

STANDARD 4.6

TERMINAL ILLNESS AND DEATH

I. POLICY

All facilities shall have policies and procedures addressing the issues of terminal illness, serious injury, advance directives, and detainee death, including prompt notification of ICE/ERO in all cases.

II. STANDARDS AND PROCEDURES

A. Terminal Illness

The facility's Clinical Medical Authority (CMA), assisted by the Health Services Administrator (HSA), shall arrange the transfer of chronically, critically, or terminally ill detainees to appropriate off-site medical facilities. The facility shall notify ICE/ERO as soon as practicable of the need for such transfer, ideally before the detainee leaves the facility.

When a detainee's medical condition becomes life-threatening, the following standards and procedures apply:

1. A seriously ill or dying detainee's care shall be consistent with Standard 4.3 "Medical Care."
2. A detainee in a community hospital remains in ICE/ERO custody. ICE/ERO retains the authority to make administrative decisions affecting the detainee (e.g., visitors, movement, authorizing/limiting services, etc.). The hospital assumes medical decision-making authority (e.g., drug regimen, lab tests, x-rays, treatments, etc.).
3. The facility and ICE/ERO will defer to the hospital's standard rules and procedures concerning the seriously ill, injured, and dying, including the hospital's procedures for determining and contacting next-of-kin.

B. Death Occurring in ICE/ERO Custody

The facility shall immediately notify ICE/ERO of any detainee death, and where appropriate, the chaplain may provide advice about religious considerations that could influence the decision about the disposition of remains.

1. Notification of Family

Written procedures will provide for the facility's direct coordination with ICE/ERO in communicating news of the serious illness or death of a detainee. The chaplain or

designee may coordinate requested religious rituals at the time of a detainee's serious illness, injury, or death.

2. Disposition of Property

The facility shall collect and return a deceased detainee's property and funds to ICE/ERO for processing and disposition.

3. Disposition of Remains

The detainee's family shall have the opportunity to claim the remains within seven calendar days of the date they received notification (in writing or in person) of the death. If the family chooses to claim the body, the family shall assume responsibility for making the necessary arrangements and paying all associated costs (transportation of body, burial, etc.).

ICE/ERO will coordinate the logistical details involved in returning the detainee's remains to the family.

If family members cannot be located or decline, orally or in writing, to claim the remains, ICE/ERO will notify the consulate of the detainee's country of nationality in writing. The consulate shall have seven calendar days in which to claim the remains.

In the event that neither family nor consulate claims the remains, the facility shall coordinate with ICE/ERO.

The facility shall not independently authorize cremation or donation of the remains for medical research.

4. Death Certificate

The facility shall coordinate with ICE/ERO on proper distribution of the death certificate.

5. Authority to Order Autopsies

The facility shall make autopsy arrangements in coordination with ICE/ERO.