

**NOTIFICATION GUIDELINES FOR ANY CASE WHERE AN ADULT DIES
WHILE IN THE CUSTODY OF THE PROBATION DEPARTMENT/
OFFICER INVOLVED DEATHS**

- AUTHORITY:** California Government Code Section 12525
Board of Supervisors Resolution No. 77-1297
Administrative Directive
Guidelines for the Uniform Reporting of Deaths to the Coroner (Attached)
- RESCINDS:** Procedure Manual Item 1-4-001, dated 03/10/21
- FORMS:** Operational and Procedural Protocol (Attachment #1)
Death In-Custody Reporting Form (Attachment #2)
- PURPOSE:** To establish uniform notification procedures for staff to utilize in the event that a person dies while in our custody.

PROCEDURE

- I. After appropriate emergency measures have been taken, the discovering employee will notify as soon as possible by telephone or in person the appropriate Probation Division Director who is responsible for notification of the Chief Probation Officer. In the event that any person in the chain cannot be reached that person will contact an available Division Director or the Chief Deputy to assure the Chief Probation Officer is notified in a timely manner. This notification will take place:

In the event of the death of an adult, which is in any way related to that person being in our immediate custody or in our custody through a contracted service.
- II. In the case of a death as described in Section I, the Division Director will assume responsibility for developing a notification plan for the person's next of kin consistent with Sheriff-Coroner procedures in conjunction with the Chief Probation Officer.
- III. The Chief Probation Officer or his designee will notify the Chairman of the Grand Jury within 24 hours excluding weekends or holidays of the special incident.
- IV. In the case of the death of a person described in Section I above, the Chief Probation Officer or his designee will also, no later than 24 hours after the incident, notify in writing:
 - A. The Sheriff-Coroner
 - B. The Presiding Judge of the Sentencing Court
 - C. The Departmental Safety Officer
 - D. The County Risk Management Division
 - E. The Clerk of the Board of Supervisors (or the Chairman if "exceptional circumstances" exist).

F. The County Executive Officer

V. Officer involved or in custody deaths require the following notification by Chief Probation Officer or designee:

A. The Sheriff-Coroner - immediately by telephone with a written report to follow within eight hours

B. Local Police Agency - immediately by telephone with a written report to follow within eight hours

C. The District Attorney as soon as a member of the District Attorney's Office is on duty with a written report to follow within 24 hours. In the event of an officer involved death, the appropriate Director/CDPO will contact the District Attorney call out team immediately.

D. The Chairman of the Grand Jury, in writing, within 24 hours

E. The Departmental Safety Officer, in writing, within 24 hours

F. County Risk Management, in writing, within 24 hours

G. The Clerk of the Board of Supervisors, in writing, within 24 hours (or Chairman immediately, if "exceptional circumstances" exist)

H. The County Executive Officer, in writing, within 24 hours

I. If the critical incident involved any employee represented by the Association of Orange County Deputy Sheriff's (AOCDS), notification will be made to the organization by calling 714-285-2800 as soon as practical and/or possible.

J. The California Department of Justice within 10 days (in custody only) California Government Code Section 12525 requires that in any case in which a person dies while in custody, the Attorney General shall be notified of that death within 10 days. In order to comply with this requirement, the Probation Department will complete the "Death In Custody Reporting" form BCAI 713 (Attachment #2) within 10 days and forward that document to the Department of Justice, Criminal Justice Statistics Center, Post Office Box 903427, Sacramento, CA 94203-4270.

VI. PC 10008(a) When a person who is in custody dies, the agency with jurisdiction over the state or local correctional facility with custodial responsibility for the person at the time of their death shall, consistent with reporting requirements pursuant to Section 12525 of the Government Code, post all of the following on its internet website:

A. The full name of the agency with custodial responsibility at the time of death.

B. The county in which the death occurred.

C. The facility in which the death occurred, and the location within that facility where the death occurred.

- D. The race, gender, and age of the decedent.
- E. The date on which the death occurred.
- F. The custodial status of the decedent, including, but not limited to, whether the person was awaiting arraignment, awaiting trial, or incarcerated.
- G. The manner and means of death.

VII. If a death occurs while a person is in custody, the agency with jurisdiction over the state or local correctional facility with custodial responsibility for the person to post specified information, including the facility and location within that facility where the death occurred and the decedent's age, race, and gender, on its internet website within 10 days of the death. The agency is granted an additional 10 days to make good faith efforts to notify next of kin if the agency seeks to notify the next of kin and is unable to do so within 10 days of the death. If any information regarding the death changes, the agency is required to update the posting within 30 days of the change.

REFERENCES:

Procedures:	1-4-109	Notification System for Death of a Minor and Other Special Incidents
	3-1-106	Death, Serious Suicide Attempts and Other Serious Incidents Related to youths in Custody
Policy:	G-8	Injuries and Medical Emergencies

J. Hong/ S. McCoy

APPROVED BY:

Orange County Chiefs of Police and Sheriff's Association

Operational & Procedural
Protocol

Subject: Guidelines for the Uniform Reporting of Deaths to the Coroner	Number: 120 Effective: April 13, 1995 Revised: February 1, 2012
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I. **Purpose**

To provide broad guidelines relative to the reporting of deaths to the Coroner by all law enforcement jurisdictions within Orange County.

II. **Authority**

The policies/protocol established herein are adopted pursuant to Section 102850 of the California Health & Safety Code and Sections 27491-27491.3 of the California Government Code.

III. **Application**

The operating protocol and procedures contained in this document are recommended for use by all law enforcement officers in Orange County.

IV. **Protocol**

Operational procedures are recommended as follows:

A. **Deaths that are Reportable to the Coroner**

All sudden, violent, unexpected, and unusual deaths are immediately reportable to the Coroner, as are Natural deaths of individuals not under the care of a physician within the past 20-days pursuant to 102850 H&S and 27491 C.G.C. Additionally, unwitnessed natural deaths at residences should be reported.

B. **Notification Requirements**

1. Reporting on-scene deaths:

When several agencies are conducting an investigation into a death, the law enforcement agency having jurisdiction over the location of death is responsible for immediate notification to the Coroner Division of the Sheriff-Coroner Department.

2. Reporting hospital deaths:

When the deceased has been transported to a medical facility, the law enforcement agency having primary jurisdiction over the law enforcement investigation is responsible for immediate notification to the Coroner Division of the Sheriff-Coroner Department.

C. **Death Reporting Considerations: Crime Scenes**

When reporting these deaths to the Coroner the reporting agency should attempt to address specific issues that may delay access to the body. Based on the information

available, the Coroner will coordinate with the reporting agency to determine appropriate timing for response to the scene. Such considerations may include the necessity for a search warrant; the need for evaluation of post mortem changes prior to issuance of a search warrant 27491.2(a) C.G.C, and the coordinated arrival times of key investigative personnel (investigators, CSI, criminalists).

D. Crime Scene Processing when the Body is Present

California Government Code Section 27491.3(c) provides for the following:

1. Officers may not search for or remove any papers, moneys, valuable property or weapons constituting the estate of the deceased from the body of the deceased or from the scene of death prior to the arrival of the Coroner or without the permission of the Coroner.
2. At the scene of a suspected criminal death, the Coroner shall not disturb the body or any related evidence until the law enforcement agency has had reasonable opportunity to respond to the scene to conduct their investigation.
3. The Coroner shall allow reasonable time at the scene of death for the criminal investigation being conducted by other law enforcement agencies.
4. Custody and control of the body shall remain with the Coroner at all times, with the time of removal of the body to the Coroner facility to be determined at the discretion of the Coroner.

E. Moving/Disturbing the Body Prior to the Coroner's Arrival

California Government Code Section 27491.2(b) states "*...the body of one who is known to be dead from any of the causes or under any of the circumstances described in Section 27491 shall not be disturbed or moved from the position or place of death without permission of the coroner or the coroner's appointed deputy.*"

1. Moving the Body with Coroner Permission:

When an officer believes the circumstances surrounding the scene requires moving the body prior to the Coroner's arrival, the Coroner should be contacted immediately by phone and apprised of the circumstances. The Coroner will authorize the body to be moved to a nearby location when appropriate.

2. Moving the Body without Coroner Permission:

In some rare cases exigent circumstances may require the body be moved to a secure location prior to the officer contacting the Coroner. This must only be considered when the circumstances are such that the scene cannot reasonably be rendered safe and the delay caused by contacting the Coroner for permission to move the body may result in loss of the body or crucial evidence on the body.

- a. When the body is floating in the ocean or river it may be removed from the water and moved to the shore immediately adjacent to the location of discovery prior to contacting the Coroner.
- b. When the body is in **immediate** danger of being damaged by approaching fire or other hazard it may be moved to a safe location immediately adjacent to the location of death prior to contacting the Coroner.
- c. When the body must be rescued from a violent environment where officer safety is in jeopardy, such as barricaded suspect situations and SWAT operations, it may

be moved to a safe location immediately adjacent to the location of death prior to contacting the Coroner.

3. Covering the Body when in Public View:

When appropriate, the body may be covered with a clean unused plastic emergency blanket; however, under optimum circumstances it is favorable to leave the body uncovered to avoid evidence contamination or loss.

4. Sudden Unexpected Infant Deaths

Special consideration should be given to infant deaths.

a. When an unresponsive infant is transported to the hospital and does not respond to life saving measures, it is critical to the medicolegal death investigation for the Coroner to thoroughly examine the location where the infant was found. The handling law enforcement agency is requested to secure the location and ensure it remains undisturbed until the Coroner's arrival. It is the Coroner's policy to respond to the location in addition to the examination of the infant at the hospital.

b. Every effort should be made to not transport infants who are obviously deceased.

5. When Victims are Transported to Hospitals:

During criminal investigations in which victims are transported to the hospital and death appears imminent, officers should accompany the victim and ensure the Coroner is notified immediately following pronouncement of death.

a. Once death is pronounced, no one should be permitted to further disturb the body or any related evidence.

b. The clothing and personal property of the decedent fall within the Coroner's jurisdiction and should not be further disturbed, discarded or released prior to the Coroner's arrival.

F. Officer Involved and In-Custody Deaths

Deaths involving law enforcement agencies generally involve multiple considerations and it is recognized that several separate, but parallel and often overlapping investigations may be conducted. In the event of officer involved or in-custody death the Coroner Division should be immediately notified by the law enforcement having jurisdiction over the incident location. In the case of the Sheriff's Department such notification is to be made by the Sheriff's Department Watch commander.

G. Notification of Death to the Decedent's Next-of-Kin

The Coroner has the responsibility to ensure that the decedent's next-of-kin are notified of the death in a timely manner in all cases falling within the Coroner's jurisdiction.

1. A deputy coroner will make the notification within Orange County in person whenever possible, and in most cases will request the assistance of local law enforcement officers as a safety measure. On rare occasions the coroner may request local law enforcement officers to make notification on the coroner's behalf.

2. Sheriff-Coroner involved deaths:

A custodial death is any death that occurs while the decedent is in the custody or control of an Orange County Sheriff's Department employee, or when the decedent is under orders of confinement in the Orange County Jail System or in any other county

confinement facility or any other law enforcement confinement facility involving Orange County Sheriff's Department personnel, or where there is direct involvement by any Orange County Sheriff's Department personnel. The Orange County District Attorney's Office will investigate all custodial deaths and have primary responsibility for the investigation.

- a. Death notification will normally be accomplished by the District Attorney; however, on request, the assigned Deputy Coroner may make the death notification. When the District Attorney makes the notification of death to the next of kin, the Coroner will be advised as soon as possible after the notification is completed.

3. Cases involving homicide or suspected homicide:

In some cases, the next-of-kin may be a suspect in the homicide, or the investigating law enforcement agency may need to interview kin at time of notification. The deputy coroner and homicide investigator should discuss these issues and determine who is best suited to make the notification.

- a. When the law enforcement agency makes the notification of death to the next of kin, the agency will advise the Coroner as soon as possible after the notification is completed.

H. Miscellaneous Specimens

Local law enforcement agencies may occasionally come into contact with cremated remains, bones or tissue specimens.

1. Cremated Remains:

Pursuant to section 7104 of the Health and Safety Code, the law enforcement agency with possession of the cremated remains should initiate a found property report and attempt to return the remains to the next of kin or rightful owner (pursuant to Health & Safety Code 7100 and 7100.1) by performing a reasonably diligent search for the next of kin or rightful owner.

- a. Only after a reasonably diligent search has been performed and the next of kin or rightful owner is not located, may the law enforcement agency notify the Coroner. The law enforcement agency will contact the Coroner to schedule an appointment whereby the remains and the found property report may be transferred to the custody of the Coroner.

2. Bones:

Bones appearing human should be reported to the Coroner immediately. If the apparent human bones are still in the place of discovery, the Coroner may elect to respond. In some cases the Coroner may request a photograph. If the bones have been removed from the place of discovery and/or there is no reason to hold the original place of discovery, the bones may be brought to the Coroner Facility.

3. Tissue Specimens:

Tissue appearing human may be reported to the Coroner. The Coroner will attempt to determine if the tissue has forensic value, which includes determining whether the tissue is human, and, if human, whether the loss of the tissue necessarily means there was a death. If the tissue is still in the place of discovery, the Coroner may elect to respond. In some cases the Coroner may request a photograph.

I. **Jurisdictional Boundaries**

The Orange County Coroner's jurisdiction covers deceased persons located within the County of Orange. In the event a victim is killed or gravely injured in Orange County, and the body is discovered in a location outside Orange County, the Coroner or Medical Examiner having jurisdiction in the County where the body lies must be contacted and an official request to transfer jurisdiction can be made.

1. The local law enforcement agency handling the criminal investigation will notify the Orange County Coroner Division of their desire to have the Orange County Coroner conduct the medicolegal death investigation. The Orange County Coroner will contact the outside Coroner/Medical Examiner Agency and make an official request that jurisdiction be relinquished.

State of California
BCIA 713 (rev. 11/03)

Department of Justice

DEATH IN CUSTODY REPORTING FORM

ORIGINAL AMENDMENT

DOJ USE ONLY

RECORD KEY

AGENCY TYPE

Police
 Sheriff
 Probation
 State
 Other Local

AGENCY NCIC NUMBER

COUNTY

DATE OF DEATH **SUBJECT NAME**

MM / DD / YYYY Last First Middle

CII NUMBER **DATE OF BIRTH**

MM / DD / YYYY

GENDER

Male
 Female

RACE/ETHNICITY (Check One)

Other Asian Korean
 Black Lactian
 Chinese Other
 Cambodian Pacific Islander
 Filipino Samoan
 Guamanian Hawaiian
 Hispanic Vietnamese
 American Indian White
 Japanese Asian Indian

DOJ USE ONLY

CUSTODY OFFENSE

CUSTODY STATUS
(Check One)

Process of Arrest
 In Transit
 Awaiting Booking
 Booked - No Charges Filed
 Booked - Awaiting Trial
 Sentenced
 Out to Court
 Other

CUSTODIAL RESPONSIBILITY AT TIME OF DEATH
(Check One)

Process of Arrest
 City Jail
 County Jail
 Adult Camp or Ranch
 Local Juvenile Facility/Camp
 Adult Operations and Adult Programs (formerly CDC)
 Division of Juvenile Justice (formerly CYA)
 State Hospital
 Other

LOCATION WHERE CAUSE OF DEATH OCCURRED
(Check One)

Not Applicable (Natural)
 Crime/Arrest Scene
 Facility -- Administrative
 Facility -- Booking
 Facility -- Living
 Facility -- Common
 Facility -- Holding
 Facility -- Medical Treatment
 Other

FACILITY OF DEATH
(Check One)

Crime/Arrest Scene
 Local Hospital
 City Jail
 County Jail
 Adult Camp or Ranch
 Local Juvenile Facility/Camp
 Adult Operations and Adult Programs (formerly CDC)
 Division of Juvenile Justice (formerly CYA)
 State Hospital
 Other

MANNER OF DEATH
(Check One)

Pending Investigation
 Natural
 Accidental -- Injury to Self
 Accidental -- Injury by Other
 Suicide
 Homicide Wilful (Law Enforcement Staff)
 Homicide Wilful (Other Inmate)
 Homicide Justified (Law Enforcement Staff)
 Homicide Justified (Other Inmate)
 Execution
 Cannot Be Determined
 Other

MEANS OF DEATH
(Check One)

Pending Investigation
 Not Applicable (Natural)
 Handgun
 Rifle/Shotgun
 Club, Blunt Instrument
 Hands, Feet, Fists
 Knife, Cutting Instrument
 Hanging, Strangulation
 Alcohol/Drug Overdose
 Execution: Lethal Gas/Injection
 Cannot Be Determined
 Other

DATA SUPPLIED BY (Please print the following information):

Name: _____ Email: _____

Agency: _____ Telephone: _____

Address: _____

Send completed form to: Department of Justice
Criminal Justice Statistics Center
P.O. Box 903427
Sacramento, CA 94203-4270
Facsimile: (916) 227-0427 or 227-3561
Telephone: (916) 227-3545