

# KANSAS DEPARTMENT OF CORRECTIONS

	<b>INTERNAL MANAGEMENT POLICY AND PROCEDURE</b>	<b>SECTION NUMBER</b>  <b>01-114D</b>	<b>PAGE NUMBER</b>  <b>1 of 8</b>
		<b>SUBJECT:</b>  <b>ADMINISTRATION: Deceased Offenders: Notifications and Required Procedures</b>	
<b>Approved By:</b>   <b>Secretary of Corrections</b>		<b>Original Date Issued:</b> <span style="float: right;"><b>12-10-15</b></span>	
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<b>APPLICABILITY:</b>	<input type="checkbox"/> <b>ADULT Operations Only</b>	<input type="checkbox"/> <b>JUVENILE Operations Only</b>	<input checked="" type="checkbox"/> <b>DEPARTMENT-WIDE</b>
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## POLICY STATEMENT

All deaths of offenders within the custody of the Secretary of Corrections shall require that an autopsy by a medical examiner or coroner be requested and that a mortality review be conducted. (NCCHC P-A-10) The death of an offender on supervision, which occurs in the community, shall be verified and appropriate notifications made prior to case closure. The actions and notifications of authorities, as outlined in this policy, shall be required of designated staff, (ACO 2-4E-01; ACI4-4425) consistent with current law and the operational interests of the facility.

## DEFINITIONS

**Designated Individual:** The person, identified by the offender, to be notified in the event the offender requires placement in a hospital for any serious illness (including mental illness), or injury, or in the event of the offender's death.

**Legal Representative:** Includes executors, administrators, conservators, and guardians.

## PROCEDURES

- I. **Selection of a Designated Individual and Direction for Disposition of Remains**
  - A. At the time of initial intake, all offenders shall be requested to designate an individual who should be notified in the event of his/her death. (NCCHC P-A-10)
    1. **ADULT:** In accordance with IMPP 11-102.
    2. **JUVENILE:** In accordance with IMPP 11-102J.
  - B. Additionally, all offenders shall, at the time of initial intake, be requested to complete a "Disposition of Deceased Offender Body Form" (Attachment A) to indicate the disposition of their remains should they expire while in Departmental custody. Attempts shall be made to obtain a signature from the parent/legal guardian of a juvenile offender under the age of 18.
    1. Offenders shall be informed that, should they decline to complete the form, the disposition of their remains, should such become necessary, shall be in compliance with the provisions of K.S.A. 65-904(b).
    2. Completed forms shall be made a part of the offender's permanent record, and shall be reviewed with the offender for accuracy:

- a. **ADULT:** At each 120 day review.
- b. **JUVENILE:** At each 180 day review.

## II. Identification of Deceased Offenders

- A. Each Health Services Administrator shall establish procedures, consistent with IMPP 10-123D, by which a designated medical staff member shall immediately inform the designated facility staff member of the following:
  1. The name and KDOC number of the offender within the facility who has died;
  2. The name, address, and telephone number of the hospital, if applicable, where the offender died;
  3. A brief tentative or preliminary diagnosis of the cause of death;
  4. The name and telephone number of the attending physician at the time of the offender's death, if other than the Health Services Administrator; and,
  5. The circumstances surrounding the offender's death.

## III. Notification of Appropriate Officials and Request for Autopsy

- A. Appropriate departmental, facility and medical staff, coroner and/or law enforcement officials shall be immediately notified of offender deaths and documentation shall be developed regarding the nature and circumstances of such deaths.
  1. In reporting the facts of an offender's death, information regarding the nationality of the offender, if not a U.S. citizen, shall be included in the report.
- B. Upon verification of an offender's death, the warden/superintendent or a designee shall report all pertinent facts concerning the death, as follows:
  1. All offender deaths occurring during normal working hours shall be reported to the Director of Healthcare Services in the KDOC Central office and the Victim Notification Officer on the same day as the offender's death.
    - a. If the death occurs after normal business hours or on a holiday or weekend, this notification shall be required on the next working day.
  2. If the death occurs during normal working hours, the report of death shall be provided immediately to the Deputy Secretary of Facilities Management, Deputy Secretary of Juvenile Services Programs, Research and Support, and the Central Office Director of Enforcement, Apprehensions, and Investigations.
    - a. If the death occurs after normal business hours, or, on a holiday or weekend, the Central Office Duty Officer shall be notified pursuant to:
      - (1) **ADULT:** Procedures established in IMPP 01-113
      - (2) **JUVENILE:** Procedures established in JJA IMPP 07-102.
    - b. The Central Office Duty Officer shall report the death to the Deputy Secretary of Facilities Management/Deputy Secretary of Programs, Research and Support, Director of Apprehensions, Enforcement and Investigations and the Director of Healthcare Services in the KDOC Central office as early as possible the following business day.

3. The warden/superintendent or designee shall immediately provide the report of death to the KBI for full review.
  4. Irrespective of the cause of death, if the deceased offender has been identified as holding citizenship in a country other than the United States, the report shall be provided to the Deputy Secretary of Facilities Management/Deputy Secretary of Juvenile Services or designee.
    - a. **ADULT**: In accordance with IMPP 11-105.
  5. The initial notification shall be followed with a written incident report:
    - a. **ADULT**: As specified by IMPP 01-113.
    - b. **JUVENILE**: As specified by JJA IMPP 12-120.
  6. Incident reports may be submitted to the designated Central Office staff by FAX or E-mail.
- C. The coroner of the county in which the offender died shall be contacted immediately by the warden/superintendent or a designee to provide notification of the death and to request that an autopsy be performed. **(ACI 3-4375; NCCHC P-A-10)**
1. The county coroner shall determine whether the autopsy should be performed.
    - a. The warden/superintendent or designee shall request that, if an autopsy is performed, a copy of the autopsy report be provided to the warden/superintendent for documentation purposes.
      - (1) The warden/superintendent or designee shall provide a copy of the autopsy report to the Director of Healthcare Services in the KDOC Central office for review.
    - b. Exceptions to the autopsy requirements may be made because of religious objections with approval from the Director of Health Care Services and the Secretary of Corrections.
  2. In the event the county coroner declines to perform or authorize the autopsy, the requesting warden/superintendent or designee, shall immediately inform the Deputy Secretary of Facilities Management/Deputy Secretary of Juvenile Services who shall immediately notify the Chief Legal Counsel of the situation.
    - a. The need for further contact with the coroner shall be determined by the Deputy Secretary of Facilities Management/Deputy Secretary of Juvenile Services and/or the Chief Legal Counsel.

- D. Wardens/superintendents shall request administrators of hospitals, county jails, or juvenile detention facilities to which offenders have been transferred for treatment or housing, to report any offender death to the correctional facility from which the offender was transferred.
1. The warden/superintendent or designee shall follow the notification procedures indicated in Section IV. below, and shall give instructions to the hospital's administrator for the disposition of the offender's body, per Section VI., below.

#### **IV. Notification of Designated Individuals **(NCCHC P-A-10)****

- A. As soon as possible after the notification of the coroner, per Section III., above, the warden/superintendent or designee shall inform the designated individual or legal representative of the offender's death, in accordance with provisions of IMPP 10-123D.

1. The staff member responsible for the notification shall commence contact efforts immediately, but no later than six (6) hours from the time of verification of the offender's death.
  2. The designated individual or legal representative shall be provided information regarding claiming the offender's body, per Section VI. and personal property or money belonging to the offender.
  3. The staff person responsible for the notification shall provide the designated individual with information.
    - a. **ADULT:** Regarding the provisions of IMPP 01-115.
  4. The KDOC Victim Notification Officer shall be responsible for notification of the offender's death to the victim(s).
- B. The warden or designee shall notify the Secretary's designee responsible for international offender transfers or concerns of the death of a foreign national as defined in IMPP 11-105. The Deputy Secretary of Facilities Management/Deputy Secretary of Juvenile Services or designee shall provide prompt notification to the appropriate consular office/officer per provisions of the International Treaty Agreement and, if determined necessary, the U. S. State Department.

**V. Control of the Health Record Following an Offender Death; Mortality Review**

- A. Immediately upon the pronouncement of the death of an offender, the nurse on duty shall assume responsibility for the custody and maintenance of the offender's electronic and physical health records.
1. No materials shall be removed from the deceased offender's electronic or physical medical or behavioral health files.
- B. After the death of an offender, the Health Services Administrator shall ensure that all additions, deletions, and/or corrections to the offender's electronic health record shall be designated, and include the date, time, and initials of the person making the entry.
1. All original documents shall be placed in the appropriate files, or, if the health record has been secured by the facility authority, per subsection C. below, the materials shall be provided to the designated keeper of the file.
  2. Copies of such documents, as required for medical review purposes, shall be made by the Health Services Administrator and distributed as necessary.
- C. A designated facility Enforcement, Apprehensions, and Investigations unit member or the shift supervisor shall obtain the offender's original health record, and two (2) complete copies, to include all medical and behavioral health files, from the Health Services Administrator no later than 24 hours following the offender's death.
1. The facility staff member taking possession of the health record shall ensure that it is placed and maintained in a secure location, with controlled access, until the health record can be delivered to the warden/superintendent or his/her designee.
- D. Within 48 hours, the warden/superintendent or designee shall provide a copy of the entire health record to both the Director of Healthcare Services in the KDOC Central office and to the Kansas Bureau of Investigation.
1. The original health record shall be retained, secured with the warden/superintendent or the Enforcement, Apprehensions, and Investigations unit at the warden/superintendent's instruction until all final reports, i.e., autopsy results, pharmacology reports, death certificate, etc., have been received.

- a. Any additional reports, received after the initial copy of the health record was provided to the Central Office, shall be distributed as follows:
  - (1) All original copies shall be properly scanned into the electronic health record and/or inserted into the appropriate medical or behavioral health file; and,
  - (2) Copies shall be routed to the Central office, and the KBI, respectively, via the Director of Healthcare Services in the KDOC Central office and the Director of Enforcement, Apprehensions, and Investigations.
- E. The Director of Healthcare Services or designee shall conduct the mortality review of each offender death that occurs within the Department of Corrections' facilities. The mortality review shall be retained within the KDOC Central Office as designated by the Secretary of Corrections.
- F. The complete health record shall be forwarded to the KDOC Records Repository to be retained with the offender's case records, in accordance with provisions of IMPP 05-105. (ACI 4-4415)

## **VI. Disposition of the Offender's Body**

- A. As soon as possible after the occurrence of a death, but subsequent to any investigation by the KBI, the warden/superintendent, or a designee, with the concurrence of the county coroner, shall permit the movement of the body, and arrange for the delivery of the body to either:
  - 1. The funeral home under contract with the Division of Purchases and the facility for the proper disposition of the offender's body consistent with statutory requirements and regulations of both the State Board of Health and the Board of Mortuary Arts. (NCCHC P-A-10); or,
  - 2. If no contract exists, to a licensed funeral home within reasonable proximity to the facility.
- B. When a funeral home has been designated to receive the offender's body, the warden/superintendent, or a designee, shall make proper notifications of individuals, in accordance with the offender's directives contained within the "Disposition of Deceased Offender Body Form" (Attachment A), as to where the offender's body may be claimed.
  - 1. Prior to any release of the offender's body to a designated funeral home, the warden/superintendent or a designee shall ensure that fingerprints are taken from the body of the deceased offender, and that those fingerprints then become part of the investigation file regarding the offender's death.
    - a. Such fingerprinting shall be done irrespective of the cause of the offender's death, whether from homicide, suicide, accident, or natural causes.
- C. If the individuals designated by the offender within the "Disposition of Deceased Offender Body Form" refuse to claim the body, the warden/superintendent or a designee shall arrange for disposition of the body in accordance with the provisions of K.S.A. 65-904(b).
  - 1. The unclaimed body of an offender shall not be cremated prior to 96 hours after the commencement of a diligent search for persons to claim the body, per IMPP 10-123D and Section IV. of this IMPP.
  - 2. Individuals designated by the offender within the "Disposition of Deceased Offender Body Form" who have refused to claim the body shall not have any influence over the warden/superintendent's decisions concerning the disposition of the offender's remains in accordance with K.S.A. 65-904(b), nor shall they be entitled to claim the remains subsequent to such disposition.

**VII. Disposition of the Deceased Offender's Personal Property and Money**

- A. In cases where a deceased offender's body is claimed by the individual, friends, relatives, or funeral home administrator designated within the "Disposition of Deceased Offender Body Form", the deceased offender's cash assets, not to exceed \$2,500, may be paid directly to the designated individual, relative, friend, or funeral home administrator claiming the body.
  - 1. Such payments shall be for the express purpose of assisting in the defrayal of funeral expenses incurred by the individual, relative, friend, or funeral home administrator claiming the deceased offender's body.
  - 2. The claimant must agree, in a written and witnessed statement, that the funds will be applied toward a basic proper funeral for the offender.
- B. Any remaining personal property and money shall be turned over to the offender's legal representative.
- C. Should no person claim the body or estate, the deceased offender's personal property and money, subsequent to deduction of any funds necessary to defray the cost of the disposition of the offender's remains, shall be disposed of as provided by K.S.A. 75-52,135.

**VIII. ADULT: Offender Death in the Community**

- A. Notification Procedures.
  - 1. When the parole officer receives information that an offender under supervision has died, the parole officer of record shall attempt to contact an immediate family member(s) to inform them of the death and offer condolences.
    - a. Parole staff shall treat the family members contacted with respect and shall not engage in argumentative conversation.
    - b. Should the family member(s) pose questions regarding incidents under investigation, the parole officer shall indicate that information cannot be released until the investigation is completed and facts are known.
  - 2. If the offender has no known immediate family for notification, the parole officer should attempt to contact an acquaintance and/or landlord to inform them of the death.
    - a. Under no circumstances should the parole officer take control of the offender's property or financial assets or attempt to dispose of it.
  - 3. Parole staff shall contact the offender's landlord, employer, any agency contact person providing services, and KDOC contractors providing service at the time of the offender's death to provide death notification.
    - a. Confirmation from family member(s) or acquaintances that said contact(s) has been completed and/or will be completed by said parties, will satisfy this requirement.
- B. Documentation of Offender Death
  - 1. Upon notification that an offender under supervision has died, the parole officer shall attempt to confirm the death by obtaining a death certificate, coroner's report, autopsy report, or at a minimum, an obituary from the newspaper and/or a confirmed news report from a newspaper/radio/television web site.
    - a. Parole Staff may contact their regional or central office Public Information Officer to confirm the legitimacy of the web site if needed.

2. Once documentation of offender death has been obtained, a case report shall be prepared in TOADS, detailing the circumstances of the offender's death.
3. The case report with attached documentation shall be forwarded to the parole supervisor for review.
  - a. If the parole supervisor concludes that the documentation of death is adequate, the appropriate death movement shall be entered in OMIS by the supervisor.
  - b. If the parole supervisor concludes that documentation is inadequate, the parole officer shall be informed and further instructions provided.
    - (1) If necessary, the Central Office Interstate Compact Unit may be contacted for assistance in obtaining documentation of death.
4. A copy of the case report with supporting documentation of death shall be forwarded to the Kansas Bureau of Investigation records section.

**IX. JUVENILE: Death of Offender in Custody in a Community or Home Placement**

- A. Upon notification of a death of an offender in custody in a community placement, the director of community based services shall:
  1. Contact the placement provider to determine if the provider has notified local law enforcement and, if the death occurred away from a medical facility, and secured the scene to preserve any evidence.
  2. Notify the Deputy Secretary of Juvenile Services, public information officer, and the chief legal counsel of the death.
  3. Contact the community supervision agency director to arrange for notification of the parents/guardian.
- B. Upon notification of a death of an offender in custody in a community placement, the inspector general shall:
  1. Secure copies of all relevant documents from the placement provider and the community supervision agency in accordance with K.S.A. 75-7024(a)(4)(B)(ii).
- C. Upon notification of a death of an offender in home placement, the director of community based Services shall:
  1. Notify the Deputy Secretary of Juvenile Services, public information officer, and the chief legal counsel of the death.
  2. Contact the community supervision agency director to provide assistance as needed, and to ensure law enforcement and coroner involvement as applicable.

**NOTE:** The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

**REPORTS REQUIRED**

None.

**REFERENCES**

KSA 58-3901 *et seq.*, 65-904, 75-52,135, 75-7024, 75-52,147  
IMPP 01-115, 01-121, 05-105, 10-123D, 11-102, 11-105  
ACO 2-4E-01  
ACI 3-4375, 4-4415, 4-4425  
NCCHC P-A-10

**ATTACHMENTS**

<b>Attachment</b>	<b>Title of Attachment</b>	<b>Page Total</b>
A	Disposition of Deceased Offender Body Form	1 page

## DISPOSITION OF DECEASED OFFENDER BODY FORM

I, \_\_\_\_\_, understand that I am responsible for the arrangements for the disposition of my body in the event of my death while in the custody of the Secretary of Corrections. I further understand that, if prior arrangements have not been made for the disposition of my remains, disposition will be in compliance with the provisions of K.S.A. 65-904(b) which states: "The unclaimed body of a deceased inmate in the custody of the Secretary of Corrections may be cremated at the expense of the Department of Corrections."

### CHOICE OF DISPOSITION:

\_\_\_\_\_ Family or friends will claim my body.

CONTACT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

\_\_\_\_\_ I have made prior arrangements with a funeral home.

CONTACT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

\_\_\_\_\_ I desire to have final disposition of my body in compliance with K.S.A. 65-904(b).

\_\_\_\_\_  
Print Offender Name & Number

\_\_\_\_\_  
Offender Signature

\_\_\_\_\_  
Date

Notary Public \_\_\_\_\_

My commission expires: \_\_\_\_\_  
Date