

**DEATHS AND OTHER SERIOUS INCIDENTS
RELATED TO YOUTH IN CUSTODY**

- AUTHORITY:** Administrative Directive
Resolution by the Board of Supervisors of (Attachment A)
Orange County, dated August 9, 1977 (77-1297)
California Code of Regulations, Title 15 – Minimum Standards for Juvenile
Facilities, Sections 1329 and 1341
California Government Code 12525
California Penal Code 5021
- RESCINDS:** Procedure Manual Item 3-1-106, dated 12/04/20
- FORMS:** Special Incident Report (ICMS)
Death in Custody Reporting Form (State of CA) (Attachment B)
- PURPOSE:** To establish a uniform procedure for staff to follow regarding response and notification procedures involving death, serious injury, or other serious incidents related to youth in custody.

- I. General Information – **Death of a Youth, Serious Illness or Injury of a Youth**
- A.** The DD or designee, in cooperation with the health administrator and the behavioral/mental health director, shall develop written policies and procedures in the event of a death of a youth while detained, which include notifications to necessary parties, which may include the Juvenile Court, the parent, guardian or person standing in loco parentis and the youth' attorney of record.
- B.** The health administrator, in cooperation with the DD, shall develop written policies and procedures to assure there is a medical and operation review of every in-custody death of a youth. The review team shall include the DD and/or facility manager, the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.
- C.** The DD shall provide the Board 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 Board within 10 calendar days of the death.
- D.** Upon receipt of the report of the death of a youth from the DD, the Board may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of this subchapter. Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations.
- E.** Incidents falling into the above noted categories include, but are not limited to, the following:

1. Serious injury, or serious incident requires immediate action by staff and triggers specific notification requirements.
2. Any serious injury resulting in a youth's transportation to the hospital by ambulance or hospitalization.
3. Any incident in which there is reasonable cause to believe that a youth has violated one or more of the following Penal Code violations while in custody: 261.5 (Unlawful Sexual Intercourse), 286 (Sodomy), 288 (Lewd and Lascivious Acts), 288a (Oral Copulation), or involvement in a sexual act with another.
4. Any incident in which there is reasonable cause to believe a staff member has committed a criminal act that involves a youth or affects the operation of the facility.
5. Any environmental or structural condition that requires evacuation or relocation of youth or otherwise affects their safety or welfare.
6. Any serious condition or incident including, but not limited to, riots, mass escapes, fire, disruptive labor actions, or breach of security.

II. Immediate Response – Staff

- A. The preservation of human life is of paramount importance. Upon discovering what appears to be a suicide, suicide attempt, or serious injury, determine the necessity for immediate aid (e.g., CPR, pressure for arterial bleeding, rescue breathing). Call for staff assistance and initiate the necessary treatment. Staff not involved in immediate treatment will call for assistance **via Control. Control staff will call for** medical assistance in the following order:
 1. Medical Unit/Medical staff (If the incident occurs in Juvenile Hall or the Youth Leadership Academy, explain the nature of the emergency and the location.)
 2. Paramedics
- B. Preservation of scene
 1. Preserve the scene by not moving or altering any item in the room. The handling DJCO should immediately begin taking notes of the scene and limit all unnecessary access into the scene, pending the arrival of the handling investigators.
 2. When possible, the SJCO/DO shall take a video or photographs on county cellular phone of the scene prior to the arrival of the medical staff, so the integrity of the initial crime scene will be documented, prior to any unintentional contamination by the attending medical aid. Obtain written statements of all staff involved and witnesses.
 3. Keep other youths away from the area and keep the scene secured until all necessary actions related to the incident are complete. **In the event a weapon or another significant item of evidence within the scene, may**

be contaminated by the responding medical staff, or for safety reasons it must be moved away from the youth, a SJCO/DO shall photograph the evidence in-place and then retrieve the item (with gloves on hands) and place it into a paper bag/envelope. The SJCO/DO retrieving the item of evidence shall along retain this in their custody until the arrival of the handling investigators. The SJCO/DO will then relinquish the chain-of-custody for the evidence to one of the handling investigators.

4. The highest-ranking staff on duty should direct the activity until an administrator or their designee **is on site**.
5. **Any photographs or video taken shall be immediately disclosed to the handling investigators (if a crime is involved), and the county cell phone may be relinquished to the investigators until they can retrieve the photos/videos from the Crime Lab. (The investigators will return the county phone to Probation when the evidence retrieval has been completed).**

C. When medical staff arrives (e.g., nurse, paramedics, doctor), they will assume **medical** responsibility and facility staff will **assist** as needed.

III. Notifications

A. Supervising Juvenile Correctional Officer (SJCO) Notification Responsibilities – Death, Serious Injury, or Serious Incident.

1. Contact The Orange County Sheriff's Department (OCSD) **(714) 647-7000 or (714) 647-7400**.
2. Notify the **Administrator In Charge (AIC)**.

B. **The AIC will contact the Facility Division Director (DD), or designee, Notification Responsibilities – Death, Serious Suicide Attempt, Serious Injury, or Serious Incident.**

1. Verify **that** the CPO has been notified via the chain of command **If** any person within the chain of command cannot be reached **promptly**, that person may be temporarily left out of the notification process in order to ensure the CPO is notified.
2. The facility Director, or designee, in cooperation with the health administrator and the behavior/mental health director, will assume responsibility for developing a notification plan for the youth's parent or guardian or person standing in loco parentis. **This notification should be made in person in the event of a death.**
3. The facility Director or designee shall notify the youth's attorney of record.
4. The facility Director or designee **shall** notify the youth's assigned Deputy Probation Officer (DPO) and Supervising Probation Officer (SPO).

5. The facility Director or designee will notify the Association of Orange County Deputy Sheriffs (AOCDS) by calling 714-285-2800 as soon as practical and possible.
6. In the event of a sexual assault of a youth while the youth is in custody, the facility Director or designee will notify the department's PREA Coordinator.
7. It is the facility Director's responsibility to ensure that all provisions of this procedure are carried out.

C. Chief Probation Officer, or Designee, Notification Responsibilities – Death

1. Orange County Sheriff - Coroner's Office: Pursuant to Penal Code Section 5021, any death that occurs within a county juvenile facility shall be reported within a reasonable time, not to exceed two hours, of its discovery to the county sheriff or designee by calling (714) 647-7400. The initial report of the death may be transmitted by telephone, direct contact, or by written notification and shall outline all pertinent facts known at the time the report is made. Within eight hours of the discovery of the death, a written report shall be made, including all circumstances and details of the death that were known at the time the report was prepared and shall include the names of all persons involved in the death and all persons with knowledge of the circumstances surrounding the death.
2. Orange County District Attorney: Pursuant to Penal Code Section 5021, any death that occurs within a county juvenile facility shall be reported to the district attorney or designee as soon as the district attorney or representative is on duty. The initial report of the death may be transmitted by telephone, direct contact, or by written notification and shall outline all pertinent facts known at the time the report is made. Within eight hours of the discovery of the death, a written report shall be made, including all circumstances and details of the death that were known at the time the report was prepared and shall include the names of all persons involved in the death and all persons with knowledge of the circumstances surrounding the death.
3. The Presiding Judge of the Juvenile Court, immediately by telephone with follow-up, in writing, within 24 hours.
4. The Chair of the Juvenile Justice Commission or the Juvenile Justice Commission office immediately by telephone with follow-up, in writing, within 24 hours.
5. The County Executive Officer (CEO), in writing, within 24 hours.
6. Clerk of the Board of Supervisors and the County Administrative Officer, in writing, within 24 hours. If exceptional circumstances exist, the Chairman of the Board shall be notified immediately.
7. County Risk Management, in writing, within 24 hours.

8. The Probation Department Safety Officer, by telephone, with follow up in writing within 24 hours.
9. Attorney General: Pursuant to Government Code Section 12525, in any case in which a person dies in the custody of any law enforcement agency or in a local correctional facility, the agency shall report in writing to the Attorney General within 10 days after the death, all facts in the possession of the agency concerning the death. In order to comply with this requirement, the Probation Department will complete the Death in Custody Reporting Form within 10 days and forward it to the California Department of Justice, Criminal Justice Statistics Center, P.O. Box 903427, Sacramento, California 94203-4270.
10. Board of State and Community Corrections (BSCC): As required by Title 15 Section 1341, a copy of the report submitted to the Attorney General under Government Code Section 12525 (see above) shall be submitted to the BSCC within 10 calendar days after the death.

IV. Post-Incident Reviews – Death, Serious Injury, and Other Serious Incidents

- A. Staff shall refer any youth witnessing a suicide, serious suicide attempt, serious incident, or serious incident to a mental health clinician as soon as reasonably possible.
- B. In the event of a suicide or serious suicide attempt, the Chief Deputy Probation Officer assigned to the Juvenile Operations Bureau and the facility Director will conduct a joint administrative review as soon as possible. The review will include an evaluation of the circumstances surrounding the incident, responses proceeding to the incident, responses during the incident, and responses after the incident.
- C. As required by Title 15 Section 1341, in the event of an in-custody death of a youth, a medical and operational review will occur within 10 days. The review team shall include the Chief Probation Officer, the Chief Deputy of the Juvenile Operations Bureau, the facility Division Director, **the** Health Care Agency Correctional Health Administrator, **the** responding physician, other health care staff, and supervision staff relevant to the incident and other administrative and supervisory staff relevant to the incident. The facility administrator shall jointly establish written policies and procedures for such review in cooperation with the county health administrator.

V. Employee Assistance Program (EAP), The Counseling Team International (**TCTI**), and the Peer Support Team (PST)

- A. Involved staff shall be given a referral to EAP and an opportunity to contact a representative from EAP.
- B. The facility Director or designee shall contact The Counseling Team International at 1-800-222-9691 to provide critical incident/crisis intervention counseling services if deemed necessary. A stress debrief for the involved staff can **help mitigate** the effects of trauma on staff.

- C. Members of the Peer Support Team (PST) do not self-deploy. However, the facility Director or designee shall contact a member of the PST Advisory Board or a PST Coordinator within twenty-four (24) hours of the critical incident and provide the nature of the incident and the names of staff involved.
1. The involved staff can contact a member of the PST directly or request **that** a PST member respond to the scene. If the involved staff requests a non-PST support officer to be contacted and remain with them, the facility Director or designee will attempt to contact the requested officer and inform them of the request.
 2. If a PST member responds to the scene or location of the involved staff member(s), their role is to ensure the staff member's basic physical and emotional needs are met and to provide support and assistance to the staff member(s) involved or affected.
 3. PST members will not inquire **about** the facts of the incident. This is essential to preserve the staff member's Public Safety Officers Procedural Bill of Rights and the integrity of any subsequent investigation.

VI. Media Contact

The CPO or designee will handle all press and public inquiries regarding deaths or other serious incidents.

REFERENCES

Procedures:	1-2-006	Peer Support and Assistance Program
	1-4-001	Notification Guidelines for any Case Where an Adult Dies While in the Custody of the Probation Department/Officer-Involved Deaths
	1-4-128	Critical Incident Manager (CIM)
	1-4-123	Prevention, Detection, Reporting, and Response to Incidents of Sexual Abuse, Harassment, and Misconduct in Juvenile Facilities (PREA)
	2-1-004	Child Abuse Reporting Responsibilities of Deputized Probation Staff
	3-6-001	Use of Force – Facilities

Attachments

B. Juneau

APPROVED BY:

**RESOLUTION BY THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA**

August 9, 1977

On motion of Supervisor Anthony, duly seconded and carried, the following Resolution was adopted:

BE IT RESOLVED that this Board hereby adopts the following policy regarding deaths which may involve officers or employees of the County agencies governed by this Board:

POLICY

TO: Agency Directors/Department Heads, County of Orange and all districts and agencies governed by the Board of Supervisors.

SUBJECT: Notification of Death

PURPOSE: The purpose of this policy is to expeditiously notify the Board of Supervisors in writing of the death of any person which may involve officers or employees of the County or agencies governed by the Board of Supervisors.

It shall be the responsibility of the Sheriff-Coroner and each department head, agency director or other administrative head of the County or any district or agency governed by the Board of Supervisors (hereinafter referred to collectively as "County") to give the notification described below. Only one notification shall be required for an incident, in the event more than one department or agency is involved.

It shall be the duty of said officer to notify in writing, the Clerk of the Board of Supervisors and the County Administrative Officer, and the Risk Management Section of the Personnel Department, within 24 hours of the officer becoming aware of a death of a person referred to hereinafter.

Such notification shall be made during regular working hours and the time for notification shall be extended to include any period of time when said office are not open for business. The Clerk of the Board of Supervisors shall then notify the office of each member of this Board of Supervisors by delivery of a copy of such notification.

When, in the judgment of the reporting officer, exceptional circumstances exist relative to the death of any person referred to hereinafter, efforts, shall be made to immediately notify the Chairman of the Board directly during working hours or otherwise. If the Chairman cannot be reached then any other available Board member should be notified.

Notification shall be made as to the death of:

1. Any officers or employee of County when such death arises out of the course and scope of such employment.
2. Any person who is confined by or whose actions or conduct are supervised or regulated by any officer or employee of County acting in his official capacity and such death is in any way related to such confinement, supervision or regulation.
3. Any other person whose death in any way is related to an accident or other event involving any officer or employee of County when the actions of such officer or employee arise out of the course and scope of such employment.

The notice shall contain the name of the deceased and the date of death, the cognizant County department and the name or names of County or employee with knowledge of the event and a summary of the circumstances thereof.

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, JUNE ALEXANDER, Clerk of the Board of Supervisors of Orange County, Cal. hereby certify that the above and foregoing Resolution was duly and regularly acct the said Board at a regular meeting thereof held on the 9th day of August 1977, and passed by a unanimous vote of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9th of August,
1977.

JUNE ALEXANDER
Clerk of the Board of Supervisors
of Orange County, California

State of California

PRINT

CLEAR

Department of Justice

DEATH IN CUSTODY REPORTING FORM

BCIA 713 (rev. 11/05)

ORIGINAL AMENDMENT

DOJ USE ONLY
RECORD KEY
AGENCY TYPE
<input type="checkbox"/> Police
<input type="checkbox"/> Sheriff
<input type="checkbox"/> Probation
<input type="checkbox"/> State
<input type="checkbox"/> Other Local
AGENCY NCIC NUMBER
COUNTY

DATE OF DEATH

MM / DD / YYYY

SUBJECT NAME

Last First Middle

CII NUMBER

DATE OF BIRTH

MM / DD / YYYY

GENDER

Male
 Female

RACE/ETHNICITY (Check One)

Other Asian Korean
 Black Laotian
 Chinese Other
 Cambodian Pacific Islander
 Filipino Samoan
 Guamanian Hawaiian
 Hispanic Vietnamese
 American Indian White
 Japanese Asian Indian

DOJ USE ONLY

CUSTODY OFFENSE

CUSTODY STATUS

(Check One)

Process of Arrest
 In Transit
 Awaiting Booking
 Booked - No Charges Filed
 Booked - Awaiting Trial
 Sentenced
 Out to Court
 Other

CUSTODIAL RESPONSIBILITY

AT TIME OF DEATH

(Check One)

Process of Arrest
 City Jail
 County Jail
 Adult Camp or Ranch
 Local Juvenile Facility/Camp
 Adult Operations and Adult Programs (formerly CDC)
 Division of Juvenile Justice (formerly CYA)
 State Hospital
 Other

LOCATION WHERE CAUSE

OF DEATH OCCURRED

(Check One)

Not Applicable (Natural)
 Crime/Arrest Scene
 Facility -- Administrative
 Facility -- Booking
 Facility -- Living
 Facility -- Common
 Facility -- Holding
 Facility -- Medical Treatment
 Other

FACILITY OF DEATH

(Check One)

Crime/Arrest Scene
 Local Hospital
 City Jail
 County Jail
 Adult Camp or Ranch
 Local Juvenile Facility/Camp
 Adult Operations and Adult Programs (formerly CDC)
 Division of Juvenile Justice (formerly CYA)
 State Hospital
 Other

MANNER OF DEATH

(Check One)

Pending Investigation
 Natural
 Accidental -- Injury to Self
 Accidental -- Injury by Other
 Suicide
 Homicide Willful (Law Enforcement Staff)
 Homicide Willful (Other Inmate)
 Homicide Justified (Law Enforcement Staff)
 Homicide Justified (Other Inmate)
 Execution
 Cannot Be Determined
 Other

MEANS OF DEATH

(Check One)

Pending Investigation
 Not Applicable (Natural)
 Handgun
 Rifle/Shotgun
 Club, Blunt Instrument
 Hands, Feet, Fists
 Knife, Cutting Instrument
 Hanging, Strangulation
 Alcohol/Drug Overdose
 Execution: Lethal Gas/Injection
 Cannot Be Determined
 Other

DATA SUPPLIED BY (Please print the following information):	
Name: _____	Title: _____
Agency: _____	Telephone: _____
Address: _____	

Send completed form to: Department of Justice
 Criminal Justice Statistics Center
 P.O. Box 903427
 Sacramento, CA 94203-4270
 Facsimile: (916) 227-0427 or 227-3561
 Telephone: (916) 227-3545