



# Arkansas Community Correction

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## **ADMINISTRATIVE DIRECTIVE: 17-28 Resident Serious Illness/Injury or Death**

**TO:** Arkansas Community Correction (ACC) Employees

**FROM:** Sheila Sharp, Director

**SUPERSEDES:** AD 17-13

**APPROVED:** \_\_\_\_\_ **Signature on File** \_\_\_\_\_ **EFFECTIVE: July 31, 2017**

- I. APPLICABILITY.** This policy applies to medical services employees, residential facility employees and residents of residential facilities. Contract Reentry facilities must comply with relevant and appropriate aspects of this policy.
- II. POLICY.** Authorized staff will take all reasonable actions to ensure that the person(s) designated or required by policy/law receive timely and accurate information concerning any serious illness or injury and are promptly contacted in the case of a resident's death and appropriate actions are taken regarding a death and disposition of the remains. (4-ACRS-7D-15)
- III. DEFINITIONS.**
  - A. Declaration of Final Disposition.** A resident's statement specifying his/her wishes for disposal of bodily remains at death, provided the disposition is in accordance with existing laws, rules, and practices for disposing of human remains.
  - B. Final Disposition.** The burial, cremation or legal anatomical donation of a deceased resident's body.
  - C. Serious Illness or Injury.** Life threatening illness or injury requiring hospitalization or emergency medical treatment.

#### IV. PROCEDURES.

- A. At intake center staff and reentry facility staff must ask residents to complete the following forms as appropriate and according to instructions on the forms.
- AD 17-28 Form 1 Declaration of Final Disposition Age 18 & Up
  - AD 17-28 Form 2 Declaration of Final Disposition below Age 18
  - AD 17-28 Form 3 Resident Relatives/Associates.
- B. **Notifications of Serious Illness or Injury.** In case of serious illness or injury of a resident, authorized staff will notify the person(s) designated on the “Resident Emergency Contacts” form. Whenever possible, staff will obtain the resident’s consent prior to notifying a designated individual. Staff will work with the person(s) to keep them abreast of the resident’s situation. Notifications must be made by the Chaplain or Center Supervisor’s designee and notifications must comply with the resident’s requests, ACC policy, HIPAA and related law. (4-ACRS-4C-21)
- C. **Reference to Related Policy.** When appropriate, refer to the administrative regulation and administrative directive titled “Offenders with a Terminal Illness or Permanently Incapacitated.”
- D. **Declaration of Final Disposition.** The Declaration of Final Disposition Form must be available to residents during intake at centers and reentry facilities and through the chaplain’s office. If a resident is not of sound mind or is under age 18, the parent or legal guardian must sign the form.
- E. **Notification of Death of a Resident and Disposition of Remains. (4-ACRS-7D-15)**
1. When a resident dies, regardless of cause or location, the Shift Supervisor or designee must perform the following:
    - a. promptly notify the Center Supervisor, Health Services Administrator and Chaplain.
    - b. follow the agency notification process as described in the Reporting and Investigating Incidents and Hazards policy.
    - c. notify the county coroner (even if the resident dies at a medical facility). The coroner or attending medical doctor will pronounce the resident dead. Make a note of the time death is pronounced and the coroner’s or medical doctor’s first and last name. Provide the coroner with required information and ensure he/she knows the resident was incarcerated or was in a reentry facility.
    - d. notify the State Police of the death.
    - e. notify the chief law enforcement official of the county or municipality that has jurisdiction.
    - f. notify the State Crime Lab, Medical Examiner’s Office (501) 227-5936. If after hours leave a message.

- g. fax the completed “Body Submission Form” to the State Crime Lab, Medical Examiner’s Office FAX: (501) 227-1653. If you do not have complete information, send what you have and provide an update later.
  - h. check the “Declaration of Final Disposition” form if one is on file to determine whether notification must be given to the military and if so, ensure the notification.
  - i. notify the prosecuting attorney in the county where the death occurred.
  - j. makes appropriate entries in eOMIS and ACIC/NCIC.
2. The law grants the right to control final disposition of the remains of a deceased person as described in this policy. The person given control must be 18 years of age or older. (Arkansas law section 20-17-102) The law does NOT give any weight to a person named by the resident as an “emergency contact” unless such person is designated on a military emergency data form or in a “Declaration of Final Disposition,” or the person is in the sequential list below. If attempts to contact a person are not successful, then a diligent effort must be made to contact the next person, continuing down the list until contact is made. The identity of the deceased shall not be disclosed to the media until the notification process is complete.

The Chaplain or designee or for a death in a Reentry facility, the Assistant Director of Reentry must make a reasonable attempt to notify someone in the list below or it is determined notification is not possible. For assistance in locating people on the list, consider checking eOMIS, contacting the coroner’s office, prosecuting attorney, and/or local law enforcement. Notification attempts must be made in the following sequence until someone has been notified (in addition to notifying emergency contact(s) (notification may be by phone or in-person):

- a. The appropriate military authorities if the resident has indicated on the “Declaration of Final Disposition” form that they have an applicable military affiliation
  - b. The person(s) as listed on the Declaration of Final Disposition form if such designation has been made
  - c. Spouse
  - d. Adult children
  - e. Parent
  - f. Sibling
  - g. Grandparent
  - h. Grandchild
  - i. Guardian
  - j. Closest living relative
3. The Chaplain or designee or, for a death in a Reentry facility, the Assistant Director of Reentry must inform the contacted person of the death, relate the relevant facts of the death as provided by the Center Supervisor (or his/her designee) or Reentry facility representative, and discuss disposition of the body, providing the following information:

- a. the law requires notification of next-of-kin in a certain sequence and gives the person highest on the notification list the authority to handle final arrangements. (Consider asking the person if they have contact information for the person(s) highest up on the list and if so, contact that person)
- b. If claiming the body, advise the person to contact the Office of the State Medical Examiner for further information and provide relevant information from the “Declaration of Final Disposition” form if the resident has one.
- c. Inform the contact that the State Medical Examiner requires an examination that may include autopsy at the State Crime Lab in Little Rock and the county coroner will take the body to the lab. Consider providing contact information for the State Medical Examiner’s Office (501) 227-5936, Chaplain, ACC Public Relation Office and/or county coroner’s office.

**F. Notification of Serious Injury/Illness or Death of a Reentry Resident and Disposition of Remains.**

1. When a Reentry resident is seriously injured/ill or dies, regardless of cause or location, the facility Director or designee must promptly notify the ACC Assistant Director of Reentry.
2. The ACC Assistant Director of Reentry must:
  - a. follow the agency notification process as described in the Reporting and Investigating Incidents, Hazards and Maltreatment policy.
  - b. Make notifications and take actions described in the preceding paragraph entitled “Notification of Death of a Resident and Disposition of Remains.”

**G. Release of the Deceased**

1. Arkansas Community Correction will honor any resident’s declaration of being an “Organ Donor” and will allow any medical procedures as determined by the medical staff to achieve the resident’s declared purpose.
2. If no one can be contacted after a diligent effort and the coroner confirms no claim of the body, or the contacted person will not claim the body for any reason, the responsibility for final disposition shall default to the ACC. When ACC must assume responsibility of the body, the Center Supervisor (or the Director’s designee) or ACC Assistant Director of Reentry must perform the following:
  - a. Comply with appropriate preferences stated on the “Declaration of Final Disposition” form if on file.
  - b. Notify the University of Arkansas for Medical Sciences, Department of Anatomy, that the unclaimed body is available for use in the advancement or study of medical science. This notification should be made as soon as it is confirmed that the body will not be claimed – the Department of Anatomy will allow the next of kin or other relative, friend, representative of a fraternal society of which the deceased was a member, or representative of any charitable or religious group to claim the body for burial purposes for a period not to exceed 48-hours from the time of death.

- c. If a resident's "Declaration of Final Disposition" does not rule out cremation, and the resident's family (the person highest on the sequential list) does not oppose cremation the department will have the remains cremated upon release by the Medical Examiner's office, but no sooner than 10 calendar days after death to allow time for an appropriate family member to claim the remains.
- d. Cremains shall be released to the person nearest the top of the notification list of those who could be contacted or who came forth or another appropriate person making claim. If no one can be located, the cremains will be maintained for a minimum of ninety (90) days for an appropriate person to claim. If not claimed after 90 days, the remains shall be scattered in a designated cemetery.
- e. For an unclaimed body that will not be cremated make arrangements for burial in a designated cemetery.

**H. Financial Responsibility.** Payment for services provided on behalf of a deceased resident are the responsibility of the person claiming the body. ACC is responsible for payment of final disposition services for an unclaimed body.

## **V. FORMS.**

AD 17-28 Form 1 Declaration of Final Disposition Age 18 & Up  
AD 17-28 Form 2 Declaration of Final Disposition below Age 18  
AD 17-28 Form 3 Resident Relatives/Associates

## **VI. REFERENCES.**

Arkansas law section 20-17-102  
Body Submission Form (Arkansas Crime Lab Form ME-FORM-01)