

In-Custody Injury or Death Procedures

912.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the following:

- Medical screening and care
- In-custody injury
- Suicide prevention
- In-custody deaths

912.2 IN-CUSTODY MEDICAL SCREENING/CARE

All arrestees brought into the custody facility will be interviewed concerning their medical/mental condition and the appropriate documentation shall be indicated on the back of the booking form. Arrestees who indicate they have a communicable disease (e.g., tuberculosis, AIDS, hepatitis, venereal disease, etc.) shall not be held in the facility and arrangements for transfer to Orange County Jail should be made as soon as practical, or another release method. Arrestees who indicate such medical conditions shall be housed separate from other inmates.

In addition to the screening questions found on the back of the booking form, the custody officer shall ask all questions found on the supplemental screening form developed by the department. This form shall be retained in the records bureau.

When an arrestee being held in the custody facility appears to be in need of medical attention, the custody officer will notify the watch commander or supervisor. The watch commander or responding supervisor will survey the situation and summon emergency medical services (EMS) if needed. The supervisor will ensure that appropriate first aid and/or basic life support efforts are rendered until EMS arrives.

Department personnel will not give arrestees medication of any kind.

912.3 EMERGENCY MEDICAL CARE

When immediate medical attention is required and cannot be administered by department personnel such as minimal care (bandaids or other similar treatment), the Orange County Fire Authority Paramedics shall respond for treatment.

Arrestees in need of emergency medical care should be treated at a facility determined by the Orange County Fire Authority Paramedics. Arrestees in need of hospital booking will be transported to the Orange County Jail ward at Western Medical Center, Anaheim.

An inmate, who by statements made or behavior exhibited, is believed to be a danger to himself or others, or to be gravely disabled, requires special consideration by those personnel responsible for his/her processing. Depending upon the nature of the offense for which the subject was originally arrested, options for disposition may include, but are not limited to the following:

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- (a) Arrange for a release from custody, either through the OR release or promise to appear process. Then transport the person to a local hospital for a psychiatric assessment, per Section §5150, Welfare and Institutions Code.
- (b) If release from custody is not an option, transport the inmate to the Orange County Jail Intake and Release Center. During the booking process, notify medical screening personnel of the inmate's mental condition.

If an arrestee develops a serious or life-threatening medical condition, the watch commander or field supervisor shall notify the next of kin.

912.4 FINANCIAL RESPONSIBILITY

If medical attention is needed at any time, the custody officer/officer will advise the arrestee that he/she is financially responsible for any medical fees incurred.

912.5 FIRST-AID KITS

In compliance with Corrections Standards Authority regulations, a first aid kit will be maintained in the custody facility. Custody officers shall routinely inspect the kit's contents and replace any items that are missing or have expired.

The facility administrator shall survey the placement of the first aid kit in the facility and the written procedures for its use. The administrator shall ensure the contents of the kit are adequate.

912.6 SUICIDE PREVENTION

Any subject arrested for a criminal offense and displaying "at risk" behavior or behavior that would cause a reasonable person to believe that the arrestee is at risk of harming himself/herself or others, should be transported to the Orange County Jail as soon as practical.

At the time of receiving, the custody officer shall be alert to any signs that may indicate than an arrestee is a suicide risk. The custody officer shall notify the watch commander. The watch commander will facilitate transfer of the arrestee to Orange County Jail, Orange County Juvenile Hall, or processed in accordance with the EMERGENCY MEDICAL CARE section above. Suicidal prisoners will not be detained at the custody facility longer than is necessary to arrange for transfer.

If it becomes necessary to confine the arrestee while awaiting transportation and the arrestee is exhibiting dangerous behavior, the arrestee should be placed in the safety cell.

The custody officer shall make an entry on the arrestee's booking form indicating that the arrestee is a "suicidal risk." The custody officer will make a physical check on adult suicidal arrestees at least twice every 30 minutes and indicate same on the booking form. Detained suicidal minors shall be constantly monitored while in the custody facility.

912.7 IN-CUSTODY DEATH DEFINED

The federal *Death in Custody Reporting Act* of 2000 (PL 106-297) requires all state and local agencies to report information to the U.S. Attorney General regarding the death of any person

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who is in the process of arrest, is en route to be incarcerated, or is incarcerated at a municipal or county jail, state prison, or other local or state correctional facility.

An in-custody death is a death of a person under any of the following circumstances:

- (a) In the physical custody, or under the physical restraint, of law enforcement officers, even if the person was not formally under arrest at the time.
- (b) Killed by any use of force by law enforcement officers prior to booking.
- (c) At the crime/arrest scene or medical facility prior to booking.
- (d) During transit of an arrestee to or from law enforcement facilities.
- (e) Confined in lockups or booking centers (facilities from which arrestees are usually transferred within 72 hours and not held beyond arraignment).

912.8 DEATHS WHILE IN CUSTODY

Except when an inmate is obviously deceased, emergency medical services shall be summoned and it shall be the responsibility of the paramedics or other competent medical personnel to determine if the inmate is deceased.

Upon discovering the death of an inmate, the custody officer shall notify the watch commander or field supervisor immediately. The watch commander or field supervisor shall notify the Chief of Police, Assistant Chief, Administrative Services Division Commander, Professional Standards Lieutenant, Business Services Administrator, and the Criminal Investigations Division Lieutenant. The Criminal Investigations Division Lieutenant shall be responsible for all other notifications.

In the event an inmate dies while in custody at the IPD custody facility, the following notifications and procedures will be adhered to pursuant to Penal Code §5021.

Any death that occurs in an IPD custody facility will be reported to the Orange County Sheriff/Coroner within a reasonable amount of time after discovery, not to exceed two (2) hours. The initial report of the death of a person in custody may be transmitted by telephone, direct contact, or written notification and shall outline all pertinent facts known at the time, all persons to contact, and any other pertinent information by the reporting officer. The death will also be reported to the Orange County District Attorney's Officer Involved Incident Investigation Team.

The initial death notification shall be supplemented by a written report submitted to the Chief of Police, the Orange County Sheriff/Coroner and the Orange County District Attorney within eight (8) hours of the discovery of the death. This written report shall include all circumstances and details of the death known at the time the report was prepared, and shall include the names of all persons with knowledge of the death circumstances. This conforms to Penal Code §§5021 (b) and (c). The Criminal Investigations Division Lieutenant shall be responsible for the completion of this report.

The completed report shall also be sent to the California Attorney General within ten (10) calendar days.

In custody death reports should be forwarded to:

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Bureau of Criminal Statistics
Statistical Data Center
P.O. Box 903427
Sacramento CA 7.05.0203-4270

After completing the initial investigation concerning the inmate's death, the Professional Standards Lieutenant or his/her designated representative will contact the Orange County Health Department to assist in conducting a medical review concerning the death. A thorough review of custody facility operation policies and procedures will follow to detect and correct any deficiencies. The Professional Standards Lieutenant will be responsible for the completion of the required report.

Whenever possible, notification to the next of kin of an inmate death shall not be made by employees of IPD, but shall be made by the Orange County Coroner's Office. Exceptions include circumstances wherein the relatives have already learned through other means of the death or when the relatives inquire of the Department regarding the condition of the deceased inmate. While employees of this Department shall take care not to assume the duties and authority of the Coroner's Office, they shall not deceive relatives of a decedent in a time of tragedy. When common decency requires that an employee of this agency make notification of death to the next of kin prior to notification by a member of the Orange County Coroner's Office, the next of kin shall be referred to the Orange County Coroner's Office following the notification.

Death of a Detained Minor

In any case in which a minor dies while detained, the administrator shall provide the Corrections Standards Authority a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted to the Corrections Standards Authority within ten (10) calendar days following the death.

Instructions for the Notification of the Death of a Minor

The notification and reporting protocol for the death of a minor in custody is the same as that for an adult.