



www.jailtraining.org



Proactive Risk Mitigation: Essential Steps in Managing In-Custody Jail Deaths.



Josh Arnold, NCCE, CJE

Director of Operations

National Institute for Jail Operations

jarnold@jailtraining.org

Tel: 520-940-3047

Tate McCotter, MCJ, NCCE, CJE

Executive Director

National Institute for Jail Operations

tmccotter@jailtraining.org

Tel: 801-810-5245



DISCLAIMER:

The information contained herein is to be used solely for training purposes and shall not be construed as legal advice. Users of these materials should consult legal counsel to determine how the law of their individual jurisdiction affect the application of these materials to their individual circumstances. Legal requirements may vary in individual jurisdictions and may be modified by new rulings.

Distribution of this material is subject to the written approval of **Josh Arnold** and the National Institute for Jail Operations, with the exception that distribution does not extend to any portion of this work which was produced by an officer or employee of the U.S. Government as a part of his official duties.



In-Custody Deaths are Traumatic

- No matter what type of death occurs, all in-custody deaths are traumatic for staff and inmates alike.
- When an in-custody death occurs, provide after care services to those impacted.



What Can an Agency do to Prepare?

- **Practice Practice Practice.** Conduct drills and document those drills carefully. Go through different scenarios to include an unresponsive inmate, an overdose or a use of force incident, or a suicide that results in death.



What Can an Agency do to Prepare?

- **Solid Policy.** Make sure your policy is updated and written to current case law and operational practices.
- **Have an Emergency Response Guide.** Deaths usually happen off-hours. Make sure first line supervisors have access to basic information from what action to take to notifications.



What Can an Agency do to Prepare?

- **Training.** Make sure basic training is completed and carefully documented.
 - Basic CPR
 - Suicide prevention
 - Use of force
 - Mental health
 - First aid
 - Symptoms and signs of overdose
 - Other pertinent corrections training



What Can an Agency do to Prepare?

- **Inmate Handbook.** Make sure you have inmates sign for it. Include passages that read, “If you’re feeling suicidal or are having thoughts about harming yourself or others, let an officer know immediately.” and “If you are receiving threats of physical or sexual harm, notify a corrections officer immediately.”



What Can an Agency do to Prepare?

- **Shakedowns.** Conduct routine searches of cells and common areas. DOCUMENT these searches and any contraband discovered.
- **Conduct Self-Assessments.** Suicide watch cells, eliminate hanging points, document your efforts.



In-Custody Death: In the Moment

When it happens, what should officers do?

- Immediately begin life saving measures and obtain a medical response.
- If the deceased inmate had a roommate, isolate the roommate.
- When the inmate is declared deceased, notate time.
- Do not make any assumptions as to cause of death. Contact appropriate detectives and treat the area as a crime scene.
- Start a log of people entering and leaving the unit. (Control the Scene)



In-Custody Death: Next Steps

After death, administrators should consider these points to protect against liability:

- Interview staff and inmates (by detectives/deputies)
- Make death notifications. Record them whenever possible.
- Debrief staff
- Offer services for those impacted
- Gather documentation, video and evidence
- Start “Death Book” documentation



What Information Should be Saved

Information should be gathered and placed in a file for possible future reference:

WHY? Litigation often takes years to come to fruition, and beneficial information may be lost over time.

- “Death Books” are utilized to gather and store all information reference an inmate death.
- After many years, staff can pull up and recall important facts about the incident.
- These books are significant to assist County Attorneys and Risk Managers in defending jails.



What Information Should be Saved

DOCUMENTATION EXAMPLES:

- Pertinent info related to the inmate's behavior, classification, welfare, or status
- Any inmate assaults or physical/sexual altercations
- Any incident involving the use of force or alleged use of force
- Any disciplinary action involving the inmate
- The inmate's criminal history



Preserve Related Documentation

1. Preserve officer schedules for the previous day and the day of the incident.
2. Preserve inmate location roster and current headcounts.
3. Preserve all medical records for the inmate who died.



Preserve Related Documentation

4. Any recorded visits.
5. Autopsy reports/cause of death
6. Detective reports and findings.
7. Supervisors' summary of incident.
8. Video of incident.
9. Phone calls, grievances, any written requests.
10. Your jail policy at the time of the incident.



Report Writing

The most important documentation in any in-custody death are the incident reports.

- Line Staff
- Supervisors
- Administrators





Report Writing

Writing effective reports in an in-custody death is critical to:

- Provide documentation of actions - taken and not taken; and
- The defense for a jail administration against liability.



Report Writing: Contents

A Corrections Officers Report pertaining to a Jail Death should include the following:

1. If applicable, any observed behavior of the inmate prior to the death;
2. Life-saving actions taken by jail staff;
3. Important facts leading up to the death;
4. Accurate date, time and location information; and
5. Emergency response information.



Report Writing: Documentation

If you didn't write it down ...
it didn't happen!

**DOCUMENT
DOCUMENT
DOCUMENT**





Report Writing: Liability Defense

1. Court cases may hinge on what is and what isn't within the body of your reports.



2. Reports have a higher degree of corroborative value than your memories in the eyes of the court system. This is because memories dull with time.



Report Writing: Liability Defense



3. Lawsuits don't happen overnight. You may have to testify years later and a good report will have the details needed to accurately describe the incident.
4. Stats can be gathered for your benefit.



Types of Reports: In-Custody Death

Written documentation of all significant events related to in-custody deaths in jails should be consistently maintained by officials.



DOCUMENTATION EXAMPLES:

- Suicides
- Illness or natural causes
- Overdose
- Homicide
- Use of Force or undetermined



Report Writing: Memory

Even with TOTAL RECALL, reports written contemporaneously with the incident have an added value supporting the officer's memory – persuasive when introduced as evidence at a deposition or trial.





Jail Suicide





Restraint Chair Utilization

The use of the restraint chair may be used to restore or maintain control of an inmate and must pass the following criteria:

- Must be non-punitive
- Rationally related to a legitimate governmental objective ie (safety, security, order, discipline and control)
- The facts known to the responsible officer at the time must justify the use of the restraint chair. (appropriate documentation)



Restraint Chair Utilization

- The severity of the security problem at issue must justify the use of the restraint chair.
- Whether the inmate was actively resisting or engaging in conduct likely to cause injury or property damage.
- Document any injury or harm to the inmate as a result of the restraints. (note in reports that the use of the restraint chair was intended to reduce the level of force necessary to contain the situation).



Restraint Chair Utilization

After placing an inmate in a restraint chair:

- Notify the medical provider, make sure restraints are not too tight. Check blood flow.
- Make regular checks on the inmate. Both security and medical checks.
- Absent serious danger, allow the inmate food, water and toilet access at regular intervals.



Emphasis Summary

Each jail death must be investigated by detectives or deputies.

Much like any jail death, document all events pertaining to the death. Gather information and make a packet to save that includes all information related to the case, including information outlined in this review.

Reports should be written by all staff involved and should be reviewed carefully for spelling, grammar and content.



www.jailtraining.org