

Revised 4/29/22

Inmate Death

Overview:

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.

Inmate deaths are determined to be either anticipated or unanticipated. Anticipated death is where the inmate was in the terminal stage of an illness and had an anticipated life expectancy of 12 months or less. Unanticipated death is when there was no diagnosis of terminal medical condition, or if there was life expectancy was 12 months or longer.

Next of kin may wish to claim the body or the cremated remains and provide burial. If next of kin does not claim the body arrangements shall be made for cremation or burial.

Next of kin will be provided an itemized inventory list and account balances. If they claim the body the facility bears no responsibility for the burial costs. Next of kin will receive all monies in the inmate's account. If they do not claim the body, arrangements shall be made for cremation or burial, at the facilities expense. If the deceased has remaining funds, the funds shall be used towards cremation or burial. Any remaining funds after that will be provided to the next of kin.

A court order, subpoena or search warrant signed by a judge is required to authorize the DOC to disclose Protected Health Information (PHI) to law enforcement.

Next of kin may obtain a copy of the autopsy from the medical examiner.

Next of kin may obtain copies of the death certificate from the Department of Health Services, State Vital Records Office, PO Box 309, Madison, WI 53701-0309.

Social Worker/Treatment Specialist Responsibilities/Designee:

Based on facility procedure, may provide notification to emergency contact and next of kin. Emergency contact and next of kin information can be found in WICS →Prison→Visitation→Relatives/Associates.

If the next of kin cannot be found, make efforts to notify relatives. If, after due diligence, no next of kin or emergency contact is located, efforts may cease.

If the next of kin or emergency contact requests PHI, refer the individual to the HIPAA Compliance Officer. It should be noted that a previously signed DOC-1163A-Authorization for Use and Disclosure of PHI, does not survive death.

Reference/Resources:

DAI Policy 300.00.09 – Death of Inmate