

WEBER COUNTY CORRECTIONAL FACILITY

Volume

ADMISSION AND RELEASE

Chapter

JC 08 - INMATE DEATHS OR LIFE-THREATENING ILLNESS OR INJURIES

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JC 08/01.00 **GENERAL**

JC 08/01.01 **Purpose**

The purpose of this chapter is to provide the WCCF's policy and procedures governing process required in the event of a prisoner death or life threatening illness or injury.

JC 08/01.02 **Cross Reference**

JF 04 - Crime Scene
JG 03 - Inmate Funds and Accounting

WCSO Chapter 55 - Collection and Preservation of Evidence

UJS C.04 Prisoner Property and Money Return
UJS H.02 Protection of Evidence and Crime Scene

UCA 26-4-6, 8, 9, 13, 16, 19
UCA 75-2-503
UCA 75-3-1201 and 1202

JC 08/01.03 **Definitions**

IPP	Inmate Placement Program; UDC
OIC	Officer-in-Charge
PIO	Public Information Officer
UDC	Utah State Department of Corrections
USMS	United States Marshals Service
USP	Utah State Prison
WCAO	Weber County Attorneys Office
WCCF	Weber County Correctional Facility
WCHTF	Weber County Homicide Task Force
WCSO	Weber County Sheriff's Office

JC 08/02.00 **NOTIFICATION REQUIREMENTS**

JC 08/02.01 **Policy**

It is the policy of the WCCF that:

- A. in the event of the death of a prisoner:
 - 1. the next of kin or other designated person should be notified;
 - 2. an investigation of the death should be initiated; and
 - 3. disposition of the prisoner's body and property shall be facilitated;
- B. if a prisoner suffers life-threatening illness, the next of kin or other designated person should be notified; and
- C. if a prisoner suffers a life-threatening injury:
 - 1. the next of kin or other designated person should be notified; and
 - 2. an investigation of the life-threatening injury should be initiated.

JC 08/02.02 **Rationale**

- A. Notification of family members and/or other designated persons should be made because family members have a substantial interest in knowing when a family member has died or become gravely ill or injured. Notification is also required to permit funeral and other arrangements to be made.
- B. Notification of the Utah State Medical Examiner (ME) in all cases involving prisoner deaths is required by state law.
- C. Serious injuries and deaths may be the result of criminal activity and/or may result in litigation. For either reason, a thorough investigation is needed.

JC 08/02.03 **Procedure: Official Notification**

A. **Prisoner Death**

In the event of a prisoner death or life-threatening injury, staff notification shall include:

- 1. WCCF administrators, including the OIC, the Jail Commander, the Corrections and Law Enforcement Chief Deputies, and the Sheriff;

2. WCSO criminal investigator(s);
3. Medical Examiner's Office, as State law may require an autopsy, so the ME should be notified and asked for direction regarding disposition of the body (UCA 26-4-8);
4. WCSO PIO; and
5. if a contract inmate, the contracting agency, e.g., UDC, USMS, etc., should be notified.
 - a. If the inmate is a State contract inmate, the Weber County IPP Coordinator should be contacted during regular business hours; or the Utah State Prison should be contacted if it is after hours.
 - b. If the inmate is a US Marshals Service inmate, the US Marshal's Office Deputy in Charge should be notified at (801)524-5693. The FBI should be immediately notified at (801)579-1400.
 - c. If the inmates is from another agency, that agency should be immediately notified.

B. Life-Threatening Injury

In the event of a life threatening or very serious injury to a prisoner, notification should include:

1. WCCF administrators, including the OIC, the Jail Commander, the Corrections and Law Enforcement Chief Deputies, and the Sheriff;
2. WCSO criminal investigator(s);
3. WCSO PIO; and
4. if a contract inmate, the contracting agency, e.g., UDC, USMS, etc., should be notified.

JC 08/02.04 Procedure: Next of Kin Notification

- A. In the event of grave illness, life-threatening injury, or death of a prisoner, the next of kin should be notified.
1. If a prisoner provided the name of a non-family member for emergency notification at admission, the person listed should be notified instead.

2. If the prisoner failed to list a person to be notified in the event of an emergency, staff should check jail visiting logs, telephone request slips, and/or mail in the prisoner's cell.
 3. If no family member or other associate of the prisoner can be identified by jail staff, investigators assigned to the case should be tasked with locating someone for notification.
- B. If no family or associates can be located, the unsuccessful efforts shall be documented.
- C. When contact is made, the person contacted should be:
1. notified of the death or life-threatening illness or injury of the prisoner; and
 2. informed that the body is in the possession of the ME, when the inmate is deceased.

JC 08/03.00 **CRIMINAL INVESTIGATION**

JC 08/03.01 **Policy**

It is the policy of the WCCF that all prisoner deaths shall be referred for investigation to/through the WCSO Investigations Unit.

JC 08/03.02 **Rationale**

- A. A full investigation of prisoner deaths should be made to determine if the death was a result of a criminal act and/or to prepare for possible litigation involving the county.
- B. Outside investigation will be more credible if it is not the jail officials investigating a jail death.

JC 08/03.03 **Procedure: Responsibility and Authority**

- A. The responsible agency for investigating prisoner deaths is the WCSO Investigations Unit unless otherwise designated by the Weber County Attorney's Office.
- B. If an investigation involves a contract prisoner (either as the deceased or a suspect), the contracting agency (e.g., UDC/IPP, USMS, etc.) shall be notified.
- C. The investigation should be coordinated through the WCSO Investigations Unit.

JC 08/03.04 **Procedure: Crime Scene**

- A. Jail staff shall protect the crime scene from being disturbed beyond that which is necessary due to the exigent circumstances. No staff member shall be permitted access to the crime scene, unless his duties and responsibilities requires his presence. (UCA 26-4-9)
- B. Refer to WCCF JF 04, Crime Scene.

JC 08/03.05 **Procedure: Witnesses**

A. **Prisoner Witnesses**

Staff shall separate and isolate any prisoners who witnessed the death of the deceased prisoner or who have information relevant to the investigation pending their debriefing by the investigator-in-charge/designee.

B. Staff Witnesses

Staff members who have information relevant to the investigation shall be required to:

1. document their observations and other information; and
2. Make themselves available to speak with investigators when needed.

JC 08/04.00 **FINAL DISPOSITION**

JC 08/04.01 **Policy**

It is the policy of the WCCF that:

- A. the body shall be released to the Utah State Medical Examiner (UCA 26-4-9); and
- B. the autopsy and disposition of the body shall be the responsibility of the Medical Examiner. (UCA 26-4-13 & 16)

JC 08/04.02 **Rationale**

The rationale for this policy is compliance with Utah law.

JC 08/04.03 **Procedure: Release of Body to Medical Examiner**

- A. As soon as possible after a prisoner has been pronounced dead and investigators have completed the phase of investigation preventing movement of the prisoner's body, the body shall be released to the Medical Examiner.
- B. When the body is released, the jail staff supervisor shall:
 - 1. document the time and date of release, including the name of the deceased and the name of the ME to whom the body is released;
 - 2. require a body receipt to be signed by the ME accepting custody;
 - 3. provide the ME with information to assist in the preparation of a death certificate and vital statistics, including but not limited to:
 - a. the prisoner's personal information and pertinent medical records; and
 - b. investigative reports; and
 - 4. provide the ME with:
 - a. details relevant to the death; and
 - b. the presence, if any, of known communicable disease in the body.
- C. The ME/designee shall assume custody of the body in all deaths occurring while the deceased was in prison. (UCA 26-4-7.)

- D. Only the ME/designee may issue a death certificate for a prisoner. UCA 26-4-7 gives the ME's office the authority and responsibility for the deceased prisoner's body.

JC 08/04.04 **Procedure: Autopsy**

- A. The bodies of all deceased prisoners, regardless of circumstances associated with a death, shall be referred to the ME's office for a post-mortem examination.
- B. WCHTF Criminal Investigation should request copies of all autopsy reports.

JC 08/04.05 **Procedure: Disposition of Body**

- A. Release of Body to Personal Representative
 - 1. The family or other personal representative should be instructed to contact the ME to arrange to transfer the body to a funeral home.
 - 2. The family or other representative will then be responsible for making funeral arrangements and pay for the costs associated with the funeral.
- B. If Body Is Not Claimed
 - 1. If a representative cannot be found or is unwilling to assume responsibility, the remains shall be attended to by a mortuary selected by the County.
 - 2. The Jail Commander shall notify the WCAO that the County will have to assume the cost of the deceased prisoner's burial.
 - 3. The Jail Commander shall make arrangements for the disposition of the remains if:
 - a. the prisoner did not name a family member or other representative and no person can be located to claim the remains;
 - b. after a reasonable effort, the Jail Commander is unable to make contact with a family representative;
 - c. the remains are unclaimed for five working days;
 - d. the WCAO so determines;

- e. unless other arrangements are made and verified with the family/ claimant of the decedent.
- 4. Failure to locate a person to claim the remains shall be documented in the prisoner record file chronological data.
- C. Disputes Concerning Disposition of the Body

The Jail Commander shall refer any disputes concerning disposition of the body to the WCAO for resolution.
- D. Contract Prisoners

Disposition of contract prisoners should be referred to the contracting agency (e.g., UDC/IPP, USMS, etc.) for resolution.
- E. Cremation Option as Determined by the WCAO
 - 1. Upon the issue of a death certificate by the ME's Office, the Jail Commander may contact the WCAO and assigned investigators to determine if cremation of the remains could result in the destruction of evidence.
 - 2. The WCAO and assigned investigators shall make that determination and provide documentation specifying whether the decedent's remains may be cremated or if the decedent's remains shall be preserved and interred intact.
 - 3. The decedent's remains may be released only upon authorization by the ME, WCAO, and assigned investigators.

JC 08/04.06 **Procedure: Disposition of Property**

- A. Thirty-Day Release Delay

Deceased prisoner's personal property shall be held in the property room and any personal property not held as evidence shall be turned over to the legal representative of the deceased within 30 days after the completion of the investigation. (UCA 26-4-19).
- B. Notification of Next of Kin
 - 1. Next of kin or other designated representative should be notified when the deceased prisoner's property is cleared for release.

2. The booking screen should identify the next of kin or other representative to whom the prisoner's property and money will be released in case of death. (UCA 75-2-503.)
3. If there is no person designated to receive the deceased prisoner's property and money thirty days after the prisoner's death, any person claiming to be the successor or personal representative of the decedent may present appropriate documentation attesting to his or her claim, along with a picture identification, to the WCCF Property Officer to receive the decedent's property. (UCA 75-3-1201 and 1202.)
4. If property is not claimed within one year of death, it becomes the property of the State.