

1.4.E.6 Death of an Offender or Unresponsive Offender

I Policy Index:



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II Policy:

The Department of Corrections (DOC) assumes responsibility for the proper notification, investigation, reporting, and disposition in the event staff encounter an unresponsive offender or when there is a death of an offender in DOC custody.

III Definitions:

Determination of Death:

Any offender 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 dead. A determination of death shall be made in accordance with accepted medical standards (See SDCL § 34-25-18.1).

Offender:

For the purpose of this policy, an inmate in the custody of the Department of Corrections (DOC) institutional system, a parolee under parole or suspended sentence supervision by South Dakota Parole Services or a juvenile in private placement or on aftercare.

Scene:

The location where the incident took place. Comprises the area from which most of the physical evidence is retrieved.

IV Procedures:

1. Unresponsive Offender:

- A. Institutional staff encountering an unresponsive offender will immediately initiate the Incident Command System (ICS).
 1. Health Services staff or outside emergency medical responders in the absence of Health Service staff, will be notified immediately by staff upon the discovery of an unresponsive inmate.

2. When safe to do so, staff will assess the unresponsive inmate's airway, breathing, circulation (ABC's) and begin life-sustaining procedures, as deemed necessary by the responding staff member, while awaiting the arrival of health service staff or emergency responders. Basic first aid may be provided by staff to the inmate, to the extent of the responding staff's abilities and consistent with training received.
 3. In the case an inmate is known to have a valid and current Do Not Resuscitate (DNR) order, Health Service staff will determine how to respond to an unresponsive inmate. The DNR must be documented in the inmate's institutional health records.
 4. If an unresponsive inmate is found in a segregation/restricted unit cell, the cell door will not be opened until the unresponsive inmate's cellmate(s) have been placed in restraints or are otherwise safely removed from the immediate proximity of the unresponsive inmate. Staff responding to a report of an unresponsive inmate will delay opening the door to any cell occupied by more than one inmate until a second staff member arrives at the scene.
 5. When responding to a report of an unresponsive inmate, staff will always assess the scene for possible safety concerns. The inmate will not be moved unless the scene is determined to be unsafe.
- B. Community Corrections staff discovering an unresponsive offender in the community will contact local emergency services (911) immediately.
1. If and when safe to do so, Community Corrections staff should provide basic first aid to the inmate, consistent with responding staff's training and abilities, including but not limited to, assessing the unresponsive offender's airway, breathing, circulation (ABC's) and beginning life-sustaining procedures. The offender will not be moved unless the scene is determined to be unsafe. Staff will remain with the offender until emergency responders arrive on the scene.
 2. If the offender is determined deceased, local authorities will assume jurisdiction over the body.
 3. The scene should be secured and preserved by responding Community Corrections staff, until authority over the scene is transferred to responding law enforcement, or law enforcement determines preservation of the scene is not necessary.
- C. In all cases involving the discovery of an unresponsive inmate or offender, determination of death is the responsibility of the pronouncing physician or his/her designee. Under no circumstances will DOC staff make a determination of death.
- D. The safety and physical wellbeing of staff is always first priority when responding to an unresponsive offender.

2. Preservation of Scene:

- A. To the greatest extent possible, staff will preserve and secure the scene whenever there is evidence to support an unresponsive or deceased offender may be a victim of suicide, homicide, accident, or the cause of the offender's unresponsiveness or death is suspicious, unattended or cannot be immediately determined.
- B. The scene shall be preserved pending the arrival of investigating staff or outside law enforcement personnel. Staff preserving and securing the scene will:

1. Restrict unnecessary/unofficial access to and from the scene.
2. Prevent the movement or removal of the body until receiving proper authority.
3. If the inmate/offender is officially declared deceased, the following shall be observed by responding staff:
 - a. In accordance with SDCL § 23-14-19, no dead body in which the cause of death may be a matter of public interest, may be moved from the scene without permission from the law enforcement agency exercising investigative control of the scene, or the coroner, unless the location of dead body poses an immediate health hazard or obstructs a public transportation right-of way.
 - 1) If the body or other physical evidence must be moved, staff should first note and document the location of the body (photograph and/or diagram sketch) before moving the body or related evidence.
4. Detain or note the presence of any individual(s) at the scene when staff arrived. Staff will attempt to identify and document any potential witnesses. Staff will obtain the name and other identifying information of any potential witness.
 - a. Staff will determine the perimeter of the scene and maintain control of the scene until investigating staff or outside law enforcement personnel assume control of the scene. Staff may be directed to keep a log of those allowed admittance to the scene, including investigators, outside law enforcement and medical staff and keep a record of the time which responders arrived and/or departed.
 - b. Staff will identify, secure and separate any possible suspects or witnesses.
 - 1) Suspects will only be questioned by those investigating the death or incident.
 - c. Staff will obtain the name and location of the medical facility where the offender is taken.
5. Staff will preserve the integrity of all possible evidence, including maintaining a proper chain of custody of any evidence collected. Staff will not remove or move objects in proximity to where the body was located until so instructed by investigators, unless doing so is essential to the safety of persons present. Staff will:
 - a. Minimize contamination of physical evidence. Nothing at the scene will be moved, touched/handled, cleaned or disturbed until proper authorization to do so is received.
 - b. Establish physical barriers and establish a scene perimeter with ropes, cones, barrier tape or other approved method to protect evidence from contamination and limit unauthorized access and/or disturbance to the scene. If possible, the door(s) leading to/from the scene shall be secured.
 - c. Instruct responding medical staff not to “clean up” the scene and minimize disturbance of any potential evidence to the extent possible. Staff shall not remove, or process physical evidence located at the scene until properly instructed.
6. Staff will brief outside law enforcement personnel responding to the scene and assist responders in controlling the scene, as directed. Staff will remain on-site until dismissed by the investigator(s) or Incident Commander (at DOC facilities).

- C. Whenever an inmate dies outside the attendance of a licensed physician, physician assistant or nurse practitioner, the person in charge of the body shall notify the county coroner and sheriff of the offender's death (See SDCL § [34-25-21](#)).
- D. Staff will document any unexpected death (suicide, accidental, criminal or unattended) of an inmate by completing a *Major Incident Report* and reporting the death in accordance with DOC policy 1.1.A.3 [Reporting Information to DOC Administration](#). The report will include at a minimum the following information:
 - 1. Staff observations upon arrival at the scene. Individuals and items present, location of the body, etc.
 - 2. Conditions at the scene, e.g. location, time, date, presence of smells, sounds, liquids.
 - 3. List of possible witnesses, victims, suspects.
 - 4. Actions taken by staff and others responding to or present at the scene.

3. Reporting the Death of an Inmate:

- A. Upon confirmation by Health Service or medical staff an inmate has been pronounced deceased, the nurse in charge will notify the site physician, Clinical Supervisor and the Officer in Charge (OIC) (See DOH policy P-A-10 [Procedure in the Event of an Inmate Death](#)).
- B. The OIC will complete a *Major Incident Report* in accordance with DOC policy 1.1.A.3 [Reporting Information to DOC Administration](#) and ensure the report is sent to the Major Incident group, in accordance with policy. In addition, the OIC shall ensure the following are notified of the offender death:
 - 1. The Division of Criminal Investigation (DCI) and local law enforcement, as directed by the Warden or designee.
 - 2. The site physician, Medical Director or Clinical Supervisor, if the death occurred outside the direct care of Health Services (See DOH policies P-A-10 [Procedure in the Event in an Inmate Death](#)).
 - 3. Central Records staff.
 - 4. The Office of Risk Management (See DOC policy 1.1.A.3 [Reporting Information to DOC Administration](#)).
 - 5. The county coroner/medical examiner.
- C. Upon notification an inmate has been determined deceased, the Warden or designee will contact the coroner/medical examiner's office in the county where the death occurred and notify the office of the inmate's death (See SDCL § [24-1-27](#) and 1 HC-7A-05).
 - 1. Designated DOC staff and/or the county coroner, will arrange to have the body delivered to the local morgue. A funeral home may be contacted to arrange for transport of the body. No action will be taken that will affect the validity of the autopsy results, including preparing the body for burial or embalming without the express authority of the investigating coroner (SDCL § [23-14-19](#)).

- D. The DOC Corrections Specialist assigned to the DOC Administration office is responsible for documenting and reporting any death of an offender (inmate) in custody on a quarterly basis, as required by the "Death in Custody Reporting Act of 2000, Public Law 106-297".

4. Reporting the Death of an Offender on Supervision:

- A. Following medical confirmation of the death of a juvenile offender on aftercare or in private placement, or an offender on supervised release (parole, suspended sentence, compassionate parole or extension of confinement), the offender's supervising agent will ensure the following DOC staff are notified:

1. Regional supervisor.
2. DOC Administration through completion of an Incident Report, in accordance with DOC policy 1.1.A.3 *Reporting Information to DOC Administration*.
3. In the case of the death of an offender on extension of confinement, the Control Room officer at the institution where the inmate is counted will be contacted as soon as possible.

- B. The agent will ensure an offender's emergency contact or next of kin is notified.

5. Notifying an Inmate's Emergency Contact or Next of Kin:

- A. The Warden or designee will direct designated staff to notify the inmate's emergency contact person(s) or next of kin (if known and/or documented within the inmate's records or telephone list), pursuant to SDCL § 24-1-27.

1. The person notified will be informed of the time and date of the inmate's death, current location of the body and advised the DOC will request an autopsy be completed, as is standard procedure when an inmate dies in custody.
2. In the absence of a health care directive or other documentation in the inmate's records specifying post-death instructions and arrangements, staff will offer to have the body delivered to a funeral home designated by the emergency contact person or next of kin, following notification by the coroner's office that the body is released and inquest completed (See SDCL § 34-26-14).
 - a. If DOC staff is notified that the inmate's family or other approved person wishes to take possession of the body or make the funeral/burial arrangements, staff will assist with making arrangements to transfer custody of the body to the specified funeral home.
3. If attempts to reach the emergency contact person or next of kin are unsuccessful within 24-hours of the determination of death, staff will provide written/electronic notification in the form of a letter or email to the emergency contact or next of kin's last known address.
4. If attempts to reach the emergency contact or next of kin are unsuccessful, or those contacted decline to take possession of the body, or there is no emergency contact/next of kin listed in the inmate's records and no one could be contacted or those contacted have not responded after 48 hours have passed since the notification was sent, designated staff will make arrangements for the disposition of the body (See SDCL § 24-1-27).

5. Staff will arrange to have a cremation order signed by the Warden.
 - a. Staff will contact the funeral home to sign the cremation order. Designated staff will "X" out and initial the hold harmless clause on the order.
 - b. Staff will fill in the personal information on the death certificate and fax, mail or deliver the completed cremation order and death certificate back to the funeral home.
 - c. Staff will determine if any party shall take possession of the ashes. The inmate's emergency contact or next of kin shall be notified. If declined or no response to efforts to establish contact, staff shall consider any other requests to receive the ashes which have been received.
 - 1) If there is a request for the cremation ashes, staff will make the appropriate arrangements regarding the transport/delivery of the ashes.
 - 2) If there is not a request to claim the ashes, staff will direct the funeral home to have the ashes placed at the county burial site in the county/locality where the death occurred.
6. The person requesting receipt of the body or cremation ashes shall be responsible for all expenses associated with delivery of the body or ashes, and any arrangements thereafter (See SDCL § 24-1-27).
7. The Warden or designee must notify the federal authority of the death of a federal inmate while in state custody. The Federal Bureau of Prisons does not pay for cremation of deceased federal inmates.
8. When an inmate's emergency contact or next of kin is notified of the inmate's death, they will be advised a press release will be issued by the DOC regarding the death. The emergency contact or next of kin may request a delay in the press release to notify the inmate's family.
 - a. The delay will typically not exceed forty-eight (48) hours, unless the emergency contact or next of kin presents a bona fide reason justifying the additional time and the reason for delay is supported by the Secretary of Corrections or designee.

6. Autopsy:

- A. An autopsy may be ordered by the state's attorney, sheriff or coroner of the jurisdiction where the death occurred if there is reason to believe the inmate died by unlawful means (See SDCL § 23-14-9.1). As a matter of public interest, the county coroner shall investigate the death of any inmate in DOC custody and may order an autopsy of the inmate in accordance with SDCL § 23-14-18(3) (ACA #1-HC-7A-05, 4-4425).
 1. The county coroner shall prepare a medical certificate in accordance with Chapter 34-25 for all deaths of an inmate in DOC custody.
 2. If the coroner has reason to believe the inmate's death may have been due to other than natural causes, the case may be referred to the state's attorney, sheriff or police (See SDCL § 34-25-22).
 3. Inquires received by the DOC from the media regarding an inmate/offender death will be directed to the DOC Communications and Information Manager.

- B. As a matter of standard operating procedure, the Warden will request the coroner conduct a forensic autopsy or other related scientific or medical test(s) on the body of any inmate who dies in the custody of the DOC. No authorization or approval from the inmate's next of kin is required.
- C. A copy of any postmortem exam conducted will be forwarded to the Clinical Supervisor at the institution where the offender was housed/under DOC custody and placed in the inmate's medical file.

7. Disposition of Inmate Personal Property:

- A. Upon the death of an inmate, designated staff will arrange to have the inmate's property immediately isolated, inventoried, packed, if not completed previously, and delivered to the property office or other designated location for storage.
- B. Pursuant to SDCL § 24-5-5, the Warden may apply any funds remaining in the deceased inmate's DOC institutional account(s) towards the inmate's obligations, as provided in SDCL § 24-2-29 (See DOC policy 1.1.B.2 *Inmate Accounts and Financial Responsibility*).
 - 1. If the funds exceed the inmate's obligations, the excess balance will be given to the heir(s) of the inmate's estate or disposed of in accordance with the inmate's documented pre-death instructions, if any such instructions exist.
 - 2. In the absence of a directive or other documentation from the inmate specifying post-death instructions/directions, DOC staff will contact the inmate's emergency contact, legal next of kin or in their absence, any known immediate family member to confirm whether they intend to claim the inmate's personal property.
- C. If the inmate's heir cannot be identified and located within a reasonable time set forth by the Warden or his/her designee, and no documentation exists specifying post-death instructions, the excess balance of funds will be deposited in the institution's benevolent fund.
 - 1. If the inmate's family confirms claim to the inmate's personal property, staff will make arrangements to have the family pick up the property or ship the property to the family, with the delivery costs deducted from the inmate's institutional account balance, pursuant to SDCL § 24-2-28. The inmate's identification documents, i.e. driver's license, birth certificate will be forwarded to the inmate's family or next of kin or placed with the inmate's personal property to be claimed by the family or next of kin.
 - a. Social Security cards of inmates who have died while in DOC custody will be returned by Central Records staff to the issuing Social Security office within 30-days of the inmate's death.
 - b. In the case of a pending investigation into the cause of death, the Special Security officer and/or DCI shall be contacted prior to the release of the inmate's property, as certain property items may be evidence.
 - 2. At the Warden's discretion, tangible personal property of value not claimed by the inmate's family or next of kin may be sold, donated to charity, discarded, returned to the executor or personal representative of the offender's estate, or used for the benefit of the facility (See DOC policy 1.3.C.4 *Inmate Personal Property* and SDCL § 24-5-5).

8. Anatomical Gift by an Inmate:

- A. The DOC will honor any appropriately documented and filed request/arrangement for anatomical gifts made by an inmate prior to his/her death, or a request received by the inmate's family, in accordance with SDCL §§ [34-26-52](#) and [34-26-56](#).
1. Response to and accommodation of such a request to provide an anatomical gift(s) shall be limited to those actions determined to be reasonable and necessary by the Warden and consistent with the legitimate penological interests of the DOC.
 2. The DOC will not accept or incur any financial responsibility or costs associated with any anatomical gift procedure(s) on behalf of a deceased inmate.
 3. The process and procedure of harvesting organs from an offender shall not impede any investigation conducted by the DOC, law enforcement or coroner's office.
- B. The DOC does not assume any liability regarding procedures for the taking, giving or receiving of a deceased offender's anatomical gift or the refusal/failure to take such.

9. Mortality Review of an Inmate Death:

- A. Designated staff within the Department of Health Correctional Health Services will conduct and participate in a mortality review (an assessment of the clinical care provided and circumstances leading up to the death of the inmate) and an administrative review (assessment of correctional and emergency response surrounding the death of the inmate) The reviews will be conducted within thirty (30) days of the death (NCCHC P-A-10).
1. The Warden or designee and representative(s) from other departments that typically had contact with the deceased inmate will attend the review.
 2. Those attending may refer to and/or be represented by any reports and/or files that pertain to the inmate's death, however, reference to these documents will not be made in any written summary.
 3. The Department of Health Correctional Health Services staff will complete a written summary of the review.
 4. The written summary, including any recommendations for any corrective actions identified by staff attending the review will be completed within one (1) week of the conclusion of the review and a copy will be forwarded to the Secretary of Corrections.
- B. The purpose of the review is to look for trends in inmate deaths, assess the clinical care provided to the inmate and identify the circumstances leading to the death. Staff compliance with applicable policies, procedures, OMs and practices will be reviewed. The review does not constitute any type of official investigation into the inmate's death or indicate or support any wrongdoing or negligence by staff.
- C. If the inmate death was (or is suspected to be) due to suicide, the provisions contained within Section 8 of DOC policy 1.4.E.7 *Offender Suicide Prevention and Intervention* shall apply. A psychological autopsy- the reconstruction of the inmate's life and identification of the factors that may have contributed to death will be conducted by qualified mental health staff (NCCHC P-A-10).

10. Case Management Review of a Juvenile Offender Death:

- A. The Director of Juvenile Services will ensure a case management review is conducted and a final Case Management Review Report is completed in the event of the death of a juvenile offender on aftercare or in private contract placement. The *Case Management Review Report* (See [Attachment 1](#)) shall be submitted to the Secretary of Corrections within ten (10) days of official notice/confirmation of the juvenile offenders' death
1. The regional supervisor will meet with the Juvenile Corrections Agent assigned to the deceased juvenile offender within two (2) business days of the death notice to complete the Case Management Review Report.
 - a. A historical review of the immediate three (3) months prior to the juvenile offenders' death will be completed, to include all case management activities.
 - b. The regional supervisor will submit the Case Management Review Report to the Director of Juvenile Services at the initial case management review meeting.
 2. The Director will conduct an initial case management review meeting with the regional supervisors within five (5) business days of the death notice.
 - a. This initial review will include but is not limited to an examination of the information contained in the Juvenile Comprehensive Offender Management System (COMS):
 - 1) All types of contact made and their content;
 - 2) A determination of compliance with DOC policies and operational memorandums in regard to supervision and contact standards; and
 - 3) Any other applicable aftercare expectations.
- B. The purpose of the review is to look at case management activities immediately prior to the death and for trends in offender deaths.
1. This review does not constitute any type of investigation into the inmate's death or indicate or support any wrongdoing or negligence by staff.

11. Public Announcement of an Inmate Death:

- A. The DOC Communications and Information Manager is responsible for issuing a press release(s) regarding the death of an inmate (See DOC policy 1.1.A.4 [Relationship with News Media, Public and Other Agencies](#)).
1. If DOC staff is advised the deceased inmate's family or next of kin has requested additional time to notify family of the death, staff will contact the Communications and Information Manager immediately. Additional time may be approved by the Secretary of Corrections or designee to allow for family notification of the death prior to issuance of the press release.
 2. If attempts to contact the inmate's emergency contact person(s) or next of kin are unsuccessful and at least forty-eight (48) hours has elapsed since the time of death, the Communications and Information Manager may issue the press release.
- B. A DOC generated press release will not normally be issued for the death of an offender on supervision, offenders housed in a contract facility or out of state placements (interstate compact) or any juvenile offender.

- C. Certain individually identifiable information pertaining to an inmate/offender and the facts and circumstances of death is protected by Health Insurance Portability Accountability Act (HIPAA) privacy rules/confidentiality requirements. The DOC and DOH health service staff providing health care to an offender is a covered entity and must comply with confidentiality requirements regarding protected health information. Any member of the public requesting information from the DOC or DOH specific to the cause and/or manner of an inmate/offender death will be referred to the County Coroner/Medical Examiner's Office in the county where the death occurred. Certified copies of the final Coroner's report may be available from the County Coroner/Medical Examiner's office if/when the death is determined to be public record. The DOC will not issue public statements regarding the cause or possible cause of an offender's death.
- D. Immediate family, next of kin and authorized/designated agents of the deceased inmate/offender may contact the South Dakota Department of Health Vital Records office to request informational or certified certificates/records of death. By state law, vital records filed in the state of South Dakota are not open for public inspection.

12. Staff Counseling:

- A. Staff directly responding to or otherwise impacted by the unexpected death of an inmate/offender may be referred to a specialist or licensed counselor for post-critical incident counseling or the staff member may request such counseling on their own behalf.
1. Counseling shall be provided for support purposes.
 2. Participation in post-critical incident counseling may be mandatory for staff responding to an offender or inmate/offender death, as determined by the Director or Warden.

V Related Directives:

SDCL §§ [23-14-9.1](#), [23-14-18\(3\)](#), [23-14-19](#), [24-1-27](#), [24-2-28](#), [24-2-29](#), [24-5-5](#), [34-25-18.1](#), [34-25-22](#), [34-25-21](#), [34-26-14](#), [34-26-52](#) and [34-26-56](#).

DOC policy 1.1.A.3 – [Reporting Information to the DOC Administration](#)
 DOC policy 1.1.A.4 – [Relationship with News Media, Public and Other Agencies](#)
 DOC policy 1.1.B.2 – [Inmate Accounts and Financial Responsibility](#)
 DOC policy 1.3.B.1 – [Emergency Response](#)
 DOC policy 1.3.C.4 – [Inmate Personal Property](#)
 DOC policy 1.4.E.7 – [Offender Suicide Prevention and Intervention](#)
 DOH policy P-A-10 – [Procedure in the Event of an Inmate Death](#)

VI Revision Log:

July 2005: **Changed** the policy statement. **Added** a definition for offender. **Added** sections for mortality review and organ donation. **Revised** the disposition of personal property. **Added** references to DOH policy and current SDCL.

December 2006: **Added** a section on public announcement of offender death. **Changed** Director of Classification/Community Services to Director of Juvenile Community Corrections. **Revised** the definition of offender. **Changed** the term “offender in DOC custody” to “individual” in the first part of the section on DOC Facility Unattended Deaths or Deaths Involving Possible Criminal Action.

October 2007: **Added** a reference to OM 2.4.G.2, 3.4.G.1 and 4.4. G.2.

September 2008: **Revised** formatting of policy in accordance with DOC policy 1.1. A.2. **Added** STAR, SDSP, MDSP and SDWP when referencing OM's in ss (C and E of Reporting the Death of

an Offender at a DOC Facility). **Added** DOC policy, SDWP OM, MDSP OM, SDWP OM and STAR Academy OM in section V.

September 2009: **Replaced** "will" with "must", **replaced** "immediately" with "promptly", **deleted** Medical Director within ss (B), **deleted** coroner being contacted prior to the removal of the body from the scene in ss (B2) and **replaced** Sioux Falls with Pierre as it relates to Corrections Specialist in ss (D) all within Reporting the Death of an Offender at a DOC Facility. **Deleted** reference to sold and behalf of the facility and **replaced** heir with executor or personal rep. of inmate's estate within ss (A1 and A2) both within Disposition of Personal Property...DOC Facility. **Revised** title of SDSP OM 2.4.G.2 to be consistent with OM. **Added** hyperlinks.

February 2010: **Revised** formatting of Section 1. **Revised** numbering of Family Notification of an Offender Death at a DOC Facility section. **Added** new section (Case Management Review on the Death of a Juvenile Offender while Committed to DOC). **Added** Attachment 1.

September 2010: **Revised** formatting of Section I. **Added** new ss (B of Disposition of Personal Property for an Offender Who Dies at a DOC Facility) regarding contacting CSA.

September 2012: **Deleted** "Management of Offender Deaths" and **Replaced** with "Death of an Offender" in title of policy. **Deleted** "or both if instructed to do so" and **Replaced** with "as directed by the Special Security officer or authorized staff" in Section 1 A. 3. **Deleted** "or the attending medical personnel" and **Replaced** with "per SDCL" in Section 1 B. **Deleted** "a juvenile facility" and **Replaced** with "STAR Academy" in Section 2 C. **Added** New D. and **Renumbered** D to E. and E. to F. in Section 2. **Added** "attempt to" and "or next of kin (if known)" in Section 3 A. **Added** "or next of kin after notification by the county coroner's office" in Section 3 A 1. **Added** a.-d. to Section 3 A. 1. **Added** "next of kin" and "designated" to Section 3 A. 2. **Deleted** "Whoever" and **Replaced** with "DOC staff member who" and **Added** "or next of kin" and **Deleted** "in the near future" and **Replaced** with "by the DOC regarding the offender's death" in Section 3 A. 4.

Deleted "DOC staff will work with the emergency contact person as much as possible to ensure timely notifications are made" and **Replaced** with "The Secretary of Corrections will determine if a press release will be issued in the case of a juvenile offender's death" in Section 3 A. 4. b. **Added** "and/or coroner's office in accordance with the facility's ERM" in Section 4 A. **Deleted** "written informational" and **Replaced** with "major incident report" in Section 4 C. **Added** D. to Section 4. **Deleted** "or other personal property of value" in Section 5 A. **Added** New B. and B. 1. a, B 1. a. and B. 3. **Added** "not claimed by the adult offender's family or next of kin" and "or used for the benefit of the facility" to previous A. 1. and moved this to B. 2. in Section 5. **Deleted** "Organ donation" and **Replaced** with "Anatomical Gift" in Section 6. **Added** "use of any state resources" in Section 6 A. 1. **Added** "on behalf of a deceased offender" in Section 6 A. 2. **Added** "Clinical/Administrative" to title of Section 7. **Added** "including any recommendations for corrective actions identified by the review" in Section 4 A. 3. **Added** "access the clinical care provided to the offender and circumstances leading to the death and facility and staff compliance with applicable policies, procedures, OMs and practices" in Section 7 B. **Deleted** "Juvenile Offender Tracking System" and **Replaced** with "Information contained in COMS, including but not limited to" in Section 8 A. 2. a. **Added** new Section 10.

October 2013: **Deleted** "at a DOC Facility" from Section titles and **Replaced** with "Offender in DOC Custody" **Deleted** "1. It is the responsibility of the Warden, Superintendent or his/her designee to ensure the coroner is notified by one of the above listed officials, so the coroner can perform his/her duties" in Section 1 B **Added** New C. to Section 1 **Deleted** F. "Adult facilities will refer to their respective OMs for additional procedures" in Section 1. **Added** "After the investigating coroner has released custody of the body and the inquest has been completed" in Section 3 A.1. **Deleted** b. "If the family declines possession of the body, staff will determine if the deceased offender has been neglected or abandoned by his family, as described in SDCL 34-26-6" in Section 3 A. 1 **Deleted** "or Deaths Involving Possible Criminal Action" from title of Section 4. **Deleted** "that may have involved criminal action of another individual" and **Added** "will activate the facility's emergency response procedures in accordance with the facility's ERM or contact local law enforcement (in the case of an offender death occurring in the community)" to Section 4 A **Added** a. to Section 4 B. 2 **Added** new C. and **Renumbered** sections that followed in Section 4. **Added** new Section 5 and **Renumbered** sections that follow. **Added** new A. to Section 6 and

Renumbered sections that followed **Deleted** “that occurs in the DOC facility or DOC contracted facility, including a hospital, nursing home, etc.

March 2014: **Added** new A. and Renumber subsections that followed in Section 1. **Deleted** “The death of an offender in DOC custody shall be immediately reported to the following” and Replaced with “The OIC will ensure the offender death is immediately reported to the following:” in Section 1 B. **Deleted** “attending medical personnel” and **Replaced** with “and/or Clinical Supervisor” in Section 1 A. 6. **Deleted** “the offender’s body may not be embalmed” and **Replaced** with “No action will be taken that will affect the validity of the autopsy results, including preparing the body for burial and/or embalming” in Section 1 C. **Added** “will inform those contacted on behalf of the deceased offender that an autopsy will be conducted” in Section 3 A. 1. **Added** “b. to Section 3 A. 1. **Added** “ashes” to Section 3 A. 4. **Added** definition of “Scene”. **Added** “and Preservation of Scene” to title of Section 4. **Added** “ICS” to Section 4 A. **Added** 1. to Section 4 A. **Added** new B. to Section 4 A. and **Renumbered** sections that follow. **Added** a. and b. to Section 4 C. 2. “where the death occurred” and **Replaced** with “at the scene” and **Deleted** “any behavior on the part of” in Section 4 C. 3. **Added** a. and b. and b. 1) to Section 4 C. 3. **Added** “including maintaining the chain of custody for any evidence collected” to Section 4 C. 4. **Added** a. b. c. to Section 4 C. 4. **Added** 5. to Section 4 C. **Added** “unattended” “responded to by staff” and “and reporting the death” to Section 4 E. **Added** “forensic” to Section 5 A. **Deleted** “his/her designee” and **Added** “and/or other related scientific or medical tests on the body of any offender” and **Added** “No authorization from the offender’s next of kin/family is required” in Section 5 B. **Added** 1-4. to Section 4 E. **Added** a. to Section 6 C. 1. **Deleted** Section 11 and moved info, to Section 1 A. 7. **Deleted** “Warden or Superintendent” and **Replaced** with “The DOH Correctional Health Services” in Section 8 A. and 8 A. 3. **Added** Attachments 2-4.

September 2015: **Moved** Section 4 to Section 1. **Removed** “Unattended Death” from title of Section 1. **Added** “or outside emergency medical responders, in the absence of Health Service staff” in Section 1 A. 1. **Added** “i.e. resuscitation of the unresponsive offender while awaiting the arrival of health service staff or emergency responders” in Section 1 A. 2. **Added** new 3. to Section 1 A. **Added** “cell door in a segregation/restricted unit occupied by offenders” in Section 1 A. 5. **Deleted** “life saving measures” and **Replaced** with “life-sustaining procedures” in Section 1 B. **Added** “if safe to do so” and **Added** “Staff will remain with the offender until emergency responders arrive on the scene. In the case of death, local authorities will assume jurisdiction over the body. Staff will ensure the scene is preserved and secured until authority over the scene is assume by responding law enforcement” to Section 1 B. 1 **Added** new Section 2 “” Preservation of Scene” using existing language and **Added** new language. **Added** “(This does not typically apply to offenders in custody as death is not pronounced by Health Service staff)” in Section 2 b. 2. **Deleted** “In the event an” and **Replaced** with “Upon confirmation by Health Services or medical staff an” in Section 3 A. **Added** new D. to Section 3. **Added** “has been pronounced deceased” in Section 3 C. **Added** “medical confirmation” in Section 4 A. **Deleted** “All offender deaths that occur when” and **Replaced** with “Following the death of a” in Section 3. A. **Deleted** “those contacted on behalf of the deceased offender” and **Replaced** with “emergency contact/next of kin” and **Added** “of the time and date of death, the location of the body and” and **Added** “In the absence of a health care directive and/or other documentation in the inmate’s records specifying post-death instructions and arrangements” in Section 5 A. 1. **Added** “to a funeral home designated by the emergency contact or next of kin” in Section 5 A. 1. a. **Added** “or nor emergency contact is listed in the inmate’s records and no next of kin can be located” in Section 5 A. 2. **Added** “or other person” in Section 5 A. 2. a. **Added** “or those contacted decline to take possession of the body” in Section 5 A. 3. **Added** 5. to Section 5 A. **Deleted** b. in Section 5 A. 2. **Added** C. to Section 6. **Added** “In the absence of a directive or other documentation from the offender specifying post-death instructions/directions regarding the deceased’s property” and **Added** “emergency contact, legal next of kin or in their absence, an immediate family member” to Section 7 C. **Added** C. to Section 9. **Added** “(an assessment of the clinical care provided and the circumstances leading up to the death of the offender) and an administrative review (assessment of correctional and emergency response surrounding the death of the offender)” in Section 9 A **Added** “A psychological autopsy- the reconstruction of the offender’s life and

identification of the factors that may have contributed to death will be conducted by qualified mental health staff (NCCHC P-A-10)" in Section 9 C. **Added** "or who is housed in a contact facility/jail or out-of state/interstate compact." to Section 11 B.

March 2015: **Deleted** "superintendent" from within policy. **Replaced** term "offender" with "inmate" throughout the policy where appropriate. **Deleted** D. "In the case of the death of a juvenile offender committed to the DOC, all the above steps shall apply" in Section 3. **Deleted** 1. "If the juvenile was placed in a DOC facility, the JCM will be notified of the death pursuant to STAR OM 5.3. E.2. **Deleted** "Additionally, in the case of a juvenile offender death at STAR Academy, staff will complete parent/guardian notifications in accordance with DOC policy. This statute applies specifically to inmates; however, the procedures described within shall also apply to the death of a juvenile in DOC custody (ACA-4395)" in Section 5 A. **Deleted** "In the case of a juvenile offender death, the Superintendent will turn over any funds in the offender's DOC account or other personal property of value to the offender's parent(s), guardian(s) or known immediate family member" in Section 7 C. **Deleted** "The decision of which family member or guardian receives the funds or personal property of value will be made on a case-by-case basis, with preference given to the juvenile offenders primary care provider" in Section 7 C. 1. **Added** "or in the temporary custody of an outside law enforcement agency" in Section 11 B. **Added** C. and D. to Section 11.

September 2016: **Added** HIPPA language to Section 11 C. **Added** Section 12.

September 2017: **Added** 3. to Section 8 A. **Added** 2. to Section 3 C.

September 2018: **Deleted** "If possible" in Section 1 A. 5. **Deleted** "The inmate will not be moved unless the scene is determined unsafe" in Section 1 A. 5. **Added** "and when" and **Added** "training" and **Added** "The offender will not move moved unless the scene is determined unsafe" in Section 1 B. **Added** "or deceased" and **Added** "death" and **Added** "unattended" in Section 2 A. **Added** "unless doing so is essential to the safety of persons present" in Section 2 A. 5. **Added** "and ensure the report is sent to the Major Incident group, in accordance with policy. In addition, the OCI shall ensure the following is notified of the offender death" in Section 3 B. **Added** "compassionate parole or extension of confinement" and **Added** 3. in Section 4 A. **Added** 3. and 4. in Section 5 A. **Added** "The DOC will not issue public statements regarding the cause or possible cause of an offender's death" in Section 11 C.

Denny Kaemingk (original signature on file)

11/01/2018

Denny Kaemingk, Secretary of Corrections

Date

Attachment 1: Case Management Review Report

The **Case Management Review Report** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Case Management Review Report** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Case Management Review Report**.

The gray areas indicate the information that is to be entered.

Page 1 of 2

Page 2 of 2

South Dakota Department of Corrections Policy Distribution: Non-Public	Attachment: Case Management Review Report Please refer to DOC policy 1.4.E.6 Management of Offender Deaths	South Dakota Department of Corrections Policy Distribution: Non-Public	Attachment: Case Management Review Report Please refer to DOC policy 1.4.E.6 Management of Offender Deaths
CASE MANAGEMENT REVIEW REPORT			
This report is used when conducting a case management review of a death of an offender. Please submit to the Secretary of Corrections within ten (10) business days from date of offender death.			
A. GENERAL BACKGROUND INFORMATION:			
Offender's Name: _____ Offender ID: _____			
Date of Offender Death: _____ Status at Time of Death: <input type="checkbox"/> Placement <input type="checkbox"/> Aftercare Please complete applicable section A or B below:			
Time of Offender Death: _____ MAM M PM			
Cause of Death: _____			
How was DOC Staff Notified of Death: <input type="checkbox"/> Police <input type="checkbox"/> Family <input type="checkbox"/> Friend of Offender <input type="checkbox"/> Other If Other, please explain: _____			
Date DOC Staff Notified of Death: _____ Time DOC Staff Notified of Death: _____			
Authority Confirming Death: _____ Title: _____ Date: _____			
B. DEATH WHILE IN PLACEMENT:			
Death Applicable to This Section: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Name of Placement: _____ Location of Placement: _____			
Summary of JCA contacts for past 90 days with youth, family and placement: _____			
Please provide what services were included in treatment plan at time of death? <input type="checkbox"/> Psychiatrist <input type="checkbox"/> Mental Health <input type="checkbox"/> Other, please provide a full list of services: <input type="checkbox"/> Group Counseling <input type="checkbox"/> Sex Offender Services <input type="checkbox"/> Chemical Dependency <input type="checkbox"/> Other			
Was the death reported to local law enforcement? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Was the death reported to the offender's legal guardian? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Please provide any other relevant information that may be helpful surrounding the death of this offender: _____			
Report Completed By: _____ Title: _____ Date: _____			
Created: 3/12/2010 Page 1 of 2			
C. DEATH WHILE ON AFTERCARE:			
Death Applicable to This Section: <input type="checkbox"/> Yes <input type="checkbox"/> No			
Custodian Name: _____ Relationship: _____			
Summary of JCA contacts for the past 90 days with youth, family, and community based service providers: _____			
Please provide what services were being provided to youth at time of death:- <input type="checkbox"/> Psychiatrist <input type="checkbox"/> Mental Health <input type="checkbox"/> Other, please provide a full list of services: <input type="checkbox"/> Group Counseling <input type="checkbox"/> Sex Offender Services <input type="checkbox"/> Chemical Dependency <input type="checkbox"/> Other			
What level of supervision was offender receiving at time of death? <input type="checkbox"/> Maximum <input type="checkbox"/> Minimum <input type="checkbox"/> Medium <input type="checkbox"/> Administrative			
Was the death reported to local law enforcement? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Was the death reported to the offender's legal guardian? <input type="checkbox"/> Yes <input type="checkbox"/> No			
Please provide any other relevant information that may be helpful surrounding the death of this offender: _____			
Report Completed By: _____ Title: _____ Date: _____			
FOR ADMINISTRATIVE USE ONLY:			
Was the media contacted regarding the death of this offender? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide all details of any contact with the media: _____			
Report Submitted To: <input type="checkbox"/> Secretary of DOC <input type="checkbox"/> DOC Communication & Information Manager			
By: _____ Staff's Full Name _____ Date _____			
Created: 3/12/2010 Page 2 of 2			

Attachment 2: Release of Deceased Inmate's Body to the Coroner

The **Release of Deceased Inmate's Body to the Coroner** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Release of Deceased Inmate's Body to the Coroner** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Release of Deceased Inmate's Body to the Coroner**.

South Dakota Department of Corrections Policy Distribution: Public	Attachment: Release of a Deceased Inmate's Body Please refer to DOC policy 1.4.E Death of an Offender
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**RELEASE OF A DECEASED INMATE'S
BODY TO A CORONER OR OTHER OFFICIAL**

Inmates Name: _____

Inmate Number #: _____

Date of Release: _____

Time of Release: _____

Printed name of official receiving the body: _____

Title of official receiving the body (Coroner/EMT etc.): _____

Signature of Official receiving the body: _____

Printed name of Staff/Officer witness: _____

Signature of Staff/Officer witness: _____

Revised: 02/29/2014 Page 1 of

Attachment 3: South Dakota Coroner—Order for Autopsy

The South Dakota Coroner-Order for Autopsy form is located at:

http://www.sanfordhealth.org/Content/PDFs/MedicalServices/Pathology/PERMIT_BY_SOUTH_DAKOTA_CORONER_FOR_AUTOPSY.pdf

Attachment 4: Death of an Inmate Checklist

The **Death of an Offender in Custody Checklist** form is located on the state's WAN.

A copy may be printed using **Microsoft Word** as follows:

1. Click [here](#) to access the **Death of an Offender in Custody Checklist** by:
 - a. Placing mouse on the word "here" above
 - b. Press and hold the "Ctrl" key on the keyboard
 - c. Click the left button of mouse.
2. Or Select **File/New** from the Menu Bar / Select the **DOC** tab / Select **Death of an Offender in Custody Checklist**.

Page 1 of 2

Page 2 of 2

<p>South Dakota Department of Corrections Policy Distribution: Public</p> <p>Attachment: Release of a Deceased Inmate's Body Please refer to DOC policy 1.4.E.6 Death of an Inmate or Unresponsive Inmate</p> <h3>DEATH OF AN INMATE CHECKLIST</h3> <p>Inmate Name: _____ IC#: _____</p> <p>NOTIFICATION PROVIDED TO DOC STAFF/OUTSIDE PERSONNEL:</p> <p>Time of Notification: _____ Date of Notification: _____</p> <p>Name of Reporting Staff: _____</p> <p>Notify Inmate's Emergency Contact: Name of Person Contacted: _____</p> <p>Time of Notification: _____ Date of Notification: _____</p> <p>Name of Reporting Staff: _____</p> <p>Press Release sent by DOC Admin. staff: Date: _____</p> <p>Division of Criminal Investigation contacted: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Was this an Unattended Death: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>RELEASE OF BODY form completed: <input type="checkbox"/> Yes</p> <p>Body to Morgue: Date: _____ Coroner Contacted: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Name of Transporter of body: _____</p> <p>ORDER FOR AUTOPSY form completed: <input type="checkbox"/> Yes</p> <p>Autopsy completed- Date: _____</p> <p>Family contacted regarding possession of body- Date: _____</p> <p>Accept body <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, Name of Funeral Home receiving the body: _____</p> <p>If No, Make cremation plans at Miller Funeral Home in Sioux Falls, SD (605) 336-2640.</p> <p>CREMATION form completed: <input type="checkbox"/> Yes Date: _____ (X out "Hold Harmless" clause and initial). Fax form back to funeral home. Date completed: _____</p> <p>DEATH CERTIFICATE completed: <input type="checkbox"/> Yes Date: _____</p> <p>Family accepting ashes: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, How will the ashes be received: U.S. Mail, pick-up at funeral home etc: _____</p> <p>If No, County Burial Site where ashes will be buried: _____</p> <p>Inmate's property inventoried, Packed and sent to Property Office: <input type="checkbox"/> Yes Date: _____</p> <p>Special Security or DCI Approved Release of Property <input type="checkbox"/> Yes Date: _____</p> <p>Revised 09/22/2016 Page 1</p>	<p>Family Contacted regarding Inmate's Property: <input type="checkbox"/> Yes <input type="checkbox"/> No Date: _____</p> <p>Family accepted Property: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If No, disposition of Property- (Circle all that apply): Sold/Donated/Discarded/Other</p> <p>Inmate Banking staff notified to secure inmate's funds: <input type="checkbox"/> Yes Date: _____</p> <p>Institutional file/legal file sent to DOC Central Records: <input type="checkbox"/> Yes Date: _____</p> <p>ADMINISTRATIVE REVIEW of Inmate Death completed (must be within 30 days of death): <input type="checkbox"/> Yes</p> <p>Recommendations and/or Actions to Secretary of Corrections (must be within 1 week of review) <input type="checkbox"/> Yes</p> <p>CASE MANAGEMENT REVIEW (Juvies) to Secretary of Corrections (must be within 10 days of death) <input type="checkbox"/> Yes</p> <p>Revised 09/22/2016 Page 2</p>
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