




Department of  
Rehabilitation & Correction

SUBJECT: <b>Inmate Deaths</b>	PAGE <u> 1 </u> OF <u> 8 </u>
	NUMBER: <b>66-ILL-02</b>
RULE/CODE REFERENCE: ORC 1713.34-36; 2108.70 to 2108.90; 5120.13-45; 5121.11	SUPERSEDES: 66-ILL-02 dated 07/18/14
RELATED ACA STANDARDS: 4-4395, 4-4425	EFFECTIVE DATE: <b>December 11, 2017</b>
	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 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 (DRC) employees who work in an institution and those employees in Operation Support Center (OSC) 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 (DRC) 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, unless otherwise noted in section VI.D.3 of this policy.

- 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 eight (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/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. Franklin Medical Center (FMC) shall follow DRC policy 66-ILL-03, Notification of Next of Kin – Illness/Injury, for all inmate deaths temporarily or permanently housed at FMC or transported to The Ohio State University Medical Center (OSUMC) from FMC.
  4. The Parent Institution shall follow DRC policy 66-ILL-03, Notification of Next of Kin – Illness/Injury, for all inmate deaths occurring at the Parent Institution or at an outside hospital after transport from the Parent Institution.
  5. The shift captain/designee shall call the managing officer, advising them of the inmate death.
  6. The Office of Prisons (OOP) and the Office of Correctional Health Care (OCHC) 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 (OSHP) and advise them of the death and known facts surrounding the death.
    - a. OSHP shall determine whether or not to send a trooper.
    - b. If OSHP determines it is necessary to come to the institution, the area must be secured as a criminal investigation scene.
  8. The shift captain/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/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, OSHP, OOP, and the OCHC.
    - 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/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/designee of any information obtained from inmate files.
    - b. The institutional medical department shall inform the managing officer/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/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/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/designee shall note in a log who was contacted, when contact was made (i.e., 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 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/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 VI.F.2.
  - b. If no, continue to section VI.F.6.
2. Has the inmate revoked the declaration by signing and dating a document that is either notarized or signed by two (2) witnesses?
  - a. If no, continue to section VI.F.3.
  - b. If yes, continue to section VI.F.6.
3. At the time of the inmate's death, the managing officer/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 (2) 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/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 descendants 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 VI.F.6 cannot be located or, if located, are disqualified for the reasons set forth in section VI.F.4, DRC has the right of disposition if the managing officer signs an Inmate Death - Notarized Statement form (DRC1130) indicating the good faith efforts to locate and notify the persons listed in section VI.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 DRC has the right of disposition, and no autopsy is ordered, the managing officer must make arrangements to provide for the internment of the body or the cremated remains in one of the DRC 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 OOP 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 VI.F.6, unless disqualified for the reasons set forth in section VI.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 VI.I.1.a-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, the managing officer shall hold such money in that account for a period of at least one (1) 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. The managing officer/designee shall document the attempts made to find the responsible party. If, at the end of that period, no such person has made a demand upon the managing officer for the release of such funds, 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, etc.) 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, the managing officer shall retain such property in such institution for a period of one (1) 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. The managing officer/designee shall document the attempts made to find the responsible party. If, at the end of that period, no such person has made a demand upon the managing officer for the release of such investment, the managing officer shall transfer the unclaimed investment to the Ohio Department of Commerce, Division of Unclaimed Funds.
  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 (1) 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, 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/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, the body shall be transported to the appropriate county morgue and a Body Receipt (DRC2600) obtained.
  - 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 OCHC 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/designee shall ensure adherence to the Procedural Checklist for All Inmate Deaths (DRC2602).

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 DRC policy 310-SEC-13, Protection of Crime Scene.
    - i. When the call is made to OSHP, advise them the cause of death is of an unusual or suspicious nature.
    - ii. Notify OCHC and OOP immediately thereafter.
  - b. When the call is made to the county coroner, advise them 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 OCHC 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 all potential evidence is protected until the scene is released by OSHP per DRC 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/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
Inmate Death - Notarized Statement	DRC1130
Special Incident	DRC2091
Body Receipt	DRC2600
Procedural Checklist for All Inmate Deaths	DRC2602
Notification of Next of Kin/Hospital Admin/ER Trips	DRC5328