

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 300.00.09	<b>Page</b> 1 of 28
	<b>Original Effective Date:</b> 12/01/77	<b>New Effective Date:</b> 08/20/18
	<b>Supersedes:</b> 300.00.09	<b>Dated:</b> 10/15/16
	<b>Administrator's Approval:</b> Jim Schwochert, Administrator	
	<b>Required Posting or Restricted:</b>	
<input checked="" type="checkbox"/> <b>Inmate</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>		
<b>Chapter:</b> 300 Administrative		
<b>Subject:</b> Death of an Inmate		

## POLICY

The Division of Adult Institutions shall ensure specific action is taken in the event of an inmate death. This shall include completion of proper notification, documentation and review of the death. All deaths shall be reviewed to determine the appropriateness of clinical care; to ascertain whether changes to policies, procedures and/or practices are warranted and to identify issues requiring further study.

## REFERENCES

2017 Wisconsin Act 246 – Inmate Death  
Wisconsin Statutes s. 146.37 – Health Care Services Review, Civil Immunity  
Wisconsin Statutes s. 146.38 – Health Care Services Review, Confidentiality of Information  
Wisconsin Statutes s. 146.82 – Confidentiality of Patient Health Care Records  
Wisconsin Statutes s. 157.02 – Disposal of Unclaimed Corpses  
Wisconsin Statutes s. 301.32 – Property of Prisoners, Residents and Probationers  
Wisconsin Statutes s. 302.14 – Property of Deceased Inmates, Parolees, Probationers, or Persons on Extended Supervision, Disposition  
Wisconsin Statutes s. 852.01 – Basic Rules for Intestate Succession  
Wisconsin Statutes s. 867.03 – Transfer by Affidavit  
Wisconsin Statutes s. 979.01 – Reporting Deaths Required; Penalty; Taking Specimens by Coroner or Medical Examiner  
Wisconsin Statutes s. 979.025 – Autopsy of Correctional Inmate  
Executive Directive 58 – Department of Corrections Review of Inmate/Youth Deaths  
Wisconsin Administrative Code Ch. DHS 135 – Human Corpses and Stillbirths  
Wisconsin Administrative Code Ch. DHS 136 – Embalming Standards  
Wisconsin Administrative Code s. DOC 309.20 – Personal Property  
Standards for Health Care in Prisons, National Commission on Correctional Health Care, 2014, P-A-10 – Procedure in the Event of an Inmate Death  
DAI Policy 300.00.10 – Review by Committee on Inmate/Youth Deaths  
DAI Policy 300.00.71 – Reporting Serious Incidents, Events of Special Interest, Media Contacts and Legislative Inquiries  
DAI Policy 306.00.14 – Protection, Gathering and Preservation of Evidence  
DAI Policy 500.10.27 – Continuous Quality Improvement Plan  
DAI Policy 500.10.33 – Inmate Patient Safety  
DAI Policy 500.30.13 – Organ Transplants/Donations

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42 Code of Federal Regulations, Part 2, Confidentiality of Alcohol and Drug Abuse Information

45 Code of Federal Regulations, Part 164, Security and Privacy  
Records Office Procedure I-03 – Death of an Inmate

Attachment – Template for Requesting Information from Staff

## **DEFINITIONS, ACRONYMS, AND FORMS**

Anticipated Death – Any death where the inmate was in the terminal stage of an illness and had an anticipated life expectancy of 12 months or less.

BHS – Bureau of Health Services

BHS-CO – Bureau of Health Services Central Office/Madison

COIYD – Committee on Inmate/Youth Deaths. See DAI Policy 300.00.10.

CQI – Continuous Quality Improvement

DAI – Division of Adult Institutions

Determination of Death – An individual, who has sustained either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain, including the brain stem, is considered dead. A determination of death shall be made in accordance with accepted medical standards.

DHS – Department of Health Services

Direct Burial – Includes casket, preparation of the deceased consistent with the Department of Health and Family Services s. 136.04, vault and cemetery charges. Embalming is not required.

DOC – Department of Corrections

DOC-236D – Identification Property Access Record

DOC-2309 – Certification of Records

DOC-2466 – Incident Report (WICS)

DOC-2466B – Incident Information (WICS)

DOC-2606 – Offender Demise Checklist

DOC-2606A – Demise Chronological Log

DOC-3021 – Progress Notes

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DOC-3356 – Inmate/Youth Death Review – Institution/Facility

DOC-3356E – Inmate/Youth Death Review – Palliative Care Program

DOJ – Department of Justice

DSU – Dental Services Unit

Emergency Contact – Contact information initially obtained at intake and annually updated by a social worker from an inmate to provide facility staff with immediate access to the appropriate name and telephone numbers in case of an emergency.

Health Care Record (HCR) – Official confidential DOC record created and maintained for each inmate patient consisting of all or some of the following components: gray/green and/or orange Medical Chart, Hemodialysis Chart, Dental Record, Psychological Records-Copies envelope, Medications Record envelope, Patient Request Folder, Psychological Services Unit Record and other components as defined by the Bureau of Health Services.

HIPAA – Health Insurance Portability and Accountability Act

HSU – Health Services Unit

Intestate – Died without a valid will.

Next of Kin – Those living individuals related to the deceased by blood or marriage.

OLC – Office of Legal Counsel

Palliative Care Program – Inmate patient and family centered care that optimizes quality of life by anticipating, preventing and treating suffering. The illness continuum of palliative care addresses physical, intellectual, emotional, social and spiritual needs while facilitating inmate patient autonomy, information access and choice.

PHI – Protected health information

PR-1831 – Transfer by Affidavit (\$50,000 and under)

PSU – Psychological Services Unit

Standard (Universal) Precautions – Work practices which require everyone to assume that all blood and body substances are potential sources of infection independent of perceived risk.

Unanticipated Death – Any death which occurs where there was no diagnosis by a physician of a terminal medical condition or where the physician had indicated the

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anticipated life expectancy should be 12 months or longer with a terminal medical condition.

UPS – United Parcel Service

WICS – Wisconsin Integrated Corrections System

WRC – Wisconsin Resource Center

WWRC – Women’s Wisconsin Resource Center

## **PROCEDURE**

### **I. Pronouncement of Death**

- A. Only a physician, coroner or medical examiner can pronounce the individual deceased. The time of death shall be determined by the time of contact with and pronouncement by the physician, coroner or medical examiner.
- B. If time of death was pronounced by a physician, the time of pronouncement shall be given to the coroner or medical examiner for placement on the death certificate.
- C. At the time of death, the facility shall contact the coroner/medical examiner to request an autopsy per Wisconsin Statutes s. 979.025.
  1. Due to autopsy requirements, request by the inmate prior to death to donate body cannot be honored.
  2. See DAI Policy 500.30.13 for process for donation of organs.
- D. As soon as possible after pronouncement of death, designated HSU staff shall document the following information on DOC-3021 to be filed in the Medical Chart:
  1. Information regarding activities that occurred outside the DOC facility, such as at a hospital, if death occurred off-site.
  2. Synopsis of assessment and medical care provided immediately prior to death.
  3. Date, time and location of death.
  4. Observation or assessment made.
  5. Contact with physician and their response.
  6. Time of pronouncement.
  7. Notifications made regarding the death.
- E. Upon receipt of a request from a coroner/medical examiner for written or verbal PHI, HSU and/or PSU staff shall provide requested information. See Section VIII.
- F. Security staff may answer questions posed by the coroner/medical examiner relating to events surrounding the death that are not health related.

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## **II. Actions by Security Staff**

- A. Initiate and complete the DOC-2606A and DOC-2606.
- B. Ensure crime scene security measures are implemented to preserve evidence per DAI Policy 306.00.14.
- C. The body of the deceased inmate, equipment, appliances or dressings, shall not be removed until the coroner, medical examiner or any involved law enforcement personnel grants authorization. Equipment may be powered off.
- D. Immediately notify the Warden/designee and report the death to law enforcement of the jurisdiction in which the death occurred and/or in which the facility having responsibility is located.
- E. Once the scene has been cleared by law enforcement, standard precautions shall be followed when cleaning up blood and other body fluids that may be present.
- F. Ensure inmate's property is collected, inventoried and secured.
  1. Law enforcement shall not be permitted to review or remove from the premises any documents found in the deceased inmate's cell that include PHI.
  2. A court order, subpoena or search warrant signed by a judge is required to authorize the DOC to disclose PHI to law enforcement.
- G. Secure and inventory all medications and medical equipment that were in the possession of the inmate and any controlled medications and medication records that were in staff control.
  1. Law enforcement shall not be permitted to remove from the premises any medications or medical equipment that were in the possession of the inmate, or in staff control. The county coroner does have the authority to remove these items.
  2. After inventory of medications and medical equipment is complete, security staff shall deliver the medications and medical equipment to the HSU unless they have been removed by the coroner.
- H. Ensure all staff present complete a DOC-2466.
- I. Communicate administrative review findings and recommendations to appropriate employees, including health providers, when applicable.

## **III. Notification of Death**

- A. Immediately notify the DAI Administrator or the DAI staff person on call.
- B. Complete DOC-2466B and forward to the DOC DL DAI Demise Contacts and DOC DL DAI Incident Reporting Group via email.

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C. Notify the inmate's agent of record.

#### **IV. Notification of Emergency Contact/Next of Kin**

- A. Notify the next of kin of the death, but do not provide PHI. If the next of kin cannot be found, make efforts to notify relatives.
- B. Notify the inmate's designated emergency contact, but do not provide PHI.
- C. If next of kin or emergency contact requests PHI, refer the individual to the HIPAA Compliance Officer.
- D. If, after due diligence, no next of kin or emergency contact is located, efforts may cease.
- E. Provide a written notification to the next of kin informing him/her they may request a copy of the autopsy from the coroner or medical examiner's office.
- F. Determine if the next of kin wishes to claim the body or cremated remains and provide burial.
- G. If the next of kin claims the body or cremated remains, the facility bears no responsibility for funeral or burial expenses.
- H. If the next of kin does not claim the body, arrangements shall be made for cremation or direct burial at facility expense. If the deceased inmate has remaining funds, the funds shall be used towards cremation or burial expenses.
  - 1. Unclaimed bodies shall not be cremated prior to 48 hours after death.
  - 2. Cremation shall not occur if death was caused by:
    - a. Homicide
    - b. Contagious or infectious disease
- I. An honorably discharged veteran of the U.S. Armed Forces is entitled to certain burial expenses. The facility shall claim these benefits when appropriate to defray the expenditures.

#### **V. Autopsy Report**

- A. The facility shall request a copy of the preliminary report from the coroner or medical examiner to be used in the facility mortality review.
- B. The facility shall request a copy of the final report from the coroner or medical examiner, and forward the final report to BHS-CO Program Support Supervisor for filing in the deceased inmate's mortality review file.

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## **VI. Death Certificate**

- A. Facilities shall request two certified copies of the death certificate from the county courthouse or from the DHS, Division of Health, Section for Vital Statistics, PO Box 309, Madison, WI 53701-0309.
- B. Forward one certified death certificate to:
  - 1. Facility Records Office for filing in the deceased inmate's legal file.
  - 2. BHS-CO Program Support Supervisor for filing in the inmate's mortality review file.
- C. The family or next of kin may obtain copies of the death certificate from the DHS, Division of Health, Section for Vital Statistics, PO Box 309, Madison, WI 53701-0309.

## **VII. Disbursement of Property and Funds**

- A. Facilities shall designate staff responsible for contacting the inmate's next of kin regarding personal property and funds.
- B. Upon the death of an inmate, the next of kin shall receive written notice of the inmate's personal property and money currently in trust to include PR-1831.
- C. Follow the procedures of disbursing property for inmates, including vital documents stored in the DOC-236D and funds, as established in Wisconsin Statutes s. 302.14 and 867.03.
- D. Property, including identification property, vital documents and funds from inmates who have died intestate shall be disbursed to the surviving heir as defined in Wisconsin Statutes s. 852.01.
- E. The DOC shall not send to next of kin or emergency contacts, documents that contain PHI.
  - 1. During the inventorying of the deceased inmate's property, designated property staff shall review all documents and set aside the documents that appear to be health records, either from the DOC HCR, or from a community health provider.
  - 2. Property staff shall place the health care documents in a sealed envelope and deliver to the HSU who shall forward to Central Medical Records and Inactive Women's Medical Records for confidential destruction.
  - 3. Staff shall maintain the confidentiality of the information contained in the health records.
- F. If the funds remain unclaimed for one year after the inmate's death, they shall be deposited in the general fund.
  - 1. Unclaimed personal property, including vital documents, shall be securely disposed of by shredding, preferably in a cross-cut shredder.
  - 2. All other personal property shall be disposed of or sold after one year and any proceeds deposited in the general fund.

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3. See Wisconsin Statutes s. 301.32 and Wisconsin Administrative Code s. DOC 309.20.

G. The sale of unclaimed personal property shall be arranged through the DOC Purchasing Officer.

### **VIII. Copying and Forwarding of HCR**

A. The HSU or Infirmary shall:

1. Immediately retrieve all components of the HCR kept in the HSU, including all or some of the following. Not all inmates shall have all the components.
  - a. All volumes of the Medical Chart.
  - b. Dialysis Chart.
  - c. Medications Record envelope.
  - d. Psychological Records – Copies envelope.
  - e. Patient Request Folder.
  - f. Any documents not yet filed in the proper location in the HCR.
2. Write in pencil the date of death on the outside of the current volume of the Medical Chart.
3. Notify PSU and DSU of the death, and shall request the immediate delivery to HSU or Infirmary, of the entire original PSU Record, including a PSU Record – AODA envelope, if any, and Dental Record, for forwarding to BHS-CO.
4. Ensure all documents pertaining to the deceased are filed in the proper location within the HCR (including DSU and PSU staff).
5. Make three to four copies of the most recent six months of the Medical Chart, Medical Records envelope, Psychological Records – Copies envelope and Patient Request Folder. This includes documents from the Patient Request Folder that may have been scanned into the OnBase database.
  - a. Retain one copy at the HSU or Infirmary.
  - b. When requested by the Coroner and/or Medical Examiner, forward a copy to one, or to both, depending on county of death, and complete a DOC-2309 when a certified copy has been requested.
    - i. If a law enforcement official states that s(he) will deliver the copy to the Medical Examiner and/or Coroner, HSU may place the copy in a sealed envelope addressed to the Medical Examiner and/or Coroner, and provide to a law enforcement official.
    - ii. The Responsible Health Authority shall coordinate the response to a verbal or written request for additional health information from a Medical Examiner and/or Coroner, and may provide copies of records in addition to the most recent six months when those records are at the facility.
    - iii. The Health Information Supervisor shall respond to requests for additional written records when the HCR is at the BHS-CO.



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- c. The first working day following the death, HSU shall send the entire original HCR, and one set of the copies of the most recent six months to the BHS-CO Program Assistant Supervisor.
        - i. Forward the HCR by certified mail with return receipt requested, bonded carrier (e.g., UPS, Federal Express), or hand delivered by DOC staff.
        - ii. Do not send the HCR via inmate transport vehicles.
      - d. Do not delay sending the HCR to BHS-CO while waiting for other documents. When other pertinent documents (e.g., ambulance record, emergency room report, hospital discharge summary, autopsy report) are received, the facility shall forward them to BHS-CO Program Support Supervisor.
  - B. In the event of a suicide or suspected suicide, PSU shall make one copy of the past six months of the PSU record and the PSU Record – AODA, if any, except for the psychiatric dictations, and provide the copy along with the original PSU record to the HSU for forwarding to BHS-CO.
  - C. WRC/WWRC shall follow the procedures of its Committee on Resident Death.
    - 1. WRC/WWRC may make copies of all or part of the DOC HCR prior to sending the entire original HCR to BHS-CO.
    - 2. WRC/WWRC shall forward the entire original DOC HCR to the BHS-CO Program Support Supervisor the business day following the death. This includes all components of the HCR maintained in the HSU, DSU and PSU.
- IX. Electronic Records Preservation Related to Inmate Patient Death For Inmate Suicides and Unanticipated Deaths**
- A. The Facility Litigation Coordinator/Designee shall:
    - 1. Utilize the template example in the Attachment to this policy to request information from all facility staff via email. Include DOC OLC Office Manager and Civil Litigation Unit at DOJ Office of Assistant Attorney Generals in the carbon copy of the email.
    - 2. Gather and transfer to specified DAI electronic folder for storage of any electronic records relative to the deceased inmate, including documents, spreadsheets, video recordings, personal folders etc.
  - B. OLC Shall:
    - 1. Complete and submit a DOC-2119A when necessary to gather and retain all emails and related attachments.
    - 2. Save all related information.
    - 3. Work in conjunction with DOJ staff to ensure necessary records are preserved for each facility at which the inmate has resided.

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## **X. Facility Mortality Review**

- A. The facility mortality review team shall conduct a review of the circumstances surrounding the individual's death with an emphasis on the health care provided, and submit its findings and when appropriate, an action plan to the COIYD.
- B. Each division responsible for the custody of inmates/youths shall promulgate internal management procedures establishing the makeup and responsibilities of the mortality review teams.
- C. The BHS Medical Director shall make the determination of whether the death is anticipated or unanticipated.
- D. The mortality review team may address the following issues:
  1. Adequacy of health care practices.
  2. Clinical judgment.
  3. Utilization of expertise.
  4. Staff training.
  5. Staffing issues.
  6. Presence and appropriateness of internal policies and procedures.
  7. Implementation of internal policies and procedure.
  8. Notification and involvement of appropriate family members.
  9. Notification of external agencies.
  10. Reporting of the death to the DOC facility mortality review team.
  11. Other issues as deemed appropriate.
- E. A DAI mortality review team at the facility shall complete:
  1. A clinical mortality review assessing the clinical care provided and the circumstances leading up to a death in order to identify areas of inmate patient medical and/or mental health care, or system policies and procedures that can be improved.
  2. An administrative Security review of the circumstances surrounding the death of the inmate, in order to assess correctional and emergency response actions, and identify areas where facility operations, policies and procedures can be improved.
  3. In cases of suicide, a psychological autopsy or psychological reconstruction of an individual's life with an emphasis on factors that led up to and may have contributed to an individual's death, shall be conducted by a psychologist or other qualified mental health professional.
  4. Timelines:
    - a. Within 10 working days of the inmate's death for an unanticipated death.
    - b. Within 20 working days of the inmate's death for an anticipated death.

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- F. Anticipated death mortality review team shall consist of the following:
1. Warden/Superintendent from the facility at which the death occurred.
  2. Security Representative.
  3. Physician/Advanced Practice Nurse Prescriber/Physician's Assistant.
  4. HSU Manager/designee.
  5. BHS Nursing Coordinator.
  6. PSU representative, if requested.
  7. Others as determined to be appropriate.
- G. Unanticipated death mortality review team shall consist of the following:
1. All of the above members.
  2. PSU Representative (if death is by suicide).
  3. BHS Director.
  4. BHS Nursing Director
  5. BHS Medical Director.
  6. BHS Mental Health Director, Psychiatry Director and Psychology Director (for suicides, and other deaths, as deemed appropriate)
  7. DAI Assistant Administrator or DOC Security Chief (as determined by the DAI Administrator).
- H. When the death involves an inmate recently transferred from another DOC facility, the facility that transferred the inmate shall assist the facility at which the death occurred to conduct the mortality review.
- I. Information to be reviewed by the facility mortality review team:
1. Review the partially completed the DOC-3356/DOC-3356E.
  2. DOC-3356E shall be used only for inmates consented to admission into a Palliative Care Program.
  3. DOC policies and facility procedures, including Executive Directives, DAI policies and facility procedures, when relevant.
  4. DOC-2466s/2466Bs.
  5. Videotapes/photographs/security camera recordings.
  6. Investigations (internal and external).
  7. Correspondence (e.g., letters from the inmate to family/friends).
  8. Preliminary autopsy reports.
  9. Medical Chart and other relevant components of the HCR, such as the Medications Record envelope, Dental Record and Patient Request Folder.
  10. PSU Record (for suicides and as requested).
  11. Law enforcement reports.
  12. Any other documents or items related to the death.
- J. During the facility review, areas of improvement related to the death shall be identified and entered on the DOC-3356/3356E.
- K. Issues/recommendations entered on the DOC-3356/3356E may include the following:
1. Facility specific.

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2. System wide.
  3. Health care related.
  4. Security related.
  5. Action to be taken.
  6. Timetable to start and complete.
  7. Individuals responsible for implementation.
- L. The facility shall send the documents identified below to the BHS-CO Program Support Supervisor for use by the COIYD within 10 working days of completion of the team's review to include:
1. Final signed version DOC-3356/DOC-3356E and supporting documents.
  2. Pertinent facility procedures.
  3. Facility DOC-2466s.
  4. Autopsy report, when available.
- M. Within 10 working days of the review, the facility shall send the DOC-3356/DOC-3356E to the DOC Secretary and the Division Administrator.
- N. Facilities shall implement and monitor recommended corrective actions identified on the DOC-3356/DOC-3356E through the facility's CQI program for systemic issues under DAI Policy 500.10.27, and by the patient safety program for staff related issues under DAI Policy 500.10.33. When appropriate, direct health care providers shall be informed of the findings of the review and recommended corrective actions.
- O. Following a death of an inmate at WRC/WWRC, that facility shall follow the DHS Committee on Resident Deaths procedures, and forward documents resulting from that review to the BHS-CO Program Support Supervisor.
- XI. Investigation of Deaths of DOC Inmates at County Jails**
- A. DAI and BHS shall work collaboratively with the Office of Detention Facilities to facilitate the sharing of information for a thorough and complete death review for a DOC inmate at a Wisconsin County Jail.
- B. The Office of Detention Facility Specialist responsible for the County Jail shall conduct the death review and the final report shall be shared with DAI and BHS.

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**Administrator's Approval:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
Jim Schwochert, Administrator

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Columbia Correctional Institution		
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<b>Will Implement</b> <input type="checkbox"/> As written <input checked="" type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b> <i>Larry Fuchs</i>		

**REFERENCES**

CCI 960.00.04 Entrance-Exit Procedures – Truck Gate  
 DAI 310.00.03 – Inmate Property Depreciation Schedule  
 DAI 500.00.01 – Advance Directives for Health Care  
 DAI 500.50.09 – Disclosure of Protected Health Information (PHI) With Inmate Patient Authorization and Court Orders  
 DAI 500.50.10 – Authorized Disclosure of Protected Health Information (PHI) Without Inmate Patient Authorization  
 Wisconsin State Statutes Chapters 69.21(1), 973.045(4)

**DEFINITIONS, ACRONYMS, AND FORMS**

ADO – Administrative Duty Officer  
CCI – Columbia Correctional Institution  
CIB – Crime Information Bureau  
CMSD – Corrections Management Services Director  
COMPAS – Correctional Offender Management Profiling for Alternative Sanctions  
DNR – Do Not Resuscitate  
DOC-184 – Disbursement Request  
DOC-236 – Property Inventory – Male  
DOC-1163A – Authorization for Use and Disclosure of Protected Health Information (PHI)  
DOC-3342 – Disclosure of PHI Without Patient Authorization  
ICE – Institution Complaint Examiner  
PHI – Protected Health Information  
U.S. – United States

**FACILITY PROCEDURE**

- I. Immediate Response Protocol
  - A. Initial Notification
    1. Imminent Death – When it is suspected an inmate is dead, near death, or could possibly die:
      - a. Staff must contact Health Services Unit (HSU) and a Security Supervisor, identifying the inmate.
      - b. A Security Supervisor will contact the Control Center to summon an ambulance, unless the inmate has a DNR order on file in HSU.
      - c. The Warden shall be notified of the inmate's imminent death.
      - d. The Warden shall determine when the inmate's next of kin should be notified. PHI should not be provided to the next of kin unless the inmate has signed a valid DOC-1163A

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

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2. Deceased – If the body is still and obviously lifeless, the Security Supervisor must contact the coroner and appropriate law enforcement agencies immediately or simultaneously to emergency medical personnel. If the CCI physician is on grounds at the time of the discovery, the physician may also pronounce the inmate deceased and provide the time of death to the county coroner.
- B. First Aid
1. First aid will be rendered by trained CCI staff as appropriate until medical personnel arrive to relieve staff.
  2. All infectious disease control procedures must be followed when handling the body.
- C. Ambulance Transport
1. Inmate will be transported via ambulance to the nearest emergency medical facility. Emergency vehicles will enter the institution through the truck gate per CCI 960.00.04.
  2. The only time an inmate would not be transported via ambulance are in the following situations, at which time a staff member will remain with the corpse until the coroner assumes possession of the body:
    - a. A DNR order
    - b. Gross Rigor Mortis
    - c. Decapitation
    - d. Apparent Lividity
- D. Moving the Body
1. Life-saving measures may require some movement of the inmate, however, once medical personnel have determined the inmate has expired, follow crime scene preservation protocol. The body cannot be moved out of the immediate area until authorization is granted by the coroner, medical examiner and/or any law enforcement personnel.
  2. The only exception to the rule documented in D(1) is if:
    - a. Emergency medical staff or HSU staff want the inmate moved for medical reasons; or
    - b. It presents a significant risk of causing a major disruption or unrest among inmates, at the discretion of the Security Supervisor.
  3. One officer must stay with an apparently deceased inmate at all times until the inmate has been declared dead.
  4. A Security Supervisor shall request a full autopsy from the coroner or medical examiner at time of death.
- E. Crime Scene Preservation
1. Immediately secure the room/area in which the inmate was found, and the inmate's cell (if not the same area) and treat as a crime scene to preserve evidence.
  2. A Security Supervisor will assign staff to supervise the area(s).

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3. Only persons authorized by a Security Supervisor are allowed to enter the room/area and cell.
4. A record of all persons entering the room/area and cell must be started immediately. These records will include the person's name, rank, reason for entry, date, time in, time out, and person authorizing entry.

## F. Cellmates

1. The cellmate will be immediately notified and interviewed.
2. The cellmate will not be allowed to remain or return to the cell until authorized by a Security Supervisor. No property may be removed from the cell unless authorized by a Security Supervisor.
3. The cellmate and any property removed from the cell will be searched prior to placement in another cell.
4. All clothing will be seized and new clothing issued as warranted.

- G. Once the scene has been cleared by law enforcement and authorized by a Security Supervisor, Standard Precautions shall be followed when cleaning the room/area.

- H. Witnesses in an area shall be identified and interviewed.

- I. Initiated documentation as detailed below in Section III.

## II. Notification

## A. Notify the following:

1. Columbia County Sheriff Department
2. Coroner (request full autopsy and advise Coroner may not release the body to the next of kin without authorization from the Warden).
3. Warden
4. Deputy Warden
5. Security Director
6. ADO (will report to the institution for any death occurring on site)
7. Respective Unit Manager
8. Nurse Clinician or Nurse On-Call
9. DAI on-call
10. Program Supervisor
11. Federal Bureau of Prisons (if death involved Federal inmate)

- B. A Supervisor will notify the inmate's emergency contact and/or next of kin as indicated in WICS. PHI shall not be provided unless the deceased has a valid DOC-1163A on file.

- C. The CMSD will provide written notification to the emergency contact and/or next of kin informing him/her they may request a copy of the autopsy from the coroner or medical examiner's office.



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## III. Documentation

- A. Relevant sections of the area/unit logbooks and/or other related forms will be retrieved and photocopied for evidence by the Security Supervisor. The logs should then be returned to their respective area.
  
- B. The Security Supervisor will obtain a "Response to Inmate Death" packet from the Security Supervisor's Office and immediately initiate a DOC-2606A and maintain this log throughout the sequence of events.
  
- C. Reports
  1. All staff who were present, witnessed, or in the course of their work day were assigned to perform duties in relation to the inmate's death will complete a DOC-2466 immediately for submission to the Security Supervisor.
  2. Any information gathered from other interviews shall be documented on a DOC-2466.
  3. Copies of all DOC-2466s, DOC-2606, DOC-2606A, and other documentation will be forwarded to the Program Supervisor for the Mortality Review.
  
- D. Incident Information Summary
  1. As soon as possible after the death occurs, the Security Supervisor will submit a DOC-2466B to include all pertinent DOC-2466s and will forward to the Security Director. The Security Supervisor will document the incident with the following information:
  2. A summary of events surrounding the inmate's death, including:
    - a. Time and location of death;
    - b. Circumstances surrounding death;
    - c. Name, address, and telephone number of the notified emergency contact and/or next of kin; and
    - d. Date and time the emergency contact and/or next of kin was notified.
  3. Background information on the inmate including:
    - a. Inmate name and number.
    - b. Date of Birth.
    - c. Date received at Dodge Correctional Institution and CCI.
    - d. County of commitment.
    - e. Committing offense(s).
    - f. Sentence Structure for committing offense(s) to include scheduled Parole Eligibility Date, Mandatory Release Date and Maximum Discharge.
    - g. Last Parole Action.
  4. All information noted above must be submitted to the Warden, Deputy Warden, Security Director, ADO, Corrections Management Services Director, and Program Supervisor.

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5. The information will also be distributed to \*DOC DL DAI Demise Contacts, \*DOC DL DAI Incident Reporting Group, \*DOC DL DAI CCI Admin Staff, and \*DOC DL DAI CCI Sec Sup as soon as possible, but not later than eight hours after the incident.

## IV. Death Occurring Outside

- A. In the event an inmate dies while under off grounds supervision by institution escort personnel, the escort officers will contact the institution Security Supervisor immediately and summon local medical and law enforcement assistance (contacting 911 as necessary, depending upon location).
- B. One escort officer must stay with the inmate at all times until the inmate has officially been declared dead by the physician or appropriate county coroner. The body may not be released without authorization from the Warden.
- C. When the coroner authorizes another agency to assume possession of the inmate, the escorting officer will notify the Security Supervisor, informing him/her of the time, coroner's name and agency taking custody. This custody transfer should be recorded in an Incident Report or on a DOC-2606A. Once custody transfer has been completed, the escorting officer may return to CCI.
- D. CCI staff must request a full autopsy. (See VI).
- E. The DOC-2606A must be completed. All protocol/contacts remain the same as for deaths occurring at CCI, except:
  1. No law enforcement officer response is necessary unless it is relative to the crime scene/inmate's cell or suspected foul play.
  2. If inmate dies at Dodge Correctional Institution Infirmary or University of Wisconsin Hospital, telephone or email notification with DAI Administrator need not be made. Administrators at these sites will ensure these contacts are accomplished.

## V. Requests for Organ Donation

Refer to Health Services Policy 500.30.13.

## VI. Autopsy

- A. The Security Supervisor shall request a full autopsy to include both the preliminary and final reports for all inmate deaths. Both autopsy reports should be sent to the CCI HSU Manager's attention for distribution.
- B. The HSU Manager will distribute the report to the following:
  1. CCI HSU
  2. BHS at Central Office
  3. CCI Program Supervisor (to be filed in the Mortality Review binder)
  4. Relatives or other interested parties may request a copy of the autopsy from the coroner or medical examiner's office.

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5. Requests for any other medical information pertaining to the death will be referred to the DOC Medical Records Custodian.

## VII. Death Certificate

- A. The Offender Records Supervisor will request two certified Fact of Death Certificates from the Registrar of Deeds in the county in which the death occurred.
- B. Certified certificates will be distributed to the following:
  1. Inmate's Legal File
  2. BHS-CO Program Assistant Supervisor
- C. Two photocopies of the Death Certificate will be made and distributed to the following:
  1. CCI HSU Manager
  2. CCI Program Supervisor (to be placed in the Mortality Review binder)

## VIII. Facility Mortality Review

- A. The Program Supervisor will coordinate the Mortality Review within 20 working days of the inmate's death for an anticipated death.
- B. The BHS Medical Director will coordinate the Mortality Review within 10 working days of the inmate's death for an unanticipated death.

## IX. COIYD

- A. Within 10 working days following the Mortality Review, the Program Supervisor will provide the completed DOC-3356 to the Warden.
- B. The Warden will review the completed DOC-3356 and forward to the COIYD, the Secretary, and the appropriate Division Administrator within 10 working days of the Mortality Review.
- C. The Warden will develop plans to address recommendations from the Morality Review and COIYD, and will provide feedback to COIYD regarding actions taken.
- D. All information gathered during this process must remain confidential.

## X. Burial

- A. Claimed Bodies – Relatives of the deceased inmate will be encouraged to claim the body and provide burial. If the next of kin claims the body, the institution/center bears no responsibility for funeral expenses.
- B. Unclaimed Bodies – Bodies may not be donated to medical schools due to medical schools not accepting autopsied bodies. Unclaimed bodies may not be cremated.

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- C. NOTE: Only the Warden can authorize the release of the body from the coroner's office to the inmate's family or next of kin.
- XI. Institution Paid Burial
- A. If the next of kin does not claim the body, arrangements shall be made for direct burial at institution expense.
- B. An honorably discharged veteran of the U.S. Armed Forces is entitled to certain burial expenses. The CMSD will procure these benefits, when appropriate, to defray institution expenditures.
- C. An institution representative shall attend the burial to witness interment.
- XII. Disbursement of Property and Funds
- Inventory – The ICE will inventory and determine the value of the deceased inmate's property according to DAI 310.00.03. The ICE will forward property, inventory, and determined value to the CMSD for safe storage in the Warden's storage/CMSD office until a decision is made on property disposition.
- A. Value Determination – The total value of the deceased inmate's property and funds will be established by the CMSD after any unpaid balance due for Crime Victim and Witness Assistance surcharge has been deducted and payment is made to the State Treasurer [See WI statute 301.32(1) and 973.045(4)].
- B. Notice to Next of Kin – The CMSD will draft a letter to the next of kin, providing a written notice of the inmate's personal property and funds entrusted to the Warden, to be signed and mailed via registered mail by the Warden.
- C. \$150.00 or less value – If the total value of the estate (sum of the value of property and funds) is \$150 or less, the letter of notice to the next of kin will include the following in accordance with Wisconsin Statutes 302.14:
1. Request the next of kin to notify the CMSD if probate has been, or will be, initiated within 90 days of the inmate's death.
  2. If probate proceedings have not been initiated after a period of 90 days and upon proof of identity, the next of kin may claim the estate identified by Department of Corrections and Columbia Correctional Institution records.
  3. If funds remain unclaimed one year after the inmate's death, the Business Office will deposit the funds into the general fund. Unclaimed personal property shall be disposed of or sold after one year through the Department's Purchasing Officer and proceeds will similarly be deposited into the general fund [see WI statute 301.32(1)].

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- D. Greater than \$150.00 value – If the total value of the estate (sum of the value of property and funds) exceeds \$150, the letter will be accompanied by an affidavit. The letter will notify the next of kin that they may claim the estate by furnishing the CMSD with evidence of their interest or right to the property with the Affidavit in duplicate showing:
1. Description of the value of the property to be transferred.
  2. Total value of the deceased inmate's property in the estate at the date of the inmate's death (see WI statute 867.03).
  3. Letter of notification will advise the next of kin that transfer by affidavit of the deceased inmate's property may be accomplished only up to the first anniversary date of the inmate's death and any heir may execute such an affidavit.
- XIII. Authorized Transfer of Property and Funds
- A. The CMSD will ensure a signed and notarized affidavit is received, in duplicate, by the next of kin prior to the transfer of the property and funds.
  - B. Upon receipt of the affidavit described above, the listed property shall be transferred to the next of kin, provided the total value of the deceased inmate's property as represented in the affidavit does not exceed \$20,000.
  - C. If the property is to be mailed to the next of kin, Property staff will ensure the property is properly packaged to prevent damage during shipment.
  - D. Filing – One copy of the affidavit shall be retained for institution records.
  - E. Funeral Costs – There is no provision in state law for the institution to recover funeral and interment costs from the funds of the deceased inmate.
- XIV. Memorial Services for Deceased Inmate  
The institution will provide an opportunity for general population inmates to gather for a memorial service for the deceased inmate.
- A. Sign-up sheets are distributed to all units with first priority given to inmates who are immediate family members or from the deceased's housing unit.
  - B. Chaplain will coordinate and conduct the service.
  - C. Service may be up to one hour in length.
  - D. Adequate security coverage will be provided in accordance with the number of inmates scheduled to attend.
  - E. Maximum number of inmates attending may not exceed 30.

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**XV. Donations by Inmates to Family**

A donation may be made to the family of the deceased inmate, who at the time of his death had been residing at CCI. The following guidelines must apply:

1. Donation may not exceed \$25.00 per inmate.
2. Submit a DOC-184 to the Unit Manager.
3. The Business Office will determine the name of the family member (legal next of kin) to whom donations will be forwarded and issue one check to the deceased's family.
4. The Chaplain will select a sympathy card from the Chapel and forward to Business Office staff.
5. Business Office staff will send the sympathy card with the check to the family.

**XVI. Media Inquiries**

All media inquiries are to be referred to the Warden's office. Staff may not discuss information regarding the incident with any outside agency unless authorized to do so. Refer to DAI 309.03.01 Reporting Serious Incidents, Events of Special Interest, Media Contacts and Legislative Inquires.

**RESPONSIBILITY****I. Responding or Assigned Staff**

- A. Contact HSU and a Security Supervisor when it is suspected an inmate is dead or at imminent risk of death.
- B. Render first aid as appropriate until medical personnel arrive.
- C. Follow all infectious disease control procedures when handling the body.
- D. Once the inmate has died, do not move the body unless ordered by emergency medical, HSU staff, or Security Supervisor.
- E. One officer must stay with an inmate at all times until the inmate is declared dead by the physician or coroner.
- F. Secure area in which the inmate was found and the inmate's cell, and treat as a crime scene. Allow only authorized persons to enter the scene.
- G. Secure, inventory and deliver all medications and medical equipment assigned to the inmate, including staff controlled medications and medication record, to HSU for secured storage.
- H. Chronologically log all persons entering and exiting the crime scene area on the DOC-2606A.
- I. Transfer cellmate from the deceased inmate's cell to a different cell. Search inmate and property prior to placement in another cell.
- J. When crime scene is released by law enforcement, pack up inmate's property and store in a secured location to be inventoried.
- K. Sanitize cell utilizing Universal Precautions.
- L. Complete a DOC-2466.

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- II. CCI Physician  
Pronounce inmate deceased if no signs of life exist and lifesaving measures would not resuscitate inmate. Provide time of death (if pronounced) to coroner.
- III. Security Supervisors
- A. Contact the Control Center to summon an ambulance and HSU staff or nurse on-call. Ambulance will not be called if inmate has a DNR on file.
  - B. Immediately notify the Warden and report the death to law enforcement of the jurisdiction in which the death occurred and/or in which the facility having responsibility is located.
  - C. Contact the coroner. Request a full autopsy to include both the preliminary and final reports for all inmate deaths. Both autopsy reports should be sent to the CCI HSU Manager's attention for distribution.
  - D. Ensure body is not moved until the coroner, medical examiner and/or law enforcement grant authorization, unless emergency medical/HSU staff need the inmate moved for medical reasons or it presents a significant risk of causing a major disruption or unrest among the inmates.
  - E. Secure area in which the inmate was found and the inmate's cell, and treat as a crime scene. Assign staff to supervise the area. Allow only authorized persons to enter the scene.
  - F. Obtain a Response to Inmate Death Packet from the Security Supervisor's Office and initiate DOC-2606 and DOC-2606A and maintain throughout sequence of events.
  - G. Photocopy relevant sections of area logbooks and unit logbooks and return.
  - H. Complete immediate tasks and notifications and document on DOC-2606A:
    1. Columbia County Sheriff
    2. Coroner (request full autopsy and advise coroner the body may not be released without Warden's authorization)
    3. Warden
    4. Deputy Warden
    5. Security Director
    6. Respective Unit Manager
    7. Nurse Clinician or Nurse On-Call
    8. Staff Peer Supporters
    9. Portage Police Department
    10. DOC Demise Group (via email)
    11. DOC Incident Reporting Group (via email)
    12. ADO (must report to institution for any death occurring on site)
    13. Federal Bureau of Prisons (if death involves Federal inmate)
    14. Notify the inmate's emergency contact and/or next of kin as indicated in WICS. Do not provide PHI until determining the deceased has a valid DOC-1163A on file.

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- I. Ensure all staff who were present, witnessed, or in the course of their work day were assigned to perform duties in relation to the inmate's death immediately complete DOC-2466.
  - J. Prepare a summary regarding the death via DOC-2466B as soon as possible and email to:
    - 1. DOC DL DAI Demise Contacts
    - 2. DOC DL DAI Incident Reporting Group
    - 3. DOC DL DAI CCI Admin Staff
    - 4. DOC DL DAI CCI Sec Sup
  - K. In the event an inmate dies while under off grounds supervision, ensure the escorting officers know and follow the prescribed protocol. Initiate the DOC-2606.
  - L. Ensure security staff pack the deceased's property and it is secured for inventory by the ICE.
  - M. Offer Employee Services peer support to staff involved in incident.
  - N. Offer PSU services to cellmate and witnesses.
- IV. Security Director
- A. Review all DOC-2466s and other documents and forward electronic copies to the Warden, Deputy Warden, and Program Supervisor
  - B. Participate in the Mortality Review.
  - C. Review security concerns for institution memorial service with Program Supervisor and Chaplain and make recommendations regarding approval or disapproval to Warden.
- V. Unit Manager
- A. Notify during normal business hours:
    - 1. Social Worker(s)
    - 2. CMSD
    - 3. Chaplain
    - 4. Offender Records Supervisor
    - 5. Institution Complaint Examiner
  - B. Coordinate inmate donations on respective unit and forward to the Business Office.
- VI. Escorting Officers
- A. In the event an inmate dies while off grounds, contact Security Supervisor, local medical, and law enforcement agencies immediately.
  - B. Ensure one escort officer stays with the deceased inmate at all times until the body has been released to the appropriate county coroner.
  - C. Notify Security Supervisor of the time, coroner's name, and agency taking custody of inmate.



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## VII. Warden

- A. Ensure next of kin is notified when inmate's death is imminent or has occurred.
- B. Notify DAI Administrator or DAI On-Call of an inmate's death.
- C. Send letter to next of kin regarding estate and property.
- D. Forward related DOC-2466s to the DAI Administrator.
- E. Request approval for organ donation as appropriate and in compliance with DAI 500.30.13.
- F. Following Mortality Review, submit completed DOC-3356 to the BHS Program Assistant Supervisor within five (5) working days.
- G. Develop plans to address recommendations from Mortality Review and COIYD. Provide feedback to COIYD regarding actions taken.
- H. Approve a basic direct burial for unclaimed deceased inmate.

## VIII. ADO

- A. Report to institution for unanticipated inmate death occurring on site.
- B. If not completed by Security Supervisor, notify:
  1. Inmate's emergency contact and/or next of kin as indicated in WICS. Do not provide PHI until determining the deceased has a valid DOC-1163A on file.
  2. Federal Bureau of Prisons (if death involved Federal inmate)
  3. Provide presence and availability to staff and inmates in area where death occurred.
  4. Immediately report any unusual activity or climate issues.

## IX. HSU Staff

- A. Report to scene and provide medical treatment.
- B. Notify HSU Manager and Security Supervisor when an inmate's death is imminent.
- C. Complete necessary documentation on the DOC-3021 in accordance with Sec. I. D. of DAI Policy.
- D. Secure all of the deceased inmate's medications in HSU.
- E. Make three copies of the last six months (three months if at DCI Infirmary) of medical chart, routing a copy to the Medical Examiner/Coroner, a copy to the BHS Program Assistant Supervisor, and retaining a copy.

## X. HSU Manager

- A. Notify Warden when an inmate's death is imminent
- B. Contact the DOC BHS Director to provide notifications of death. If death occurs after regular business hours, contact will be made the next business day.
- C. Inventory patient's medications and secure in HSU.

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- D. Ensure appropriate documentation is completed on the DOC-3021 in accordance with Sect. I. D. of DAI Policy.
  - E. Ensure copies of the medical chart have been routed to the Medical Examiner/Coroner, the BHS Program Assistant Supervisor, and a copy retained.
  - F. Send original medical record to BHS Program Assistant Supervisor by the end of the first working day after the death via certified mail with return receipt requested, bonded carrier, or hand delivered by DOC staff. Include with the record the BHS Program Assistant Supervisor's copy as noted above.
  - G. Follow up as necessary to request preliminary and final autopsy records.
  - H. Obtain and distribute both the preliminary and final autopsy reports to the following:
    - 1. BHS at Central Office
    - 2. CCI Program supervisor to be filed in the Mortality Review binder
    - 3. Retain a copy in HSU files
  - I. Refer outside requests for autopsy reports to the county coroner in the county of inmate's death.
  - J. Obtain the relevant reports to be reviewed during the Mortality Review and submit to Program Supervisor.
  - K. Participate in the Mortality Review.
- XI. Offender Records Supervisor
- A. Enter external movement in WICS.
  - B. Request two certified Death Certificates from the Registrar of Deeds in the county in which the death occurred and distribute to the following:
    - 1. Inmate's Legal File]
    - 2. BHS-CO Program Assistant Supervisor
  - C. Two photocopies of the Death Certificate will be made and distributed to the following:
    - 1. CCI HSU Manager
    - 2. CCI Program Supervisor to be placed in the Mortality Review binder
  - D. Notify Parole Commission of inmate's death, if parole eligible.
  - E. Notify Office of Victim Services.
  - F. Notify inmate's Agent of Record
  - G. Submit DJ-LE-244 Death Notice, containing all pertinent information to CIB.
  - H. In the event of suicide and unanticipated death:
    - 1. Notify the DOJ Office of Assistant Attorney Generals of incident with email including inmate's name, DOC number, age, date, and time of death.
    - 2. Print off all inmate internal and external movement for each facility the inmate has been confined in.
    - 3. Send email to Litigation Coordinator at each location, with the main focus on the current location.
  - I. Refer next of kin requesting copy of Death Certificate to DHS.
  - J. Close Social Services and Legal Files and return to Dodge Correctional Institution Records Office.

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- XII. Corrections Management Services Director
- A. Determine if the next of kin intends to claim the body.
    1. If body is unclaimed, notify the funeral director for arrangements.
    2. Claim veterans' burial expenses when appropriate.
  - B. Ensure proper storage and handling of property.
  - C. Determine inmate's total funds after processing all outstanding money disbursements and other fees.
  - D. Draft letter and affidavit to the next of kin on Warden's behalf to be sent certified mail with return receipt. The letter shall list the inmate's personal property and funds.
  - E. Provide written notification to the emergency contact and/or next of kin informing him/her they may request a copy of the autopsy from the coroner or medical examiner's office.
  - F. Arrange for disbursement of estate.
- XIII. Program Supervisor
- A. Review memorial service arrangements with Security Director and make recommendation to the Warden.
  - B. Coordinate the Mortality Review within 20 working days of the inmate's death for an anticipated death.
  - C. Review, complete, and compile documentation for Mortality Review and submit to Warden within 10 working days for unanticipated deaths and 20 working days for anticipated deaths.
  - D. Provide oversight to Chaplain.
- XIV. Chaplain
- A. If the body is not claimed, witness burial.
  - B. Arrange and facilitate memorial service.
  - C. Provide inmates grief counseling, as requested.
- XV. Institution Complaint Examiner
- A. Inventory and determine the value of the deceased inmate's personal property utilizing DAI 310.00.03.
  - B. Forward DOC-236 and letter identifying property and total value to CMSD.
- XVI. Social Worker
- A. Make chronological entry in COMPAS.
  - B. Make notifications as necessary.

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- XVII. Warden's Secretary  
Prepare and distribute announcement of inmate's death to be posted in inmate areas.
  
- XVIII. Psychological Services Supervisor
  - A. Compile psychological portion of DOC-3556 as necessary.
  - B. Participate in Mortality Review as necessary.
  - C. Provide grief counseling as requested.
  
- XIX. Litigation Coordinator  
For inmate suicides and unanticipated deaths, utilize the template example in Attachment 1 of this policy when requesting information from staff.
  
- XX. Staff Peer Supporters  
Ensure follow up contacts with involved staff members are made.