

	GENERAL ORDER	Effective: 02-28-2022	# 03-06
	Section: Management & Supervision	Replaces or Modifies: Sheriff's Order 01-01-2013	
	Title: Custodial Deaths		
Issued by: Chief Deputy Mattie Provost			

I. Purpose:

To establish guidelines for investigations and reporting of custodial deaths.

II. Policy Statement:

Any custodial death shall be investigated and reported in accordance with this General Order. In addition to this General Order the processes found in other General Orders concerning investigations and use of force shall also be followed as applicable (in cases of conflict, this General Order supersedes).

III. Definitions

Custodial Death – Means the death of a person that occurs while they are incarcerated in the Fort Bend County Jail, while in the custody of a Fort Bend County Sheriff's Office (FBCSO) peace officer/detention officer, and/or as the result of use of force by a FBCSO employee.

In Custody of a Peace Officer/Detention Officer – Means under arrest by a Peace Officer or under the physical control or restraint of a Peace Officer/Detention Officer.

NOTE: Custodial Death and In Custody of a Peace Officer are defined under Article 49.18 of the Texas Code of Criminal Procedure (CCP) and the definition in this General Order is valid at the effective date of this General Order. The CCP prevails and all employees are expected to follow the definition as prescribed by the CCP if changes are made to the Law immediately upon effective date of any law change.

IV. Details and Procedure:

A. Notification and Investigation

1. The Sheriff and Chief Deputy will be notified as soon as possible of any custodial death.
2. Generally provisions of securing and maintaining the scene found in General Order 09-04 shall be followed and supervisory personnel shall make every effort to exclude non-essential personnel. Once the scene is initially made safe and is secured no one is to enter the scene until the Chief Deputy has issued orders on who is responsible for the various elements of the investigation.
3. The Chief Deputy will give orders to the appropriate staff instructing which elements of the FBCSO will be involved in the investigation and which outside Agency(ies) will be asked to assist in the investigation.
4. The assignment of investigatory duties and related orders may also come directly from the Sheriff.
5. The Chief Deputy and Sheriff shall be apprised on all developments in the investigation and no public release of information about the incident or follow up investigation shall be made by any FBCSO employee without the authorization of the Sheriff or Chief Deputy.

B. Reporting to State Agencies

1. The Chief Deputy will assign responsibility concerning the following as applicable
 - a. Custodial Death Report to the Texas Attorney General's Office
 - b. Reports required by the Texas Jail Commission

C. Only the Sheriff or Chief Deputy may authorize exceptions to this General Order.