

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT: <b>Inmate Deaths</b>	PAGE <u>1</u> OF <u>7</u>
	NUMBER: 66-ILL-02
RULE/CODE REFERENCE: ORC 1713.34-36; 2108.70 to 2108.90; 5120.13-45; 5121.11	SUPERSEDES: 66-ILL-02 dated 03/14/08
RELATED ACA STANDARDS: 4-4395; 4-4425	EFFECTIVE DATE: July 18, 2014
	APPROVED: 

**I. AUTHORITY**

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

**II. PURPOSE**

The purpose of this policy is to establish a procedure to ensure that timely notification is given to families and the proper authorities whenever there is an inmate death and that proper procedures surrounding an inmate death are followed.

**III. APPLICABILITY**

This policy applies to all Ohio Department of Rehabilitation and Correction employees who work in an institution and those employees in Operation Support Center who regularly interact with the institutions when an inmate death occurs.

**IV. DEFINITIONS**

**Parent Institution** - The institution to which the inmate is permanently assigned and that houses the inmate records.

**V. POLICY**

It is the policy of the Ohio Department of Rehabilitation and Correction to provide timely and appropriate notice of all inmate deaths to the inmate's next of kin and to proper local, county, and state authorities.

**VI. PROCEDURES**

A. It shall be the primary responsibility of the parent institution to provide notice to the inmate's next of kin and the proper authorities regarding all inmate deaths.

- B. All institutions shall update emergency contacts in the inmate files annually.
- C. Timely notice shall normally mean immediately, but in no case more than 8 hours after a death has been certified, unless contact cannot be made. Full documentation of attempted contacts with the inmate's family shall be maintained.
- D. The procedures for giving proper notice of an inmate death shall include the following:
1. Medical staff shall be contacted to report to the scene immediately, with the capability to provide emergency care. Other institution staff properly trained and certified in First Aid and CPR shall render assistance until medical staff arrives.
  2. The Shift Captain or designee shall:
    - a. Secure the scene for investigation;
    - b. Contact the institutional investigator;
    - c. Start a log sheet;
    - d. Log all calls and attempted calls, to include the phone number and the person(s) contacted.
  3. If the deceased inmate is temporarily housed at OSU or FMC, the Shift Captain or designee shall contact the inmate's parent institution and advise staff of the inmate's death.
  4. The parent institution shall follow Department Policy 66-ILL-03, Notification of Next Of Kin – Inmate Illness/Injury, when notifying the inmate's family.
  5. The Captain or designee will call the Managing Officer, advising them of the inmate death.
  6. The Office of Prisons and the Office of Correctional Health Care shall be contacted during normal business hours. A Special Incident Report (DRC2091) shall be completed.
  7. The institution having custody of the inmate body shall call the Ohio State Highway Patrol and advise them of the death and known facts surrounding the death.
    - a. The Ohio State Highway Patrol shall determine whether or not to send a trooper.
    - b. If the patrol determines that it is necessary to come to the institution, the area must be secured as a criminal investigation scene.
  8. The Shift Captain or designee shall secure the body in a locked room, under the supervision of a staff member, but shall not interfere with any medical assessment/evaluation of the deceased.
  9. The Managing Officer or designee shall call the county coroner to certify the death. Once a death certificate has been completed, a copy of the death certificate shall be sent to the Managing Officer's Office, Ohio State Highway Patrol, Office of Prisons, and the Office of Correctional Health Care.

- a. A copy of the death certificate shall be scanned to Onbase, Master File Section 4.
  - b. Record office personnel shall follow applicable procedures outlined in the Records Office Manual.
10. The on-site Captain or his/her designee shall complete a Body Receipt (DRC2600), which shall remain with the body until the receiving individual signs it.
- E. Notify the next of kin.
1. The Managing Officer or designee shall obtain the family information from the Notification of Next of Kin/Hospital Adm/ER Trips form (DRC5328) or DOTS portal.
    - a. Unit Managers and Case Managers shall inform the Managing Officer ~~Warden~~ or designee of any information obtained from inmate files.
    - b. The institutional medical department shall inform the Managing Officer or designee regarding organ donor designation or the existence of a living will or a written declaration. If the deceased inmate has made a valid declaration of an anatomical gift by will or any other document or statutory means, then the Managing Officer or designee is bound by that declaration before making any decisions or taking any other actions associated with the right of disposition.
  2. If the Managing Officer or the designee knows the cause of death, they shall inform the family upon request or refer the family member to the proper authority who does know and can release the information as soon as it becomes available.
  3. The Managing Officer or designee shall note in a log who was contacted, when contact was made (date and time), and note if a person will assume the right to dispose of a deceased inmate's body.
  4. If a person assumes the right to dispose of a deceased inmate's body, advise him/her to fax a letter to the Managing Officer stating such and also indicating which funeral home will be handling the arrangements and picking up the body.
    - a. If an autopsy is ordered, advise the family that the body will be available after the autopsy is completed.
    - b. If the patient expires at OSUMC, this letter shall be faxed to the Managing Officer of the patient's parent institution.
- F. The following process establishes the Managing Officer or designee, the person with the right to direct the disposition, after death, of the inmate's body including making arrangements and purchasing goods and services for the inmate's funeral, cremation, burial, or other manner of final disposition of his/her remains.
1. Has the inmate appointed a person to oversee the disposition of his/her body by signing a written declaration containing language identical to the language of the form set forth in O.R.C. section 2108.72 (B).

- a. If yes, continue to section F-2.
  - b. If no, continue to section F-6.
2. Has the inmate revoked the declaration by signing and dating a document that is either notarized or signed by two witnesses?
  - a. If no, continue to section F-3.
  - b. If yes, continue to section F-6.
3. At the time of the inmate's death, the Managing Officer or designee shall notify the appointed person to accept responsibility for the body.
4. The appointed person is disqualified if any of the following occurs with that person:
  - a. Death;
  - b. Incompetent by court order;
  - c. Resigns/declines to exercise the right;
  - d. Refuses to accept the body within two days after notification by DRC;
  - e. Cannot reasonably be located by DRC;
  - f. In general, a former spouse;
  - g. Charged with certain misconduct.
5. If a person is disqualified, the right is reassigned to the next person appointed by the written declaration.
6. If the inmate doesn't have a valid written declaration or the appointed person is disqualified, then the Managing Officer or designee shall take reasonable efforts to notify the following mentally competent adults, in order of the following priority, to accept responsibility for the body:
  - a. Spouse;
  - b. Sole child or, if more than one child, all of the children, collectively;
  - c. Parent or parents;
  - d. Sibling or, if more than one sibling, all of the siblings, collectively;
  - e. Grandparent or grandparents;
  - f. Lineal descendents of the grandparents;
  - g. Guardian; or
  - h. Any other person willing to assume the right of disposition, including the personal representative of the inmate's estate.
7. If persons listed in section F-6 cannot be located or, if located, are disqualified for the reasons set forth in section F-4, then DRC has the right of disposition if the Managing Officer signs a Inmate Death - Notarized Statement form (DRC 1130) indicating the good faith efforts to locate and notify the persons listed in section F-6, and if so located, the reasons for their disqualification.
8. Any questions about this process shall be directed to DRC Legal Services.

- G. If the Department has the right of disposition, and no autopsy is ordered, the Managing Officer must make arrangements to provide for the interment of the body or the cremated remains in one of the department cemeteries.
1. Cremation may be considered if the death was a result of natural causes, as ruled by the coroner.
  2. At the grave, a metal, stone or concrete marker shall be placed; on which shall be inscribed the deceased inmate's name, date of birth, and date of death.
- H. The Office of Prisons shall be responsible for faxing a copy of the Special Incident Report (DRC2091) to notify the Correction Institution Inspection Committee (CIIC) of the inmate death.
- I. Disposition of Deceased Inmate's Property
1. Persons listed in section F-6, unless disqualified for the reasons set forth in section F-4, shall have the opportunity to accept or refuse:
    - a. The right of disposition of the body and/or;
    - b. Any unclaimed monies in the deceased inmate's personnel account and/or;
    - c. Any intangible personal property and/or;
    - d. Any tangible personal property.
  2. Acceptance or refusal of a portion but not all of the options listed in above section I-1-a/b/c/d is permissible (i.e. unclaimed monies and intangible personal property may be accepted by the person with the right of disposition even if the body and tangible personal property are refused).
  3. If the deceased inmate has unclaimed money in his personal account, then the Managing Officer shall hold such money in that account for a period of at least one year, during which time every possible effort shall be made to find the person with the right of disposition of a deceased inmate's body. If, at the end of that period, no such person has made a demand upon the Managing Officer for the release of such funds, then the Managing Officer shall dispose of the funds as follows:
    - a. All monies in excess of \$10.00 due for the support (e.g. burial or cremation expenses, medical co-pays, rules infraction board ordered restitution) of an inmate shall be paid into the state's general revenue fund.
    - b. All monies in excess of \$10.00 not due for the support of an inmate shall be placed to the credit of the institution's "industrial and entertainment" fund.
    - c. All monies less than \$10.00 shall be placed to the credit of such "industrial and entertainment" fund.
  4. If the deceased inmate has an unclaimed investment in certificates of deposit, savings bonds, or some other type of intangible personal property established by the institution at a local financial institution, then the Managing Officer shall retain such property in such institution for a period of one year, during which time every possible effort shall be made to find the person with the right of disposition of a deceased inmate's body. If, at the end

of that period, no such person has made a demand upon the Managing Officer for the release of such investment, then the Managing Officer shall convert that intangible personal property to cash to be paid into the state's general revenue fund.

5. Whenever tangible personal property (e.g., clothing, writing materials, valuables, such as jewelry or titled items) belonging to a deceased inmate remains in the custody of the Managing Officer, and no demand is made upon the Managing Officer by the person with the right of disposition of a deceased inmate's body, for the release of such personal property, the Managing Officer shall hold the personal property for a period of at least one year, during which time the Managing Officer shall make every possible effort to locate that person.
  - a. If, at the end of this period, no such person has made a demand upon the Managing Officer for the release of such property, then the Managing Officer shall file with the local county recorder all deeds, wills, contract mortgages, or assignments.
  - b. The personal property shall then be duly advertised and sold at public auction, with all revenues to be paid into the state's general revenue fund.
  - c. If any of the personal property is not so salable, the Managing Officer shall destroy such property.

#### J. Autopsy Requirements

1. In every instance where the deceased inmate was not previously diagnosed with a terminal illness, the parent institution Managing Officer or designee must ask that an autopsy be performed.
  - a. The coroner shall decide whether or not to order an autopsy.
  - b. The coroner shall be advised of the inmate's religious affiliation, since some religious groups forbid autopsies.
2. Procedures for an autopsy when death is not suspicious:
  - a. If an autopsy is requested and approved or required, transport the body to the appropriate county morgue. Obtain a Body Receipt form (DRC2600).
  - b. In the case of an autopsy request, the person with the right of disposition has the right of consent.
    - i. Once that person has consented, the appropriate county morgue is to be notified, granting authorization to release the body.
    - ii. The results of the autopsy shall be kept at the parent institution in the patient's medical file. Copies of the results shall be faxed to the Office of Correctional Health Care and Legal Services.
  - c. The body is to be sent to the appropriate county morgue pending final disposition. All protocol and signature authorization shall be completed before the body is released to the person with the right of disposition.
3. The Managing Officer or designee shall ensure that the Procedural Checklist for All

Inmate Deaths (DRC2602) is adhered to.

K. Death in the Institution Due to Undetermined Causes

1. When a death occurs in an institution and the cause is of an undetermined nature, the following procedures must also be followed:
  - a. Secure the body and scene, per Department Policy 310-SEC-13, Protection of Crime Scene.
    - i. When the call is made to the Ohio State Highway Patrol, advise them that the cause of death is of an unusual or suspicious nature.
    - ii. Notify the Office of Correctional Health Care and Office of Prisons immediately thereafter.
  - b. When the call is made to the County Coroner, advise them that the cause of death is undetermined.
    - i. The Coroner shall then decide whether or not a representative from their office will come to the institution, whether or not to order an autopsy, and also whether or not the body may be transported from the institution immediately.
    - ii. Autopsy results shall be kept at the at the parent institution in the patient's medical file, with copies faxed to the Office of Correctional Health Care and Legal Services.
  - c. If the death is of an unusual or suspicious nature, do not move the body.
  - d. The area where the death allegedly occurred must be secured in a manner that does not interfere with the delivery of medical care, yet ensures that all potential evidence is protected until the scene is released by the Ohio State Highway Patrol per Department Policy 310-SEC-13, Protection of Crime Scene. At a minimum, securing the scene shall include marking off the area, logging all persons who enter the area, and securing witnesses.
  - e. The Managing Officer or designee shall immediately identify all potential witnesses and begin gathering statements and/or conducting interviews. Incident reports shall be reviewed for attention to detail and returned to the writer when deemed inadequate.

**Related Department Forms:**

Incident Report	DRC1000
Special Incident	DRC2091
Body Receipt	DRC2600
Procedural Checklist for All Inmate Deaths	DRC2602
Notification of Next of Kin/Hospital Admin/ER Trips	DRC5328
Inmate Death - Notarized Statement	DRC1130