

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Correction

Department Public Information Officer

Contact Takelia McDaniel E-mail Takelia.McDaniel@arkansas.gov Phone 870-267-6345

Statutory Authority for Promulgating Rules ACA 12-27-105

Rule Title: AR 855 Investigation and Transportation of Deceased Inmates

Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published 1/10/2018

☐ 10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment 2/9/2018

☐ Other _____
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Takelia McDaniel

Takelia.McDaniel@arkansas.gov

1/8/2018

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Takelia McDaniel
Signature

870-267-10345 Takelia.McDaniel@arkansas.gov
Phone Number E-mail Address

Agency Policy Coordinator
Title

1/8/2018
Date


Public Notice

The Board of Corrections will review the following Administrative Regulation AR-855 Investigation and Transportation of Deceased Inmates.

Copies of the proposed regulation are available for public inspection at the Arkansas Department of Correction, 6814 Princeton Pike Road, Pine Bluff, AR 71602. The proposed Administrative Regulation AR-855 Investigation and Transportation of Deceased Inmates is also available for review online through the Secretary of State's website: sos.arkansas.gov.

Written comments regarding the Administrative Regulation should be postmarked by February 9, 2018. Comment may be mailed to Arkansas Department of Correction, Attention: Agency Policy Coordinator, P.O. Box 8707, Pine Bluff, AR 71611-8707.

mark up

 <div>ADMINISTRATIVE REGULATIONS STATE OF ARKANSAS BOARD OF CORRECTIONS</div>	Section Number: 855	Page Number: 1 of 2
	Board Approval Date: 4/18/80	
	Supersedes:	Dated:
	Reference:	Effective Date: 6/5/80
SUBJECT: Investigation and Transportation of Deceased Inmates		

I. POLICY:

To ensure that ~~procedures~~ proper notification of all inmate deaths in accordance with Arkansas law, and in order to conduct relevant investigations into the Manner and Cause of Death. To ~~provide guidelines for transporting~~ the transfer of deceased inmates to the State Crime Laboratory's Medical Examiner's Office are properly implemented.

II. EXPLANATION:

- A. It is the procedure for any that the County Coroner and the State Medical Examiner shall be notified of all deaths that occur within a correctional facility. (A.C.A. § 12-12-315 (b))
- B. If the Department determines that the death falls in to one or more of the categories below, the deceased inmate to be transported shall be transferred to the Arkansas State Crime Laboratory for examination.
1. Death due to violence
 2. Known or suspected non-natural death
 3. Unexpected or unexplained death
 4. Death occurring under an unusual or suspicious circumstance
 5. Death known or suspected to be caused by the Medical Examiner's Office disease constituting a threat to public health
 6. Death of a person not under the care of a physician
 7. Forensic medical examination requested by the Director of the Department of Correction or his or her designee if the person was in the care, custody, or control of the Department of Correction at the time of death
- C. In the case of the death of a person under the care of a physician for an autopsy to be performed. the thirty-six (36) hours preceding death, the deceased will not be transferred to the Arkansas State Crime Laboratory if the inmate's emergency contact or next of kin has signed a waiver for examination, unless the Department of Correction makes a specific request under B (7) above.

D. The responsibility of affording this transportation in all cases will be handled by the Medical Examiner's Office who must also Arkansas State Crime Laboratory. The investigating agency shall obtain certain information and evidence at the scene to assist in making a diagnosis as to the cause of death.

E. For all deaths that occur within a correctional facility the following items will be sent with the deceased inmate's body: (Records must be kept indicating what material was sent. The original records will be kept at the unit.)

~~A. Photostatic copies of intake physical examination.~~

~~B1. Investigation report of incident (primarily physician's clinical notes or findings, and statement addressing probable cause).~~

~~C. Copies of pertinent lab work, x-ray reports if condition monitored prior to death.~~

~~D2. Copy of the initial investigation at the scene with formal findings forwarded as soon as available.~~

~~E3. Either a descriptive report of materials found at the scene or, if available, samples of any or all toxic substances.~~

F. The Medical Examiner's Office Arkansas State Crime Laboratory may provide for an on-site inspection and investigation of the death. All arrangements and requests for additional information will be coordinated through the office of the Arkansas Department of Correction Medical Services Administrator.

G. A death from "Natural Causes" includes any death that was expected due to age, or previously diagnosed illnesses/injuries. In such cases, transfer to the Arkansas State Crime Laboratory's Medical Examiner's Office is not required, but may be requested by the Director of the Arkansas Department of Correction, or his designee, on a case-by-case basis.

1. If an inmate dies due to age or a previously diagnosed illness/injury (ies), it will typically be appropriate to consult with one of the Medical Examiners (ME), rather than transferring the remains to the Arkansas State Crime Laboratory's Medical Examiner's Office. A Medical Examiner Consultation (MEC) is appropriate when the cause and manner of death are reasonably known, the death does not fall into any of the categories described above, and a forensic medical examination is unlikely to yield any additional significant information regarding the death.

2. The consulting Medical Examiner will prepare a report including the date, the reporting party, the name, age, and sex of the deceased, a short summary of the history, and a recommendation for cause and manner of death. It is signed by the consulting ME and sent by fax or mailed to the reporting party at the Arkansas Department of Correction.



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

BOARD OF CORRECTIONS

Section Number:

855

Page Number:

1 of 2

Board Approval Date:

4/18/80

Supersedes:

Dated:

Reference:

Effective Date:

6/5/80

SUBJECT: Investigation and Transportation of Deceased Inmates

I. POLICY:

To ensure proper notification of all inmate deaths in accordance with Arkansas law, and in order to conduct relevant investigations into the Manner and Cause of Death. To provide guidelines for the transfer of deceased inmates to the State Crime Laboratory's Medical Examiner's Office.

II. EXPLANATION:

- A. It is the procedure that the County Coroner and the State Medical Examiner shall be notified of all deaths that occur within a correctional facility. (A.C.A. § 12-12-315 (b))
- B. If the Department determines that the death falls in to one or more of the categories below, the deceased shall be transferred to the Arkansas State Crime Laboratory for examination.
 - 1. Death due to violence
 - 2. Known or suspected non-natural death
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 - 4. Death occurring under an unusual or suspicious circumstance
 - 5. Death known or suspected to be caused by disease constituting a threat to public health
 - 6. Death of a person not under the care of a physician
 - 7. Forensic medical examination requested by the Director of the Department of Correction or his or her designee if the person was in the care, custody, or control of the Department of Correction at the time of death
- C. In the case of the death of a person under the care of a physician for the thirty-six (36) hours preceding death, the deceased will not be transferred to the Arkansas State Crime Laboratory if the inmate's emergency contact or next of kin has signed a waiver for examination, unless the Department of Correction makes a specific request under B (7) above.

- D. The responsibility of affording this transportation in all cases will be handled by the Arkansas State Crime Laboratory. The investigating agency shall obtain certain information and evidence at the scene to assist in making a diagnosis as to the cause of death
- E. For all deaths that occur within a correctional facility the following items will be sent with the deceased inmate's body: (Records must be kept indicating what material was sent. The original records will be kept at the unit.)
1. Investigation report of incident (clinical notes or findings).
 2. Copy of the initial investigation at the scene with formal findings forwarded as soon as available.
 3. Either a descriptive report of materials found at the scene or, if available, samples of any or all toxic substances.
- F. The Arkansas State Crime Laboratory may provide for an on-site inspection and investigation of the death. All arrangements and requests for additional information will be coordinated through the office of the Arkansas Department of Correction Medical Services Administrator.
- G. A death from "Natural Causes" includes any death that was expected due to age, or previously diagnosed illnesses/injuries. In such cases, transfer to the Arkansas State Crime Laboratory's Medical Examiner's Office is not required, but may be requested by the Director of the Arkansas Department of Correction, or his designee, on a case-by-case basis.
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 2. The consulting Medical Examiner will prepare a report including the date, the reporting party, the name, age, and sex of the deceased, a short summary of the history, and a recommendation for cause and manner of death. It is signed by the consulting ME and sent by fax or mailed to the reporting party at the Arkansas Department of Correction.