

118TH CONGRESS  
2D SESSION

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To establish Federal policies and procedures to notify the next of kin or other emergency contact upon the death, or serious illness or serious injury, of an individual in Federal custody, to provide model policies for States, units of local government, and Indian Tribes to implement and enforce similar policies and procedures, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. OSSOFF (for himself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To establish Federal policies and procedures to notify the next of kin or other emergency contact upon the death, or serious illness or serious injury, of an individual in Federal custody, to provide model policies for States, units of local government, and Indian Tribes to implement and enforce similar policies and procedures, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Family Notification  
3 of Death, Injury, or Illness in Custody Act of 2024”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) In the event an individual dies or becomes  
7 seriously ill or injured while being detained, ar-  
8 rested, or while in law enforcement custody, their  
9 family members deserve to be notified in a timely  
10 and compassionate manner. Such notification is nec-  
11 essary to uphold the basic human dignity of incar-  
12 cerated people, a concept rooted in the Eighth  
13 Amendment and Due Process Clause of the 14th  
14 Amendment to the Constitution of the United  
15 States.

16 (2) The lack of a national standard governing  
17 notification of death, illness, and injury that occur  
18 in prisons, jails, and police custody can lead to inhu-  
19 mane treatment of incarcerated people and their  
20 loved ones. Poor communication regarding the death  
21 of a loved one may exacerbate the grief and other  
22 physical and psychological reactions of surviving rel-  
23 atives.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1           (1) CUSTODIAL RECORD.—The term “custodial  
2 record” means the central file of an individual in  
3 custody.

4           (2) DETENTION AGENCY.—The term “detention  
5 agency” means any government agency, including a  
6 law enforcement agency or correctional agency, that  
7 has the authority to detain individuals for violations  
8 or alleged violations of criminal or civil law.

9           (3) IN CUSTODY OF A DETENTION AGENCY.—  
10 The term “in the custody of a detention agency”  
11 means an individual who, after being detained and  
12 booked into a jail or holding facility for a Federal,  
13 State, or local offense—

14                   (A) is physically housed at a jail, prison,  
15 boot camp prison, contract correctional facility,  
16 community correctional facility, halfway house,  
17 or other correctional facility (including any ju-  
18 venile detention facility); or

19                   (B) has been or is being transferred to a  
20 medical facility from a correctional facility.

21 **SEC. 4. EMERGENCY CONTACT NOTIFICATION POLICIES**  
22 **AND PROCEDURES.**

23           (a) EMERGENCY CONTACT NOTIFICATION POLICIES  
24 AND PROCEDURES.—Not later than 1 year after the date

1 of enactment of this Act, the Attorney General shall, con-  
2 sistent with the requirements in this section—

3 (1) implement policies and procedures for the  
4 detention agencies of the Department of Justice to  
5 notify the next of kin or other emergency contact in  
6 the event of the death, or serious illness or serious  
7 injury, of an individual in the custody of a detention  
8 agency of the Department of Justice; and

9 (2) develop and distribute model policies and  
10 procedures for detention agencies of States, terri-  
11 tories of the United States, Tribes, and units of  
12 local government to notify the next of kin or other  
13 emergency contact in the event of the death, or seri-  
14 ous illness or serious injury, of an individual in the  
15 custody of the detention agency, and provide assist-  
16 ance to such detention agencies so that the agencies  
17 may implement such procedures or substantially  
18 similar processes.

19 (b) CONTENTS OF EMERGENCY CONTACT NOTIFICA-  
20 TION POLICIES AND PROCEDURES.—The policies and pro-  
21 cedures described in subsection (a) shall include best prac-  
22 tices that address the following:

23 (1) EMERGENCY CONTACT INFORMATION.—In  
24 the case of an individual that is in the custody of

1 a detention agency, the detention agency shall ob-  
2 tain, to the greatest extent practicable—

3 (A) the name, last known address, tele-  
4 phone number, and email of any individual or  
5 individuals who—

6 (i) shall be notified in the event of the  
7 death or serious illness or serious injury, of  
8 the individual in custody; and

9 (ii) are authorized to receive the body  
10 and personal effects of the individual in  
11 custody;

12 (B) whether the individual in custody  
13 would like a faith leader to participate in the  
14 notification process and, if so, of what denomi-  
15 nation; and

16 (C) whether the individual has in place a  
17 medical proxy decision maker or medical power  
18 of attorney, advanced directive, or do not resus-  
19 citate order, and the name and contact informa-  
20 tion of the individual or individuals holding  
21 such authorities.

22 (2) NOTIFICATION REQUIREMENTS FOR DEATH,  
23 SERIOUS ILLNESS, AND SERIOUS INJURY WHILE IN  
24 CUSTODY.—

1 (A) NOTIFICATION OF DEATH IN CUS-  
2 TODY.—In the event an individual dies while in  
3 the custody of the detention agency, the deten-  
4 tion agency shall notify the emergency contact  
5 of the individual not later than 12 hours after  
6 the declaration of death and between the hours  
7 of 6:00 a.m. and to midnight local time. Such  
8 notification shall include information about the  
9 circumstances surrounding the death, including  
10 the official time of death, the cause of death,  
11 and whether the death is under investigation,  
12 including the reason for opening the investiga-  
13 tion.

14 (B) NOTIFICATION OF SERIOUS ILLNESS  
15 OR SERIOUS INJURY.—In the event an indi-  
16 vidual becomes seriously ill or seriously injured  
17 while in the custody of a detention agency, the  
18 detention agency shall attempt to notify the  
19 emergency contact of the individual as soon as  
20 practicable after the serious injury or serious  
21 illness occurs. Such notification shall include in-  
22 formation about the serious illness or injury, in-  
23 cluding the cause and nature of the serious in-  
24 jury or serious illness event, whether the indi-  
25 vidual is incapacitated, unconscious, or unable

1 to speak, whether any medical procedures or  
2 life-saving measures were, or will be, performed  
3 in response to the incident, and the contact in-  
4 formation of the facility and provider of medical  
5 treatment.

6 (3) COMPASSIONATE AND PROFESSIONAL NOTI-  
7 FICATION.—The policies and procedures described in  
8 subsection (a) shall include best practices to provide  
9 notification of death, serious illness, or serious in-  
10 jury in custody in a compassionate and professional  
11 manner to minimize confusion and trauma suffered  
12 by the next of kin or other emergency contact. The  
13 best practices shall address the manner of notifica-  
14 tion, including—

15 (A) providing notification by an individual  
16 trained in notification best practices;

17 (B) if notification occurs in person, pro-  
18 viding the next of kin or other emergency con-  
19 tact a point of contact at the detention facility;  
20 and

21 (C) providing notification of a death in  
22 custody via a telephone or in-person conversa-  
23 tion, immediately followed by a written letter of  
24 condolence that advises the person of the cir-  
25 cumstances of the death, and providing a de-

1           description of what information can and cannot be  
2           provided over voicemail.

3           (4) DEFINITION OF SERIOUS ILLNESS OR SERI-  
4           OUS INJURY.—The policies and procedures described  
5           in subsection (a) shall define when a medical event,  
6           episode, condition, accident, or other incident con-  
7           stitutes a serious illness or serious injury. In defin-  
8           ing such term, the Attorney General shall require  
9           notification in at least situations where—

10                   (A) without immediate treatment for the  
11                   condition, death is imminent;

12                   (B) admission to a hospital is required;

13                   (C) an individual attempted suicide;

14                   (D) an individual is unconscious or inca-  
15                   pacitated such that they are incapable of pro-  
16                   viding consent for medical treatment; and

17                   (E) an individual has been diagnosed with  
18                   a terminal illness.

19           (5) EMERGENCY CONTACT FORM.—The policies  
20           and procedures described in subsection (a) shall in-  
21           clude a template form for detention agencies to  
22           record the emergency contact information for inclu-  
23           sion in the custodial record of the individual.



1           (6) ADDITIONAL BEST PRACTICES.—The poli-  
2           cies and practices described in subsection (a) shall  
3           include best practices to—

4                   (A) permit individuals in custody to modify  
5                   their emergency contact information as needed;

6                   (B) provide individuals in custody the op-  
7                   portunity to fill out a medical power of attor-  
8                   ney, health care proxy, advanced directive, a do  
9                   not resuscitate order, or any other similar docu-  
10                  ment that complies with the State law in the lo-  
11                  cation of detention;

12                  (C) return the belongings and remains of  
13                  the individual to the emergency contact, if de-  
14                  sired;

15                  (D) document and maintain within the  
16                  custodial record of the individual each notifica-  
17                  tion attempt performed pursuant to this Act by  
18                  the detention agency;

19                  (E) provide the emergency contact mean-  
20                  ingful opportunity to visit with a seriously ill or  
21                  seriously injured individual in custody and to  
22                  communicate with the medical staff caring for  
23                  that individual;

24                  (F) provide the individual in custody infor-  
25                  mation about the purpose and permissible uses

1 of the emergency contact information provided  
2 pursuant to this section; and

3 (G) in the event of a death in custody, no-  
4 tify the emergency contact if an autopsy is  
5 going to be performed and the procedures for  
6 obtaining any autopsy report.

7 (c) WRITTEN NOTIFICATION PLAN.—The policies  
8 and procedures described in subsection (a) shall instruct  
9 detention agencies to develop a written notification plan,  
10 or revise an existing written notification plan, that pro-  
11 vides for notification of a death, serious illness, or serious  
12 injury of an individual in custody that conforms with the  
13 policies described in subsection (b). Such written notifica-  
14 tion plans shall be published on the website of the deten-  
15 tion agency and made accessible to individuals in the cus-  
16 tody of the detention agency through inclusion in any in-  
17 take information, manuals, or other materials distributed  
18 or made available to individuals upon being taken into cus-  
19 tody.

20 (d) ADDITIONAL REQUIREMENTS.—

21 (1) DOJ SUPPORT OF STATE AND LOCAL IM-  
22 PLEMENTATION OF MODEL POLICIES.—To support  
23 implementation of the model policies and procedures  
24 described in subsection (a)(2), the Attorney General  
25 shall provide ongoing online training and directed

1 outreach to law enforcement, prosecution and de-  
2 fense agencies through national and State member-  
3 ship associations, and by other means.

4 (2) PUBLICATION OF EMERGENCY CONTACT  
5 POLICIES AND PROCEDURES.—The Attorney Gen-  
6 eral, acting through the Assistant Attorney General  
7 of the Office of Justice Programs, shall—

8 (A) publish on the website of the Office of  
9 Justice Programs the policies and procedures  
10 described in subsection (b); and

11 (B) shall include a copy of the procedures  
12 described subsection (b)(1) in any intake infor-  
13 mation, manuals, or other materials distributed  
14 or made available to individuals upon being  
15 taken into custody of a detention agency of the  
16 Department of Justice.

17 (3) INTERGOVERNMENTAL SERVICE CONTRACTS  
18 AND AGREEMENTS.—Any Department of Justice de-  
19 tention agency, including the United States Mar-  
20 shals Service, that contracts with State, munici-  
21 pality, Tribal, private, or other entities to house in-  
22 dividuals in custody shall require adoption of the  
23 procedures or substantially similar procedures as de-  
24 scribed in subsection (b)(2) as a condition of such  
25 contract or contract renewal.

1           (4) DEPARTMENT OF JUSTICE TO MONITOR  
2 COMPLIANCE WITH NOTIFICATION AND COMMUNICA-  
3 TION REQUIREMENTS.—The Attorney General shall  
4 appoint an individual within the Department of Jus-  
5 tice with the authority to receive and investigate  
6 complaints regarding the failure to provide—

7           (A) the notifications required under this  
8 Act, including inadequate notifications; and

9           (B) opportunities for communication and  
10 visitation in accordance with this Act.

11       (e) VOLUNTARY COLLECTION.—A detention agency  
12 may not—

13           (1) attempt to persuade or coerce an individual  
14 in the custody of a detention agency to provide the  
15 information described in subsection (a); or

16           (2) impose any penalty, fine, or fee on the indi-  
17 vidual for—

18           (A) the failure or refusal of the individual  
19 to provide the information requested; or

20           (B) providing information that is later de-  
21 termined to be inaccurate.

22 **SEC. 5. RULES OF CONSTRUCTION.**

23       Nothing in this Act may be construed to—

1           (1) create any legal or financial obligation on  
2           the part of any individual designated as a next of  
3           kin or other emergency contact under this Act;

4           (2) require the individual in custody of a deten-  
5           tion agency to provide the emergency contact infor-  
6           mation described in section 4(a); or

7           (3) create a private right of action to enforce  
8           any provision of this Act.