

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Death of an Offender		
Policy Number: 208.03	Effective Date: 08/05/2015	Page Number 1 of 11
Authority: Bryson/Ward	Originating Division: Facilities Operations	Access Listing: Level I: All Access

I. Introduction and Summary:

Georgia Department of Corrections personnel shall follow standard procedures in the event of an offender's death. The proper authorities and individuals shall be notified, and the circumstances surrounding the death shall be documented appropriately. GDC Rules 125-2-4-20, 125-4-4-.10, and 125-4-4-.11, shall provide the foundation for these procedures.

II. Authority:

This policy was formerly listed as IIA10-0001;

O.C.G.A.: 36-12-5; 42-5-7; 45-16-22(c, f); 45-16-24; 45-16-25; 45-16-27; 45-16-28;

GDC Board Rules & Regulations: 125-2-4-.20, 125-4-4-.10, and 125-4-4-.11; and

GDC SOP's: 222.06 (IIA23-0001) - Consular Notification; 208.04 (IIA24-0001) - Offender Collection of Samples for the DNA Database; 206.01 (IIB06-0001) - Offender Personal Property Standards; 206.02 (IIB06-0002) - Management of Offender Property or Contraband; 206.03 (IIB06-0003) - Disposition of Abandoned Tangible Offender Property; 221.01 (IIB10-0001) - Fingerprint Procedures for Offenders; 220.05 (IIC03-0002) - Diagnostic Reception, Orientation and Processing; 507.04.16 (VH18-0003) - Utilization Management; 507.04.67 (VH47-0005) - Offender Death and Mortality Reviews; 103.10 (IK01-0005) - Evidence Handling and Crime Scene Investigations; 208.03 (VG03-0001) - Death Notifications and Investigations

III. Definitions:

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Autopsy: The dissection of a dead body and the examination of bone, tissue, organs, and foreign objects for the purpose of determining the cause of death and circumstances surrounding the same, which procedure shall include as a minimum an external examination and the examination of the brain, neck and thoracic organs, and abdominal organs.

County Medical Examiner: Office established in lieu of the office of coroner pursuant to Code Section 45-16-80 or any amendment to the Constitution pursuant to the authority of Article XI, Section I, Paragraph IV of the Constitution.

Designated Beneficiary: The person designated, by the offender, to receive the offender's personal property and funds which are left under the custody and control of the Department in the event of the offender's death.

Medical Examiner:

- (A) The chief medical examiner;
- (B) A regional medical examiner;
- (C) A county medical examiner;
- (D) A local medical examiner; or
- (E) Any person who is employed by the state and appointed as a medical examiner as of December 1, 1989, who continues to perform the duties and exercise the powers of a medical examiner when such performance and exercise are within the scope of such employment.

Next of Kin: For purposes of this SOP, the person designated by the offender to receive his or her remains or the person designated to make emergency medical decision in the event the offender is unable to make medical decisions. In the event the offender fails to so designate, the next of kin will be the person reasonably designated by staff.

Offender: A person who has been convicted of a crime, placed under the supervision of Georgia Department of Corrections, and housed in a facility (state, private, or county) or center.

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Warden and Superintendent: For purposes of this SOP, the chief executive officer at a facility or center housing GDC offenders.

IV. Statement of Policy and Applicable Procedures:

A. **Establishing Designated Beneficiary and Next of Kin:** A Designated Beneficiary and Next of Kin shall be established using the following procedures:

1. Upon processing into the system and again when a medical event occurs which might result in the death of an offender, facility staff should obtain from the offender a written designation of next of kin and designated beneficiary, (if the beneficiary is different from the next of kin). Where staff is unable to obtain a written designation, verbal designation is acceptable.
2. If the beneficiary is not designated or cannot be located then the next of kin becomes the beneficiary.
3. If the next of kin cannot reasonably be located next of kin becomes the nearest relative who can be located using information available in the offender's visitation list, phone list, offender institutional file, or the person designated in the Parole Personal History Statement, in the following rank:
 - a. Spouse;
 - b. An adult blood relative; or
 - c. An adult Significant Other
4. An offender shall be permitted to update a designation of beneficiary or next of kin at any time upon request, so long as the request is reasonable and not merely made for purposes of harassment.

B. Notifications Required in Natural Death Cases:

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1. Warden/Superintendent or Designee of Host Facility shall notify:
 - a. Field Operations Manager or the Transitional Center Coordinator (only if occurs at a TC) who will notify the Director of Facilities;
 - b. The Communications Center;
 - c. The Next of Kin (document in SCRIBE the name, phone number, and address of person contacted and document the required information on the Emergency Notification List.) **[Note: The notification of the Next of Kin shall be made by the Warden or Superintendent or Designee];**
 - d. The Parent Facility (If offender is in an outside hospital setting);
 - e. The Coroner of the county in which the death occurs; and
 - f. The Criminal Investigations Division: (It shall be the responsibility of the Inspector of the Criminal Investigations Division to determine whether or not to notify the Georgia Bureau of Investigation (GBI). The Criminal Investigations Division Inspector shall make this determination based on any unusual circumstances of the offender's death. The Criminal Investigations Division shall also contact the Medical Examiner.

2. The Communications Center shall notify by way of the daily Emergency Report:
 - a. The Statewide Medical Director;
 - b. The Director of Mental Health Services (as directed); and
 - c. Office of Public Affairs.

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C. Notifications required in "Unusual Circumstances": Additional notifications are required in cases of sudden or violent death including suicide, or under unusual circumstances without an attending physician (i.e. in the commission of or result of a crime, whether or not witnesses were present).

1. Warden or Superintendent or their Designee shall notify:

- a. The Field Operations Manager or Transitional Center Coordinator (only if occurs at a TC) who shall contact the Director of Facilities and the Assistant Commissioner, Chief of Operations (as directed);
- b. The Inspector of the Criminal Investigations Division and request that an investigator be sent to the facility. It shall be the responsibility of the Criminal Investigations Division Inspector to determine whether or not to notify the Georgia Bureau of Investigation (GBI). The Criminal Investigations Division Inspector shall make this determination based on the circumstances of the offender's death. The Criminal Investigations Division shall also contact the Medical Examiner;
- c. In the case of a County Institution, the Sheriff of the county shall also be notified;
- d. The Communications Center;
- e. The Next of Kin (document name, phone number, and address of person contacted) [Note: The notification of the Next of Kin shall be made by the Warden/ Superintendent or Designee; and
- f. Coroner of the county in which the death occurs.

2. The Communications Center shall notify In addition:

- a. Commissioner (as directed);
- b. Assistant Commissioner Chief of Staff (as directed);

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- c. Executive Assistant to the Commissioner (as directed);
- d. Director of GDC Health Services;
- e. Statewide Medical Director;
- f. Director of Mental Health;
- g. Operations Manager; and
- h. Public Affairs.

3. Deaths occurring in an institution, a Hospital or while en route to a Hospital: When death occurs in an institution, a hospital, or while in route to a hospital as a direct result and consequence of acts or events taking place in a county other than the one in which such death occurs, pursuant to O.C.G.A. 45-16-22 (f) the offender's body shall be returned to the county where he or she was originally assaulted. Then, the Coroner or local Medical Examiner of the county in which such acts or events took place shall assume jurisdiction and the Medical Examiner's inquiry. The Warden or Superintendent of the facility where such acts or events took place shall use the same notification procedures as those above in paragraph C.

D. Content of Initial Notification: The Warden or Superintendent's initial notification of death shall include as much of the following information as possible:

- 1. Offender's Name;
- 2. Offender's ID Number;
- 3. Offender's Race;
- 4. Offender's Sex;
- 5. Offender's Age and Date of Birth;
- 6. Time of death;
- 7. Suspected cause of death; and

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8. Facts surrounding the death.

E. Death of a Foreign National:

1. The G.D.C. General Counsel shall notify the appropriate Consulate General in the event that a Foreign National offender dies while in the custody of the Department. (See SOP (226.02) IIA23-0001).
 - a. In addition to the applicable notifications above in C. or D. and F, the Warden or Superintendent or designee shall notify the G.D.C. General Counsel of the circumstances surrounding the death on the next business day following the death. The G.D.C. General Counsel shall notify the appropriate Consulate General, in writing, within five (5) calendar days of the foreign national offender's death.
 - b. A copy of the notification from both the Warden or Superintendent or designee and the GDC General Counsel shall be placed in the Offender's facility institutional file.

F. Investigation and Documentation:

1. All Offender Deaths:
 - a. Incident Report: Follow procedures in SOP (208.03) IIA04-0002, Incident Reporting.
 - b. Certificate of Death: The appropriate investigating medical authority shall complete a Certificate of Death.
 - 1) The facility shall provide the next of kin with a Certificate of Death.

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- 2) The facility shall send a Certificate of Death and the offender's medical records to the Offender Administration Record Room.
 - 3) Offender Administration shall forward the Certificate of Death and the Offender's medical records to the Director of GDC Health Services for review. Upon completion of any related investigations, this information shall be placed in the medical record and shall be returned to the Offender Administration Record Room.
- c. Fingerprints: The FBI no longer accepts fingerprint cards on deceased offenders. No Fingerprints are necessary unless explicitly requested by an investigating authority.
2. Facility Notification: It shall be the responsibility of the Office of Health Services (OHS) to keep the Warden or Superintendent advised immediately following the death of an offender. (See (507.04.67) VH47-0005)
 3. Death under Unusual Circumstances:
 - a. Death Scene Investigation: The death scene shall be secured and left undisturbed until the Warden or Superintendent and the investigating authority authorizes clean-up or removal. (See GDC-SOP (103.10) IK01-0005)
 - 1) It shall be the responsibility of the Warden or Superintendent to post an officer at the crime scene. The officer shall be responsible for securing the crime scene and logging, in writing, every individual that enters and

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leaves the crime scene area. This log shall also contain the times that the individuals entered and left the crime scene area.

- 2) The Administrative Duty Officer or Designee (if not on scene) shall immediately obtain still photographs (videotape if possible) of the death scene and body.
 - b. Initial Report: The individuals involved shall submit to the Warden or Superintendent a written report with accompanying statements from everyone involved. This report shall be submitted to the Warden before anyone involved leaves the facility.
 - c. Autopsy: An autopsy shall be requested. Under O.C.G.A. § 45-16-22, the medical examiner has the discretion to determine the need for an autopsy.
 - d. Suicides: A copy of the offender's medical records, and all other written reports and documentation shall be sent to the Director of GDC Health Services for review.
 - e. Medical Records: A copy of the offender's medical records shall be provided to the GBI State Crime Laboratory upon request.
- G. Release of Offender's Remains: The body of the deceased offender shall be released to the next of kin or an agent thereof no later than 24 hours after the demand for release by the next of kin or agent thereof, and upon release by the Coroner, GBI, or Crime Lab, unless there has been a written finding by the Peace Officer, Medical Examiner, or Coroner that foul play may have been involved in the death.
- H. Interment of Indigent Offender:
1. The offender's family must obtain indigent status as described in GDC Rule 125-2-4-.20-(f)-1. & -2. The family or close relatives of

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a deceased offender who claim to be unable to provide for burial of the deceased shall make application to the county governing authority where the death occurred and declare that they are indigent and unable to provide a decent burial for the deceased.

2. Indigent state offenders may be buried at Georgia State Prison by arrangement with the Warden or Superintendent of that facility. Georgia State Prison shall be consulted first concerning arrangements for interment of an indigent offender. If space is not available at Georgia State Prison, the Warden or Superintendent or designee where the offender inmate died shall make arrangements to bury the offender nearby, at minimum cost to the Department.
 3. If the county in which the offender died disburses funds for the burial of the indigent offender, GDC shall reimburse the county ONLY if a state facility was responsible for the offender at the time of death (i.e., NOT if the offender was housed in a county correctional institution).
 4. Indigent with No Next of Kin: The Warden or Superintendent of the offender's facility shall apply to the county of death for burial funds in the case of an indigent offender having no next of kin.
- I. Interment of Offender Who Has Funds, But No Beneficiary or Next of Kin: When an offender offenders dies having no identifiable designated beneficiary or next of kin, any funds remaining in that offender's account shall be used to defray the costs of burial. Remaining funds shall be held for one year then shall be treated as abandoned property according to the procedures described in SOP (206.03) IIB06-0003, Disposition of Abandoned Tangible Offender Property.
1. Property and Funds: If a deceased offender's personal property and money remaining in the offender account (combined) is reasonably estimated to be \$1000 or less then the deceased offender's personal property and funds shall be turned over to the person designated as the beneficiary. If the designated beneficiary is unavailable or cannot be

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located the offender's property shall be turned over to the next of kin. If the estimated value of the property exceeds \$1,000.00, if there is any evidence that the release of the property is in dispute, or if the release of the property to a family member, beneficiary, or next of kin seems unreasonable then DO NOT release the property to anyone. Contact Legal Services for further directions. In most cases the property shall be held until such time that a probate court has designated an executor of the estate to whom the property may be released.

2. The property shall be inventoried according to the inventory procedures described in SOP (206.02) IIB06-0002, "Management of Offender Property or Contraband."
 - a. State property shall be turned in to Care and Custody.
 - b. Personal property shall be stored securely as described in SOP (206.02) IIB06-0002.
3. The person claiming the offender's property or funds shall sign a receipt before taking possession of the property or funds. The facility receipt shall be kept for at least three (3) years. The person claiming the offender's property or funds shall also be required to show proper identification.
4. Property left unclaimed for more than one (1) year shall be considered abandoned and disposed of according to procedures described in SOP (206.03) IIB06-0003, "Disposition of Abandoned Tangible Offender Property."

V. Attachments:

Attachment 1 – Notification List

VI. Record Retention of Forms Relevant to this Policy:

None