

In Custody Deaths

Noncompliance Toolkit

We know that in-custody deaths are often inaccurately reported or go entirely unreported. The No More Deaths In Custody Workgroup has developed this toolkit to help monitor noncompliant agencies and to hold them accountable.

Legislative Background

Federal Reporting Requirements

The Death in Custody Reporting Acts (DCRAs) of 2000 and 2013 require deaths of people in correctional custody or caused by law enforcement to be reported to the Bureau of Justice Assistance. These deaths must be reported within 3 months of the death.

The Death in Custody Reporting Act requires states to report to the Attorney General information regarding the death of any person who is either detained; under arrest; in the process of being arrested; en route to be incarcerated; or is incarcerated at a municipal or county jail, state prison, state-run boot camp prison, boot camp prison that is contracted out by the state, any state or local contract facility, or other local or state correctional facility (including any juvenile facility).

For each death in custody, states must provide the following information:

- The decedent's name, date of birth, gender, race, and ethnicity;
- The date, time, and location of the death;
- The law enforcement or correctional agency that detained, arrested, or was in the process of arresting the deceased; and
- A brief description of the circumstances surrounding the death.

State Reporting Requirements

As of January 2025, three pieces of legislation have structured in-custody death reporting in the State of California: AB 2761 (2022), AB 2531 (2024), and AB 3092 (2024).

When a person, including a juvenile, who is in custody dies, the agency with jurisdiction over the state or local correctional facility with custodial responsibility for the person at the time of their death must post all of the following on its internet website:

- The full name of the agency with custodial responsibility at the time of death.
- The county in which the death occurred.
- The facility in which the death occurred, and the location within that facility where the death occurred.
- The race, gender, and age of the decedent.
- The date on which the death occurred.
- The custodial status of the decedent.
- The manner and means of death.

The above information must be publicly posted on the agency's internet website within 10 days of the date of death. An additional 10 days are provided if the agency chooses to notify the family and is unable to do so within the first 10 days. If any of the information changes, including, but not limited to, the manner and means of death and the date on which the death occurred, once determined by a medical examiner or similar entity, the agency shall update the posting within 30 days of the change.

Additionally, the definition of "In-custody death" was codified in Penal Code Section 10008 and is identical to the definition codified in the DCRA's with the addition of deaths that occur in medical facilities while in law-enforcement custody.

Finally, Section 12525 of the Government Code has been amended to require the law enforcement agency or the agency in charge of the correctional facility to update its written report to the Attorney General with any changes or new information within 10 days of the date of change or the date the new information becomes available.

Monitoring and Reporting Noncompliance

The No More Deaths In Custody Workgroup is working to ensure accurate public documentation of in-custody deaths so that we may understand the scale and scope of the problem, hold law enforcement accountable, bring peace to families, and prevent further harm through legislation with the ultimate goal of decarceration.

We ask that you help us track inaccurate and underreporting of in-custody deaths across the state. For each death that is inaccurately reported or not reported at all we ask that you follow these three steps:

1. Complete the [Reporting Form](#). This form will gather basic information about the death and in what ways the reporting was not in compliance with current law. If you would rather complete this form via email, we have provided the questions on the next page.
2. Email associated reports or documentation about the death to justice2jobsadvocacy@gmail.com This could include news articles or materials from government agencies.
3. **Optional:** Email the responsible agency a notice of noncompliance. We have provided template language for this in the next section. We also recommend cc'ing the District Attorney and, if available, associated oversight bodies such as the Office of the Inspector General or a civilian oversight board.
 - a. Please hyperlink the relevant [penal code section](#) as well as our Informational Material for Death Investigation Teams.

Template Forms for Reporting

Noncompliance Reporting Form Questions

1. **County where the death occurred:**
2. **Agency Responsible for the death:**
3. **Date of Death:**
4. **Name of Decedent** (*if known*):
5. **Type of Non-Compliance** (*select all that apply*)
 - a. Incorrect or incomplete information reported
 - b. Reporting occurred after the mandated time
 - c. Death was not reported
 - d. Other (*please describe*):
6. **If applicable, please select the information that is incorrect or missing**
 - a. Age of the deceased
 - b. Race of the deceased
 - c. Gender of the deceased
 - d. Date of death
 - e. Custodial status (pretrial, sentenced, etc.)
 - f. Manner of death
 - g. Means of death
 - h. Facility of death
 - i. Location within the facility the death occurred
7. **Please provide as much information as you can about the in-custody death.**
8. **Is there anything else you'd like to share?**

Please email any associated forms or documents to Shayla Wilson at shayla.wilson.policy@gmail.com

Optional Questions

9. Name of the person/organization completing the form:
10. If we may follow-up with any questions, please provide your email:

Noncompliance Notification Email

SUBJECT: Notification of Noncompliance with Required In-Custody Death Reporting

[AGENCY NAME],

I am writing to notify your agency of its noncompliance with required in-custody death reporting.

On [DATE] your agency had an individual die in custody and failed to report the death in compliance with PC 10008. The following information was missing [list]
AND/OR The death was not reported within the required time period. We have attached the relevant penal code section for your information as well as a informational material that outlines all reporting requirements.

Please update the information posted on your website within 10 days.

Thank you,
[NAME]
[AGENCY]

About Us

The No More Deaths in Custody Workgroup, a project of the Justice2Jobs Coalition, is a statewide convening of impacted families, advocates, and academic researchers.

For further information, please reach out to us at **justice2jobsadvocacy@gmail.com**.

