

**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); 3/18/14; (Temporary, 01/03/17)
Effective Date: 03/07/17

AUTHORITY: NRS 120A.590, NRS 134.120, NRS 146.080; NRS 209.131; NRS 209.3815; NRS 440.165; NRS 440.175, NRS 440.415; NRS 450B; NRS 451.400

PURPOSE: To strive to avoid preventable deaths and injuries, to ensure appropriate care and notification; and to review the appropriateness of clinical and correctional policies and procedures; and to identify changes or the ability to improve operations.

RESPONSIBILITY:

The Deputy Director of Operations is responsible for the implementation of this procedure at all institutions and facilities.

The Warden is responsible for ensuring compliance with the Inmate Death Procedure at their respective facility and ensuring operational policies and procedures are developed; and staff is trained on the procedures.

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(s) present at the scene of a serious injury or inmate death will call for assistance; and initiate first aid and/or cardiopulmonary resuscitation (CPR) as needed. If the offender is found hanging, the responder(s) 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 down the inmate or removing ligatures (*note: custody staff do not have the authority to determine death or time of death.*)
 - A. Every precaution should be taken to ensure the safety and security of all persons present;
 - B. The response to the serious injury or possible inmate death will be based upon the unit's operating policies and procedures for the inmate population housed within. Every precaution should be taken to ensure that all evidence is protected.

2. Upon discovery of what appears to be 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 the cell until designated investigators, the coroner, or outside law enforcement officials arrive. The Shift Supervisor shall make the proper notifications in accordance with Section 420.02 of this administrative regulation.

3. Humane treatment of the inmate shall prevail.

- A. A hanging inmate shall immediately be cut down, leaving the ligature in place if the inmate is deceased.
- B. If the inmate does not appear to be deceased, life saving measures should be immediately initiated and the ligature removed and placed in secure location where the least amount of disturbance should occur.
- C. The body shall not be left unattended.
- D. The area or cell shall be secured.
- C. 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. In any case where the inmate appears deceased, the staff person(s) who discovers the body shall write a comprehensive incident report prior to leaving the institution/facility. This report shall be approved by a supervisor and entered into NOTIS. The report will include at a minimum the following:

- A. Name of the staff person discovering the body, the name of the inmate and the names of any witnesses and name and number of cell partner if the body was discovered in the cell.
- B. Time of the discovery of the body, the body's appearance such as discoloration, puncture wounds or other evidence of trauma.
- C. A description of the scene such as cell number or area and the appearance of the area such as the cell was in disarray, or neat, bodily fluids such as blood in order to assist in the collection of evidence and investigative reports.
- D. Describe action taken upon discovery of the body such notification of other staff, supervisors or medical and the time of the notifications.
- E. Describe any attempts to provide first-aid or other actions such using the cut-down tool and the time that first-aid ceased and medical arrived.

- F. Enter the time that the body was released to medical or the body was removed from the scene.
 - G. If investigators arrive at the scene and the staff person is still at the scene, enter the time that the investigators arrived.
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 the cause of death.
 - C. The Supervisory Staff member will notify the Inspector General for investigative response to the scene.
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. Next of kin notification procedures will be initiated by the institutional Chaplain and/or Associate Warden of Programs.
9. 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.
 - (3) In those cases where the next of kin declines the autopsy, the next of kin must submit their intent to refuse the autopsy, in writing, within the 72 hour time frame.

B. If the death is suspected to be a 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.

10. 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.

11. 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.

12. 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 an inmate death or serious injury occurs in one of the institutions or facilities, the Shift Supervisor, Associate Warden or Warden shall immediately notify the following in sequential order and will include who the involved inmate(s) is/was, when the incident occurred, where the incident occurred and how the incident occurred:

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 Director and the Deputy Director of Operations;

F. The Administrator of the Offender Management Division;

G. The Chaplain;

H. The Next of Kin;

1) The Chaplain shall inform the next of kin; and provide information that an autopsy will be requested unless the next of kin provides notification to the Director in writing, within 72 hours of the death. If the Chaplain is not available, the Associate Warden or designee shall notify the next of kin, and provide the autopsy information.

I) The Public Information Officer (PIO), who is responsible to notify the media;

1) The Warden/Designee is responsible for completing the PIO Information (NDOC Form 4520) and sending it to the PIO, within 24-hours, or as soon as possible.

420.03 DUTIES OF OTHERS

1. Physician/Doctor: 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, to include securing the crime scene.

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 as directed in AR 636.

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. The Warden of the gatekeeper institution will notify the Director and the Deputy Director of Operations.
- F. Notify all local officials, as required.

- G. 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 (DAG) concerning the appropriate legal documentation.
 - (1) The Associate Warden/Facility Manager is responsible to coordinate the release of all funds/property.
 - (2) All investigations shall be completed prior to the release of funds/property.
 - (3) The Associate Warden, Facility Manager, the Administrator of the OMD and an Administrator from Support Services, in consultation with a DAG 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, regardless if 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.

8. In any case where the inmate refuses to provide next of kin information and no last will and testament exists, and the Department cannot verify identification of an approved next of kin, all property of value will be maintained at the institution for a determined amount of time until the property can be reviewed distributed or destroyed according to the value of the property.

9. In any case where the inmate refuses to provide next of kin information and no last will and testament exists, and the Department cannot verify identification of an approved next of kin, all money will be referred to as abandoned property and relocated to its proper distribution authority.

420.06 INMATE DONATION OF REMAINS FOR ANATOMICAL PURPOSES

1. Inmates may, if they choose, sign a 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. 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

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

420.09 DOCUMENTATION

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 332.
- B. The following personnel shall submit reports:
 - (1) Any staff member who was on the scene at the time of an incident or who responded to the scene during initial response;
 - (2) Any staff member(s) discovering the body; and
 - (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 a locked filing cabinet to allow for confidentiality of the certificate. .
 - (1) In accordance with NRS 440.165 and 440.175, NDOC is not authorized to reproduce and/or disseminate any vital record such as a certificate of death.

420.10 NEXT-OF-KIN DOCUMENTATION

- 1. 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.
- 2. 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 reviewed with the inmate and updated when applicable by Caseworkers at all regular reclassification hearings.

APPLICABILITY

1. This AR requires an Operational Procedure for all institutions/facilities and impacted divisions of the Department.
2. This AR requires an audit.

REFERENCES

ACA Standards 4-4425; 4-4395,


James Dzurenda, Director

3/7/17
Date



NEXT OF KIN AUTOPSY REFUSAL FORM

Pursuant to Nevada Revised Statute 209.3815, the Director of the Nevada Department of Corrections (NDOC), in consultation with the Medical Director of the NDOC and the Inspector General of the NDOC, shall request that the coroner conduct an autopsy of any offender who dies while in the custody of the NDOC if the next of kin either: (1) consents to the autopsy, or (2) does not notify the Director of any objection to the autopsy within 72 hours after the death.

Because the language of the statute is mandatory and requires the Director to request an autopsy unless he receives direct notification otherwise, any next of kin refusing an autopsy must waive in writing their desire for same.

You, as the next of kin for deceased inmate _____
(inmate name and back number)

have been notified of your relative's passing while in NDOC custody. You have been notified within 72 hours of death and have opted to decline consent to an autopsy. By signing the form below, you acknowledge your intent to decline an autopsy for your next of kin and affirmatively state your objection to an autopsy.

By signing this form, you also acknowledge and agree that you will forgo any claims against the NDOC related to not knowing the cause of death and/or the reasons for death, since causation of death will not be able to be affirmatively determined once autopsy is refused and the body is released for burial or cremation.

Next of Kin Printed Name

Date

Next of Kin Signature

Receiving NDOC Staff Printed Name

Date of Receipt

Receiving NDOC Staff Signature