



GREENVILLE COUNTY  
SHERIFF'S OFFICE

GO - 247

# GENERAL ORDERS

## In-Custody Deaths

### **PURPOSE:**

The purpose of this policy is to provide sworn personnel with guidelines on in-custody death. Sudden death in custody is neither a new phenomenon nor is it necessarily attributable directly to the deputy's response to aggression. Rather, sudden in-custody death can occur at any time for a variety of reasons. Any law enforcement agency may experience a sudden in-custody death, regardless of the response to aggression. Deputies should also be familiar with General Order 240 as in-custody death relates to dealing with mentally and emotionally disturbed persons and excited delirium.

### **DEFINITION:**

An In-custody death is any death that occurs when a person is in the custody of a deputy sheriff. This includes, but is not limited to, (1) physical restraints and /or responding to aggression as defined by General Order 205, (2) detention or confinement by a deputy sheriff in a police vehicle or ambulance, or (3) detention or confinement in a detention facility or hospital.

### **POLICY:**

The Greenville County Sheriff's Office recognizes the public's right to know about circumstances involving an in-custody death. It is the policy of the Sheriff's Office to provide as much information as is reasonable through its public reporting process while also complying with applicable civil and criminal laws and preserving the integrity of ongoing investigations.

### **INDICATORS:**

Awareness and recognition of risk indicators are necessary to ensure subject safety and to minimize the risk of sudden custody death. Diligent and constant monitoring is warranted if a subject displays any one or a combination of the indicators is warranted. These indicators generally include but are not limited to:

- Bizarre/violent activity.
- Obesity – especially “big bellies”.
- Drug and/or alcohol involvement.
- Apparent ineffectiveness of OC spray and/or Taser
- Sweating profusely
- Confusion
- Frenzied excitement
- Shouting
- Paranoia
- Hallucinations
- Panic

- Unexpected physical strength
- Sudden tranquility

Subjects exhibiting these symptoms should be promptly transported to a nearby medical facility. Optimally, this transport should involve two or more officers, to allow for the close and constant monitoring of the subject in custody.

#### **POSITIONAL ASPHYXIA :**

Positional asphyxia occurs when body position interferes with respiration, resulting in asphyxia. Maximally restrained subjects, unless seated upright in police vehicle, may become quiet and inactive after several minutes of transport. Respiratory difficulty is exhibited and the subjects subsequently stop breathing.

Experts contend that maximal; prone restraint techniques can have sudden lethal consequences. This potential is increased in intoxicated, delirious and/or violent individuals. Personnel should employ alternative restraint methods (e.g. upright, seated positioning) whenever feasible. In situations where prone restraints are necessary, subjects should be closely and continuously monitored.

#### **PERSONAL INJURY OR PROPERTY DAMAGE:**

1. An incident resulting in personal injury or property damage is to be factually detailed in writing.
2. When an incident results in injury, first aid is to be rendered and/or EMS called as soon as feasible while considering the safety of Deputies and others. When significant bodily injury or property damage occurs on the scene, the Uniform Patrol shift supervisor is to respond immediately.

#### **PROCEDURE FOR LOSS OF LIFE OR SERIOUS INJURY:**

**Any employee whose action(s) or response to resistance/aggression in an official capacity results in serious injury or death is to be removed from a line duty assignment pending administrative review by the Sheriff.**

1. When an incident results in injury, first aid is to be rendered and/or EMS called as soon as feasible. In any circumstance that results in loss of life, or serious bodily injury, the Uniform Patrol shift supervisor is to immediately respond to the scene. The Sheriff, Division Commander, and Office of Professional Standards (OPS) are to be immediately notified. Notification to SLED will be made by OPS.
2. The responding supervisor will obtain preliminary information from the deputy/ deputies involved and secure the scene. The information will be used to ensure public safety.

3. Upon the arrival of the OPS, an account of the incident will be provided by the deputy/ deputies involved pursuant to Garrity so that the investigation may begin.

## INVESTIGATION PROTOCOL:

In most circumstances, the Investigation into an In-Custody Death will be generally divided into separate investigations, criminal and administrative. This protocol is the same as Officer-Involved shooting Investigations (See General Order 205).

1. **Criminal Investigation:** South Carolina Law Enforcement Division (SLED) will conduct a criminal investigation into:
  - a. The deputy's use of force and/or actions in the incident.
  - b. The actions of the subject(s) and file criminal charges against any surviving subject(s) if appropriate.
  - c. This investigation is independent of the Sheriff's Office investigation and will utilize SLED resources (forensics, interviews, etc.).
  - d. The SLED agent completes their investigation, and it is then forwarded to the Solicitor's Office for a determination on charges.
2. **Administrative Investigation:** The Office of Professional Standard (OPS) will conduct an administrative investigation to determine if the deputy's use of force and/or actions were within the Sheriff's Office's policy and procedures. OPS will report their findings to the Sheriff and/or the Conduct and Procedures Review Board.

OPS will issue a temporary duty weapon to the deputy when a weapon is seized by SLED.

OPS and the Center for Advanced Training will evaluate the Sheriff's Office training, policies and procedures in light of circumstances that led to the in-custody death.

3. The OPS has the full responsibility for obtaining complete written reports, statements and documentation from the deputies, witnesses and other personnel present at the scene of the incident. The commander of OPS will assign deputies who are involved, a date and time to report to the OPS office to submit their written statement under a Garrity advisement. All investigative reports, including material evidence and information when appropriate, are to be thorough and complete.

4. When deemed appropriate by the Sheriff, the Conduct and Procedures Review Board will convene to review the complete investigation. After review, the Board forwards formal recommendations to the Sheriff, who makes final administrative disposition of the case. The Sheriff may, at his discretion, waive the need for a Conduct and Procedures Review Board.

**Whenever a deputy employs any physical means to affect control (including with the use of less-lethal and lethal weapons), unless physically incapacitated, the deputy is to:**

1. Ensure arrestee is properly restrained or no longer poses an immediate threat to the safety others.
2. Ensure restrained subjects are placed in upright position.
3. Ensure handcuffed, obese persons are not required to remain in a prone (lying on chest) position.
4. Determine the overall physical condition of the person(s) subjected to physical control.
5. Ensure first aid and emergency medical assistance, if needed. EMS must be notified and respond to the scene if the person(s) suffered obvious severe injuries, medical distress is apparent or the person(s) is unconscious.

**TRAINING:**

All sworn personnel will receive annual awareness training on the investigation protocol that will be utilized during in-custody deaths.



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Hobart Lewis, Sheriff