

Inmate Death or Serious Illness/Injury

2114.1 INMATE DEATH OR SERIOUS ILLNESS/INJURY

- (a) This document provides direction for notifications, reporting, and review of in-custody deaths, and establishes procedures to be followed in the event of a serious injury, illness or death occurring within a custody facility. It is the policy of OCSD to follow state and local guidelines regarding notifications, reporting, and investigation of in-custody deaths.
- (b) If a serious injury, illness or death occurs, medical staff will be notified to respond for initiating life saving measures. Protection of the scene is essential in determining whether the serious injury, illness or death is a result of criminal violation. Although no crimes may be suspected or initially alleged, physical evidence will be protected from contamination. In the event of a serious injury, which includes an overdose, or death occurs the following procedures shall be followed:
 - 1. Following the initial response, the immediate area where the incident occurred shall be secured following standard protocols for crime scene preservation. This includes limiting access to authorized personnel only and preserving potential evidence.
 - i. A search of the crime scene shall take place once representatives from the Orange County District Attorney's Office (OCDA), Orange County Crime Lab (OCCL), and OCSD Homicide are present to document the scene thoroughly.
 - ii. All inmates housed in the location of the incident must be removed prior to the search to maintain the integrity of the scene and to prevent the destruction of any potential evidence.
 - 2. While maintaining the integrity of the immediate crime scene, it is essential to conduct a thorough search of the surrounding cells, bunks, and/or tanks for any pertinent evidence or potential hazards.
 - i. A trained canine shall be requested and present, if available, during the search of the surrounding areas to assist in the detection of any relevant materials, substances, or items of interest. Refer to [CCOM Section 2700 – Custody Canine Narcotic and Contraband Detection](#) for more information.
- (c) As in any criminal or death investigation, witnesses, suspects, informants, etc., will be separated for subsequent interviews. A list of individuals who may possess pertinent information relative to the situation will be provided to responding personnel from the Coroner's Division, District Attorney's Office, and Sheriff's Investigators.
- (d) Any inmate death that occurs while the inmate is assigned to any Custody Operations facility will be immediately reported and investigated in compliance with all formalized local agreements and state laws. In cases where an inmate suffers injury which is life-threatening while incarcerated in the Orange County Jail system, the Orange County District Attorney will be notified of the circumstances but may decline to respond. In the event of an inmate with a serious injury which is life-threatening, timely notifications

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will be made based on information provided by the inmate at the time of booking by the Watch Commander.

(e) Death of a Juvenile

1. In any case in which a juvenile dies, while detained in a jail, lockup, or court holding facility:

- i. The administrator of the facility shall provide to the Board of State and Community Corrections (BSCC) a copy of the report submitted to the Attorney General. A copy of the report shall be submitted within 10 calendar days after the death.
- ii. Upon receipt of a report of death of a juvenile from the administrator, the BSCC may within 30 calendar days inspect and evaluate the jail, lockup, or court holding facility.

(f) Per Government Code Section 27491.3, all personal property belonging to the inmate, including funds from the Cashier, clothing, bulk property, property from Release and personal items in housing, will be collected. These items will be inventoried, and an appropriate receipt will be prepared for the Deputy Coroner to sign. The Deputy Coroner will take possession of the property from the Watch Commander.

(g) The Watch Commander will coordinate the activities of the investigation with the Sergeant at the scene. The Records Supervisor will NOT change the inmate's status to "deceased" until given approval by the Facility Watch Commander. The Facility Watch Commander will coordinate with Sheriff's Investigations to obtain authorization for the inmate's status change.

(h) Every effort will be taken to provide necessary medical treatment by security and Correctional Health Services (CHS) staff if the inmate is alive or suspected to be alive. Per Government Code Section 27491.2, "The body of one who is known to be dead under any of the circumstances enumerated in Section 27491 shall not be disturbed or moved from the position or place of death without permission of the Division Deputy Coroner."

(i) The Homicide Sergeant will assign a responding Homicide Investigator to pull the DR and prepare the Casualty Report.

(j) If a death occurs, the Watch Commander shall adhere to the following reporting guidelines:

1. It shall be the responsibility of each facility to complete the required documentation for any death which may occur within the confines of that facility.
2. If an inmate is transferred to the hospital and dies, the facility providing security for the inmate will complete the required documentation.

(k) The death of a fetus or a still born birth, and the death of a person within 24 hours of release of custody, including a Compassionate Release, are not "in-custody" deaths requiring reporting to the California Department of Justice pursuant to Government Code Section 12525. Nonetheless, as a policy matter, the notification and staff reporting guidelines for in-custody deaths shall be followed for the following deaths:

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1. The known death of a person within 24 hours of release from custody, including Compassionate Releases.
2. The death of a fetus or a still born birth of an in-custody female inmate.
- (l) The death of a fetus at 20 weeks or more gestation shall be reported to the Deputy Coroner. The Deputy Coroner will determine the extent of the investigation necessary, if any, to fulfill the Coroner's duty under the Health and Safety Code Sections 102950 and 103005.

2114.2 INMATE DEATH - VERBAL NOTIFICATION

- (a) The Jail Operations staff member making the discovery of an inmate death will immediately notify their supervisor and Correctional Health Services (CHS).
- (b) Facility supervisors will make the immediate notification of an inmate death to the Watch Commander and respond to the scene.
- (c) Notifications will be made immediately by the Watch Commander. Time of notification will be indicated by the Watch Commander for inclusion in the intra-department memo.
- (d) The Watch Commander will immediately notify:
 1. Division Commander
 2. The Assistant Sheriff of Custody Operations
 - i. Assistant Sheriff notification may be made by the Division Commander
 3. Department Commander (ECB)
- (e) The Assistant Sheriff of Custody Operations or their designee will make the following notifications during normal business hours, except in cases of homicide, suicide, or unexpected death then notification will be immediate:
 1. Undersheriff
 2. Chair of the Board of Supervisors
 3. CEO or Deputy CEO
 - i. CEO shall only be notified after hours when deaths involve unusual circumstances or deaths generating media interest.
- (f) The Watch Commander will ensure the Department Commander has been notified. The Watch Commander will confirm the Department Commander will notify the following:
 1. Coroner's Office, Shift Supervisor
 2. Orange County District Attorney's Office Bureau of Investigation Staff
 3. Investigation Division Commander, Captain of Investigations Bureau and/or Homicide Detail Sergeant
 4. Crime Lab
 5. S.A.F.E. (Strategy, Accountability, Focus, and Evaluation)

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6. Constitutional Policing Advisor
 7. Public Information Officer
 8. Professional Services Division (if necessary)
 9. Director of Government and Legislative Affairs
 10. Inmate Records Supervisor Manager, or Senior Manager
- (g) The Coroner's Office will make all official notifications to relatives of deceased inmates.
- (h) The Public Information Officer (PIO) will prepare the statement for posting on the Department's website under "Orange County Jail In-custody Death Reporting" and will make the initial release of general information to the media. After the initial release, all subsequent media releases will be handled by the District Attorney's Office including the final release for each such incident.
1. The PIO will post notice of the In-Custody Death on the OCSD Website.
- (i) The Constitutional Policing Advisor will notify the Office of Independent Review (OIR) and coordinate any immediate response by OIR with the Investigations Bureau and SAFE Division.

2114.3 PUBLIC DEFENDER'S OFFICE NOTIFICATIONS

- (a) It will be the responsibility of the on-duty Watch Commander at the facility in which an inmate death occurs to e-mail the two designees from the Orange County Public Defender's Office as soon as reasonably possible with the basic information regarding the death. The information will include and be limited to the inmate's name, date of birth, booking number, date of arrest, booking and hold charge(s), housing location and date and time of death.
- (b) The names of the two Public Defender's Office designees and e-mail addresses are:

■ [REDACTED]
■ [REDACTED]

[REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

■ [REDACTED]
[REDACTED]

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[REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

2114.5 WATCH COMMANDER INTRA-DEPARTMENTAL MEMO/BLUE FOLDER

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

4. Any required documents per Government Code Section 12525. Refer to [CCOM Section 2114.4\(c\)](#) for further details.
- (b) The Watch Commander will request one copy of the inmate's classification and housing records from Classification Staff. A copy of those records will be added to the Blue Folder.
- (c) The Watch Commander will complete an Intra-Departmental Memo directed to the Division Commander detailing the circumstances of the death. The memo will include the following:

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1. Name, Booking Number, Physical Description, Date of Birth, Last Known Address, and Phone Number
 2. Social Security Number, Driver's License Number, Location of Death, Date/Time of Death, DR# associated with the death.
 3. The names of the OCSD Homicide Investigator and Deputy Coroner, the Forensics Case Number, and the Coroner Case Number.
 4. If applicable, the full name of the DA investigator including their title, email address and phone number.
 5. Current case information which will include the District Attorney Case Number, name of the assigned District Attorney Investigator, Jurisdiction where inmate's, criminal case is pending, Arresting Agency. If the District Attorney declines investigation, reference to the person notified of the death at the District Attorney's Office and their decision to not respond to the death should be noted in the memo.
 6. Day/Date/Time deceased inmate was arrested, Day/Date/Time deceased inmate was booked, Charges, Status, and Disposition of Property.
 7. Summary of incident including known medical history during period of incarceration during which death occurred (may include prior known medical history for prior incarcerations if deemed relevant to the death), and notifications made regarding the death.
 8. If the deceased inmate was under the care of a physician, receiving mental health care or any behavioral health services at the time of their death, provide a brief summary of the care.
 9. Indicate if the deceased inmate was involved in any of the following scenarios: hunger strike, use of force, assault, medical emergency, security breach, or fight.
 10. The location of the deceased inmate at the time of death (e.g. Booking – Holding Cell, Safety Cell, Sobering Cell, Sallyport; or Housing Area - Cell (Single), Cell (Double), Dorm (in bed), Dayroom, Bathroom, Safety Cell, Yard; or Classroom. Program Area, Medical Treatment (in Jail), Hospital).
- (d) Upon completion of the Blue Folder, the Watch Commander will create an electronic copy [REDACTED] of the contents in the [REDACTED]. The [REDACTED] will be shared with the following:
1. The Assistant Sheriff of the Custody Operations Command
 2. Constitutional Policing Advisor
 3. Risk Management/SAFE
 4. Commander of the facility where the death occurred.
 5. OCSD Homicide
 6. Inmate Records Senior Manager, PRA Supervisor, and PRA Manager

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[illegible]

- (a) At the time of booking, all inmates will be asked to identify their next of kin; their address and phone number. This information will be recorded on the Pre-Booking Record and Identification Record.
- (b) If a Deputy or medical staff determines that an inmate's medical condition is of a serious nature that may result in death, they will notify the Watch Commander of the situation.
- (c) The Watch Commander will attempt to make notifications to the inmate's next of kin, if the inmate's medical condition is of a serious nature that may result in death within 24 hours. If possible, permission for notification will be obtained from the inmate prior to notification taking place.
- (d) In cases of death, the Watch Commander will contact the Orange County Sheriff's Coroner Watch Commander and ensure notifications are made to the inmate's next of kin within 24 hours.
 1. In cases of death of a foreign national, the Watch Commander shall notify the appropriate consulate by telephone and shall provide written confirmation to the appropriate consular post within 72 hours of the death. The notification shall include the inmate's name, booking number, date and time of death, and the

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name of the attending physician. For additional information, refer to Article 37(a) of the Vienna Convention on Consular Relations (1963).

- (e) No medical information may be provided to the inmate's next of kin without prior written authorization by the inmate. In the absence of the written authorization form from the inmate, information provided to the next of kin will be limited to identifying the hospital where the inmate was transferred and that the next of kin should try to contact the hospital. The Facility Watch Commander may authorize public visits if approved by the hospital for public visitation.
- (f) When necessary, a request may be made of the Department Commander to send a patrol unit to the relative's residence to make the notification if the address is within Orange County.
- (g) If the address is outside of Orange County, the local police agency will be requested to make contact and have the party contact the Watch Commander.
- (h) Documentation of notification, or attempts, will be made on a memorandum from the Watch Commander to the Division Commander.

2114.7 DEATH REVIEW

- (a) In accordance with Title 15 of the California Code of Regulations, Section 1046, facility administrators are required to submit an in-custody death report, as mandated by Government Code Section 12525, to the BSCC within 10 days of the death. Additionally, an initial review must be conducted, and a written report, referred to as the Initial Death Review Report, must be completed within 30 days of the death. A copy of this report must be submitted to the BSCC within 60 days of the death. Participants in the review shall include the Orange County Sheriff's Department (OCSD), Correctional Health Services, and County Counsel. For detailed guidance on the reporting process, refer to the BSCC In-Custody Death Review Data Reporting Guide.
 - 1. The Watch Commander managing the incident shall be responsible for completing the Initial Death Review Report within 30 days and submitting the completed and approved report to the Inmate Records Supervisor or Manager for submission to the BSCC before 60 days.
- (b) An "in-custody" death that requires a review subject to the requirements of 15 CCR Section 1046, is defined as the death of an inmate who has been remanded to the custody of OCSD by order of the Court or one who is in the custody of the OCSD pursuant to Penal Code Section 4015 and not otherwise lawfully released prior to death. An in-custody death also includes an inmate released on CWP who dies while on the worksite but does not include a CWP inmate who dies somewhere other than the worksite. An in-custody death is also subject to the reporting requirements of Government Code Section 12525.
 - 1. At the discretion of the Assistant Sheriff of the Custody Operations Command, the death of a fetus of an OCSD inmate and the death of a person released from custody, including a compassionate release, within 24 hours prior to death, may be reviewed in accordance with this policy. The decision to review the death of a fetus or a person released from custody does not convert such a death into an

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"in-custody" death that otherwise must be reported to DOJ (Gov. Code 12525) or that requires an initial review within 30 days pursuant to 15 CCR Section 1046.

- (c) The purpose of this review is to (1) determine the appropriateness of clinical care; (2) whether changes to the policies, procedures, or practices are warranted; (3) identify issues that require further study; (4) assess and consult with County Counsel about the risk of exposure to liability; (5) identify areas of concern and recommend any necessary remedial actions; and (6) address such other matters as deemed necessary and appropriate by the review team. The review team may seek further review by the County's Risk Manager, as appropriate.
- (d) For the Death Review, Correctional Health Services will generate a Review Template and Corrective Action Plan if needed. These reports and findings will be retained with their internal records. All discussions, any findings, and/or reports generated from or as the result of this review will be confidential and attorney-client privileged communications, and the privilege may only be waived by the concurrence of both the OCSD and Orange County Health Care Agency.
- (e) The Death Review team shall consist of the Assistant Sheriff of Custody Operations Command or designee, Constitutional Policing Advisor, Correctional Health Services (CHS) Director, CHS Medical Director, CHS Chief of Operations, CHS Director of Nursing, CHS Mental Health and Operations Administrative Managers, Division Commander of the involved facility, County Counsel Deputy assigned to the OCSD, County Counsel Deputy assigned to CHS, and any other staff deemed appropriate by the Assistant Sheriff of Custody Operations Command.
- (f) The Assistant Sheriff of Custody Operations Command or designee will coordinate with Correctional Health Services to set up the initial death review.
- (g) The electronic copy [REDACTED] of the [REDACTED] may be referred to during the death review. Refer to [CCOM Section 2114.5\(d\)](#) for the distribution schedule.
- (h) A certified copy of the death review will be provided to the District Attorney by OCSD Homicide.

2114.8 BSCC ACCESS TO RECORDS AND RESPONSE TO RECOMMENDATIONS

- (a) OCSD shall cooperate with the Director of In-Custody Death Review ("director") within the BSCC during an in-custody death review and allow access, examination, and reproduction of records as specified in Penal Code Section 832.10. The BSCC director shall have access to the records and property of OCSD to the same extent OCSD has access. However, records that are part of an active criminal or administrative investigation may be withheld as set forth in Penal Code Section 832.10 and as described in CCOM Section 2114.9. Access, examination, and reproduction shall not constitute a waiver of any confidentiality or privilege regarding any records disclosed to the BSCC director. For purposes of this subsection, the term "director" includes employees and agents of the In-Custody Death Review Division of the BSCC (Penal Code Section 6034).
- (b) The Assistant Sheriff of Custody Operations Command or designee shall review BSCC recommendations within 90 days of receipt, following the BSCC review of an in-

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custody death. In a written response to the BSCC, the Assistant Sheriff or designee shall (Penal Code Section 6034):

1. Identify the recommendations that OCSD will implement and the anticipated cost and timeline of implementation.
2. Identify the recommendations that OCSD cannot or will not implement and provide an explanation.
3. OCSD shall make the recommendations and responses available to the public with appropriate redactions as permitted by law (Penal Code § 6034).

2114.9 RECORD RELEASE REQUIREMENTS

- (a) Records subject to public disclosure that are related to an in-custody death investigation shall be made available for public inspection at the earliest time possible, or no later than 45 days from the date of a request, unless the record is subject to delayed release, redaction, or other release restrictions as provided by law.
- (b) Disclosure of in-custody death records during active criminal or administrative investigations may be delayed. In all cases, records shall be provided when the investigation or proceedings are no longer active, or no later than 18 months after the death, whichever is first.
- (c) When delaying the disclosure of records, written notice shall be provided to the requester stating the specific basis for the delay and the estimated date of disclosure.
- (d) Records related to an in-custody death investigation may be redacted where permitted by law.
- (e) For specific provisions governing delayed release, redaction, and public disclosure requirements including interval update obligations, refer to Penal Code Section 832.10.