

	<b>State of Alaska Department of Corrections Policies and Procedures</b>	<b>Index #:</b> 104.04	<b>Page 1 of 7</b>	
		<b>Effective:</b> 7/29/2014	<b>Reviewed:</b>	
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	<b>Chapter:</b>	Administration, Organization and Management		
<b>Subject:</b>	Death of a Prisoner			

I. Authority

In accordance with AS 44.28.030 and 22 AAC 05.155, the Department of Corrections shall develop and adopt policies and procedures that are consistent with laws for the guidance, government and administration of correctional facilities, programs and field services.

II. References

Alaska Statues

AS 33.30.011

AS 33.30.021

AS 12.65.005

III. Purpose

To establish procedures to be followed in the event of the death of a prisoner.

IV. Application

To all staff.

V. Definitions

A. Death Scene.

The immediate vicinity of the location of a prisoner's death.

B. Crime Scene

The location where an altercation or event took place that lead to the eventual death of a prisoner.

C. Death Scene Officer

An officer assigned by the Shift Supervisor to oversee the security and integrity of the death scene.

D. Public Information Officer (PIO)

A Department official appointed by the Commissioner to communicate with the press.

E. Unexpected death

A sudden or unanticipated death of a prisoner caused by accident, homicide, suicide, illness or unknown etiology.

F. Expected death

A death that has been anticipated by medical personnel due to a medical condition.

G. Lead Medical Staff

The highest level nurse or medical provider within the facility.

H. Alaska Corrections Offender Management System (ACOMS)

The electronic offender database for the Alaska Department of Corrections.

VI. Policy

In the event of a prisoner death, the Department shall notify next of kin, promptly provide the public with information regarding the death which is not confidential under applicable law, and conduct a confidential investigation to determine the cause and circumstances surrounding the death as well as any related deficiencies in policies, procedures or practices. Additionally, in the event of an unexpected prisoner death, the Department shall facilitate any investigation conducted by law enforcement authorities and seek a review of the death by the State Medical Examiner.

VII. Procedures

- A. Institutional Procedures Following the Unexpected Death of a Prisoner
1. The Shift Supervisor shall implement the following procedures in the event of a prisoner death:
    - a. Secure the death scene and the crime scene if applicable. Any cell mate(s) shall be removed from the cell and the cell shall be locked. If the deceased prisoner lived in dormitory housing the immediate living area shall be taped off with evidence tape and an officer shall be assigned to secure the living area until it is released by the Alaska State Troopers (AST). All prisoners in the housing unit where the death occurred shall be locked down or removed to another unit. If the death occurred outside of the prisoner's cell, or in a common area, the immediate area shall be taped off with evidence tape, all prisoners cleared from the area and an officer assigned to secure the area until it is released by AST.
    - b. Assign a death scene officer to maintain the security and integrity of the death scene.
    - c. Confirm the identity of the deceased prisoner using a photograph from ACOMS or the institutional file.
    - d. Notify the Superintendent or designee of the death. If the Superintendent is unavailable, the Shift Supervisor shall notify AST and the Director of Institutions.
    - e. Ensure that lead medical staff notifies the medical provider on call. If the death is a possible suicide or occurred on a mental health unit, the lead medical staff shall also notify the mental health provider on call. If there are no medical staff on shift, the Shift Supervisor shall notify the on call providers.
    - f. Photograph the death scene from as many angles and perspectives as possible. Photograph all property removed by AST, including any documents such as suicide notes.
    - g. Place involved prisoners in a dry cell in segregation if it appears that the death was caused by another prisoner.
    - h. Identify all prisoner and staff witnesses to the death or anyone who may have information relevant to the death.
    - i. Secure all of the deceased prisoner's property stored in the institution's property area.
    - j. Identify and secure documentation of any Individualized Determinations and suicide precautions regarding the deceased prisoner.
    - k. Ensure that an inventory of the deceased prisoner's in-cell property is completed when the death scene or living area is released by AST.
    - l. Ensure that all staff involved with the death or death scene, including medical staff, complete a Special Incident Report, Form 104.01A, pursuant to Policy 104.01 prior to end of shift and before exiting the facility.
    - m. Prepare and complete the Death of a Prisoner Log, Form 104.04A.
  2. The Death Scene Officer shall:
    - a. Secure the death scene to ensure that only authorized persons are allowed to enter the area and access potential evidence. Authorized persons include the Superintendent, Shift Supervisor, AST, the Medical Examiner and others authorized by the Superintendent.
    - b. Prepare the Death Scene Access Record, Form 104.04B, and log all scene activity.
  3. The lead medical staff at the death scene shall:
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- a. Notify the medical provider on call. If it appears the death may have been a suicide or occurred on a mental health unit, the lead medical staff shall notify the mental health provider on call.
  - b. Prepare a final entry in the deceased prisoner's medical file.
  - c. Secure all medical records at the institution, including medication administration records (MARs) and prisoner requests for medical care (Copouts), for delivery to the Superintendent by sealing the records in an envelope which is marked with the deceased prisoner's name and prisoner number and "Confidential Medical Records."
4. The Superintendent shall:
- a. Ensure that AST and the Director of Institutions are immediately notified of the death.
  - b. If not already present, travel to the institution as soon as possible.
  - c. Ensure that the death scene is secured until released by AST and the Director of Institutions.
  - d. Confirm that AST has contacted the Medical Examiner's office.
  - e. Secure the institutional file, completed medical record from medical staff, master control log, segregation log if applicable, housing unit log, visitor log, telephone log of calls made by the deceased prisoner, property inventory and all duty rosters and training records of all officers directly involved with the death and all Special Incident Reports pursuant to section A(1)(f) above. Copy all relevant ACOMS information regarding the prisoner including the Offender Basic Information Screen, booking record, custody level, current charges, legal status and bed/housing assignments, property inventory form and prisoner account statement. Ensure that copies of the above records are provided to AST upon request.
  - f. Make three copies of all video of the death scene for a minimum of 24 hours preceding the death and until the death scene is released by AST and any video which has relevance to the death or which is requested by AST. One copy shall be provided to AST upon request and two copies shall be secured for the death investigation team.
  - g. Make three copies of all photographs taken by the Shift Supervisor pursuant to section 1(h) above. One copy shall be provided to AST and two copies shall be secured for the death investigation team.
  - h. Notify the Statewide Chaplaincy Coordinator of the death and of the deceased prisoner's next of kin contact information.
  - i. Ensure that the Death of a Prisoner Log, Form 104.04A, and the Death Investigation Checklist, Form 104.04D, are completed.
  - j. Send a copy of the SIRs to the Director of Institutions, Health Care Administrator and the lead Assistant Attorney General assigned to represent the Department.
  - k. Contact the Chief Mental Health Officer to make arrangements for a Critical Incident Stress Debriefing.
- B. Notification of the Death of a Prisoner
1. The Statewide Chaplaincy Coordinator or designee shall determine who shall notify the next of kin and shall complete the Chaplaincy Deceased Prisoner Notification Log, Form 104.04C. This notification shall include:
    - a. The date and place of the prisoner's death and whether the death was from apparent natural causes or is under investigation.
    - b. That a review by the State Medical Examiner is taking place to determine the specific cause of death.
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- c. That, in the case of an unexpected death, an AST investigation is taking place.
  - d. The procedures to secure the release of the deceased prisoner's personal property and monies on account.
  - e. That the next of kin can make arrangements with the Medical Examiner for the disposition of the remains, the procedures to apply for General Relief Burial Funds if the next of kin does not have the resources to make arrangements for the remains and that, the Department shall pay to have the remains shipped to the original place of arrest or to a place otherwise approved by the Director of Institutions if the cost is comparable to the original place of arrest.
  - f. In cases where no next of kin is noted in the prisoner's file, the Statewide Chaplaincy Coordinator shall make every effort to locate next of kin. This may include working with law enforcement agencies, medical providers or others with knowledge of the prisoner.
2. Media Notification
- a. The Director of Institutions shall notify the PIO of the death.
  - b. The PIO shall issue a press release regarding the death immediately after it is determined by AST that the release will not affect their investigation. Until next of kin are notified of the death, this press release should state only that a prisoner death occurred and the facility where the death occurred.
  - c. After the deceased prisoner's next of kin are notified, and after it is determined by AST that the release will not affect their investigation, the PIO shall issue a press release which states only the name of the prisoner, the facility where the death occurred, and whether the death appeared to be by natural causes or if a criminal investigation is pending
  - d. After the Department's Internal Death Investigation is completed, the PIO shall issue a press release which provides the State Medical Examiner's final determination of cause of death (natural, accident, homicide or suicide).
  - e. All media or public records inquiries regarding a prisoner death shall be referred to the PIO.
- C. Department's Internal Death Investigation
1. The Director of Institutions and the Health Care Administrator shall appoint a Death Investigation Team whenever an unexpected death of a prisoner occurs. If the death appears to be a suicide or otherwise involve mental health issues, the team shall include the Chief Mental Health Officer or designee. The Commissioner shall appoint a lead investigator who shall ensure the completion of the Death Investigation Checklist, Form 104.04D.
  2. The Death Investigation Team shall:
    - a. Proceed to the institution as soon as possible to begin the investigation.
    - b. Review the Death Investigation Checklist, Form 104.04D.
    - c. Inspect the death scene and take any additional photographs or video.
    - d. Review video and photographs secured by the Superintendent.
    - f. Review all incident reports, files, logs and documents secured by the Superintendent.
    - g. Review all relevant ACOMS information regarding the prisoner.
    - h. Interview all witnesses and any staff member or prisoner who may have information relevant to the death. All prisoner interviews shall be recorded. All staff interview notes shall be preserved.
    - i. Inspect all property of the deceased prisoner including in-cell property, hobby craft items, property inventory and prisoner account statement. Property in
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- the possession of AST shall be inspected and photographed. The Statewide Chaplaincy Coordinator shall facilitate the release of any property not required to complete the investigation.
- j. Contact the AST to determine the status of the AST investigation and obtain and secure any documentation from AST.
  - k. Contact the Medical Examiner and obtain any reports, including initial findings and final autopsy report.
  - k. Provide a copy of the deceased prisoner's medical file, autopsy report and all other relevant reports to the Department's Chief Medical Officer for review. The Chief Medical officer shall prepare a report regarding the manner and cause of death which shall include an explanation of the deceased prisoner's medical conditions which may have contributed to the death and any other significant medical conditions or circumstances.
3. The Lead Investigator shall ensure the final Death Investigation Report is completed and distributed. The report shall be prepared as a memorandum to the attention of the Assistant Attorney General who is the lead attorney assigned to represent the Department and shall be marked "Confidential – Attorney-Client Communication." The Death Investigation Report shall include sections as follows.
- a. Overview. This section shall provide a brief overview of the circumstances surrounding the death.
  - b. Offender History. This section shall include a summary of the prisoner's personal history, history of convictions and incarcerations, institutional history and medical /mental health history.
  - c. Summary of Investigation. This section shall include a summary of the time, manner and place of the investigation; a summary of the documents, video, photographs and other evidence reviewed; and a summary of the interviews conducted.
  - d. Timeline of Events. This section shall include a timeline of relevant events regarding the death.
  - e. Narrative of Security Response. This section shall include a factual summary of what security officers at the institution did upon arrival at the scene.
  - f. Narrative of Medical Response. This section should include a factual summary of what medical staff at the institution did upon arrival at the scene.
  - g. Summary of Notification of Kin. This section shall include a summary of the notification of next of kin. The Chaplaincy Notification Log, Form 104.04C shall be attached.
  - h. Summary of Property. This section shall include a summary of the property of the deceased prisoner to include in-cell property, property in storage, and funds in the prisoner account. The property inventory and prisoner account statement shall be attached.
  - i. Medical and Autopsy Summary. This section shall include the Chief Medical Officer's report. Relevant medical documents should be attached.
  - j. Summary of Media and Other Releases. This section shall include copies of all media requests and releases and any releases to other entities such as legislative officials, the Disability Law Center or the State Ombudsman.
  - l. Security Observations and Recommendations. This section shall include an analysis of the sufficiency of security staff actions and response related to the death, whether policies and procedures were followed, whether policies and procedures were sufficient to address the security issues which existed,
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recommendations regarding changes to policy and procedures and recommendations regarding personnel action.

- m. Medical and Mental Health Observations and Recommendations. This section shall include an analysis of the sufficiency of medical staff actions and response related to the death, whether policies, procedures and protocols were followed, whether policies, procedures and protocols were sufficient to address the medical issues which existed, and recommendations regarding changes to policy, procedures and protocols and recommendations regarding personnel action.
- n. All relevant files, photographs, videos, logs and related documents shall be attached to the Death Investigation Report.

D. Disposition of Records and Property

- 1. The records of a deceased prisoner may be released only pursuant to a court order or a records release signed by the personal representative of the deceased prisoner's estate. The personal representative shall be required to provide the documentation which appoints them personal representative. The Attorney General's Office shall be consulted to determine the sufficiency of the appointment as personal representative.
- 2. The Statewide Chaplaincy Coordinator shall facilitate the release of the deceased prisoner's property pursuant to Policy and Procedure 811.05.I.

E. Special Circumstances

- 1. In the event of the death of a prisoner off institution grounds, the Superintendent shall complete all applicable procedures in Sections A, B and D above.
- 2. In the event of the death of a prisoner while on furlough or in a Community Residential Center, the administrator of the program shall immediately notify the Superintendent of the facility overseeing the placement. The Superintendent shall complete all applicable procedures in Sections A, B and D above.
- 3. In the event of the death of a prisoner who is a foreign national, the Superintendent shall immediately notify that prisoner's consulate and United States Department of State.
- 4. In the event of the death of a federal prisoner, the Superintendent shall immediately notify the United States Marshal Service.
- 5. In the event of the death of a prisoner held for a branch of the military, the Superintendent shall immediately notify the appropriate officials in that military branch.
- 6. In the event of the death of an out of state prisoner, detainee or fugitive from justice, the Superintendent shall immediately notify the appropriate jurisdiction.

VIII. Implementation

This policy and procedure is effective as of the date signed by the Commissioner. Each Superintendent or Manager shall incorporate the contents of this document into local policy and procedure within 14 days. All local policies and procedures must conform to the contents of this document.

7/29/2014

Date

SIGNATURE ON FILE

Joseph D. Schmidt, Commissioner  
Department of Corrections

Applicable Forms to this Policy:

104.04A Death of a Prisoner Log

104.04B Death Scene Access Record

104.04C Chaplaincy Deceased Prisoner Notification Log

104.04D Death Investigation Checklist