



Program Statement

OPI: HSD
NUMBER: 6080.01
DATE: May 27, 1994
SUBJECT: Autopsies

1. PURPOSE AND SCOPE. To prescribe the decision-making authority of Bureau personnel to order autopsies.

An autopsy examination is ordinarily done in the interest of practicing a high standard of medicine. For example, the Joint Commission on Accreditation of Healthcare Organizations requires all-approved hospitals to secure as high a percentage of autopsies as possible. Title 18, United States Code, section 4045, authorizes the Bureau of Prisons to order an autopsy in two specific situations as outlined in Sections 4.a. and 4.b. of this Program Statement.

2. DIRECTIVES AFFECTED

a. Directive Referenced

P.S. 6000.03 Health Services Manual (03/15/90)

b. Rules cited in this Program Statement are contained in 28 § CFR 549.80.

3. STANDARDS REFERENCED

a. American Correctional Association Foundation/Core Standards for Adult Correctional Institutions: C2-4160;

b. American Correctional Association 3rd Edition Standards for Adult Correctional Institutions: 3-4375;

c. American Correctional Association Foundation/Core Standards for Adult Local Detention Facilities: C2-5191;

[Bracketed Bold - Rules]

Regular Type - Implementing Information

d. American Correctional Association 3rd Edition Standards for Local Detention Facilities: 3-ALDF-4E-45;

e. Joint Commission On Accreditation of Healthcare Organizations, 1994 Accreditation Manual For Hospitals, Volume I: MS.5.1.8.3.

4. [AUTHORITY TO CONDUCT AUTOPSIES §549.80

a. The Warden may order an autopsy and related scientific or medical tests to be performed on the body of a deceased inmate of the facility in the event of homicide, suicide, fatal illness or accident, or unexplained death. The autopsy or tests may be ordered in one of these situations only when the Warden determines that the autopsy or test is necessary to detect a crime, maintain discipline, protect the health or safety of other inmates, remedy official misconduct, or defend the United States or its employees from civil liability arising from the administration of the facility.

(1) The authority of the Warden under this section may not be delegated below the level of Acting Warden.

(2) Where the Warden has the authority to order an autopsy under this provision, no non-Bureau of Prisons authorization (e.g., from either the coroner or from the inmate's next-of-kin) is required. A decision on whether to order an autopsy is ordinarily made after consultation with the attending physician, and a determination by the Warden that the autopsy is in accordance with the statutory provision. Once it is determined that an autopsy is appropriate, the Warden shall prepare a written statement authorizing this procedure. The written statement is to include the basis for approval.]

While next-of-kin permission is not required in these circumstances, an attempt should always be made to obtain. If a decision is made to obtain the autopsy but the next-of-kin does not desire one, the Warden's statement so shall note that the attempt was made.

[b. In any situation other than as described in paragraph (a) of this section, the Warden may order an autopsy or post-mortem operation, including removal of tissue for transplanting, to be performed on the body of a deceased inmate of the facility with the written consent of a person (e.g., coroner, or next-of-kin, or the decedent's consent in the case of tissue removed for transplanting) authorized to permit the autopsy or post-mortem operation under the law of the State in which the facility is located.

(1) The authority of the Warden under this section may not be delegated below the level of Acting Warden.

(2) When the conducting of an autopsy requires permission of the family or next-of-kin, the following message is to be included in the telegram notifying the family or next-of-kin of the death: "Permission is requested to perform a complete autopsy". Also inform the family or next-of-kin that they may telegraph the institution collect with their response. Where permission is not received from the person (e.g., coroner or next-of-kin) authorized to permit the autopsy or post-mortem operation, an autopsy or post mortem operation may not be performed under the conditions of this paragraph (b).]

In addition to telegram notification, any dated method of communication, such as telefax or written electronics, would be acceptable for next-of-kin notification or their response.

[c. In addition to the provisions of paragraphs (a) and (b) of this section, each institution also is expected to abide by the following procedures.

(1) Staff shall ensure that the state laws regarding the reporting of deaths are followed.]

The staff member referred to above is the Health Services Administrator.

[(2) Time is a critical factor in arranging for an autopsy, as this ordinarily must be performed within 48 hours. While a decision on an autopsy is pending, no action should be taken that will affect the validity of the autopsy results. Therefore, while the body may be released to a funeral home, this should be done only with the written understanding from the funeral home that no preparation for burial, including embalming, should be performed until a final decision is made on the need for an autopsy.]

The Warden shall determine the best method for disposition of the body prior to an autopsy.

[(3) Medical staff shall arrange for the approved autopsy to be performed.

(4) To the extent consistent with the needs of the autopsy or of specific scientific or medical tests, provisions of state and local laws protecting religious beliefs with respect to such autopsies are to be observed.]

Due to the sensitive nature of autopsies within certain religions, the institution Chaplain, prior to an autopsy being performed, shall be consulted to apprise the Warden of any religious issues or concerns which might arise.

5. RECORDKEEPING. All documentation, including autopsy results, shall be filed in section 6 of the inmate's medical record.

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Kathleen M. Hawk
Director