



Program Statement

OPI: CPD/CPB
NUMBER: 5553.07
DATE: 2/10/2006
SUBJECT: Escapes/Deaths
Notifications

1. **PURPOSE AND SCOPE.** This Program Statement provides policy and procedure for the timely notification of interested parties when an inmate escapes or dies.

2. **SUMMARY OF CHANGES.** The following changes have been made to this PS:

- Military Officials must be notified when a military inmate escapes;
- Notification procedures for deceased military inmates (who have not been discharged from service) are now included;
- The Warden will notify the U.S. Marshals office having jurisdiction over the institution of escapes; and
- The Warden will notify the Chief U.S. Probation Officer for the district in which the institution is located of escapes.

3. **PROGRAM OBJECTIVE.** The expected result of this program is:

Timely notification will be provided to appropriate individuals and/or agencies when an inmate escapes or dies.

4. **DIRECTIVES AFFECTED**

a. **Directive Rescinded**

P5553.06 Escapes/Deaths Notification (8/23/99)

b. **Directives Referenced**

- P1434.06 Jurisdiction on Escape Related Issues - Memorandum of Understanding USMS/FBI/BOP (7/25/94)
- P1490.06 Victim and Witness Notification Program (5/23/02)
- P5111.03 Mariel Cuban Detainees (10/25/99)
- P5180.04 Central Inmate Monitoring System (8/16/96)
- P5280.08 Furloughs (2/4/98)
- P5502.09 Duty Officer Guidelines and Reporting Procedures (1/28/03)
- P5566.05 Use of Force and Application of Restraints on Inmates (7/26/96)
- P5800.13 Inmate Systems Management Manual (6/28/02)
- P7300.09 Community Corrections Manual (1/12/98)
- P7331.04 Pretrial Inmates (1/31/03)

- T5301.03 The Ministry of Bureau of Prisons Chaplains (6/1/95)
- T4101.04 BOP Acquisitions (5/19/04)

5. **STANDARDS REFERENCED**

- a. American Correctional Association 4th Edition Standards for Adult Correctional Institutions: 4-4225
- 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

6. **PRETRIAL/HOLDOVER/AND OR DETAINEE PROCEDURES**

- a. **Pretrial.** Escape notification procedures in this PS apply to pretrial inmates. Death notification procedures for pretrial inmates are specified in the Program Statement on **Pretrial Inmates.**
- b. **Holdover.** This PS applies to holdover inmates as indicated in applicable sections.
- c. **Detainee.** This PS applies to Immigration and Customs Enforcement (ICE) detainees. Notification procedures for Mariel Cuban inmates are contained in the Program Statement on **Mariel Cuban Detainees.**

7. **DEFINITION.** For the purposes of this PS, **escape** is an unauthorized absence from custody.

8. **ESCAPE NOTIFICATION PROCEDURES**

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

a. **Notification of 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 sending an electronic Report of Incident form (BP-583) 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**. The Warden confirms this notification by sending an electronic Report of Incident form (BP-583) to the Regional Office the next day, with an information copy to the Correctional Services Administrator, Central Office.

b. **Notification of Federal Officials**

(1) **Federal Bureau of Investigation.** The Warden must notify the FBI office having jurisdiction over the institution immediately by telephone. A copy of the Notice of Escaped Federal Prisoner (BP-393) must be faxed to the FBI. A copy of the fax transmittal will be filed in the Judgment and Commitment file with the original Notice of Escaped Federal Prisoner (BP-393).

(2) **U.S. Marshals Service.** The Warden must immediately by telephone notify the U.S. Marshals office having jurisdiction over the institution. A copy of the Notice of Escaped Federal Prisoner (BP-393) must be faxed to the U.S. Marshals office. A copy of the fax transmittal will be filed in the Judgment and Commitment file with the original Notice of Escaped Federal Prisoner (BP-393).

(3) **Court Officials.** A letter will 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, providing escape information and including a copy of the Notice of Escaped Federal Prisoner (BP-393).

- Copies of that letter will also be faxed to the sentencing district's U.S. Attorney, Chief U.S. Probation Officer, and to the Chief U.S. Probation Office for the district the institution is located in. The Warden must send the original letter(s) through regular mail.
- If the escapee poses a threat to any official, the Warden must alert that official by telephone immediately and document the contact in the Privacy Folder, Section II, of the Inmate Central File.

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

(4) **Military Officials.** If a military inmate escapes, the Warden must notify the Department of the Army, Office of the Provost Marshal General, 2800 Army Pentagon, Washington, D.C. 20301-2800, phone number (703) 697-7388 or (703) 695-8499, no later than the next day. The Warden confirms the notification with a letter that provides escape information, with a copy to the Regional Director. A copy of the notification letter must also be sent to the Correctional Programs Administrator, North Central Region, Kansas City, Kansas.

Note: All correspondence about military inmates must contain the inmate's military prison number.

c. Escape Notification Procedures for Specific Cases

(1) **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 contained in the Program Statement on **Victim and Witness Notification Program.**

(2) **State Boarder.** If a state boarder escapes, the Warden must notify the director of the appropriate department of corrections by telephone, no later than the next work day. The Warden confirms the notification with a letter that provides escape information, with a copy to the Regional Director.

(3) **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. The Warden confirms the notification with a letter that provides escape information, with a copy to the Regional Director.

(4) **ICE Detainee.** If an ICE detainee escapes, the Warden or the Community Corrections Manager (CCM) must notify the Assistant Director, Correctional Programs Division, and local ICE office by telephone, no later than the next work day. The Warden confirms the notification with a letter that provides escape information, with a copy to the Regional Director. ICE is responsible for further notification.

(5) **Holdover.** If a Bureau holdover inmate escapes, the holding institution is to apply the notification procedures of this PS. If the holdover is a non-Bureau inmate, the agency responsible for the inmate must be notified by telephone, no later than the next work day. The Warden confirms the notification by a letter that provides escape information, with a copy to the Regional Director.

(6) **Witness Security Program (WITSEC) Case.** If a WITSEC inmate 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.

If the escape occurs after a regular work day, notification procedures should be in accordance 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.

(7) **Furlough or Community Corrections Center (CCC) Escape**

- 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 Program Statement on **Inmate Furloughs**.
- If an inmate escapes while on an unescorted transfer from one institution to another, the sending institution is responsible for notifications.

- 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**.
- 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 contained in the **Community Corrections Manual**.

(8) **Non-U.S. Citizen.** If a non-U.S. citizen escapes, the Warden must notify the appropriate consulate official by telephone, no later than the next work day. The Warden confirms the notification with a letter that provides escape information, with a copy to the Regional Director.

9. **DEATH NOTIFICATION PROCEDURES.** Immediately, upon an inmate's death, the Warden (or designee) must assemble the following information concerning the deceased inmate:

- Name, register number, date of birth;
- Offense and sentence;
- Date, time, and location of death;
- Apparent cause of death;
- Investigative steps being taken, if necessary;
- Name and address of survivor or designee;
- Notifications made;
- Status of autopsy request; and,
- Brief medical history related to death.

a. **Notification of Bureau Officials**

(1) **Death During Regular Work Day.** The Warden (or designee) must telephone the report to the Regional Director immediately. The Warden confirms this notification by sending an electronic Report of Incident form (BP-583) 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 PS requires immediate telephonic notification to the Regional Duty Officer, except for deaths by natural causes that occur at a late hour.

In either case, Correctional Services confirms this notification (ordinarily the next day) by sending an electronic Report of Incident form (BP-583) to the Regional Office, with an information copy to the Correctional Services Administrator, Central Office.

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

(3) **Notification to the Director.** The Director must be notified of all deaths, even if there are no significant findings.

- After reviewing the preliminary death information, the Regional Director will notify the Director directly by telephone or teletype of any circumstances about the death that may be cause for special concern.
- The Regional Director will notify the General Counsel, the Medical Director, and the Assistant Director of Correctional Programs by telephone or teletype.

b. **Notification of Next-of-Kin and Other Requested Individuals**

(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.

- 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. Normally, the Case Management Coordinator will coordinate the disposition/shipping of the inmate's remains with the Supervisory Contract Specialist.

- 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 help notify 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.

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

c. **Notification of Court Officials.** The Warden must send a letter to the appropriate sentencing U.S. District Judge(s) that reports the circumstances of the death.

Copies of this letter must be mailed 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.

d. **Notification of Military Officials.** Bureau staff are **not** to contact the next-of-kin for military prisoners who have not been discharged from service. Military prisoners who have not been discharged from service require other notifications to ensure proper military protocol is followed so that military

officials make in-person notification of death to the inmate's next-of-kin to determine the appropriateness of a military funeral, and the disposition of property.

Those inmates who were received into the Bureau from the U.S. Disciplinary Barracks, Ft. Leavenworth, Kansas, and who have not been discharged, must also list the Supervisor of the Casualty Affairs Office as the person to be notified. The address and telephone number are:

U.S. Disciplinary Barracks
1301 North Warehouse Road
Ft. Leavenworth KS 66027-2304
(913) 758-3622.

Those military prisoners received from facilities other than the U.S. Disciplinary Barracks must list the Department of the Army as the notification contact. The address is and telephone numbers are:

Department of the Army
Office of the Provost Marshal General
2800 Army Pentagon
Washington DC 20310-2800
(703) 697-7388 or (703) 695-8499
(703) 693-4820 (non-duty hours).

Staff should provide the next-of-kin information the inmate provided on the BP-408 to the military officials to help them make the notifications.

Normal next-of-kin notification procedures outlined in Section 9.b. should be followed for those military prisoners who have been discharged from service.

e. Death Notification Procedures for Specific Cases

(1) **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.**

(2) **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 letter explaining the circumstances of the death, with a copy to the Regional Director.

(3) **ICE Detainees.** If an ICE detainee dies, the Warden or CCM notifies the Assistant Director, Correctional Programs Division, and the local ICE 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.

(4) **Holdover.** If a Bureau holdover inmate dies, the holding institution applies this PS'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.

(5) **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.

If the death occurs after a regular work day, the procedures are the same as in Section 9.b.(2), **except that the IMS is responsible for notifying Federal officials, victims, and witnesses.**

(6) **Inmates Housed in a Contract Facility.** The CCM is responsible for carrying out the procedures in this PS for any death of a sentenced federal inmate in a contract facility or on writ from a contract facility, .

(7) **Non-U.S. Citizen.** 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.

/s/
Harley Lappin
Director