

MICHIGAN DEPARTMENT OF CORRECTIONS		EFFECTIVE DATE 06/28/2021	NUMBER 04.06.110
POLICY DIRECTIVE			
SUBJECT DEATHS-AND DISPOSITION OF THE REMAINS		SUPERSEDES 04.06.110 (05/28/1984)	
		AUTHORITY MCL 750.411; MCL 52.202; MCL 773.11; MCL 339.1809a; MCL 700.3206	
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POLICY STATEMENT:

To ensure that deaths occurring within all Michigan Department of Corrections (MDOC) correctional facilities are reported and investigated for possible criminal acts; to investigate claims of alleged staff negligence; to ensure reasonable and timely notification of next-of-kin; and to advise on the disposition of the remains.

POLICY:

DEFINITIONS

- A. Expected Death - Death due to the natural course of a health condition. Examples include:
1. A prisoner dies from terminal cancer on the Choices program.
 2. A prisoner dies after long-term asthma and diabetes who was noncompliant with the treatment plan and was refusing Choices and health care recommendations.
 3. A prisoner who had known hypertension, was compliant with treatment, collapsed with chest pain, and was immediately taken to the hospital but died due to a heart attack.
- B. Unexpected Death - Death due to an accident, error, or violence including deaths that occur in a hospital as the result of an acute injury, accident, or error even if the death occurs after a period of treatment. Examples include but are not limited to:
1. A prisoner slips and falls on the ice and dies due to head injury.
 2. A prisoner dies due to an allergic reaction to medication they are given.
 3. Suicide.
 4. A prisoner is assaulted by another prisoner and dies as a result of the injuries.
 5. A prisoner is suspected of having died of a drug overdose.
 6. A prisoner suffers an injury as a result of their own intentional act and subsequently dies.
 7. A prisoner with no previous significant health conditions is found collapsed and unresponsive and dies in the emergency department.
 8. A prisoner goes for a routine surgery and dies from developing a blood infection (sepsis).

GENERAL INFORMATION

- C. All seriously ill or injured persons must be given expedient medical attention as required by PD 03.04.125 "Medical Emergencies" and PD 03.04.100 "Health Services." When a medical provider, emergency medical service provider, or a registered nurse has determined that death has occurred, procedures for investigating

death in a correctional facility shall be initiated in accordance with PD 01.01.140 "Internal Affairs" and OP 01.01.140 "Internal Affairs." A clearly deceased person shall not be moved without authorization from the county Medical Examiner (ME) and the Michigan State Police (MSP) as appropriate.

D. Only the Chief Medical Officer (CMO) shall determine if a death is expected or unexpected.

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EVIDENCE

E. The scene and other appropriate areas shall be sealed off to allow the gathering of evidence and to prevent loss or contamination of evidence.

REPORTING

F. Deaths shall be reported in accordance with PD 01.05.120 "Critical Incident Reporting - Correctional Facilities Administration (CFA)." Once it has been established that death has occurred, operating procedures for investigating the death shall be implemented in accordance with PD 01.01.140 "Internal Affairs" and OP 01.01.140 "Internal Affairs" including appropriate reports to MSP and notification to the county ME's office.

COUNTY MEDICAL EXAMINER

- G. Contact with the county ME is for purposes of notification and to obtain permission to remove the body.
- H. Department medical staff shall not be designated as a representative of the county ME to investigate deaths within a correctional facility, since this arrangement may create an unavoidable conflict of interest.

AUTOPSY

I. The ME may request an autopsy under the provisions of State statute. If the ME has not ordered an autopsy, the Warden in consultation with the Chief Medical Officer (CMO) may request an autopsy in deaths occurring within a correctional facility.

DEPARTMENTAL INVESTIGATIONS

- J. Each Warden shall review each prisoner death occurring within their facility in accordance with PD 01.05.120 "Critical Incident Reporting - Correctional Facilities Administration (CFA)." Referral to the MSP shall be made whenever the death is unexpected. Unexpected deaths shall be investigated in accordance with PD 01.01.140 "Internal Affairs" and OP 01.01.140 "Internal Affairs."
- K. The Bureau of Health Care Services (BHCS) shall review medical reports on all prisoner deaths and take appropriate action.

NOTIFICATION OF NEXT-OF-KIN OR DESIGNEE

- L. Each facility shall update contact information, including the telephone number and address, of the prisoner's emergency contact or designee as necessary.
- M. When a prisoner has died, staff from the prisoner's designated facility shall make a good-faith effort to immediately contact the prisoner's next-of-kin or designee by telephone, or in accordance with Paragraph P.
- N. If a visitor has died while at any Departmental location, supervisory staff at that location shall make a goodfaith effort to immediately contact the visitor's next-of-kin by telephone, or in accordance with Paragraph P.
- O. Each facility or office location shall have access to the MI HR Employee Self Service database to obtain employee next-of-kin information in the event that an employee dies within a correctional facility. The

appropriate Warden or office supervisor shall be responsible for notifying the next-of-kin or designee by telephone or as set forth in Paragraph P.

- P. The local Sheriff or other law enforcement agency in the family's community may be contacted, provided with the emergency information, and asked to notify the family.

DISPOSITION OF A DEAD BODY (REMAINS)

- Q. Prisoners who wish to make an anatomical gift must collect and complete the proper documentation required by the entity/facility to whom their body is to be donated after death. The prisoner is responsible for collecting

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the appropriate documentation and providing it to health care services to become part of their Prisoner Health Record (PHR).

- R. Notification of the designation must be made immediately upon death by the facility to the county ME or their designee by telephone. The Department shall cooperate with the entity/facility to whom the donation is made to the extent it does not create unreasonable expense to the department. If the entity/facility to whom the donation is made rejects or refuses the donation, the remains may be claimed by the deceased's next-of-kin pursuant to this policy.
- S. If the prisoner made funeral arrangements prior to their death, the facility shall cooperate with the funeral director or designee as designated by the prisoner to the extent it does not create unreasonable expense to the Department.
- T. If the deceased's next-of-kin or designee wants to claim the remains, they shall be referred to the funeral home. If there is a dispute over who has the rights to the remains, the Warden or designee shall contact the Office of Legal Affairs (OLA) Administrator to determine how to proceed.
- U. If no next-of-kin claims the body, the facility shall have the remains cremated in accordance with this policy, or If the prisoner has next-of-kin or a designee but they are unable to claim the body for any reason, the remains shall be transferred to the Department's vendor for cremation. After cremation, the Department's vendor, upon request from the prisoner's next-of-kin or designee, shall turn over the cremains (the cremated remains). If a prisoner's cremains are not claimed by the prisoner's next-of-kin or designee, the Department's vendor shall bury the cremains at a designated cemetery. If a prisoner's next-of-kin or designee wishes to have the cremains exhumed at a later date, they shall be responsible for the cost of exhuming the cremains.
- V. If the prisoner is a foreign national (not a United States citizen), the facility must immediately notify the CFA Records Administrator by e-mail of the death and then forward the Death Certificate to the CFA Records Administrator. The CFA Records Administrator or designee shall ensure the proper consular notification is made and shall work with the facility regarding disposition of the remains.
- W. Any questions regarding the disposition of the remains/cremains shall be directed to the OLA Administrator.

NOTIFICATION OF THE MEDIA AND THE PUBLIC

- X. Information regarding a prisoner's death shall only be released to the media in accordance with PD 01.06.130 "Media Relations."
- Y. The name of the deceased shall not be released until notification of the next-of-kin or designee is confirmed.

OPERATING PROCEDURES

- Z. If necessary, to implement the requirements set forth in this policy directive, Wardens shall ensure that procedures are developed or updated.

AUDIT ELEMENTS

- AA. A Primary Audit Elements List has been developed and is available on the Department's Document Access System (DAS) to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 05/20/2021