

DATE:	JANUARY 04, 2023
NUMBER:	M.7
SUBJECT:	INCARCERATED PERSON DEATHS
RELATED SECTIONS:	M.4 , MSD.D.1 , SDSD 6.33, 6.39, 6.61, 6.134, 7.3

PURPOSE

To provide direction to Detention Services Bureau (DSB) staff who are responding to, and reporting, incarcerated person deaths; and to delineate a mechanism to ensure there is a medical review of every in-custody incarcerated person death.

POLICY

When an incarcerated person has been declared deceased by a physician, the following procedure shall be used:

PROCEDURE

I. DEPARTMENT NOTIFICATIONS

- A. The watch commander, or their designee, shall notify appropriate department personnel as soon as possible
 - 1. Communication Center watch commander and request they notify:
 - a. The on-call homicide team supervisor
 - b. Division of Inspectional Services (DIS)
 - c. Detention Investigations Unit (DIU) supervisor
 - d. Facility Commander
 - e. Affected area commander
 - f. Assistant Sheriff
 - g. Sheriff's legal advisor
 - h. District Attorney – Special Operations Division
 - i. Deputy Sheriff's Association (DSA) attorney
 - j. In Custody Death Advocate and Department Investigation Coordinator
 - 2. Detention processing supervisor (DPS)

II. OTHER NOTIFICATIONS

- A. The medical examiner (ME) is notified by the Sheriff's Homicide Division.
- B. The incarcerated person's next of kin will be notified following the protocol outlined in San Diego Sheriff's Department Policy and Procedures (SDSD P&P) section 6.134 – Family Liaison Officer Program. If a family member calls to inquire about the status of a recently deceased incarcerated person, the watch commander should take

down the caller's personal information (name, relationship, and call back number) for follow-up by the designated Family Liaison.

- C. The Attorney General is notified by the Sheriff's Homicide Division in accordance with Government Code Section 12525.
- D. The DIS sergeant will notify the Citizen's Law Enforcement Review Board representative.
- E. Additional notifications are made by the Detention Processing Supervisor (DPS) - see Section V(D) of this policy for details.
- F. Consular Corps Liaison deputy (if incarcerated person is determined to be a foreign national). Per SDSO P&P section 6.39 – Death Scenes and Policy 47 of the Field Operations Manual – Death of a Foreign Citizen.

III. PRIMARY RESPONDERS

- A. DSB staff will respond to the event as outlined in SDSO P&P section 6.33. The detention facility staff shall immediately:
 - 1. 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 facility staff) to determine whether to give a Miranda warning to an incarcerated person. Any spontaneous statements made by witnesses or potential suspects must be documented and reported to homicide investigators.
 - 2. 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.
- B. 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.
- C. The shift supervisor will contact the DPS at the facility to ensure complete copies are made of the incarcerated person's records [e.g., custody record, Jail Information Management System (JIMS) reports] and are provided to the homicide investigators. Note: The chief of Health Information Management (HIM) will provide copies of the incarcerated person'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.
- D. An "Incarcerated Person Death Notification Checklist" shall be completed by the watch commander and given to homicide detectives, along with the original crime/incident report and any associated deputy reports.

IV. REVIEW OF INCARCERATED PERSON DEATH

For information in regard to the review process of the death of an incarcerated person, please refer to MSD.D.1.

V. PROCEDURES FOR DETENTION PROCESSING SUPERVISOR (DPS)

A. The following information will be entered in the supervisor's log:

1. Incarcerated person's full name and booking number.
2. Time of death (watch commander or designee will provide this per homicide detectives).

B. The DPS shall ensure the incarcerated person'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 incarcerated person'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 Sheriff's Homicide Unit or DIU.

1. 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 incarcerated person's module property, and release them to ME staff that arrives to take possession of the body.
2. If the property cannot be transferred to ME staff at that time, the investigator will complete a "found property" report on the property. They will contact the ME's office to schedule a time for release of the property to the ME.
3. The homicide or DIU investigator shall sign the final release section of the booking sheet when they take possession of the incarcerated person's property.

C. Computer Updates completed by on duty DPS:

1. Place the incarcerated person into temporary release status.
2. Until the homicide or DIU investigator signs the final release section and takes possession of the incarcerated person's property and money, the booking will remain open.
3. In the JIMS Maintenance Notes section, write "deceased," and note the date and time the incarcerated person was pronounced dead.
4. Once the homicide or DIU investigator takes possession of, and signs for the incarcerated person's property and money, return the incarcerated person 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 on duty DPS will notify:

1. The court of jurisdiction, by email with a Notification of Deceased Incarcerated Person form (J-97).
2. Sheriff's Records and Identification Division by faxing the notification letter to Phone number - 7922.000
3. The letter will be carbon copied to the arresting agency on un-sentenced incarcerated person, 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 incarcerated person's custody record.
4. If the arresting agency is the San Diego Police Department (SDPD), the letter will be mailed to:

Safety/Security Interests - 7922.000

5. If the arresting agency is the San Diego County Sheriff's Department (SDSD), the letter will be sent to the DIU supervisor at Mail Stop O48. 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 incarcerated person, has a 3056 P.C. hold, or a detainer), a copy of the letter will be sent to CDCR at the following address:

Safety/Security Interests - 7922.000

Along with sending the letter, if the decedent is a state prisoner with a detainer, the DPS or their designee will notify the Richard J. Donovan watch commander at Phone number - 7922.000 or the watch sergeant at Phone number - 7922.000.

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

(See Page 7 of 7 for the "Incarcerated Person Death Notification Checklist")

INCARCERATED PERSON DEATH NOTIFICATION CHECKLIST

WATCH COMMANDER: _____ DATE: _____

TIME NOTIFIED: _____

NOTIFIED BY: _____

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 team 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. Affected area 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 HIM will provide copies of the Incarcerated person'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 individual is a foreign national) Time: _____
- J. Crime Report and required Deputies Reports requested Time: _____
- K. Court of jurisdiction notified Time: _____

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