

	<b>MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES</b>	
	<b>Subject</b> <b>SERIOUS DIAGNOSED ILLNESS, SERIOUS PHYSICAL INJURY OR DEATH OF A PRISONER OR INMATE</b>	<b>Policy Number</b> <b>GJ-11</b> <b>Effective Date</b> <b>10-25-22</b>
<b>Related Information</b> DB-1, <i>Inmate Custody Records and Files</i> EA-17, <i>Death Investigations</i> GH-2, <i>Internal Investigations</i> GJ-2, <i>Critical Incident Response</i> GJ-7, <i>Criminal Investigations Operations</i> GJ-9, <i>Restraint and Transportation of Prisoners and Inmates</i> GJ-12, <i>Next-Of-Kin Notification</i>	<b>Supersedes</b>  GJ-11 (07-14-21)	

**PURPOSE**

The purpose of this Office Policy is to establish guidelines and procedures for a non-critical incident occurrence of serious physical injury or death of a prisoner or inmate, and for an inmate determined to have a serious diagnosed illness while in the custody of the Office.

**POLICY**

It is the policy of the Office to ensure that employees are provided guidelines for managing, investigating, and initiating proper notification during a non-critical incident occurrence related to a serious physical injury or death of a prisoner or inmate, and for an inmate determined to have a serious diagnosed illness while in the custody of the Office.

**DEFINITIONS**

**Case Agent:** The lead investigator designated for a specific investigation. The case agent is responsible for overall management of the case. This would include delegation of investigative tasks, lead tracking, collection of supplemental reports and other relevant case documentation, verifying all evidence is impounded, packaging the case for prosecution, and assisting the prosecutor with the presentation for the case in court proceedings, and providing a final disposition approval of all property and evidence held in reference to the investigation, at the conclusion of the case.

**Critical Incident:** Any incident that involves the use of force by an employee resulting in the death or serious physical injury of a member of the public, prisoner, or an inmate; any assault upon MCSO employees, by any means, that results in serious physical injury or death; or the intentional and unintentional discharge of a firearm by an employee in the performance of their lawful duties. The term “critical incident,” as used in this Office Policy, is narrowed for investigative purposes, as specified in Office Policy GJ-2, *Critical Incident Response*, and should not be confused with the definition provided in Office Policy GC-22, *Critical Incident Stress Management Program*, which is all encompassing and directly associated with issues of critical incident stress management. A critical incident **does not** include the following and therefore **does not** require protocol activation:

- A. The necessary dispatch of an animal for humane/medical purposes; including discharge of a firearm toward an animal for self-defense of themselves or in defense of others; or
- B. The use of a specialized firearm by the Tactical Operations Unit in order to enhance officer safety, dispense chemical agents, or as an entry device, when no serious physical injury or death to any person occurs.

**Policy GJ-11, *Serious Diagnosed Illness, Serious Physical Injury or Death of a Prisoner or Inmate***

**Inmate:** A person who has been accepted for confinement into an Office jail facility.

**Preliminary Inquiry:** The gathering of information available to determine the scope of the allegation and to preserve perishable evidence. This can include a review of EI Pro, Blue Team, traffic stop data, Computer Aided Dispatch (CAD), Shift Log entries in SHIELD, audio and video recordings, and preliminary audio and video recorded questioning of parties involved.

**Prisoner:** A person deprived of their freedom and kept under involuntary restraint, confinement, or custody, prior to being accepted into an Office jail facility.

**Serious Diagnosed Illness:** A serious life-threatening medical condition as diagnosed by Correctional Health Services (CHS) personnel or other licensed healthcare professionals.

**Serious Physical Injury:** Injury which causes death or creates a reasonable risk of death, severe and permanent disfigurement, severe impairment of health, or loss or protracted impairment of the functions of any bodily organ or limb.

**PROCEDURES**

**1. Critical Incident and Non-Critical Incident Occurrences:**

- A. An incident resulting in the death or serious physical injury of a prisoner or an inmate that **does involve** the use of force by an employee, shall be considered a **critical incident** and **does require** protocol activation. Procedures for a critical incident shall be followed, as specified in Office Policy GJ-2, *Critical Incident Response* and the *Critical Incident Investigation Protocol*.
- B. An incident resulting in the death or serious physical injury of a prisoner or an inmate that **does not** involve the use of force by an employee shall be considered a **non-critical incident** and **does not** require protocol activation. Procedures for these prisoner or inmate occurrences shall be followed, as specified in this Office Policy.
- C. All critical incident and non-critical incident occurrences shall require an *Incident Report (IR)* be completed.

**2. Initial Incident Scene Response and Incident Notifications:**

- A. Initial Incident Scene Response: Office personnel shall immediately request or seek medical attention for a prisoner or an inmate who is found to be seriously injured, ill, or unconscious. Office personnel requesting assistance should promptly advise responding personnel of their location, the subject's identity, and the condition of the prisoner or inmate, if known. Office personnel shall notify their supervisor of the incident.
  - 1. Relocation of Witnesses, Investigative Leads, or Suspects: Possible witnesses, investigative leads, or suspects in an incident shall be isolated. Detention personnel will not normally conduct interrogations or interviews of possible investigative leads or suspects. Relocation and isolation of other participants in an incident will depend on the location.
    - a. Subjects associated with an injured prisoner or inmate shall be moved away from the immediate scene and detained until their identities are determined and statements are taken, or arrests are made. Subjects should normally be detained in an area or cell where their access to a water source is supervised and limited in an effort to preserve any crime scene evidence that may require collection.



Policy GJ-11, *Serious Diagnosed Illness, Serious Physical Injury or Death of a Prisoner or Inmate*

3. If a serious physical injury or the death of a prisoner or inmate occurred after business hours, the shift supervisor shall request the Communications Division notify the following personnel:
  - a. The Jail Crimes Unit supervisor, if the serious physical injury or the death incident involves an inmate. If the Jail Crimes Unit Supervisor cannot be contacted, the on-call Jail Crimes Unit detective shall be advised.
  - b. The on call MCD supervisor, if the serious physical injury or the death incident involves a prisoner. If the MCD supervisor is unavailable; the MCD commander or their designee shall be notified.
4. In the event of a prisoner or inmate death or hospitalization due to a serious physical injury, Office personnel shall follow next-of-kin notification procedures, as specified in Office Policy GJ-12, *Next-Of-Kin Notification*. If hospitalization occurs, any request for visitation from a member of the public shall be coordinated and approved through the Hospital Medical Unit Commander or designee, to include notification of the case agent.
5. The Custody Bureau Intelligence Unit shall not conduct any investigation involving contact with inmates or witnesses unless coordinated with the Jail Crimes Unit Commander or designee.

3. **Investigations of a Death or Serious Physical Injury of a Prisoner or Inmate:**

- A. A non-critical incident occurrence resulting in the death or the serious physical injury of a prisoner or inmate, shall be responded to immediately and investigated as follows:
  1. The Jail Crimes Unit will investigate the serious physical injury of an inmate, the natural death of an inmate, inmate death by suicide, and deaths occurring in a custody facility, detention transportation vehicle, or a jail wagon transport vehicle.
  2. Non jail wagon transport prisoner deaths, in-process of arrest deaths, or the serious physical injury of a prisoner, will be investigated by the MCD as determined by the MCD Commander or designee.
  3. The Jail Crimes Unit will consult with the Homicide Section in cases of sudden or unexplained death, homicide, manslaughter, negligent homicide, or the serious physical injury of an inmate in Office custody.
  4. The investigating case agent shall conduct their investigation, as specified in Office Policy GJ-7, *Criminal Investigations Operations*.
  5. The investigating case agent may request assistance from the Crime Lab Unit to provide fingerprints of the deceased prisoner or deceased inmate to the Department of Public Safety for the purpose of purging the criminal history files.
  6. The investigating case agent or designee shall ensure the deceased inmate's or prisoner's next of kin are notified, as specified in Office Policy GJ-12, *Next-of-Kin Notifications*.
- B. A **critical incident occurrence** resulting in the death or serious physical injury of a prisoner or inmate shall be responded to, as specified in Office Policy GJ-2, *Critical Incident Response* and the *Critical Incident Investigation Protocol*.

Policy GJ-11, *Serious Diagnosed Illness, Serious Physical Injury or Death of a Prisoner or Inmate*

- C. The case agent will provide the criminal investigation to the Maricopa County Attorney's Office and the PSB for review. The PSB shall review the criminal investigation; and as part of their administrative review, any related preliminary inquiry or administrative investigation. The investigation shall remain open until all reviews are complete.
4. **Prisoner/Inmate Death Preliminary Inquiry Report (PIR):** A PIR is required following the natural death of an inmate, inmate death by suicide, and prisoner/inmate deaths occurring in a custody bureau facility, detention transportation vehicle, or a jail wagon transport vehicle, and when no PSB investigation has otherwise been initiated. The PIR shall be completed, as specified in Office Policy GH-2, *Internal Investigations*.
- A. The PIR shall be conducted to identify potential employee misconduct associated with the incident. If at any time during the PIR process employee misconduct is identified, it shall immediately be entered into Blue Team as an Internal Complaint by the supervisor identifying the misconduct.
  - B. PIRs shall be completed at the direction of a custody bureau facility commander and submitted to the PSB Commander for review within 30 calendar days of the death.
    - 1. If at any time during the PIR review the PSB Commander determines further inquiry action is needed in order to properly complete the review, the PIR shall be returned to the jail facility commander to ensure the action is completed and provided back to the PSB Commander within 14 calendar days.
    - 2. If additional time is needed to complete the PIR, the custody bureau facility commander shall provide a documented request for an extension and provide an estimated time of submission to the PSB Commander.
5. **Serious Diagnosed Illness:** These procedures shall apply when an inmate has been diagnosed by CHS personnel or other licensed healthcare professionals with a serious diagnosed illness, and the following occurs:
- A. In the event an inmate is hospitalized due to a serious diagnosed illness while in Office custody, Office personnel shall follow next-of-kin notification procedures, as specified in Office Policy GJ-12, *Next-Of-Kin Notification*. Requests for visitation from a member of the public shall be coordinated and approved through the Hospital Medical Unit Commander or designee.
  - B. In the event an inmate death occurs while in Office custody due to a serious diagnosed illness, Office personnel shall follow next-of-kin notification procedures, as specified in Office Policy GJ-12, *Next-Of-Kin Notification*.
  - C. Following the death of an inmate due to a serious diagnosed illness, the detention shift supervisor shall notify their respective division commander or designee and the Jail Crimes Unit supervisor. Custody Hospital Unit personnel shall notify the Inmate Medical Services Commander if the death occurs at an offsite medical facility. The respective commander shall notify their respective custody bureau chief. The bureau chief shall advise the Chief Deputy of the occurrence.
6. **Administrative Review for Custody Deaths:** As a standard for healthcare accreditation, the Office and CHS are required to conduct an administrative review within 30 days of the death of an inmate in Office custody. Attendees at this review include, but are not limited to, CHS personnel as determined by the CHS Director, the respective bureau chief, the respective division commander, lieutenants or sergeants that were involved in the incident or have direct knowledge of the incident, and the Inmate Medical Services Division

**Policy GJ-11, *Serious Diagnosed Illness, Serious Physical Injury or Death of a Prisoner or Inmate***

Commander or Bureau Chief. The review's purpose is to assess correctional and emergency response actions surrounding the inmate's death and identify areas where facility operations, policies, and procedures can be updated as needed.

7. **Additional Notifications:** The Sheriff's Information Management Services (SIMS) supervisor shall be notified following the death of an inmate to ensure notification can be made to the court. Notification shall also be made to the affected jail facility's Chaplain advising an in-custody inmate death has occurred.
8. **Records and Documents:** In the event of an inmate death, the detention shift supervisor shall ensure pertinent records and documents are inserted into the inmate's Jail File, such as IRs and copies of entries made in the Shift Logs.
  - A. The Commitment and Jail Files for an inmate who has been released due to death or imminent death shall be forwarded to the Legal Liaison Section (LLS) for combining to reestablish the Jail File, as specified in Office Policy DB-1, *Inmate Custody Records*.
  - B. If the death of an inmate occurs at the Intake Transfer Release (ITR), facility the detention shift supervisor shall ensure the pertinent records and documents are placed in the Custody File and forwarded to the LLS.
  - C. The LLS shall retain the Custody File and the Classification File for a period of three years after the inmate's year of death, unless otherwise directed by the LLS Commander, legal counsel, or a litigation hold notice.