



**DEPARTMENT OF CORRECTIONS
PROGRAMS AND FACILITIES BUREAU
FACILITY OPERATIONAL REQUIREMENT**

Procedure:	PFB 6.1.209 FACILITY OFFENDER DEATH
Effective Date:	05/03/2021 Page 1 of 4
Revisions Date(s):	
Reference(s):	PFB 6.2.403; PFB 6.2.408; DOC 1.1.8; DOC 4.5.34; 2-6-1003, MCA; 46-4-103, MCA; 46-4-122, MCA; 46-4-201, MCA; 50-22-101, MCA
Signature / Title:	/s/ Megan Coy, Programs and Facilities Bureau Chief

I. PURPOSE:

Programs and Facilities Bureau contracted facilities will follow established requirements for the notification of the death of an offender who is in the custody of the Department.

II. DEFINITIONS:

CSD-Clinical Services Division – The division within the Department responsible for the overall health care functions of medical, mental health, dental and vision for all programs and facilities.

Death – When an individual has sustained either irreversible cessation of circulatory and respiratory functions or irreversible cessation of all functions of the entire brain, including the brainstem. A determination of death must be made by a physician or coroner in accordance with accepted medical standards pursuant to §50-22-101, MCA.

Law Enforcement Agency of Jurisdiction (LEAJ) – The government agency, i.e. state, federal, sheriff’s office or local police department, operating within their defined area of responsibility.

PFB-Programs and Facilities Bureau – The Bureau oversees the facilities providing assessments and sanctions, prerelease, and treatment services.

Programs and Facilities Contract Manager – The Department’s employee(s) who acts as the liaison for services and monitors the contractual agreements between the Department and PFB contract facilities.

Public Record for Adult Offenders – Information including, but not limited to: name, date of birth, race, gender, eligibility for parole, execution of warrant or sentence, term expiration, court documents unless expressly sealed by court order, FBI number, fine(s) imposed, jail credit time, supervising facility or program, participation or non-participation in a court-ordered program, court docket number and offense in accordance with 2-6-1003, MCA.

III. PROCEDURES:

A. FACILITY NOTIFICATIONS UPON AN OFFENDER DEATH:

1. **OMIS entries regarding the death of an offender will only be made by the Montana State Prison Records Department.**
2. **Death occurring at the facility:** An offender’s death while at a facility will be reported as follows:
 - a. immediately to the law enforcement agency of jurisdiction (LEAJ);

- b. to the **PFB Bureau Chief at 406-580-7991, or designee within one (1) hour**; and
- c. MSP Command Post at 406-415-6250 within one (1) hour.
- d. Facility Administrator or designee will inform LEAJ that an autopsy is required for an offender's death while at the facility.
- e. Autopsy reports received by the facility will be provided to the PFB Bureau Chief and CSD.

3. Death occurring at a medical facility: An offender's death while at a medical facility will be confirmed through the PFB facility procedures and reported as follows:

- a. to the PFB Bureau Chief at 406-580-7991, or designee within one (1) hour; and
- b. MSP Command Post at 406-415-6250 within one (1) hour.
- c. Facility Administrator or designee will inform the medical facility staff that an autopsy is required for an offender's death while at the medical facility.

4. Death occurring at other off-site location: Once a PFB facility has been notified of an offender's death at a location other than the facility or a medical facility, it will be confirmed through the facility's procedures and then reported as follows:

- a. if not already done, immediately to the law enforcement agency of jurisdiction (LEAJ);
- b. to the PFB Bureau Chief at 406-580-7991, or designee within one (1) hour; and
- c. MSP Command Post at 406-415-6250 within one (1) hour.
- d. Facility Administrator or designee will inform LEAJ that an autopsy is required for an offender's unexpected death while off-site of the facility other than at a medical facility.
- e. Autopsy reports received by the facility will be provided to the PFB Bureau Chief and CSD.

5. Death occurring while on escape status: Once a PFB facility is notified by law enforcement or other means of an offender's death while he/she is on escape status:

- a. The death will be reported within one (1) hour to:
 - 1) the PFB Bureau Chief at 406-580-7991, or designee,
 - 2) the MSP Command Post at CORMSPCommandPost@mt.gov, and
 - 3) the DOC Office of Investigations at corie@mt.gov.
- b. An autopsy is required for an offender's death while the offender is on escape status.
- c. Autopsy reports received by the facility will be provided to the PFB Bureau Chief and CSD.

B. FACILITY REPORTING OF OFFENDER DEATH:

1. All facility staff who witnessed the death or any related activities or offender behavior will complete *PFB 6.2.403(A) Priority Incident Report* as soon as possible, but no later than the end of the shift. Incident reports will be submitted to PFB at correquest@mt.gov. The report must include the following information:

- a. location and time of death;
- b. circumstances surrounding death;
- c. emergency medical procedures/treatment rendered (if any); and
- d. emergency contact or next of kin notified of death, including full contact information;
- e. LEAJ contact name and information and case number.

2. Prior to the release of information to the public/media regarding the death:

- a. LEAJ should make the notification to offender's emergency contact or next of kin;
- b. If LEAJ does not make the notification, the facility administrator will notify the offender's emergency contact/next of kin; and

- c. If facility has no listed emergency contact/next of kin, contact the Programs and Facilities Contract Manager (Contract Manager).
3. Only information that is public record for an adult offender may be released by designated facility and/or DOC staff (see *PFB 6.2.408 PFB Offender Case Records Management*). Other facility or DOC staff must not release information concerning an offender's death.

C. NOTIFICATIONS AND REPORTING BY PFB:

1. Upon notification of an offender death, the PFB Bureau Chief or designee will contact the DOC Communications Director, Department Director, Deputy Director, and CSD.
2. Through the LEAJ, the designee will:
 - a. verify the identity of offender;
 - b. confirm offender's death; and
 - c. confirm the emergency contact/next of kin notification(s) have been completed.
3. The PFB Bureau Chief or designee will notify the Montana State Prison (MSP) Records Manager of the death. The offender's OMIS record will be updated by MSP Records after next of kin notifications have been completed and confirmed.
4. *PFB 6.2.403(A) Priority Incident Report* is forwarded to the following with "Offender Death" in email subject line:
 - a. CSD;
 - b. MSP Records Manager;
 - c. Office of Investigations at corie@mt.gov; and
 - d. Other appropriate persons as determined by the PFB Bureau Chief or designee.
5. After an offender's unexpected death occurs, Contract Manager will coordinate a death review/debriefing with other PFB staff, CSD, and facility staff. The review will include:
 - a. any events leading up to offender's hospitalization and/or death;
 - b. pertinent medical and mental health services or reports involving the offender;
 - c. facility procedures used; and
 - d. identifying process improvement.
6. PFB staff will follow up on any recommendations when provided by CSD.

D. BURIAL OF OFFENDER:

1. Offender remains will be released to his/her family or emergency contact for services and burial.
2. If there is no family/contact, or the family/contact declines to receive the remains, the Department may provide burial at the Department's expense.

E. OFFENDER PROPERTY:

1. Pursuant to *PFB 6.2.421 Offender Personal Property*:
 - a. All personal identifying documents left behind by an offender will be sent to the Programs and Facilities Contract Manager at the Helena Central Office (PO Box 201301, Helena, MT 59620) within five (5) days. Documents will then be forwarded to the responsible person

designated by the offender to receive personal property on the offender's behalf.

- b. For all other inventoried personal property items left behind by an offender, good faith efforts will be made within 30 days to notify the offender's designated person and have arrangements in place to return the remaining items unless the items are confiscated as evidence (e.g., for an escape). If, after 45 days and good faith efforts have failed, these property items are considered as abandoned and may be donated or destroyed.
- c. Within 15 days of an offender's death, debts incurred during offender's current placement may be deducted from the offender's monetary account as outlined in *PFB 6.2.421 Offender Personal Property*, and the remaining balance, as well as any wages or other money received after the offender's death are forwarded to the offender's designated person.

2. *PFB 6.2.421(A) Disposition of Offender Personal Property Items* and *PFB 6.2.421(B) Disposition of Offender Monetary Accounts* will be completed as directed in *PFB 6.2.421 Offender Personal Property*.

IV. CLOSING:

Questions regarding this requirement shall be directed to the Programs and Facilities Bureau.

V. FORMS:

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|-----------------|---|
| PFB 6.2.403 (A) | Priority Incident Report |
| PFB 6.2.421(A) | Disposition of Offender Personal Property Items |
| PFB 6.2.421(B) | Disposition of Offender Monetary Accounts |