
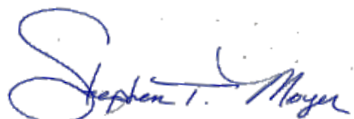


Executive Directive



Title: Inmate Deaths — Reporting and Investigating	Executive Directive Number: OSIIFA.270.0003
Related MD Statute/Regulations: Correctional Services Article, §2-103; and 10-701, Annotated Code of Maryland	Supersedes: IIU.270.0003 dated 08/15/2007
Related ACA Standards: N/A	Responsible Authority:  Director, Internal Investigative Division
Related MCCA Standards: N/A	Effective Date: February 5, 2016 Number of Pages: 5



Stephen T. Moyer
Secretary



Steven F. Geppi
Secretary's Director
Investigation, Intelligence
and Fugitive Apprehension

.01 Purpose.

This directive updates policy and procedure for the Department of Public Safety and Correctional Services (Department) related to reporting and investigating the death of an inmate occurring while in the custody of the Department.

.02 Scope.

This directive applies to all Department correctional, detention, and pre-release facilities.

.03 Policy.

The Department shall promptly report and investigate an inmate death occurring while the inmate is in Department custody.

.04 Definitions.

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Attended death" means an inmate dies from a pre-existing illness or injury:

- (a) For which the inmate was receiving treatment from a licensed health care professional;
- (b) That was expected to result in the inmate dying; and
- (c) For which the treating licensed health care professional completes the certificate of death indicating the cause of death is related to the illness or injury for which the inmate was under treatment.

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- (2) “Correctional facility” has the meaning stated under Correctional Services Article, §1-101, Annotated Code of Maryland and, unless otherwise stated, includes a detention and pre-release facility.
- (3) “Director” means the Director of the Department’s Internal Investigative Division.
- (4) Employee.
 - (a) “Employee” means an individual assigned to or employed by the Department in a full-time, part-time, temporary, or contractual position.
 - (b) “Employee” includes:
 - (i) A special appointee;
 - (ii) A volunteer;
 - (iii) An intern; or
 - (iv) Contractor.
- (5) Inmate.
 - (a) “Inmate” means an individual in actual or constructive custody of the Department.
 - (b) “Inmate” includes an individual in pre-trial, sentenced, or pre-sentenced (post guilty finding but before sentencing) status.
- (6) “Investigator” means a Department employee permanently assigned to or on special assignment to assist the IID with the responsibilities specified under Correctional Services Article, §10-701(a)(3), Annotated Code of Maryland.
- (7) “Licensed health care professional” means an individual currently certified by the State to practice medicine and as part of that certification has the authority to examine a deceased individual to determine a cause of death and appropriately sign a certificate of death.
- (8) “Unattended death” means an inmate dies and:
 - (a) There is no obvious explanation for a sudden illness or injury or other incident that caused the inmate’s death;
 - (b) The inmate was not under treatment from a licensed health care professional for a pre-existing life-threatening illness or injury that caused the inmate’s death; or
 - (c) The inmate was receiving treatment from a licensed health care professional for a pre-existing life-threatening illness or injury, however, the treating health care professional cannot relate the inmate’s death to the life threatening illness or injury for which the inmate was under treatment.

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.05 Responsibility.

A. The Director, or a designee, is responsible for:

- (1) Accepting reports of the death of an inmate;
- (2) Assigning an investigator to properly investigate and document the death of an inmate; and, if appropriate, present the results of the investigation for appropriate Department administrative action or criminal prosecution, or both.

B. Reporting the Death of an Inmate.

(1) Department policy and procedure require that the Director, or a designee, is immediately notified by an employee involved in or acquiring knowledge related to the death of an inmate to reduce the opportunity for allegations of wrongdoing by ensuring that:

- (a) Circumstances of the death are properly investigated and documented; and
- (b) Evidence, testimonial or physical, is properly preserved in support of the required investigation.

(2) When IID is notified of an inmate death, the IID duty officer shall:

- (a) Obtain sufficient information to:
 - (i) Complete the duty officer's checklist;
 - (ii) Complete the entry in the complaint control log; and
 - (iii) Make an initial determination as to whether the death is considered attended or unattended;
- (b) Inform the employee making the notification that the only information available for release concerning the incident is:
 - (i) The deceased inmate's legal name, sex, race, and date of birth;
 - (ii) The location of the incident (correctional facility);
 - (iii) Date and time the deceased inmate was found; and
 - (iv) A statement only indicating that the, "incident and cause of death are being investigated."
- (c) Advise the employee to comply with Department procedures for reporting newsworthy events.

C. Response to a Report of an Inmate Death.

(1) If the IID duty officer cannot determine if the death was attended or unattended, the IID Duty officer shall:

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- (a) Advise the employee reporting the incident that the area where the deceased inmate was found is to be considered a crime scene and action taken to ensure that potential evidence is preserved;
 - (b) Assign an investigation case number; and
 - (c) Notify an IID supervisor who will determine the appropriate action to be taken.
- (2) If the IID duty officer determines an inmate's death meets the criteria for an attended death, the duty officer shall:
- (a) To the degree possible, determine if misconduct is involved.
 - (b) If there is reason to believe that misconduct may be involved:
 - (i) Assign an investigation case number to the incident;
 - (ii) Instruct the caller to preserve the scene of the incident; and
 - (iii) Notify an IID supervisor to determine the response by IID.
 - (c) If there is no reason to believe misconduct is involved:
 - (i) Record the cause of death determined by the licensed health care professional signing the certificate of death;
 - (ii) Record the name of the licensed health care professional determining the cause of death and signing the certificate of death; and
 - (iii) If the caller is not the licensed health care professional determining the cause of death and signing the certificate of death, record the name of the caller.
 - (d) After completing requirements of the initial call under §§.05C(2)(a) — (c) of this directive, notify the Office of the Chief Medical Examiner (Medical Examiner) of the circumstances of the inmate's death.
 - (e) If the Medical Examiner agrees with the IID duty officer's determination that the death is an attended death and the Medical Examiner does not require an autopsy, record the date, time, name, and contact information for the representative of the Medical Examiner making the decision.
 - (f) If the Medical Examiner determines that an autopsy is required:
 - (i) Notify an IID supervisor to coordinate the investigation;
 - (ii) Assign a criminal investigation report number; and
 - (iii) Assign an investigator to investigate and document the investigation.

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- (g) If after an initial decision determining an inmate's death is attended with no allegations of misconduct or autopsy required, circumstances surface changing the incident, assign an investigator to conduct and report the findings of the investigation.
- (3) If the IID duty officer determines an inmate's death meets the criteria for an unattended death, the duty officer shall:
 - (a) If an unattended death is suspected to involve homicide at a Division of Correction correctional facility, notify the Department of Maryland State Police who is responsible for investigating the incident assisted by the IID.
 - (b) Assign an IID investigator to investigate and report an unattended death that:
 - (i) Involves suspected homicide at a Department correctional facility that is not under the authority of the Division of Correction; or
 - (ii) Does not involve suspected homicide regardless of the Department correctional facility responsible for housing the deceased inmate.
 - (c) Instruct the caller to preserve the crime scene.
 - (d) Notify the designated IID supervisor; and
 - (e) Assign an investigation case number.
- D. An IID investigator assigned to investigate and document an inmate death shall comply with requirements of and be provided assistance and support established under the directive for Internal Investigative Division.
- E. This directive does not relieve an employee from requirements for reporting newsworthy events established under a separate directive.

.06 Attachments/Links.

There are no attachments or links to this directive.

.07 History.

This directive replaces IIU.270.0003 dated 08/15/07 and supersedes provisions of any prior existing Department or unit communication with which it may be in conflict.

.08 Correctional Facility Distribution Code.

A
S Security Chief
Facility Investigators