

YOUTH SERVICES POLICY

Title: Death of Youth in Custody, Autopsies, and Burial Expenses Next Annual Review Date: 06/29/2018	Type: C. Field Operations Sub Type: 1. General Number: C.1.1
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References: La. R.S. 9:1551; 17:2353, 13:5706, 13:5712, 13:5713, 13:5714, 13:5715, and 37:848; ACA Standards 2-CO-3B-02 (Standards for Administration of Correctional Agencies) and 4-JCF-4C-43 (Performance-based Standards for Juvenile Correctional Facilities); YS Policies A.4.1 "Contract Manual" and B.6.1 "Health Care", OJJ/CCS Policy Nos. C-41 "Administrative Notification" and C-43 "Notification of Death"; State Purchasing Regulations	
STATUS: Approved	
Approved By: <i>James Bueche, Ph.D., Deputy Secretary</i>	Date of Approval: 06/29/2016

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To institute uniform procedures regarding the responsibilities of YS staff upon the death of a youth in the custody of YS; notification of the coroner, and payment of burial expenses.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, General Counsel, Health Services Director, Regional Directors, Facility Directors, Regional Managers, and Contracted Health Care Provider (CHP) staff.

IV. DEFINITIONS:

Domicile - The permanent place of residence of a youth; the location he is deemed to return to at the conclusion of his disposition

Pauper - a person without any means of support, especially a destitute person who depends on aid from public welfare funds or charity.

Unit Head - Deputy Secretary, Facility Directors, and Regional Managers.

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Youth in the custody of YS - Youth adjudicated to the custody of YS, assigned to secure or non-secure placement, whether operated by a contractor or by YS.

YS Central Office - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, General Counsel, Regional Directors, and their support staff.

V. POLICY:

It is the responsibility of the Unit Head to notify the family of a youth who has died while in YS custody.

The Health Services Director shall be notified of any death as soon as possible, but at least within 24 hours via a death report. An assessment of the death will be made by the medical staff and communicated to the Facility Director/designee.

Pursuant to La. R.S. 13:5713, it is the responsibility of the parish coroner to either view the body or conduct an investigation into the cause and manner of death in all cases involving the death of a youth while in the custody of YS.

It is the Deputy Secretary's policy that deaths at YS facilities which are suspicious, unexpected or unusual shall be reported to the coroner in accordance with La. R.S. 13: 5712.

Pursuant to La. R.S. 13:5715 and La. R.S. 9:1551, burial expenses for paupers shall be paid by the State when the body is not claimed by friends or relatives. These expenses should not, by law, exceed the actual cost of the service.

VI. PROCEDURES:

- A. The Unit Head shall make every reasonable effort to notify the youth's parent(s) or legal guardian(s), or next of kin, of the death as soon as possible. After notification, the Unit Head shall send a condolence letter to the family.
- B. It is the responsibility of the Unit Head or his designee to notify the parish coroner of all deaths of youth in the custody of YS. All attempts to contact the coroner regarding any death should be thoroughly documented in a Weekly Contact Progress Note in JETS, along with a UOR completed by the Facility Director/designee or Regional Director.
- C. The responsibilities of the respective coroners as outlined in La. R.S. 13:5706 include:

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- (1) When a death occurs and the death appears to have been due to natural causes, the coroner of the parish of domicile of the deceased shall be responsible for any investigation into the cause and manner of death and for any examination of the body or autopsy.
 - (2) When a death occurs and a crime or accident is suspected, the coroner of the parish where the crime or accident occurred shall be responsible for any investigation into the cause and manner of death and for any examination of the body or autopsy.
 - (3) It shall be the duty of the coroner who makes the final investigation to release the body for burial.
 - (4) When a natural death occurs outside the parish of domicile, it is the responsibility of the coroner of the parish where the death occurred to forward all information from the initial investigation to the coroner of the parish where the deceased was domiciled. It is the responsibility of the coroner of the parish where the deceased was domiciled to complete all the necessary documents, including the death certificate.
- D. The Director of Investigative Services (IS) shall request a copy of the autopsy report, and all medical records, particularly those medical records pertinent to the death. Immediately upon receipt, the Director of IS shall forward to the Deputy Secretary the autopsy report, medical records and any other pertinent information relative to the youth's death.
- E. Payment for autopsies is authorized in accordance with prevailing rates if the service cannot be obtained without charge from another state agency. Autopsy services under \$1,000 shall be handled as a confirmation purchase (see YS Policy No. A.4.1 "Contract Manual").
- Reimbursement for autopsies for youth in the custody of YS shall be made through extraordinary medical funds. Request for such reimbursement shall be submitted to YS with appropriate documentation (i.e. copy of death certificate, invoice for autopsy services, etc).
- F. If the body is not claimed, and the death was due to natural causes as certified by the attending physician/coroner, the body may be disposed of as provided for in a pauper's funeral as per La. R.S. 13:5715, or donated to the State Anatomical Board as per La. R.S. 17:2353, if approved by the coroner. State Purchasing regulations must be followed in selecting a funeral home to provide the services. However, since the body must be embalmed within 30 hours as per La. R.S. 37:848, permission should be requested to telephone bid the service.

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- G. In cases where the body of the deceased is not claimed, arrangements for the burial should be made by the appropriate Unit Head with a Louisiana licensed funeral home in accordance with State Purchasing regulations. Burial expenses for paupers, including embalming the body (if necessary), obtaining burial permits, transportation fees and the cost for the least expensive burial casket available, shall not exceed the actual cost of the service per La. R.S. 13:5715.

Reimbursement for such expenses for youth who died while in the custody of YS shall be made only when prior approval has been obtained from the Deputy Secretary to obligate such funds. Requests for such reimbursement shall be submitted to YS with appropriate documentation (i.e. copy of death certification, invoices for burial expenses, etc.).

Previous Regulation/Policy Number: C.1.1

Previous Effective Date: 05/27/2014

Attachments/References: