

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
420**

INMATE DEATH OR SERIOUS INJURY PROCEDURE

Supersedes: AR 420 (06/17/12); AR 420 (Temporary, 12/02/13); and AR 420 (Temporary, 02/18/14)

Effective Date: 03/18/14

AUTHORITY

NRS 134.120
NRS 209.131
NRS 209.3815
NRS 440.415
NRS 450B
NRS 451.400
Nevada Administrative Code

RESPONSIBILITY

All Department staff involved are responsible to have knowledge of and comply with this procedure.

420.01 INMATE DEATHS OR SERIOUS INJURY PROCEDURE – DISCOVERY

1. The first staff member who is present at the scene will call for assistance and initiate first aid and/or cardiopulmonary resuscitation (CPR) as needed. If the offender is found hanging, the responder will immediately cut him/her down and begin appropriate medical care. All NDOC housing locations and areas where inmates may be present will have approved cutting devices available to be used for the purpose of cutting or removing ligatures.

A. Every precaution should be taken to ensure that all evidence is protected.

2. Upon discovery of a deceased inmate, the Shift Supervisor shall be notified immediately. The immediate area shall be secured and no one other than a medical staff member will be allowed to enter until designated investigators, the coroner, or outside law enforcement officials arrive. The Shift Supervisor shall notify the Associate Warden, Warden, the Inspector General's Office, Medical Director, Deputy Director of Operations and the Public Information Officer to report the death.

3. Common sense and humane treatment of the inmate shall prevail.

A. Life saving measures shall be initiated, if necessary.

- B. A hanging inmate shall be cut down; however, any ligature shall remain on the body whenever possible.
 - C. The body shall not be left unattended.
 - D. No item shall be moved from or about the secured area.
4. The scene shall be photographed and videotaped following the guidelines established in Administrative Regulation 458.
 5. The staff person(s) who discovers the body shall write a comprehensive incident report prior to leaving the institution/facility. This report shall be entered into NOTIS.
 6. Upon notification, Medical personnel shall proceed to the scene and confirm the death, but will in no way disturb the scene or any of the evidence.
 - A. Only a Doctor of Medicine, a Doctor of Osteopathic Medicine, the Coroner, and a Coroner's Deputy; or when authorized, a Registered Nurse, or a Physician Assistant, can pronounce a person legally dead.
 - B. In all instances, the appropriate Coroner will be contacted to examine the body and determine death.
 7. The Shift Supervisor shall have the primary responsibility for assuring that no evidence is moved or tampered with, including the complete preservation of the scene, prior to the arrival of the representative from the Inspector General's Office and the Coroner. Upon the arrival of the Coroner, staff shall assist and cooperate with the investigation as is appropriate and necessary.
 8. After obtaining permission from the Coroner and after the initial investigation is completed; the body of the deceased shall be covered and removed to the morgue, mortuary, or private room in the infirmary.
 - A. The Director, in consultation with the designated medical director and the Inspector General of the Department, shall request the Coroner, or any other persons so authorized, to conduct an autopsy of any offender who dies while in the custody of the Department if the next of kin.
 - (1) Consents to the autopsy; or
 - (2) Does not notify the Director of any objection to the autopsy within 72 hours after the death. Unless an objection is received by the Director from the next of kin within 72 hours of death, an autopsy will be requested in all cases.
 - B. If the death is an apparent suicide (which will be considered an unresolved death) or if the death is under suspicious circumstances, the Coroner shall be requested to inform the

morgue/mortuary that the body is not to be embalmed until a full and complete criminal investigation is conducted.

C. Bodies shall be removed as expeditiously as circumstances will permit.

9. Investigation of crimes involving great bodily injury or homicides shall be coordinated between the Department's Inspector General's Office and relevant law enforcement officials.

A. The local sheriff's office may be requested to assist in appropriate aspects of the investigation, as circumstances require.

B. Requests for assistance from the Department of Public Safety, Investigations Division and the Attorney General's Office shall comply with related agency assist agreements and will be coordinated by the Department and local sheriff's office.

10. Employees of the Department should assist the coroner or local law enforcement in the investigation as is appropriate and to cooperate in every way necessary.

11. States housing contract and interstate compact inmates in the Department will be notified concerning the incident by the Offender Management Division Administrator.

420.02 DEATHS OR SERIOUS INJURY REPORTING REQUIREMENTS

1. If a death occurs in one of the institutions or facilities, the Shift Supervisor, Associate Warden or Warden shall immediately notify the following in sequential order:

A. On-duty medical staff;

B. The Warden, Associate Wardens or Facility Manager;

C. Inspector General;

D. Local Police Department or Sheriff's Office;

E. The Warden shall immediately notify the Deputy Director of Operations;

F. The Administrator of the Offender Management Division;

G. The Chaplain shall make reasonable efforts to promptly notify the next-of-kin; and, shall inform the next of kin that an autopsy will be requested unless they notify the Director of any objections within 72 hours of the death. If the Chaplain is not available the Associate Warden or designee shall notify the next of kin.

H. The Public Information Officer, shall notify the media;

(1) The Warden/Designee is responsible for completing the PIO Information (NDOC Form 4520) and sending it to the PIO as soon as possible.

(2) Staff of the Inspector General's Office shall notify the Office of the Attorney General's Criminal Division within 24 hours in the case of suspicious inmate death or serious injury.

420.03 DUTIES OF OTHERS

1. Physician

A. The physician may consult with the Coroner to determine if the death was caused by natural or unnatural causes, or if suspicious circumstances exist.

2. Coroner

A. In the case of a death, the body shall be released only upon instructions from the coroner.

B. Prior to the removal of the deceased from institutional grounds, a body receipt for the remains will be obtained from the Coroner, mortuary, medical examiner, or otherwise authorized/designated personnel.

C. The body shall not be moved except at the direction of the Coroner and upon the completion of the initial investigation.

D. Autopsies and toxicology reports will be performed at the request of the Director as authorized by NRS 209.3815.

3. Institutional Warden or Facility Manager shall:

A. Initiate an investigation or take other custody measures as necessary.

B. Make appropriate notifications as set forth in Sections 420.02 and 420.03 of this Regulation.

4. Upon receiving information that an inmate has died, the Associate Warden shall:

A. Assure that all available records, including the "I" file, medical records, mail, and visiting records are secured.

B. Ensure that the Chaplain has access to information on the next-of-kin and/or to the list of names, relationships, and addresses of relative and friends to be notified in case of death as indicated previously by the inmate.

C. Ensure all reports are received and an incident report is submitted.

- D. Prior to the release of the body, ensure that the inmate is positively identified.
- E. Coordinate the Department's and other agency activities related to the incident.
- F. Other duties as assigned.

5. Chaplain:

- A. The Chaplain shall make reasonable efforts to promptly notify the next of kin.
- B. When the Chaplain is not available, the Associate Warden or a designee shall notify the next-of-kin.
- C. The next-of-kin information shall be maintained and updated every six months by the institution/facility staff during the inmate's periodic classification review.

6. Offender Management Division Administrator will notify the Department's Statistician to obtain the death certificate.

420.04 DEATHS OCCURRING AT A PLACE REMOTE FROM AN INSTITUTION

1. If a death occurs in a camp, while fighting fire, or while in transit between institutions, the Department's officer in charge shall take the following actions:

- A. Summon proper custodial support, as appropriate to the situation.
- B. If necessary, summon nearest medical response for life support.
- C. Notify the Inspector General.
- D. Notify the Administrator of the OMD and the Warden of the gatekeeper institution by telephone and seek further instructions.
- E. Notify all local officials, as required.
- F. Complete and submit a final report containing the circumstances, investigations, all arrangements, etc., to the Warden of the gatekeeper institution, if applicable.

420.05 DISPOSITION OF THE DECEASED INMATE'S PROPERTY

- 1. The property of the deceased inmate shall be immediately secured, inventoried, and placed in safe storage at the institution or facility, pursuant to AR 711.
- 2. If all or part of the inmate's property is required for an investigation into the circumstances of the death, that property shall be accounted for by receipt to the investigative agency.

3. The Associate Warden or Facility Manager shall conduct such inquiry necessary to determine if that inmate died with or without a will. The Chaplain may be asked to help with this inquiry.

4. If a will exists, the inmate's property and any money on their account, after deductions, with the Department shall be released to the executor of the estate by the Associate Warden or the Facility Manager, but only after any investigations are complete.

A. Funds received after the inmate's death will be returned to sender.

B. Distribution of dividends and other income received after the inmate's death will be determined on a case-by-case basis.

C. Without a known will, the inmate's property and any money on their account with the Department shall be released to the next-of-kin.

5. When an Inmate Dies

A. Offender Management Division is to notify Chief of Inmate Banking or Designee by email within two (2) working days. Information to include Inmate name, Inmate number, date of death and institution/facility.

B. Inmate Banking Services will freeze inmate accounts until receipt of Affidavit of Distribution without Administration or after consultation with the Deputy Attorney General concerning the appropriate legal documentation.

(1) The Associate Warden/Facility Manager is responsible to coordinate the release of these funds/property.

(2) All investigations shall be completed prior to the release of these funds/property.

(3) The Associate Warden, Facility Manager, the Administrator of the OMD and an Administrator from Support Services, in consultation with a Deputy Attorney General and shall determine the appropriate distribution of all funds and property.

(4) without a known will and with no known next-of-kin, the accounts of the inmate shall remain frozen and the property held in safe storage.

6. If the inmate's property and funds are valued under \$20,000, the Affidavit of Distribution without Administration requires the signature of the next-of-kin prior to distribution of funds and/or property per NRS 146.080. This is true whether an inmate dies with or without a will.

A. The original document shall be placed in the C-File.

B. One copy shall be placed in the I-File.

C. One copy shall remain with the property records.

D. One copy shall be forwarded to Inmate Services.

7. The Associate Warden or the Facility Manager shall prepare documentation that serves to facilitate these actions and to record the results.

420.06 INMATE DONATION OF REMAINS FOR ANATOMICAL PURPOSES

1. Inmates may, if they choose, sign Consent Anatomical Disposition, DOC-2567, authorizing release of the inmate's body in the event of death to the School of Medical Science, University of Nevada, Reno.

A. The acceptance shall be governed by the Uniform Anatomical Gift Act, NRS 451.440.

2. The next-of-kin of a deceased inmate may authorize release of the body for medical science according to the Uniform Anatomical Gift Act. Form DOC-2567 Consent Anatomical Disposition is available for this purpose.

420.07 FUNERAL EXPENSES

1. When the family elects to claim the body of a deceased inmate, they shall be responsible for all costs incurred. The Department may, upon approval of the Director or Deputy Director of Support Services, pay for shipping costs of the body if the costs are less than cremation expenses.

2. In the event the family declines to claim the body, the Department will only pay for cremation costs for the deceased inmate.

420.08 AUTOPSIES OR POST-MORTEM EXAMINATIONS

1. Autopsies and toxicology reports may be performed on all deceased NDOC inmates per NRS 209.3815.

420.09 DOCUMENTATION

1. Records and reports required for deaths occurring on the Department's property, or during official absences from the institution, shall meet the following requirements:

A. All personnel who possess information regarding the circumstances surrounding the death shall submit a report to the Warden/Facility Manager. These reports shall be completed in accordance with the provisions of AR 121.

B. The following personnel shall submit reports:

(1) Any staff member who was on the scene at the time of an incident;

(2) Any staff member discovering the body;

(3) Any medical personnel who attempted life-saving emergency treatment, including Form DOC-2514, Medical Report of Incident, Injury or Unusual Occurrence.

C. Reports shall be as specific as possible, listing the employee's role, names of other persons on the scene, observations, and timing of events.

D. The OMD is responsible for obtaining a death certificate, which will be placed in C-File.

(1) A copy will be forwarded to Inmate Services.

(2) A copy will be forwarded to Department Accounting.

(3) A copy will be forwarded to the institution/facility where the inmate died.

(4) A copy will be forwarded to the NDOC section of the Office of the Attorney General.

(5) A copy will be forwarded to the Public Information Officer (PIO).

420.10 NOTIFICATION OF NEXT-OF-KIN

1. Medical staff shall notify the Warden, Associate Warden or a designee whenever an inmate becomes seriously ill, requires hospitalization, or experiences a serious accident. The Warden, Associate Warden or designee shall notify the Institutional Chaplain. The Institutional Chaplain shall notify the family or next-of-kin. In the absence of a chaplain, the Associate Warden or other administrator trained in crisis intervention and counseling shall make such contact.

2. Upon the death or serious injury of an inmate, and after receiving the approval of the Warden, the Chaplain or other designee as noted above shall notify the next-of-kin of the death.

A. Communication with the next-of-kin shall take place as rapidly as possible by the use of telephone or other methods.

B. The communication shall be tactfully worded and offer consolation.

C. Prior to making contact with the next-of-kin, the Chaplain or other designee shall contact the Warden to determine if there is information needed by the Department in regard to the deceased or their burial.

D. The Chaplain or designee will inform the next-of-kin that an autopsy may be performed on the deceased inmate unless they notify the Director of any objection to the autopsy within 72 hours of the inmate's death.

E. With approval from the Warden, the Chaplain/designee may notify the next-of-kin of the death, and the address of the coroner's office for the purpose of claiming the deceased remains. The next-of-kin of the deceased inmate may authorize the release of the body for medical science according to NRS 451.440 by completing the appropriate form.

F. The Chaplain/designee shall keep the Warden, Shift Supervisor or Caseworker informed of the results of their contacts.

G. The Associate Warden or Facility Manager shall coordinate with Support Services to affect the disbursement of the deceased's property and trust account funds as outlined in section 420.06.

3. The Warden shall send a letter to the next-of-kin within one week of the inmate's death. The letter shall express condolences and refer the next-of-kin to the Associate Warden or Facility Manager for the disbursement and distribution of personal property.

4. It is imperative that the "Next-of-Kin" form be maintained and updated in the Institutional file and in the case notes in the Nevada Offender Tracking Information System (NOTIS) to assure accurate information is available to administration at the time of illness or death of an inmate. This information shall be entered at the initial intake process and shall be updated by Caseworkers at all regular reclassification hearings.

APPLICABILITY

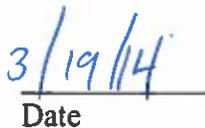
1. This AR requires an Operational Procedure for all institutions/facilities.
2. This AR requires an audit.

REFERENCES

ACA Standards 4-4395, 4-4325



Director



Date