



POLICY AND PROCEDURES

NUMBER: 842

SUBJECT: In-Custody Death Investigation Team

ACA STANDARDS: NONE

DIRECTOR: *Raul S. Banasco*

EFFECTIVE DATE: 7/19

REVISION DATE: 1/2020

I. POLICY

The purpose of this policy is to provide procedures for personnel within the Department of Justice Services who are involved in the investigation of an in-custody death of an inmate. An “in-custody” death includes the death of an inmate who is in the custody, care, or control of County personnel at the time of death. It includes deaths that occur in the Justice Center, during court-related activities, and during transportation. To the extent that the Department of Justice Services is permitted to participate in an investigation, an in-custody death also includes a death that occurs at a location and time reasonably related to the person’s custody.

The intent of this Policy is to insure that deaths of inmates are accurately investigated and fully documented. Therefore, all in-custody deaths shall be reviewed in accordance with the procedures contained herein. Such review shall determine the appropriateness of correctional oversight and clinical care given; shall ascertain whether changes to policies, procedures, or practices are warranted; and shall identify issues that require further study. Such review shall also recommend specific improvements to jail operations in order to minimize future loss of life and provide a safer environment for those inmates housed, or transported, by County personnel.

II. RESPONSIBILITIES

Department of Justice Services’ employees assigned to investigate an in-custody death by the Director of Justice Services (“Director”) shall follow the procedures outlined herein.

In custody deaths may involve multiple investigations by different agencies. The Director may appoint an in-custody death investigation team, *and identify a member to collect information for the investigation team*, act as a repository for all *findings*, and develop a complete picture of the facts of each in-custody death.

III. GENERAL INFORMATION

1. The in-custody investigation will be a reporting and review process of policy and procedures that applies to all in-custody deaths as defined in Section I above.
2. The in-custody death investigation will begin, and the policies and procedures contained herein will be followed, once a confirmed death has been established or in the event that a medical transport has occurred and it is likely that an imminent death may occur.
3. Nothing written here should be construed as to conflict with Department of Justice Services Policies #838, 839, or 840 or with Department of Public Health Policies regarding Corrections Medicine.

IV. PROCEDURE

A. Initial Response

1. County personnel shall notify as soon as practically possible the police department with jurisdictional authority when any in-custody death occurs.
2. County personnel should allow investigating police departments to conduct investigations, whether criminal or administrative, and render all reasonable assistance.
3. The Director, upon notification, will assemble the In-Custody Death Investigation Team. (See notification list in Section IV, C, 2, c, 1-8)

B. Appointments

1. Appointments to the In-Custody Death Investigation Team shall lie solely with the Director, and are not restricted to Department of Justice Services' personnel.
2. The members of the In-Custody Death Investigation Team serve at the discretion of the Director.
3. *The members will consist of a representative from Security, Internal Affairs, and the Department of Public Health, at a minimum.*

C. Responsibilities

1. Immediate On Scene Supervisor Responsibilities

- a.** Follow all policies and procedures contained in Policy 838 (Inmate Death). Any conflict between this Policy and Policy 838 shall be resolved in favor of Policy 838.
- b.** Protect and secure the scene in accordance with Policy 840 (Preservation of Evidence).
- c.** Notify the Watch Commander.
- d.** Identify any and all involved individuals, witnesses, medical staff, corrections officers, citizen, inmates.
- e.** Prepare and submit an incident report and/or a Use of Force Report (if applicable).

2. Watch Commander Responsibilities

- a.** Respond to the scene.
- b.** Ensure the scene is protected and secure in accordance with Policy 840.
- c.** Make notifications to additional staff as follows:
 - 1.** The police department with jurisdictional authority (if not already on scene)
 - 2.** The Director
 - 3.** The *Deputy* Director
 - 4.** Superintendent
 - 5.** Superintendent of *Administration*
 - 6.** Internal Affairs
 - 7.** The *Major of Security* assigned to the location that the death occurred

submitting all final documentation to the Director and coordinating the investigation.

- b. The *Director or designee* will ensure that next-of-kin has been notified, as described in Policy 839 (Notification of Next-of-Kin for Death or Serious Illness/Injury).
- c. If possible, part or whole of the investigation team shall assemble at the location of the death or another designated command area.
- d. Ensure the scene has been protected and secured.
- e. Conduct an initial assessment and coordinate investigative duties and tasks among the team, and assess if any additional resources are needed.
- f. The *Director/designee* will act as the liaison between the Department of Justice Services and the police department with jurisdictional authority to facilitate the police investigation.
- e. The *designated member* of the team shall provide the Director with the assessments described below.

5. Assessment Reporting Requirements and Timelines

a. Two Day Assessment

1. Provide to the Director **within 2 days (48 hours)**, not including weekends and holidays, as an initial assessment *of the circumstances surrounding the death, if known*.
2. The team may also make a recommendation if a post-traumatic debriefing is needed for involved employees.

b. Thirty Day Assessment

1. Provide to the Director **within 30 days** *(not including weekends and holidays) a*

completed report as a result of the investigation.

2. The *investigation report* will be typewritten and will include the suspected cause of death, *if known*, and any recommended policy and procedure changes that should be addressed, or the creation of any new policies and procedures, in order to minimize further in-custody deaths.
3. The *investigation report* will also include all supporting documentation that was used to make those recommendations and investigative findings. The assessment and supporting documentation will be indexed, organized, typewritten, and hand-delivered to the Director.
4. The members of the In-Custody Death Investigation Team will be listed, along with their *involvement and their* current assignments and titles.
5. *The results of the investigation will be shared as a group. All members of the team will hand sign the investigative findings.*
6. The supporting documentation **will** include, but is not limited to the following:
 - All internal reports (incident reports, use of force reports, watch commander's reports, internal affairs reports and summary)
 - Watch Commander's in-custody death notification form
 - Copy of all video footage and audio recordings

- A copy of any witness statements
- Police report of death
- Police report of the inmate's original arrest (if available)
- Fire Department/Paramedic reports
- Key Tour reports
- Time clock reports for involved employees
- Justice Services employee work schedules
- Sick call slips (if any)
- Grievance reviews (if any)
- Visitor logs (if any)
- Commissary account log (if any)
- Telephone records and recordings of the deceased inmate

***NOTE:** The public record of the autopsy will be an addendum to the Internal Affairs investigation report when released.*

7. Any of the above listed or any other associated documents not included in the *investigation report* should be fully explained as to their absence.

c. Sixty Day Assessment

1. This is a typewritten summary *to include revisions from Internal Affairs and the In-Custody Death Investigation Team.*
2. The 60 day assessment will be a review of the implementation of any recommendations made by the In-Custody Death Investigation Team *to assess their effectiveness.*
3. This assessment will also include an addendum of any missing supporting documentation from the 30 day *investigative report.*

6. Retention and Release of Documents

- a. Retention of documents should follow all established protocols for the Department of Justice Services.
- b. Documents and assessments could be subject to future subpoenas and sunshine requests. The St. Louis County Counselor's Office shall review all subpoenas and records requests prior to any release.
- c. **Only the Director of Justice Services retains the authority as Custodian of Records to release any part or whole of the In-Custody Death Investigation Team's assessments, investigative findings, or recommendations.**
- d. The Director of the Department of Public Health retains authority as Custodian of Records for all records of the Department of Public Health, including medical records and assessments. All protected health information will be redacted prior to release.
- e. The Director and the County Counselor will determine what information is a closed record pursuant to the Open Records law.