

Did You Know?

The Law has changed. Here is a quick guide to staying compliant when reporting In-Custody Deaths.

A Quick refresher about 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.

What Deaths Must be Reported?

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 DCRAs 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.

State Record Disclosure Requirements

As of July 1st, 2024, the State of California passed SB 519 (2023) which requires that certain investigative records relating to an investigation of custodial deaths be made disclosable via the California Public Records Act (Section 832.10 (c) of the Penal Code).

These records shall include all investigative reports including but not limited to different types of evidence, transcripts of interviews, autopsy reports, and discipline records. These records shall only be redacted to remove personal data, preserve anonymity of victims, confidential medical/ financial information or information that would put a person at risk of physical violence. Certain records may be withheld if it is subject to an active criminal/administrative investigation; however the agency must provide in writing the estimated date for disclosure of withheld information.

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**](mailto:justice2jobsadvocacy@gmail.com).

