to transport the body;

1.3.5 notifying the designated pathologist;

1.3.6 notifying Health Information Resources at 896-8556 from 8 a.m. - 4 p.m. weekdays. At all other times (e.g., after hours, weekends, and holidays), the nurse will notify Kirkland Infirmary at (803) 896-8567 and send a CRT message to the Director of Health Information Resources or designee. The following information will always be provided:

- inmate name and SCDC number;
- assigned institution and place of death;
- time of death; and
- circumstances of death.

1.3.6 notifying the Division Director of Health Services and the Director of Nursing (via CRT message unless there are unusual circumstances); and

1.3.7 completing DHEC Form #676, "Burial-Removal-Transit Permit," (if death occurred in an institution) and providing a copy of the form to the coroner. (The top white copy of Form #676 remains with the funeral home representative. The pink and yellow copies must be hand carried to HIR immediately so that they can be forwarded to DHEC within 48 hours. (NOTE: In institutions, nursing personnel usually complete this form and provide it to the coroner. At other locations, this permit is often provided and completed by the coroner. The forms are controlled by the Office of Vital Statistics of the County Health Department. Because these forms are numbered, a form completed in error must not be thrown away; rather, it must be returned to the Office of Vital Statistics.)

1.4 The Warden/Duty Warden will be responsible for:

1.4.1 ensuring that the EAC is notified so that the staff there can contact other appropriate personnel;

1.4.2 notifying the institutional Chaplain or on-call Chaplain;

1.4.3 ensuring that a MIN (Management Information Note) is automated as required and disseminated;

1.4.4 completing SCDC Form 8-2, "Death of Any Inmate in Jail or Prison"; (In accordance with South Carolina statutes, this form must be submitted within 72 hours of the inmates death to the Division Director of Compliance, Standards and Inspections) and,

1.4.5 notifying the Division of Victim Services if there is a registered victim.

1.5 The Chaplain will be responsible for notifying the inmates next of kin as outlined in SCDC Policy/Procedure PS-10.05, "Inmate Religion." Upon notification, the Chaplain will prepare SCDC Form 26-8, "Medical Emergency/Death of an Inmate." The original form will be placed in the inmates institutional record and a copy will be forwarded to the Offender Central Records Office. NOTE: The Chaplain will notify the Warden/Duty Warden if the next of kin claims the body and provides the name of the responsible funeral home.

## 2. INMATE DEATH OUTSIDE AN INSTITUTION: (4-ACRS-7D-15, 3-4375)

If the death of an inmate occurs outside an SCDC institution, i.e., while on outside work details, to include any detail supervised by non-SCDC personnel, etc., the following notifications will be made and procedures will be followed as indicated:

2.1 The Work Supervisor in Charge will be responsible for:

2.1.1 immediately notifying the appropriate Emergency Medical Service unit;

2.1.2 notifying the Warden or Duty Warden at the inmates assigned institution;

2.2 The Work Supervisor in Charge or the Warden/Duty Warden will be responsible for:

2.2.1 notifying the SCDC Medical staff at the inmates assigned institution who will then make designated notifications;

2.2.2 notifying the Division of Investigations; and

2.2.3 preparing a Management Information Note (MIN) and ensuring that it is forwarded to the respective Duty Wardens group for further dissemination.

Upon notification of SCDC Medical staff and the Warden/Duty Warden, the procedures outlined in Procedure 1.3 through 1.5, above, will be followed.

2.3 The County Coroner will be responsible for:

2.3.1 in accordance with state statute, signing "Authorization for Coroners Autopsy" and then forwarding a copy to the contracting pathologist (when an autopsy is to be performed); and

2.3.2 in accordance with DHEC regulations, completing "Burial-Removal-Transit Permit" (DHEC Form #676). (NOTE: In institutions, nursing personnel usually complete this form and provide it to the coroner. At other locations, this permit is often provided and completed by the coroner. The forms are controlled by the Office of Vital Statistics of the County Health Department. Because these forms are numbered, a form completed in error must not be thrown away; rather, it must be returned to the Office of Vital Statistics.)

### 3. INMATE DEATH WHILE IN A COMMUNITY/CONTRACT HOSPITAL: (4-ACRS-7D-15, 3-4375)

When the death of an inmate occurs in a community hospital, the following notifications will be made and procedures will be followed as indicated:

3.1 If a Correctional Officer is assigned to supervise the inmate, s/he will immediately notify the Sergeant or higher authority at the institution where the inmate is assigned. Upon receipt of this information, the Sergeant or higher authority will notify the institutions medical staff and the appropriate Warden or Duty Warden, and the procedures outlined in 1.3 through 1.5, above, will be followed.

3.2 If a Correctional Officer is NOT assigned to supervise the inmate, an SCDC contact name and number (from the inmates assigned institution and covering institution, if applicable) will be left with the hospital staff. The hospital staff will be responsible for notifying the medical staff where the inmate is assigned. (During non-duty hours, the covering institution will be notified.) SCDC medical staff will then notify the Warden or Duty Warden and the procedures outlined in 1.3 through 1.5, above, will be followed.

3.3 Institutional Operations staff will be responsible for transferring the inmates medical record to the contracting pathologist if an autopsy is to be conducted.

### 4. INMATE DEATH WHILE HOUSED AT A DESIGNATED FACILITY: (4-ACRS-7D-15, 3-4375)

Should an inmate die while housed at a designated facility, the following notifications will be made and procedures followed:

4.1 The Designated Facility Manager (Jail Administrator) will be responsible for:

4.1.1 notifying the coroner of the county where the designated facility is located;

4.1.2 contacting the appropriate SCDC Designated Facilities Specialist to report the below-listed information: (NOTE: Should the death occur after normal working hours, weekends, or holidays, the Jail Administrator will contact the Emergency Action Center (EAC) to relay the following information. The EAC will be responsible for notifying the appropriate SCDC Designated Facilities Specialist immediately.)

- inmates name and SCDC number,
- date and time death occurred,
- circumstances surrounding the death, and
- name of the physician responsible for signing the Death Certificate;

4.1.3 notifying the inmates family;

4.1.4 completing SCDC Form 8-2, "Death of Any Inmate in Jail or Prison"; (In accordance with South Carolina statutes, this form must be submitted to the Division of Compliance, Standards, and Inspections within 72 hours of the inmates death.) and

4.1.5 forwarding the inmates institutional record, a certified true copy of the Death Certificate, and the autopsy report to the SCDC Division of Compliance, Standards, and Inspections.

4.2 The Designated Facilities Specialist/designee will be responsible for the following:

4.2.1 preparing a Management Information Note (MIN) pursuant to SCDC Policy/Procedure OP-22.25, "Reporting Incidents and Accidents (Management Information Notes [MINS]);

4.2.2 coordinating with the designated facility staff to ensure that all information and documentation required by state statutes and SCDC policies and procedures are completed;

4.2.3 removing the inmates name from the SCDC count;

4.2.4 upon receipt, forwarding the inmates institutional record to Offender Records and forwarding the Death Certificate and autopsy report to Health Information Resources (addressed "AttentionHealth Information Resources, Confidential"); and

4.2.5 notifying the Division of Victim Services (if there is a registered victim).

Should an inmate die while s/he is on medical furlough, the family/sponsor will be responsible for notifying the institution assigned to track the furloughed inmate. The Warden of the facility will then be responsible for confirming with the coroner of the county where the death occurred that s/he is aware that the deceased was an inmate, and for notifying all appropriate individuals of the death and other relevant information via MINs. For more information, see SCDC Policy/Procedure OP-22.25, "Reporting Incidents and Accidents (Management Information Notes [MINs])". All expenses and all other arrangements will be the responsibility of the family/sponsor. The Warden will be responsible for completing SCDC Form 8-2, "Death of an Inmate in Jail or Prison." (In accordance with South Carolina statutes, this form must be forwarded to the Division of Compliance, Standards and Inspections within 72 hours of the inmates death.)

## 6. DEATH CAUSED BY SUSPECTED HOMICIDE OR SUICIDE: (4-ACRS-7D-15, 3-4375)

6.1 If an inmates death is a suspected homicide or suicide, the appropriate county coroner and Division of Investigations will be notified immediately. In the case of an apparent homicide, the appropriate county sheriff or police chief will also be notified. With the exception of suicides by hanging (Procedure 6.2, below), the body should not be moved until the coroner has completed his/her investigation. Unless the coroner wishes to retain the device/weapon (i.e., knife, rope, etc.) used to cause death, an investigator assigned to the Division of Investigations will be responsible for securing the device/weapon and ensuring that it is taken to the designated pathologist.

6.2 Special Instructions Regarding Suicides by Hanging: In the case of a suicide or attempted suicide by hanging, persons arriving at the scene will cut the inmate down and immediately check for signs of life. The rope must be cut at some point away from the knot so that the knot remains intact. The noose may also be loosened without interfering with the knot. If there are signs of life, appropriate first aid/CPR must be initiated, medical staff should be contacted immediately, and the inmate transported to the medical area. If there are no signs of life, medical staff will be notified; however, the body will not be moved from the scene. (NOTE: It is a violation of state law for a dead body to be moved without the authorization of the coroner.) (See SCDC Policy/Procedure HS-18.15, "Levels of Care," and HS-19.03, "Inmate Suicide Prevention and Intervention," for additional information.)

6.3 In addition to any special requirements related to the reporting of an apparent homicide or suicide, the procedures outlined in 1.3 through 1.4, above, will be followed. In the event that an autopsy is performed, the Division of Investigations will be notified of the time and place for the autopsy, so that an investigator may be present.

## 7. AUTOPSY: (4-ACRS-7D-15, 3-4375)

7.1 Autopsies are necessary for all inmate deaths except when unusual circumstances satisfy a statutory exemption for consideration. Per South Carolina state statute, the county coroner will be responsible for determining if an autopsy is required. SCDC will provide verbal and written confirmation when the death of the inmate is related to a previous diagnosis of a terminal illness/condition. Confirmation will be provided upon request from at least two (2) physicians who treated the inmate prior to his/her death. At least one (1) of the physicians should not have been employed by or under contract with the Agency. (See SCDC Medical Directive 500.1 "Autopsy for Inmates Infected with HIV," for more information.)

7.2 If an autopsy is arranged, the SCDCs Operations staff will transport the inmates medical record, including sick-call notes documenting the incident, to the contracting pathologist. Medical staff will provide the health record in a secured package for transport. See Medical Directive 2000.6 "Transfers of Medical/Records," for procedures regarding printing copies of the AMR for the pathologist.)

7.3 If the coroner determines that an autopsy is not required and documents the decision, the inmates medical record will be sent to Health Information Resources.

7.4 A certified true copy of the Death Certificate and the autopsy report will be sent to Health Information Resources. A copy of the Death Certificate and the autopsy report will be sent to the Division of Investigations.

## 8. TRANSPORTING BODY TO FUNERAL HOME/PATHOLOGIST: (4-ACRS-7D-15, 3-4375)

8.1 Body Preparation: In order to prepare an inmates body for transportation to a funeral home or a contracted pathologist, the following preparations will be made by SCDC Medical staff or designee:

8.1.1 if appropriate, all IV tubes and other apparatus will be removed from the body;

8.1.2 the body will be bathed, if necessary;

8.1.3 dentures and other prostheses will be replaced or will accompany the body if not replaced; and

8.1.4 identification tags (which are located in shroud kits available through Health Services) will be attached to the left shoulder, the right great toe, and the inmates medical record. At a minimum, the identification tags should include the following information:

- inmates name and SCDC number,
- date of birth,
- age,
- sex,
- race, and
- sending institution.

8.2 Funeral Home: The contracting funeral home will be responsible for transporting the body to the contracting pathologist or morgue. (NOTE: If family members are claiming the inmate's body, they will be responsible for making all appropriate arrangements including transportation of the body to the funeral home that the family has selected.)

8.2.1 The Institutional Chaplain will notify family members how and when their funeral home can pick up the body from the pathologist.

9. DEATH BY EXECUTION: In the cases of death carried out by execution in accordance with State law, the specific procedures in SCDC Policy/Procedure SK-22.03, "Execution Directives," will be followed. 10. DEFINITIONS:

Autopsy refers to an examination conducted by a contracted pathologist to determine or confirm the cause of an inmates death.

Death by Natural Causes refers, for the purpose of this policy/procedure, to an inmates death that is a result of a progression of disease and that is not suspected to be suicide or homicide.

SIGNATURE ON FILE

-

Jon E. Ozmint, Director

ORIGINAL SIGNED COPY MAINTAINED IN POLICY DEVELOPMENT.