

|                          |  |
|--------------------------|--|
| <b>DATE:</b>             | FEBRUARY 1, 2019   |
| <b>NUMBER:</b>           | M.7  |
| <b>SUBJECT:</b>          | INMATE DEATHS  |
| <b>RELATED SECTIONS:</b> | <a href="#">M.4</a> , <a href="#">MSD.D.1</a> , SDSA 6.33, 6.39, 6.61, 7.3 |

**PURPOSE**

To provide direction to bureau personnel who are responding to, and reporting, inmate deaths; and to delineate a mechanism to ensure there is a medical review of every in-custody inmate death.

**POLICY**

Absent rigor mortis or post mortem lividity, all inmates with a potential for resuscitation shall be transported to the emergency room of the nearest hospital. When an inmate has been declared deceased by a physician the following procedure shall be used:

**PROCEDURE**

- I. The watch commander, or his/her designee, shall notify appropriate department personnel as soon as possible:
  - A. Communication Center watch commander and request they notify:
    - 1. The on-call Homicide team supervisor of all inmate deaths
    - 2. Division of Inspectional Services (DIS)
    - 3. Sheriff's legal advisor
    - 4. District Attorney—Special Operations Division
    - 5. The DSA attorney
  - B. Detention Investigations Unit (DIU) supervisor
  - C. Facility commander
  - D. Bureau commander
  - E. Assistant Sheriff
  - F. Detention processing supervisor (DPS)
  
- II. OTHER NOTIFICATIONS
  - A. The Medical Examiner is notified by the Sheriff's Homicide Division.

The Medical Examiner will then notify the decedent's family of the inmate's death. If a family member calls to inquire about the status of a recently deceased inmate, the watch commander should take down the caller's personal information (name, relationship, and call back number). The watch commander shall contact the Medical Examiner's office and determine if the next of kin has been notified of the death. If the family has not yet been notified, the Medical Examiner will return the call. If the family has already received notification, the watch commander will call the family member back and provide information.

- B. The Attorney General is also notified by the Sheriff's Homicide Division in accordance with Government Code Section 12525.
- C. Additional notifications are made by the DPS - see Section VI.D of this policy for details.
- D. Consular Corps Liaison deputy (if inmate is determined to be a foreign national)

III. In the event of an inmate death the watch commander shall ensure that Sheriff's Homicide Division is notified, via the Communications Center, per Section 6.61 of the Sheriff's Policy and Procedures Manual. Detention staff will respond to the event as outlined in Department Policy Section 6.33—Major Crimes, Primary Responders. The detention facility staff shall immediately:

- A. Identify and separate witnesses and possible suspects. Staff shall not interrogate witnesses or potential suspects beyond asking preliminary questions (e.g., "What happened?") needed to form a basic understanding of the event that transpired. It shall be the responsibility of the homicide investigators (not jail staff) to determine whether to give a Miranda warning to an inmate. Any spontaneous statements made by witnesses or potential suspects must be documented and reported to homicide investigators.
- B. Preserve the scene and physical evidence until homicide investigators arrive. Facility staff shall restrict access to the scene, as any staff person that enters will be required to complete a report documenting their activities.
- C. The shift supervisor shall designate a deputy to complete the crime/incident report. Unless otherwise directed by homicide. Reports are due in final form prior to the end of shift.
- D. The shift supervisor will contact the DPS at the facility, to ensure complete copies are made of the inmate's records (e.g., custody record, JIMS reports) and provided to the homicide investigators. Note: the chief of medical records will provide copies of the inmate's medical record the next working day. Two copies of all records will be provided to homicide, one copy to DIU and one copy to DIS.

IV. An "Inmate Death Notification Checklist" shall be completed by the watch commander and given to Homicide, along with the original crime/incident report and any associated deputy reports.

## V. REVIEW OF INMATE DEATH

- A. A mortality review shall be held after all autopsy and other pertinent reports have been received to discuss findings with DSB facility command staff, Sheriff's legal counsel, and medical services administration. As appropriate, the detention facility supervising nurse, chief mental health clinician and other staff who are relevant to the incident, as deemed appropriate by the medical services administrator, shall also be included.
- B. The Sheriff's medical services administrator, in consultation with the chief medical officer, is responsible for reviewing all in-custody deaths, inmate suicide, as well as morbidity reviews of any serious suicide attempts (defined as necessitating medical treatment outside the facility) within 30 days. Reviews should include:
  - 1. Review of the circumstances surrounding the incident,
  - 2. Review of procedures relevant to the incident,
  - 3. Review of all relevant training received by involved staff,
  - 4. Review of pertinent medical and mental health services/reports involving the victim,
  - 5. Review of any possible precipitating factors that may have caused the victim to commit suicide or suffer a serious suicide attempt,
  - 6. Recommendations, if any, for changes in policy, training, physical plant, medical or mental health services, and operational procedures.

The Chief Medical Officer will present a verbal summary of the findings to the affected facility manager and Detention Services Bureau (DSB) command staff. The Chief Mental Health Officer or designee will also present findings on suicides.

- C. The Critical Incident Review Board (CIRB) will also conduct a review of all in custody deaths, other than natural causes. The CIRB will carefully review in custody deaths from multiple perspectives, including training, tactics, policies, and procedures with the ultimate goal of identifying problem areas and recommending remedial actions (Department P&P 4.23). If applicable, CIRB will make recommendations to the Suicide Prevention and Focused Response Team.

## VI. PROCEDURES FOR DETENTION PROCESSING SUPERVISOR

- A. The following information will be entered in the supervisor's logbook:
  - 1. Inmate's full name and booking number.
  - 2. Time of death (watch commander or designee will provide).
- B. The DPS shall ensure the inmate's custody record, along with the personal and bulk property bags, are removed from their respective locations and placed in the DPS's

office. They shall also retrieve cash in the amount of the inmate's balance. No one shall access or disrupt the contents of these items. The property and money will only be released to a member of the homicide team or DIU.

Homicide will only take possession of the property and money if it is deemed to have evidentiary value. Otherwise, a DIU investigator will take possession of these items. The investigator will inventory these items, along with the inmate's module property, and release them to Medical Examiner staff that arrives to take possession of the body.


If the property cannot be transferred to Medical Examiner staff at that time, the investigator will complete a "found property" report on the property. They will contact the Medical Examiner's office to schedule a time for release of the property to the Medical Examiner.

The homicide or detention investigator shall sign the final release section of the booking sheet when they take possession of the inmate's property.

C. Computer Updates

1. Place the inmate into temporary release status.
2. Until the homicide or detention investigator signs the final release section, and takes possession of the inmate's property and money, the booking will remain open.
3. In the Jail Information Management System (JIMS) Maintenance Notes section write "deceased," and note the date and time the inmate was pronounced dead.
4. Once the homicide or detention investigator takes possession of, and signs for the inmate's property and money, return the inmate booking to "IN" status. The record will be closed using the release type DIED and the custody record forwarded to the Sheriff's Records and Identification Division.

D. Notifications: The day shift DPS will notify:

1. The court of jurisdiction, via the telephone, and follow-up with a letter, Notification of Deceased Inmate form (J-97 form).
2. Sheriff's Records and Identification Division by faxing the notification letter 
3. The letter will be carbon copied to the arresting agency on un-sentenced inmates, and to the California Department of Corrections and Rehabilitation (CDCR) if the decedent is a state prisoner. A copy of the notification letter will be placed in the inmate's custody record.
4. If the arresting agency is the San Diego Police Department, the letter will be mailed to:

[REDACTED]

5. If the arresting agency is the San Diego County Sheriff's Department (SDSD), the letter will be sent to the DIU supervisor [REDACTED]. They will be responsible for notifying the affected SDSD division/command, and forwarding the letter to them.
6. If the decedent is a state prisoner (either a contract body, has a 3056 P.C. hold, or a detainer), a copy of the letter will be sent to CDCR at the following address:

[REDACTED]

Along with sending the letter, if the decedent is a state prisoner with a detainer, the DPS or his/her designee will notify the Richard J. Donovan watch commander [REDACTED] or the watch sergeant [REDACTED].

7. For all other local agencies, the letter will be mailed to the watch commander at the agency's mailing address.

(See Page 6 of 6 for the "Inmate Death Notification Checklist")

**INMATE DEATH NOTIFICATION CHECKLIST**

WATCH COMMANDER: \_\_\_\_\_ DATE: \_\_\_\_\_

TIME NOTIFIED: \_\_\_\_\_

NOTIFIED BY: \_\_\_\_\_

INMATE NAME: \_\_\_\_\_ BOOKING NUMBER: \_\_\_\_\_

LOCATION OF INCIDENT: \_\_\_\_\_

I. Deputy's checklist

- A. Medical staff/paramedics Time: \_\_\_\_\_
- B. Shift supervisor notified Time: \_\_\_\_\_
- C. Seal the area, preserve scene and evidence Time: \_\_\_\_\_
- D. Identify, separate and interview witnesses Time: \_\_\_\_\_
- E. Identify, separate and detain possible suspects Time: \_\_\_\_\_
- F. Homicide on scene Time: \_\_\_\_\_
- G. Detentions Investigations Unit on scene Time: \_\_\_\_\_

II. Watch commander or designee's checklist

- A. Communications Center watch commander notified (Request they contact the on-call Homicide supervisor, Division of Inspectional Services [DIS], Sheriff's Legal Advisor, District Attorney and DSA Attorney.). Time: \_\_\_\_\_
- B. Detentions Investigations Unit (DIU) supervisor notified Time: \_\_\_\_\_
- C. Facility commander notified Time: \_\_\_\_\_
- D. Bureau commander notified Time: \_\_\_\_\_
- E. Assistant sheriff notified Time: \_\_\_\_\_
- F. Detention processing supervisor notified (request copies of the inmate's custody record and JIMS record [2 copies will be given to Homicide, 1 copy to DIU and 1 copy to DIS]).  
\*NOTE: the Chief of Medical Records will provide copies of the inmate's medical record the next working day. Time: \_\_\_\_\_
- G. Medical Examiner notified **at Homicide's request only** Time: \_\_\_\_\_
- H. Attorney General notified **at Homicide's request only** Time: \_\_\_\_\_
- I. Consular Corps Liaison Deputy (if inmate is a foreign national) Time: \_\_\_\_\_
- J. Crime Report and required Deputies Reports requested Time: \_\_\_\_\_
- K. Court of jurisdiction notified Time: \_\_\_\_\_

NOTE: Notification of the Undersheriff and the Sheriff shall be at the discretion of the Assistant Sheriff.