

 ARIZONA DEPARTMENT OF CORRECTIONS DEPARTMENT ORDER MANUAL	CHAPTER: 700 OPERATIONAL SECURITY	OPR: OPS PS
	DEPARTMENT ORDER: 711 <i>NOTIFICATION OF INMATE HOSPITALIZATION OR DEATH</i>	SUPERSEDES: DO 711 (02/20/07) EFFECTIVE DATE: APRIL 16, 2009

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PURPOSE

This Department Order establishes the process for notification of next-of-kin upon the hospitalization or death of an inmate in the Department's custody, and the procedures for disposition of the body of a deceased inmate.

The above *Substantive Policy Statement* is advisory only. A *Substantive Policy Statement* does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this *Substantive Policy Statement* does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

PROCEDURES

- 711.01** **INMATE NEXT OF KIN RECORDS** - Upon reception at a Department Reception facility each inmate is required to complete the, Notification in Case of Accident, Serious Illness or Death and Disposition of Personal Property, Form 711-1, to identify the next of kin for notification of hospitalization or death. This information shall be placed in the inmate's master file and on the appropriate AIMS screen. The inmate shall notify staff of any changes in this information. Information changes shall be updated by unit staff upon transfer from one unit to another.
- 711.02** **HOSPITALIZED INMATE NOTIFICATION** - When an inmate is hospitalized overnight or is hospitalized with a serious life threatening injury or disability:
- 1.1 Notifications to next of kin shall be made. Whenever possible, the inmate's consent, or refusal of consent shall be obtained and documented prior to notification.
 - 1.2 During normal business hours the Deputy Warden, in consultation with Inmate Health Services, shall notify:
 - 1.2.1 The unit Chaplain of the specific medical condition of the hospitalized inmate. The unit Chaplain shall notify the next of kin by telephone, when possible. The Chaplain shall prepare and submit an information report.
 - 1.2.2 The Media and Public Relations Office, who will release information relating to an inmate's hospitalization to the media as outlined in Department Order #207, Media Relations.
 - 1.3 During non-business hours or in the absence of the unit Chaplain, the Off-site Duty Officer and/or Complex Shift Supervisor, in consultation with Inmate Health Services, shall notify:
 - 1.3.1 The next of kin by telephone, when possible or appropriate, and prepare an Information Report. A copy of the Information Report shall be provided to the unit Chaplain for appropriate follow-up.
 - 1.3.2 The Media and Public Relations Office and the Victim Notification Unit who will make notifications as outlined in 1.2.2.
 - 1.4 With the Director's authorization all notifications to the next of kin, victims or the media may be delayed when security, sound correctional practice, or investigative reasons exist.

711.03 INMATE DEATH NOTIFICATION - In the event of an inmate death:

- 1.1 A licensed physician, physician's assistant, or registered nurse shall be required to confirm an inmate's death prior to the initiation of any notifications.
- 1.2 The Warden, Deputy Warden, Administrator or designee shall immediately notify the local Department Criminal Investigations Unit (CIU), who will notify local law enforcement authorities. Unless specified otherwise in a local agreement, notification shall include the Sheriff of the County in which the prison facility is located.
- 1.3 Each Department unit and/or Contract Beds facility shall provide assistance to investigators, as needed, and in accordance with Department Order #608, Criminal Investigations. The inmate's cell and/or location of the body shall be considered a crime scene until released by CIU. Unauthorized staff shall not enter the scene, or collect evidence, without authorization from CIU. Staff shall not touch the body of the deceased except in situations where medical procedures are required.
- 1.4 During normal business hours the Deputy Warden, in consultation with the Warden and CIU, shall notify the unit Chaplain of the death, who shall notify the next of kin by telephone, when possible.
- 1.5 During non-business hours or in the absence of the unit Chaplain, the Off-site Duty Officer and/or Complex Shift Supervisor, in consultation with the Warden and CIU shall make the notification to next of kin by telephone and prepare an Information Report. Information shall be provided to the unit Chaplain for appropriate follow-up.
- 1.6 The Warden, Deputy Warden or designee shall:
 - 1.6.1 Notify the Central Office Communications Center and submit a Significant Incident Report (SIR).
 - 1.6.2 Verbally notify:
 - 1.6.2.1 The appropriate Regional Operations Director.
 - 1.6.2.2 The Division Director for Offender Operations.
 - 1.6.2.3 The Health Services Bureau Administrator.
 - 1.6.2.4 The Mental Health Administrator.
 - 1.6.2.5 The local coroner and request an autopsy.
 - 1.6.2.6 The Media and Public Relations Office.
 - 1.6.2.7 Local CIU, who shall notify the local law enforcement agencies.
 - 1.6.3 Ensure that the Offender Services Bureau Administrator is notified of an inmate's death if the deceased inmate has an active detainer or is serving a concurrent custody sentence.

- 1.6.4 Ensure that the Interstate Compact Administrator is notified of an inmate’s death if the inmate is in Department custody under an Interstate Compact agreement.
- 1.6.5 Ensure that the appropriate consulate office is notified if the deceased inmate is a foreign national. The consulate office may assist in notifying the next of kin and/or family, and in making arrangements to claim the body.
- 1.6.6 Determine whether it is known that the inmate was a member of a federally recognized Native American Tribe in compliance with ARS§ 36-831. The Department shall assist the Medical Examiner in notifying the tribe if requested, and shall recognize the tribe as next of kin and assist in ensuring that the tribe has the opportunity to provide for burial or other funeral and disposition arrangements.
- 1.7 Contract Beds staff shall notify the Contract Beds Bureau Administrator if an inmate dies while in custody at a Contact Beds facility.
- 1.8 Notifications of the death of an inmate by other than perceived apparent natural causes shall be completed as follows:
 - 1.8.1 The Director or designee shall immediately notify the Governor’s Office by telephone, followed by a written notification.
 - 1.8.2 The Department’s Legislative Liaison shall notify:
 - 1.8.2.1 The Chairperson of the Joint Select Committee by telephone within one business day, followed by a written notification.
 - 1.8.2.2 The Speaker of the Arizona House and President of the Arizona Senate by telephone within one business day, followed by a written notification.
 - 1.8.2.3 State legislators in the district where the event of consequence occurred by telephone within one business day, followed by a written notification.
 - 1.8.3 The Department's Criminal Investigations Unit shall notify:
 - 1.8.3.1 The Medical Examiner or Coroner immediately by telephone upon confirmation of the death by a licensed physician, physician assistant or nurse practitioner.
 - 1.8.3.2 The County Attorney by telephone within one business day, followed by a written notification.
 - 1.8.3.3 The Local Law Enforcement agency with jurisdiction to issue warrants/power to arrest by telephone within one business day, followed by a written notification.
 - 1.8.3.4 The Local Law Enforcement agency with jurisdiction to investigate by telephone within one business day, followed by a written notification.

- 1.9 Information relating to an inmate's death shall only be released to the media by authorized employees and as outlined in Department Order #207, Media Relations. Notifications to media shall be made by News Release via email within one business day, except where public safety warrants otherwise.
 - 1.9.1 Information on the deceased inmate shall not be released prior to the documented notification of next of kin and the generation of victim notifications. Media and Public Relation staff shall verify that these notifications have been made prior to the release of any information to the media.
- 1.10 Health Services Bureau Administrator shall:
 - 1.10.1 Obtain and file a copy of the signed death certificate.
 - 1.10.2 Forward a copy of the signed death certificate to the Central Office Offender Information Unit for placement in the inmate's master file.
 - 1.10.3 Obtain copies of the autopsy and toxicology reports within ten work days of the inmate death, or when these reports are made available from the County Coroner.

711.04 CREMATION OF DECEASED INMATE

- 1.1 Upon the death of an inmate, the Warden, Deputy Warden or designee shall determine if the inmate's next of kin or family is willing to claim the body. Preference to claim the body shall be given to the next of kin or family as follows:
 - 1.1.1 Individual listed on signed Notification in Case of Accident, Serious Illness or Death and Disposition of Personal Property.
 - 1.1.2 Surviving spouse.
 - 1.1.3 Surviving adult child.
 - 1.1.4 Surviving parent.
 - 1.1.5 Surviving adult brother or sister.
- 1.2 If the next of kin or family is willing to claim the body the Warden, Deputy Warden or designee shall notify the Medical Examiner to hold the body pending release.
- 1.3 If the next of kin or family is not willing to claim the body, the Warden, Deputy Warden or designee shall document the conversation as outlined in Department Order #105, Information Reporting, and place an entry on the AIMS, DT08 Screen. The Warden or Deputy Warden will determine whether any other person or organization is willing to assume legal and financial responsibility in claiming the body. These persons or organizations may include, but are not limited to:
 - 1.3.1 The executor of the decedent's estate.
 - 1.3.2 The guardian of the decedent at time of death.
 - 1.3.3 Religious organizations or other groups that may wish to sponsor arrangements.

- 1.4 If the body is unclaimed the Warden, Deputy Warden or designee shall:
 - 1.4.1 Notify the next of kin/family that the body will be cremated or buried.
 - 1.4.2 Notify the County Medical Examiner to hold the body pending transportation to the designated contract mortuary.
 - 1.4.3 Establish if the next-of-kin/family wishes to claim the cremains or the body. This information shall be provided to the mortuary.
 - 1.4.4 All unclaimed cremains or bodies shall be disposed of either at a location designated by the Department or at another location designated by the contract mortuary upon approval of the Department.
 - 1.4.5 Ensure that the mortuary is provided the necessary information for the death certificate.

711. 05 DISPOSAL OF THE DECEASED INMATE'S PROPERTY

- 1.1 Wardens or Deputy Wardens shall ensure that the deceased inmate's property, funds and assets are inventoried, secured and released in accordance with Department Order #909, Inmate Property.
 - 1.1.1 Prior to the inmate's property or funds being released, the next of kin or family member will be required to complete an Affidavit for Collection of Personal Property, Form 909-2.
 - 1.1.2 If the deceased inmate's estate is probated, the property shall be released to the personal representative of the deceased inmate's estate upon presentation of a claim for collection of the property or court order.
 - 1.1.3 A copy of the testamentary letters appointing the deceased inmate's personal representative shall be presented to the Warden or Deputy Warden for verification of authority.
 - 1.1.4 If the inmate's estate is not probated, the property shall be released to the deceased inmate's successor or heir upon presentation of a completed and notarized Affidavit for Collection of Personal Property.
 - 1.1.4.1 The medical Examiner or Coroner immediately by telephone upon confirmation of the death by a licensed physician, physician assistant or nurse practitioner.
 - 1.1.4.2 The affidavit shall contain a statement that the value of the property in the estate does not exceed \$50,000 (fifty thousand dollars), and that 30 days have elapsed since the inmate's death. Any checks shall be made payable to the person who presents the notarized affidavit.
- 1.2 The original copy of the claim and testamentary letter or affidavit shall become a permanent part of the inmate's property file. The property file shall be forwarded to the Offender Services Bureau, Offender Information Unit, for incorporation into the inmate's master record file.
- 1.3 If the deceased inmate is a minor (i.e., under the age of 18), the property may be released to the guardian of record. Release of property shall be documented.

711.06 MORTALITY REVIEW

- 1.1 Within 72 hours following the death of an inmate the Facility Health Administrator of the affected institution shall convene a Mortality Review Committee in accordance with Department Order #1105, Inmate Mortality/Morbidity Review.
- 1.2 Suicide Review Committee - Upon receipt of the complete file and the inmate's medical record the Counseling and Treatment Services Administrator shall, in instances of suicide, convene a Suicide Review Committee (SRC), as outlined in Department Order #1103, Inmate Mental Health Care, Treatment and Programs.

IMPLEMENTATION

Wardens may develop an Institution Order that addresses:

- Local notification of authorities/Department notification
- Next of kin notification.
- Property and personal effects disposition procedures.
- Disposition of remains.

{Original Signature on File}

CHARLES L. RYAN
DIRECTOR

ATTACHMENT

Attachment A - Disposal-Transit Permit (DHS)

FORMS LIST

711-1, Inmate Authorization for Disposition of Personal Property

AUTHORITY

A.R.S. § 32-1365.02 Authorizing Agents; consent for cremation, disinterment or embalming

A.R.S. § 11-593, Reporting of Certain Death, Failure to Report; Penalty

A.R.S. § 14-3971, Collection of Personal Property by Affidavit; Ownership of Vehicles; Affidavit of Succession to Real Property

A.R.S. § 36-831 Duty to bury body of dead person, notification to Indian tribes

(This copy must accompany body to final destination)		DEPARTMENT OF HEALTH SERVICES - OFFICE OF VITAL RECORDS				FILE NO.	
DISPOSAL - TRANSIT PERMIT							
IDENTIFICATION OF DECEASED	1. NAME OF DECEASED A. FIRST B. MIDDLE C. LAST			2. SEX	3. AGE	4. RACE OR COLOR	
	5. DATE OF DEATH		6. PLACE OF DEATH A. TOWN OR CITY B. COUNTY C. STATE		7. CAUSE OF DEATH (MUST BE COMPLETED IF BODY IS SHIPPED OUT OF STATE, MOVED BY COMMERCIAL CARRIER, OR A DEATH FROM CERTAIN DISEASES)		
	8. MANNER AND PLACE OF DISPOSITION <input type="checkbox"/> BURIAL <input type="checkbox"/> OTHER (SPECIFY) <input type="checkbox"/> CREMATION <input type="checkbox"/> REMOVAL		9. FUNERAL HOME A. NAME B. ST. ADDRESS C. CITY AND STATE		10. FUNERAL DIRECTOR'S SIGNATURE		11. DATE SIGNED
12. PLACE OF BURIAL OR OTHER DISPOSITION A. NAME B. STREET ADDRESS C. CITY AND STATE		13. IN ACCORDANCE WITH THE LAWS OF THIS STATE AND THE REGULATIONS OF THE STATE DEPARTMENT OF HEALTH PERTAINING TO DEATH CERTIFICATES AND THE HANDLING OF DEAD HUMAN REMAINS, AUTHORIZATION IS HEREBY GIVEN TO DISPOSE OF THIS BODY IN THE MANNER INDICATED.					
14. REGISTRAR'S AUTHORIZATION FOR DISPOSITION REGISTRAR'S SIGNATURE		15. REG. DISTRICT		16. DATE SIGNED			
17. BODY WAS: <input type="checkbox"/> BURIED <input type="checkbox"/> CREMATED <input type="checkbox"/> OTHER (SPECIFY)		18. CEMETERY OR CREMATORY A. NAME B. STREET ADDRESS C. CITY AND STATE		19. DATE OF DISPOSITION		20. CEMETERY MANAGER'S SIGNATURE	
21. STATE REGISTRAR USE DATE RCVD. IN STATE OFFICE		22 A. REGISTRAR'S SIGNATURE			22 B. TITLE		
S-7 REV. 8/88 CEMETERY MGR. MAIL TRANSIT COPY IN 10 DAYS TO VITAL RECORDS, P.O. BOX 3887 DEPARTMENT OF HEALTH SERVICES, PHOENIX, ARIZONA 85030							