

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

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**TITLE:** INCARCERATED PERSON DEATH

**C-900**

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<b>EFFECTIVE:</b>	<b>REVIEWED:</b>	<b>REVISED:</b>	<b>UPDATED:</b>
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**APPROVED BY:** Detentions Bureau Chief Deputy Joel Swanson

**REFERENCE:** Title 15, Section 1206, 1046, C.C.R., Government Code Section 12525 and Assembly Bill 2761

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### **POLICY**

The following policy is intended to establish procedures to be followed in the event an incarcerated person dies while in the custody of the Kern County Sheriff's Office.

In all cases of suspected incarcerated person death, staff will intervene, initiate, and continue action to save life unless immediate intervention jeopardizes the safety of staff.

Incarcerated person deaths will be investigated by the Kern County Sheriff's Office Homicide Unit and referred to the Coroner's Office.

### **DIRECTIVE #1**

The Shift Supervisor will inform the Facility Section Manager and Watch Commander / Lieutenant immediately upon notification of any incarcerated person death. The Facility Section Manager will notify the Division Commander, who will notify the Sheriff via the chain-of-command.

### **DIRECTIVE #2**

The Shift Supervisor will advise the Homicide Unit Supervisor of any incident in which an incarcerated person dies or suffers a life-threatening injury. The Homicide Unit Supervisor will determine if a homicide call-out is warranted and, if so, initiate the call out.

**When a homicide call-out is initiated, the following provisions will be adhered to:**

- The Shift Supervisor will direct a deputy to generate a Jail Management System (JMS) incident. The designated deputy will complete the incident synopsis section of the incident report and will limit the narrative section to a reference to the Incident Report case number only. (e.g., “For details, refer to Incident Report # ...”)
- The Homicide Detective investigating the case will direct staff to complete incident reports or supplemental reports if appropriate for the investigation.
- Staff will route incident reports or supplemental reports to the Homicide Section by designating Homicide as the report role in the Incident Report.
- The Homicide Unit Supervisor will approve any JMS incident reports, Incident Reports and Supplemental Reports related to the incident.

**DIRECTIVE #3****In the event of any incarcerated person death, the Shift Supervisor will:**

- Ensure that an Incarcerated Person Death Checklist (Attachment ‘A’) is completed and forwarded to the Facility Section Manager;
- Forward the completed checklist to the Compliance Section Manager and a copy to the Facility Section Manager;
- Notify the Correctional Medicine and Correctional Behavioral Health Supervisors of the incarcerated person death via telephone call and/or telephone message.

**DIRECTIVE #4**

Once a competent authority has declared an incarcerated person deceased, staff will not move the body, nor will staff remove any items from the body. This prohibition includes the removal of any medical items on the body (e.g., heart monitor connections, IV needles, or oxygen masks).

**DIRECTIVE #5**

The Federal Liaison Sergeant or their designee will notify Immigration and Customs Enforcement (ICE), the U.S. Marshals Service, or the Bureau of Prisons of the death when the individual was held in Kern County Jail Facilities pursuant to a detainer or hold from the appropriate agency.

**Procedure A: Staff Duties and Responsibilities****Staff discovering a suspected incarcerated person death will:**

- Immediately summon medical assistance and request a 'code 3' ambulance response through the 911 Emergency Dispatch System;
- Intervene, initiate, and continue action to save life unless immediate intervention jeopardizes the safety of staff;
- Notify the Shift Supervisor;
- Preserve the scene;
- Manage any necessary incarcerated person movement, separating all incarcerated people involved to the extent possible;
- If directed to interview incarcerated people, conduct each interview separately and digitally record the interview;
- Complete any JMS incident reports, Incident Reports and Supplemental Reports as directed by the Shift Supervisor or Homicide Unit Supervisor.

**Deputies assigned to escort the ambulance staff will:**

- Obtain the name and title of all medical and emergency personnel that have contact with the incarcerated person;
- If the incarcerated person is pronounced deceased during transport or at the hospital, stand by with the decedent until relieved by Homicide Unit Detectives.

**The Shift Supervisor will:**

- Notify the Homicide Unit Supervisor via the Communications Center (see Directive #2);
- Immediately secure the affected housing area logbook and provide it to the detectives upon arrival;

- Immediately notify the Facility Section Manager and the Watch Lieutenant. If the Facility Section Manager and Watch Lieutenant are unavailable, notify the Division Commander;
- Notify the Federal Liaison Sergeant if the decedent was a Federal Incarcerated Person;
- Assign a deputy to start a crime scene access log to document all movement in or out of the crime scene;
- Request a Crime Scene Technician or ensure that photographs are taken of the scene before any items are moved or seized;
- Ensure quality photographs are taken of the affected housing area logbook, ensuring the images of the pages are legible, and provide the copies to the detectives upon arrival;
- Direct staff to assist Homicide Detectives, Coroner's personnel, ambulance personnel, or others as needed;
- Direct a deputy to gather the decedent's property and clothing and book it into the Kern County Sheriff's Office Property Room prior to the end of the shift;
- Notify a classification deputy of the incarcerated person death;
- Direct staff to complete a JMS Incident Report;
  - If a homicide unit call-out has been initiated, ensure that the JMS incident report narrative is limited to a reference to the Incident Report case number as detailed in Directive #2 of this section;
  - If a homicide unit call-out is not initiated, direct staff to generate a JMS incident report, including a complete narrative section and supplemental reports by involved staff (including a supplemental report by the Shift Supervisor).
- Ensure that all related JMS Incident Reports and Incident Reports are completed by assigned staff by the end of their shift prior to going off duty.

**The Classification Deputy will:**

- Release the incarcerated person record in JMS by reason of "death while in custody" after the JMS incident has been completed.

- Notify the classification supervisor;
- Obtain the incarcerated person's custody file and forward it to the classification supervisor.

**The Classification Supervisor will:**

- Notify the Population Management Section Manager;
- Notify the court on any local cases in which the decedent is in custody on;
- Notify any outside agencies having holds on the incarcerated person of the incarcerated person death;
- Forward documentation of the above listed notifications, and the incarcerated person's custody file to the Compliance Section Sergeant;

**The Facility Section Manager will:**

- Notify the Division Commander;
- Review all related JMS Incident Reports and Incident Reports for completion;
- Review the logbook entries for the affected housing area;
- Review the facility surveillance footage for the affected housing area;
- If potential policy violations are identified, the Facility Section Manager will follow KCSOPPM Sections D-0200 or D-0300.
- Notify the Compliance Section Manager in the event training or policy issues are identified.
- Coordinate with the Compliance Section to compile all documents needed to present the case for the Incarcerated Person Death Review.

**Procedure B: Incarcerated Person Death at Hospital**

**In the event that an incarcerated person admitted to a hospital dies, the guarding deputy will:**

- Notify the on-duty Shift Supervisor at the originating facility of the deceased incarcerated person;
- Provide the affected hospital guard logbook to detectives upon their arrival.

### **Procedure C: Detentions Bureau Compliance Section Responsibilities**

To meet the reporting requirements the Detentions Compliance Section Manager or their designee shall do the following:

- Submit the report to the Attorney General of the State of California within 10 days. The report will consist of:
  - A form letter for incarcerated person death reporting (Attachment 'B');
  - A completed "Information Required For Death In Custody Reporting Incarcerated Person Information," State of California reporting form BCIA 713, which is provided by the State of California;
- Procure a copy of the Coroner's Autopsy Report, as soon as available;
- Contact the Coroner's office to gather next of kin information and provide the facility with the name of the legal next of kin for claims of property or assets.
- Complete the In-Custody Death Review 10-day Notice of Death on the BSCC website. A copy of the BCIA 713 form will be attached to this digital form upon submission.
  - Use the following link to access the online form to provide the 10-day Notice of Death:  
<https://app.smartsheet.com/b/form/a6fa3a93b94c453fbc9ac44ac5bfcdc0>
- Maintain an archive of all Incarcerated Person Death Files. This archive will consist of the incarcerated person custody files of all in-custody deaths reported by the Sheriff's Office.

Correctional Standards Lieutenant or their designee will do the following:

- Complete and post the mandatory fields to the public website in accordance with AB2761 within 10 days. If any information changes regarding the death, changes must be posted within 30 days of the change.

**Each Incarcerated Person Death File will consist of the following:**

- The entire incarcerated person custody file;
- A copy of the form letter for incarcerated person death reporting;
- A copy of the completed "Information Required For Death In Custody Reporting Incarcerated person Information," State of California reporting form BCIA 713;
- A copy of any reports related to the death;
- A copy of the Coroner's Autopsy Report;
- A copy of the Incarcerated Person Death Review Report described in Procedure D of this section.

**The designated Compliance Section staff member will:**

- Complete the reporting form BCIA 713 and send the original completed reporting forms, copies of all relevant reports, and the cover letter to the Bureau of Criminal Information and Analysis within ten (10) days of the reported incarcerated person death;
- Maintain an Incarcerated Person Death file on all in-custody deaths indefinitely;
- Report incarcerated person death statistical information as lawfully required to governmental agencies.

**Procedure D: Incarcerated Person Death Review**

The Facility Section Manager shall conduct an incident review of all incarcerated person deaths that occur or originate within the Sheriff's Office Detention Facility under their command. An incident review shall be held within 30 days from the date of the in-custody death. If a death review is expected not to meet the 30-day deadline, the Division Commander will be notified immediately, and the reason for the delay will be documented in the death review report. All available reports and documentation of an incarcerated person's death shall be included in the incarcerated person death review process. The Facility Manager will gather the available necessary documentation to conduct the review and will coordinate with the Compliance Section to facilitate the review process. It shall be the review panel's responsibility to examine the documentation regarding the incarcerated person's death to determine the appropriateness of clinical care, whether changes to policies, procedures, or practices are warranted and to identify any training needs or issues that require further study.

**Note:** Individuals involved in the incident are not permitted to participate in the death review process.

**The review shall be conducted by the following:**

- The Division Commander
- The Facility Section Manager of the Detention Facility in which the death occurred;
- The Compliance Section Manager;
- The Population Management Section Manager or their designee;
- The responsible Physician;
- The Shift Supervisor who was on-duty during the incident;
- The Clinical Supervisor or designee;
- The Correctional Behavioral Health Supervisor or designee;
- The I.S.A.T. Sergeant or designee;
- Other persons deemed by the Facility Manager or Compliance Section Manager as appropriate to participate in the review.

The Facility Section Manager will complete and forward an Incarcerated Person Death Review Report (Attachment B) detailing the review panel's findings of the review to the Compliance Section Manager, the Division Commander, and the Detentions Bureau Chief Deputy via the chain-of-command. A copy of the Incarcerated Person Death Review Report will be included in the Incarcerated Person Death File as required by Procedure C of this policy.

In the event supplemental documentation, such as toxicology, autopsy and Coroner Reports are not available for the initial death review, the Compliance Section Manager shall review any new supplemental documentation upon receiving it to determine if a second death review is warranted.

The Detentions Bureau Compliance Section Manager shall submit a copy of the Initial Death Review Report to the BSCC within 60 days of the death. The report shall disclose requirements of section 832.10 of the Penal Code and include the following:

- Demographic information

- Full name of the decedent
- Date of birth
- Date of death
- Time of death
- Gender
- Race and ethnicity
- Relevant medical history
  
- Facility information
  - Name and location of facility
  - Description of the location where the death occurred within the facility
  - Date and time of the incident
  - Detention facility personnel (including names and roles) involved in the reporting of the death or incident.
  
- Any relevant circumstances leading up to death, including behavioral health or medical issues.
  - Use the following link to access the online form to submit the Initial Death Review Report:  
<https://app.smartsheet.com/b/form/87d2602f2ff4472ba9f2e5d8269367d8>

## **DIRECTIVE D-1**

### **In cases where a second death review is warranted, the review shall be conducted:**

- In the same manner as the initial review as detailed above;
- Within 180 days from the date of the in-custody death;
- Document in the supplemental review how the recommendations were addressed.

## **Procedure E: Critical Incident Review**

This outlines the Critical Incident Review (CIR) Procedure and identifies the roles assumed by members of the Critical Incident Review Board (CIRB). The purpose of the CIR process is to conduct a timely and objective evaluation of all incidents. This review shall encompass the action of all involved personnel, focusing on policy compliance, training, supervision, equipment, and pre-incident and post-incident performance. This review shall be in addition to any other Sheriff's Office or allied agency investigations

related to criminal or administrative matters. All documentation must be submitted to the Chief Deputies no less than seven (7) days prior to the review. This ensures sufficient

time for a thorough examination of all reports, videos, and photographs.

### **Review Board Composition**

The Chief Deputy of the Compliance Bureau, or his/her designee, will convene the CIR following the events described above or for any other event at the discretion of the Sheriff. The Compliance Bureau Chief Deputy, or his/her designee, will serve as the chair. The board will comprise of at least four (4) Bureau Chief Deputies or, in a Chief Deputy's absence, a designee at the rank of Division Commander. The Lieutenant of the facility in which the incarcerated persons death occurred or originated from will lead the presentation. The lead detective investigating the death will also be present to answer any questions from the board. The CIRB may elect to invite other personnel they identify as appropriate.

### **Board Member Conflict of Interest**

Each member of the CIRB has a critical role in pursuing the truth of the matter under examination and impartially examining all evidence, the administrative investigation, and the presentation. In the event a CIRB member feels that he or she cannot remain impartial, that member shall immediately notify the CIRB Chair who shall notify the Undersheriff or Sheriff. The Undersheriff or Sheriff will evaluate the situation, seek advice as necessary, possibly including County Counsel, and take appropriate action up to and including replacement of the CIRB member.

### **Responsibilities of the Board**

The chair of the CIRB shall convene the board upon direction of the Sheriff. The purpose of the CIRB is to closely evaluate the circumstances of the incident. The CIRB is empowered to review all the factors contributing to the incident. The CIRB will use an approved template to document their policy compliance findings, including an executive summary of the event and the specific factors reviewed. The review should provide specific analysis, findings, and action items/recommendations related to the following categories:

- Response coordination and decision-making.
- Supervision.
- Training and equipment.
- Policy compliance.
- Post-incident performance.

The CIRB's purpose is to evaluate the incident and make recommendations to the Sheriff regarding how Sheriff's Office personnel complied with the law, policies, and procedures.

### **Phases of Review**

The CIR consists of several phases. The CIRB chair will audio record the proceedings and begin by identifying the incident by case number and introducing those in the room. The Facility Lieutenant will then present the facts of the event. The presentation will address sufficient facts to the CIRB to make findings of each criteria previously listed.

The recording will be attached to the case file. With the exception of an Internal Affairs Unit review, the recording is confidential. Recordings contributing to employee discipline will be subjected to discovery release per the law.

Following the presentation, the audio recording will be stopped and the CIRB will deliberate with the following subjects present; the CIRB chair, County Counsel, and the Compliance and Standards Division representative. All other personnel may be asked to leave.

A member of the Compliance and Standards Division, at the rank of Sergeant or higher, will be in attendance and will complete an After-Action Report (AAR). If applicable, the AAR will detail any policy, training, response coordination, supervision, equipment, and pre-incident and post incident performance issues discovered during the review.

The involved employees whose involvement, if any, is ruled appropriate will be notified of the CIR findings as soon as practical.

### **After-Action Reporting (AAR)**

All action items and recommendations identified by the CIRB will be documented in the AAR. The AAR will be completed by the Compliance Bureau representative assigned to attend the CIR. The Undersheriff will review and sign the AAR findings before being distributed to the Bureau(s) responsible for the issue(s) identified therein. This report and all associated responses will be maintained in a confidential file in the Compliance and Standards Division.

### **Information Disclosure**

The members of the board and their policy compliance ruling will be made public. The documents and/or other rulings resulting from the review are not permitted for release as they are exempt from disclosure by the California Government Code and the California Evidence Code. Additionally, County Counsel's participation extends an attorney-client privilege to the information presented during and resulting from the review.

**Out of Policy Rulings**

When a CIR reveals policy violations, the information will be referred to Internal Affairs for a Disciplinary Review Board (DRB) presentation in accordance with DPPM D-0300. The Internal Affairs Unit Lieutenant will convene the DRB as soon as practical.