



Program Statement

OPI: CPD
NUMBER: 5553.06
DATE: 8/23/99
SUBJECT: Escapes/Deaths
Notifications

1. **PURPOSE AND SCOPE.** To provide timely notification to interested parties when an inmate escapes or dies.
2. **SUMMARY OF CHANGES.** The following are highlights of this revised Program Statement:
 - Ž Clarified notification procedures for Pre-trials, Holdovers, and Detainees;
 - Ž Added escape notification procedures for inmates on furlough or unescorted transfer; and
 - Ž Removed property disposition section.
3. **PROGRAM OBJECTIVE.** The expected result of this program is:
Timely notification will be provided when an inmate escapes or dies.
4. **DIRECTIVES AFFECTED**
 - a. **Directive Rescinded**
PS 5553.05 Escapes/Deaths Notification (9/17/97)
 - b. **Directives Referenced**
PS 1434.06 Jurisdiction on Escape Related Issues - Memorandum of Understanding USMS/FBI/BOP (7/25/94)
PS 1490.04 Victim and Witness Notification Program (2/3/98)
PS 5111.02 Mariel Cuban Detainees (7/8/98)
PS 5180.04 Central Inmate Monitoring System (8/16/96)
PS 5280.08 Furloughs (2/4/98)

PS 5502.07 Duty Officer Guidelines and Reporting
 Procedures (12/31/97)
PS 5550.05 Escape from Extended Limits of Confinement
 (3/27/96)
PS 5566.05 Use of Force and Application of Restraints on
 Inmates (7/26/96)
PS 5800.07 Inmate Systems Management Manual (12/24/91)
PS 7300.09 Community Corrections Manual (1/12/98)
PS 7331.03 Pretrial Inmates (11/22/94)

TRM 5303.01 Ministry of the Federal Bureau of Prisons
 (6/1/95)

5. STANDARDS REFERENCED

a. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4213

b. American Correctional Association 3rd Edition Standards for Adult Local Detention Facilities: 3-ALDF-3B-15

c. American Correctional Association 2nd Edition Standards for Administration of Correctional Agencies: 2-CO-3B-02

d. American Correctional Association Standards for Adult Correctional Boot Camp Programs: 1-ABC-4G-06

6. PRETRIAL/HOLDOVER/AND OR DETAINEE PROCEDURES. Escape notification procedures in this Program Statement apply to pretrial inmates. Death notification procedures for pretrial inmates are specified in the Program Statement on Pretrial Inmates. This Program Statement also applies to non-INS Detainees. Notification procedures for Mariel Cuban inmates are in the Program Statement on Mariel Cuban Detainees. This Program Statement applies to Holdover inmates as indicated in applicable sections.

7. DEFINITION. For the purposes of this Program Statement, **escape** is an unauthorized absence.

8. ESCAPE NOTIFICATION PROCEDURE

a. Bureau Officials

(1) **Escape During Regular Work Day.** The Warden must notify the Regional Director of the escape immediately by telephone. The Warden confirms this notification by ensuring an electronic Report of Incident form is sent to the Regional Office, with an

information copy to the Correctional Services Administrator, Central Office.

(2) **Escape After Regular Work Day.** The Institution Duty Officer must report the escape in accordance with the Program Statement on Duty Officer Guidelines and Reporting Procedures.

Ž The Warden confirms this notification by ensuring an electronic Report of Incident form is sent to the Regional Office the next day, with an information copy to the Correctional Services Administrator, Central Office.

b. **Federal Officials.** The Warden must notify the FBI office having jurisdiction covering the institution involved immediately.

Ž A letter is to be faxed to the sentencing U.S. District Judge(s), and/or any other judge or court official who may have a special interest in the inmate's location, explaining the details of the escape and including a copy of the Notice of Escaped Federal Prisoner (BP-393).

Ž Copies of that letter will also be faxed to the sentencing district's U.S. Attorney and Chief U.S. Probation Officer.

Then, the Warden must send the original letters through regular mail.

Ž If the escapee poses a threat to any official, the Warden must immediately alert that official by telephone and document the contact in the Privacy Folder, Section II, of the Inmate Central File.

All correspondence to federal courts must contain the federal docket number and inmate's register number.

c. **Victim/Witness Program (VWP) Assignment.** As soon as possible after discovering the escape of any inmate with a VWP SENTRY CMA assignment, staff must contact the victims and/or witnesses by telephone and advise them of the date and time of the inmate's escape. Further notification information is in the Program Statement on Victim and Witness Notification Program.

d. **State Boarder.** If a state boarder escapes, the Warden must notify the director of the appropriate state department of corrections by telephone, no later than the next work day.

Ž The Warden confirms the notification with a letter that explains the escape's circumstances, with a copy to the Regional Director.

e. **Consulate Officials.** If a non-U.S. citizen escapes, the Warden must notify the appropriate consulate official by telephone, no later than the next work day.

Ž The Warden confirms the notification with a letter that explains the escape's circumstances, with a copy to the Regional Director.

f. **Pretrial Inmate or Material Witness.** If a Pretrial Inmate or a Material Witness escapes, the Warden must notify the Assistant U.S. Attorney assigned to the case by telephone, no later than the next work day.

Ž The Warden confirms the notification with a letter that explains the escape's circumstances, with a copy to the Regional Director.

g. **INS Detainee.** If an INS detainee escapes, the Warden or the Community Corrections Manager (CCM) must notify the Assistant Director, Community Corrections and Detention Division, and local INS office by telephone, no later than the next work day.

Ž The Warden confirms the notification with a letter that explains the escape's circumstances, with a copy to the Regional Director.

Ž INS is responsible for further notification.

h. **Holdover.** If a **Bureau holdover** inmate escapes, the holding institution is to apply notification procedures of this Program Statement. If the holdover is a **non-Bureau** inmate, the agency responsible for the inmate is to be notified by telephone, no later than the next work day.

Ž The Warden confirms the notification by a letter that explains the escape's circumstances, with a copy to the Regional Director.

i. **WITSEC Case.** If an inmate in the Witness Security Program (WITSEC) escapes, the Warden, in addition to notifying the Regional Director, must telephone the Inmate Monitoring Section (IMS), Central Office immediately, if it occurs during a regular work day.

Ž If the escape occurs after a regular work day, notification procedures should be in accord with the Program Statement on Duty Officer Guidelines and Reporting Procedures, **except that IMS is responsible for notifying federal, state, consulate officials, and victims or witnesses.**

j. **Furlough or Community Corrections Center (CCC)**

Ž If an inmate escapes while on furlough from an institution, institution staff must make the notifications. Further notification procedures for inmates who escape while on furlough from an institution are in the Furlough Program Statement.

Ž If an inmate escapes while on an unescorted transfer from one institution to another, the sending institution is responsible for notifications.

Ž If an inmate escapes from a CCC, the CCM must make the notifications. Further notification procedures for inmates who escape while on furlough from a CCC are in the Community Corrections Manual.

Ž If the inmate escapes while on an unescorted transfer from an institution to a CCC, the sending institution must make the notifications. CCC staff should follow the procedures in the Community Corrections Manual.

If there is an indication of any threat to any official, victim, or witness, immediate notification must be made to those persons.

9. **DEATH NOTIFICATION PROCEDURES**

a. **Information Required.** Immediately upon the death of an inmate, the Warden (or designee) must assemble the following information concerning the deceased inmate:

- (1) Name, register number, date of birth;
- (2) Offense and sentence;
- (3) Date, time, and location of death;
- (4) Apparent cause of death;
- (5) Investigative steps being taken, if necessary;
- (6) Name and address of survivor or designee;
- (7) Notifications made;
- (8) Status of autopsy request; and
- (9) Brief medical history related to death.

b. **Bureau Officials**

(1) **Death During Regular Work Day.** The Warden (or designee) must telephone the report to the Regional Director immediately.

Ž The Warden confirms this notification by sending an electronic Report of Incident form to the Regional Office, with an information copy to the Correctional Services Administrator, Central Office.

(2) **Death After Regular Work Day.** The Institution Duty Officer must report the death in accordance with the Program Statement on Duty Officer Guidelines and Reporting Procedures. Generally, that Program Statement requires immediate telephonic notification to the Regional Duty Officer, except for deaths by natural causes that occur at a late hour.

In any case, Correctional Services confirms this notification (ordinarily the next day) by sending an electronic Report of Incident form to the Regional Office, with an information copy to the Correctional Services Administrator, Central Office.

Ž The Warden must notify the Regional Director by telephone or teletype of any circumstances about the death that may be cause for special concern.

Ž In addition, the Warden must send the medical reports required in Section 9.a. to the Medical Director, as soon as possible, with a copy to the Regional Health Systems Administrator.

The Director is to be notified of all deaths, even if there are no significant findings.

Ž After reviewing the preliminary death information, the Regional Director notifies the Director directly by telephone or teletype of any circumstances about the death that may be cause for special concern.

Ž The Regional Director also notifies the General Counsel, the Medical Director, and the Assistant Director of Correctional Programs by telephone or teletype.

c. **Family and Friends**

(1) **Telephonic Notification.** The Warden (or designee) must telephone the person named in the Acknowledgment of Inmate (Continuation Sheet) form (BP-408) immediately to communicate the circumstances surrounding the death. The BP-408 is found in the Inmate Central File.

Ž When the inmate has not named a next-of-kin on the BP-408, the employee must attempt to locate and notify the next-of-kin, since only the next-of-kin may determine the disposition of the deceased's remains and property.

Ž The employee may have to consult other parts of the Inmate Central File or contact the inmate's unit team for next-of-kin information.

The Chaplain is also available to assist in notifying the inmate's family.

(2) **Letters of Condolence.** As soon as practical, the Warden must mail a letter of condolence to the next-of-kin and advise that person of the circumstances of the death:

Ž If the death was by natural causes, a summary of the cause of death is to be given.

Ž If the death was accidental and not by foul play, a reference to the nature of the accident and the cause of death is appropriate.

Ž If the death occurred under suspicious circumstances or by foul play, the cause of death may be given but with a statement that the matter is under investigation and that, for that reason, details of the case may not be provided.

(3) **Death Certificate.** When the Death Certificate is received, the Warden must send a copy to the person who received the deceased's remains.

d. **Federal Officials.** The Warden must send a letter to the appropriate sentencing U.S. District Judge(s) explaining the circumstances of the death, with copies to:

- ! the U.S. Attorney(s) for the district(s) in which the inmate was sentenced,
- ! Chief U.S. Probation Officer, and
- ! Regional Director.

All correspondence to federal courts must contain the federal docket number and the inmate's register number.

e. **Victim/Witness Program (VWP) Assignment.** Staff are required to provide written notification to the victims and/or witnesses within 30 days of the death of an inmate with a VWP SENTRY CMA assignment. Further notification information is in the Program Statement on Victim and Witness Notification Program.

f. **State Boarder.** If a state boarder dies, the Warden must notify the director of the appropriate state department of corrections by telephone, no later than the next work day. The Warden confirms the notification by a letter explaining the circumstances of the death, with a copy to the Regional Director.

g. **Consulate Officials.** If a non-U.S. citizen dies, the Warden must notify the appropriate consulate official by telephone, no later than the next work day. The Warden confirms the notification by a letter explaining the circumstances of the death, with a copy to the Regional Director.

h. **INS Detainees.** If an INS detainee dies, the Warden or CCM notifies the Assistant Director, Community Corrections and Detention Division, and local INS office by telephone, no later than the next work day. The Warden confirms the notification by a letter explaining the circumstances of the death, with a copy to the Regional Director.

i. **Holdover.** If a Bureau holdover inmate dies, the holding institution applies this Program Statement's notification procedures. If the holdover is a non-Bureau inmate, the appropriate agency responsible for the inmate will be notified. The Warden confirms the notification by a letter explaining the circumstances of the death, with a copy to the Regional Director.

j. **WITSEC Case.** If an inmate in the WITSEC Program dies, the Warden, in addition to notifying the Regional Director, must telephone the IMS in the Central Office immediately if it occurs during a regular work day.

Ž If the death occurs after a regular work day, the procedures are the same as above in "after a regular work day" section, **except that the IMS is responsible for notifying Federal officials, victims, and witnesses.**

k. **Inmates Housed in a Contract Facility.** In regard to the death of a sentenced federal offender in a contract facility, or on writ from a contract facility, the CCM is responsible for carrying out the procedures in this Program Statement.

/s/

Kathleen Hawk Sawyer
Director