DEPARTMENT OF CORRECTIONS

Policy Number:	**203.230**
Title:	**Death of an Incarcerated Person**
Effective Date:	**6/24/2025**

PURPOSE: To provide procedures for the proper notification, investigation, and reporting of the death of an incarcerated person under the legal custody of the department. The office of special investigations (OSI) may conduct a thorough investigation to determine the cause, manner, and circumstances surrounding the incarcerated person's death.

APPLICABILITY: Department-wide

DEFINITIONS:

Death scene – an area where a person died, including any portion of the area adjacent to the actual scene, through which the person might have passed, and where evidence might be located.

Death scene officer – a security staff person assigned to maintain the security and integrity of the death scene.

Department forensic pathology specialist – an OSI investigator who has been specifically trained to conduct death investigations within a correctional facility.

First investigating responder – an OSI investigator assigned to or located near the facility who is able to quickly respond to a death scene and begin preliminary investigation work.

Health care directive – a written, notarized document including one or more health care instructions, a health care power of attorney, or both, located in the incarcerated person's medical file. (See Policy 500.125, "Incarcerated person Health Care Directive and Power of Attorney.")

PROCEDURES:

A. Initial Response

1. Any staff member who suspects or discovers that an incarcerated person has died must activate the incident command system (ICS).

2. Health services staff and community medical responders must assess whether to continue life-saving measures.

3. The incident area must be treated as a crime scene regardless of the incarcerated person's condition.

B. Post-Mortem Responsibilities

The following procedures must be implemented after it has been determined the incarcerated person is deceased.

1. The watch commander must:
   a) Assign a death scene officer to maintain the security and integrity of the death scene using the access to death scene record (attached), and ensure the area is monitored and protected;
   b) Secure the deceased incarcerated person's cell/room, unless it is already secured as a death scene;
   c) Initiate and ensure completion of the death procedure checklist (attached), death scene log (attached), and guidelines for incarcerated person death (attached);
   d) Notify personnel as indicated on the death procedure checklist;
   e) Ensure staff complete all necessary incident reports as soon and as thoroughly as possible, unless local/state law enforcement is part of the investigation and a formal interview is requested instead of a report;
   f) Assist the first investigating responder and the department forensic pathology specialist in the initial investigative steps; and
   g) Arrange to have the deceased incarcerated person's personal property collected, inventoried, and delivered to the property officer within 24 hours, upon receiving authorization from the department forensic pathology specialist.

2. The death scene officer must:
   a) Identify the deceased incarcerated person, and determine the perimeters of the death scene;
   b) Secure the death scene to ensure no one is allowed to enter the area or to access potential evidence; and
   c) Begin a death scene log identifying individuals who were in the area and those requiring admittance, including investigators, local law enforcement, and medical staff.

3. The first investigating responder must:
   a) Immediately respond to the death scene and ensure it has been properly determined and secured;
   b) Confirm the identity of the deceased incarcerated person and ensure that efforts are in progress to locate the next of kin or those to be notified, in accordance with the incarcerated person's health care directive;
   c) Meet with local law enforcement; and
   d) Collect and save all pertinent logs, files, and records in augmented criminal investigation support system (ACISS), including such examples as:
      (1) Unit logs;
      (2) Incarcerated person's electronic files;

(3) Visiting lists and history;
(4) Facility living and working assignments;
(5) Phone records;
(6) Names of possible witnesses;
(7) Staff reports; and
(8) The health care directive or other documentation specifying the deceased incarcerated person's post-death instructions and arrangements.

4. The facility religious coordinator or designated staff, in conjunction with the facility warden when available, and with assistance from local law enforcement if needed, must:
   a) Consult with the department forensic pathology specialist to gather the appropriate information and notify the designated emergency contacts or next of kin (or those to be notified per the deceased incarcerated person's notarized health care directive);
   b) Notify the legal next of kin about the incarcerated person's death; the notification must include:
      (1) Any circumstances that can be disclosed;
      (2) Whether a review by a medical examiner/coroner is required;
      (3) That the medical examiner/coroner is available to answer further questions regarding the deceased incarcerated person;
      (4) That those designated can make the burial arrangements, if desired; that the state pays the current authorized amount for burial or cremation expenses to the contracted service provider; and that those designated should communicate with the warden/designee regarding the burial plan instructions and the extent of the state's involvement in the expense; and
      (5) The department's need to determine if there are other known relatives/contacts who need to be notified; and
   c) Maintain contact with those to be notified of the death, if necessary.

5. The department forensic pathology specialist must:
   a) Respond to the death scene and review and ensure the proper procedures and investigative steps are being followed;
   b) Contact law enforcement and report the death so law enforcement can determine whether their involvement in the investigation is necessary;
   c) Contact the county medical examiner/coroner and the appropriate contracted licensed forensic pathologist, who must review the need for an autopsy;
   d) Notify the watch commander upon completion of the investigation to authorize collection, inventory, and delivery of the deceased incarcerated person's property to the property officer;

e) Notify the watch commander when the death scene/incarcerated person's cell can be released from secured status;
f) Prepare a complete investigative report and submit to the deputy director or designee for approval in ACISS;
g) Maintain all incarcerated person death reports in ACISS.
h) Maintain all recorded video, audio, and photos in genetec clearance according to the approved retention schedule.
i) Input the incarcerated person's death record into death investigations quarterly report.

6. Health Services and Behavioral Health must:
   a) Obtain and maintain custody of the deceased incarcerated person's medical and behavioral health file, in accordance with medical records retention.

7. The warden or designee must:
   a) Notify the commissioner and any other department staff as necessary;
   b) If the deceased incarcerated person is a foreign national, ensure the incarcerated person's case manager notifies the foreign consular officials of the incarcerated person's death;
   c) Consult with the department's communications office regarding appropriate information to be released to the media;
   d) Respond to non-media inquiries from outside the department regarding the death and the surrounding circumstances;
   e) Provide information to those carrying out the deceased incarcerated person's post-death instructions and arrangements regarding burial arrangements and the disposition of incarcerated person property; and
   f) Consult with the deputy commissioners, designees, and facility executive team to conduct an administrative review of the circumstances surrounding the incarcerated person's death to ensure:
      (1) Relevant policies and procedures are being followed;
      (2) Any staff misconduct is appropriately addressed; and
      (3) Any factors contributing to the incarcerated person's death are identified and addressed through improvements to policy, procedure, or training.

8. The case manager must:
   a) Work closely with the religious coordinator to determine the next of kin or the person(s) designated in the deceased incarcerated person's health care directive;
   b) If the deceased incarcerated person is a foreign national, notify the appropriate foreign consular officials (see section C.2., below); foreign consular office locations and sample fax sheets are available on the U.S. Department of State, Bureau of Consular Affairs' website;

c) Contact the facility financial services unit and follow the procedures found in 104.303, “Professional and Technical Services Contracts and Other Agreements,” to prepare a contract for the mortuary services; and

d) After notification of the next of kin is completed, notify victim services so that victim services staff can send documentation of the incarcerated person’s death to individuals registered for notification. Notification can be made by sending an e- mail to victimassistance.doc@state.mn.us.

9. The property officer or appropriate staff must:

a) Assume responsibility for the deceased incarcerated person’s personal property once it has been released to the facility by the department forensic pathology specialist following the investigation; hold the property for 30 days, and initiate disposition as outlined in Policy 300.100, “Incarcerated person/Resident Accounts,” and in accordance with the probate code;

b) Issue the deceased incarcerated person’s personal clothing for burial, if so directed by the warden or designee, to be delivered to the mortuary. Secure any clothing returned from the mortuary with the remainder of the deceased incarcerated person’s property, awaiting disposition; and

c) Dispose of any unclaimed property as outlined in Policy 302.250, “Incarcerated Person Property.”

10. Facility financial services staff must:

a) Freeze the deceased incarcerated person’s account upon notification of death;

b) Once a contract for mortuary services has been approved, encumber funds for the mortuary services contract. The current amount authorized is $900.00 for a cremation service and $1500.00 for a burial service;

c) Follow the procedures outlined in Policy 300.100, “Incarcerated person/Resident Accounts,” for the disposition of the incarcerated person’s funds; and

d) Retain all contracts in the appropriate financial services office.

11. Records or designated staff must update the correctional operations management system (COMS) records and, if applicable, check for the incarcerated person’s personal identification documents (such as social security card and driver’s license).

12. Facility health services staff must notify appropriate medical personnel, as indicated in Policy 500.220, "Health Services Death Review."

C. Special circumstances

1. In the event it is determined an incarcerated person’s medical condition is terminal, the facility health services administrator, along with the treating practitioner may make the determination to register the incarcerated person as a terminal

incarcerated person with the appropriate medical examiner's office. The treating practitioner completes the MNDOC Medical Examiner's Pre-Registration for Terminal Incarcerated Person form. The completed form is provided to the facility special investigator and OSI deputy director of investigations. OSI staff will then register the incarcerated person as terminally ill with the appropriate medical examiner's office.

2. In the event of an incarcerated person death off facility grounds, the department forensics pathology specialist must coordinate all matters with the appropriate authorities.

3. In the event of the death of a federal incarcerated person, the warden/designee must notify a local federal agent as soon as possible for instructions. The Federal Bureau of Prisons does not pay for cremation of deceased incarcerated persons.

4. The department forensic pathology specialist must coordinate disposition of an incarcerated person's remains with the local authorities if the incarcerated person did not leave a health care directive or other documentation specifying the deceased incarcerated person's post-death instructions and arrangements and (absent such directive and/or other documentation) no one claims the body.
   a) If those notified of the death do not claim the body, the department forensic pathology specialist must attempt to obtain from those notified of the death written consent to proceed with cremation. If consent cannot be obtained, the department forensic pathology specialist must make arrangements for burial of the body.
   b) If the incarcerated person's next of kin, family, or person designated by the incarcerated person's notarized health care directive cannot be located, the warden/designee must arrange for burial.

5. The death of an interstate corrections compact incarcerated person must be immediately reported to the deputy compact administrator, who must then coordinate the notification and the necessary arrangements with the sending state.

6. Juvenile facilities must report the incarcerated person death and known circumstances of the death within ten days to the department inspection and enforcement division using the appropriate forms.

INTERNAL CONTROLS:

A. All incarcerated person death reports are electronically stored in the augmented criminal investigation support system (ACISS).

B. All recorded video, audio, and photos are stored in Genetec Clearance in accordance with OSI records retention.

C. All contracts are retained in the appropriate finance office according to the financial services retention schedule.

REFERENCES:
Policy 300.100, "Incarcerated person/Resident Accounts"
Policy 203.260, "Victim Notification"
Policy 302.250, "Incarcerated Person Property"
Policy 500.220, "Health Services Death Review"
Policy 301.140, "Incident Command System"
Policy 500.125, “Incarcerated person Health Care Directive and Power of Attorney”
Policy 104.303, “Professional and Technical Services Contracts and Other Agreements”
Policy 300.100, "Incarcerated person/Resident Accounts"
Vienna Convention on Consular Relations. Article 37.
U.S. Department of State, Bureau of Consular Affairs
Minn. Stat. §§ 149A.80, subds. 1 and 2; 241.09, subds. 1 and 2; 390.11, subds. 1(6), 1a, 7 and 8; 390.152; 390.221; 390.23; 390.32, subds. 1, 5, 6, 7, and 11; 524.3-1201

REPLACES:
Policy 203.230, "Death of an Incarcerated person," 3/5/19.
All facility policies, memos or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS:
Death Procedure Checklist (203.230A)
Death Scene Log (203.230B)
Guidelines for Incarcerated Person Death (203.230C)
MNDOC Medical Examiner’s Pre-Registration for Terminal Incarcerated Person (203.230E)

APPROVED BY:
Commissioner of Corrections