DEATH IN-CUSTODY

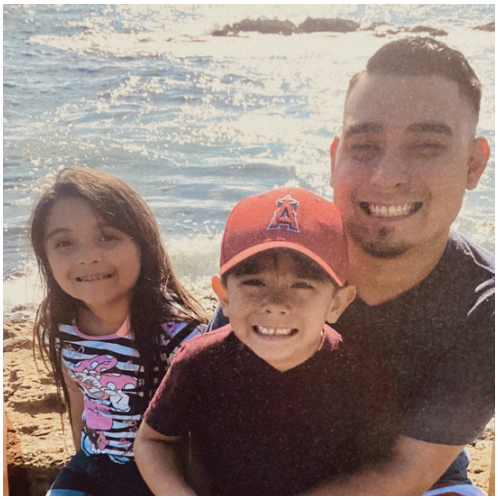
FAMILY RESOURCE GUIDE

SEPTEMBER 2026

DEDICATION

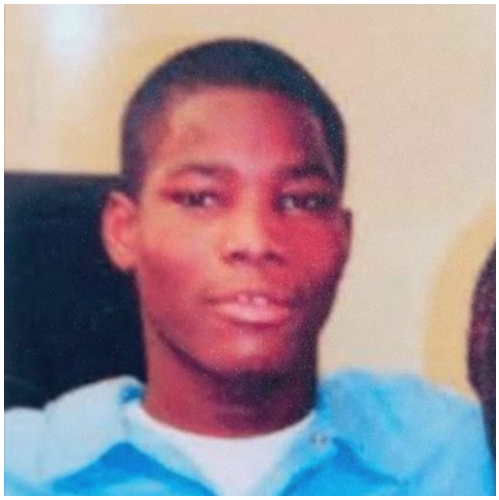
For every person whose life was taken while in law enforcement custody, and for the families who carry that grief. We remember you. We honor your names and your stories.

We commit ourselves to relentlessly and publicly holding agencies accountable. We will continue to fight for truth, transparency, and change.

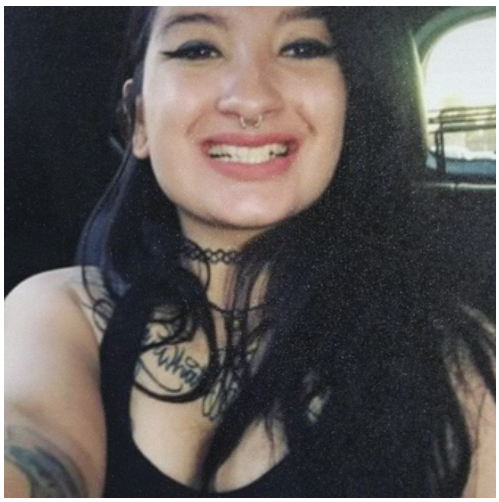


Richard Matus, Jr. (1993-2022) with his two children

Stanley Wilson Jr. (1982-2023)



John Horton III (1987-2009)



Elisa Serna (1995-2019)

Jalani Lovett (1994-2021)

Quinten Thomas (1995-2018)

ACKNOWLEDGEMENTS

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To begin, we would like to thank Macy Quan, a Justice2Jobs Intern, who wrote the very first iteration of this resource.

We give thanks to our workgroup partners whose support, insight, and collaboration were invaluable:

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Lastly, we would like to acknowledge the many families who have lost their loved ones while in law enforcement custody. It is through your lived experience that we hope to ease the way for others.

DISCLAIMER

This resource is created with deep respect for people who have lost a loved one. It is meant to be shared with as many people as possible; please share it with anyone who may need this information and anywhere such people can find it.

This resource must be shared as is and without edits, alterations, or partial use though we would be happy to collaborate on any future iterations of this work. Any replication, adaptation, or incorporation into other materials requires expressed permission from the No More Deaths in Custody Workgroup. While this resource reflects a sharing ethic similar to Creative Commons, it carries stricter protections that require expressed permission for any use beyond sharing the document in its original form.

No part of this work may be used for profit in any form. Its sole purpose is to improve the lives of impacted families across the state, and we ask everyone who shares it to honor that purpose with care.

OVERVIEW

WHAT TO DO IF A LOVED ONE DIES WHILE IN CUSTODY

Across California, more than 500 people die each year while in law enforcement custody.[1] These deaths occur throughout the criminal legal process and under a variety of circumstances. Losing a loved one is hard enough, but there are additional barriers and steps to take when they die in law enforcement or correctional custody.[2]

This resource aims to guide you through the immediate steps to take, your legal rights, and where to find support.

WHAT CONSTITUTES AN IN-CUSTODY DEATH?

Pursuant to the Federal Death in Custody Reporting Acts (DCRAs 2000 and 2013) and the California Penal Code Section 10008, a death in custody is defined as the death of a person who ***"is detained, under arrest, or is in the process of being arrested, is 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."*** It also includes deaths that occur in medical facilities while in law-enforcement custody.

CONTENT

- Death Review Process and Reporting Requirements
- Family Notification and Rights
- Preservation and Records Request
- Litigation and Legal Representation
- Next Steps, Personal Belongings, and Insurance Policies
- Filing a Complaint
- Connecting with Local Support

1. This estimate is provided through responses to Public Records Act requests to the California Department of Justice regarding in-custody deaths.
2. This includes agencies with custodial authority during arrest, detention, transport, incarceration, or court-ordered confinement. Law enforcement and custodial agencies responsible for in-custody deaths may include County Sheriff's Departments, local police departments, the California Department of Corrections and Rehabilitation (CDCR), the Department of State Hospitals (DSH), Probation Departments, and the California Highway Patrol (CHP). In certain circumstances, responsibility may also extend to the California Department of Forestry and Fire Protection (CAL FIRE) and the California Department of Parks and Recreation, whose staff exercise law enforcement authority when no other law enforcement agency is present.

DEATH REVIEW PROCESS & REPORTING REQUIREMENTS

California law establishes a multi-step process for reviewing and reporting in-custody deaths.[1] This process includes mandatory reporting to state oversight entities, an internal multidisciplinary review by the responsible custodial agency, and public disclosure requirements. Together, these measures aim to document the circumstances of death, identify systemic issues, and provide oversight at the state and federal levels.

In practice, however, this process does not always function smoothly or consistently. Families may experience delays, incomplete or conflicting information, or difficulty accessing records. In some cases, families must actively push for information that the law says should be provided automatically. While the process can be confusing and frustrating, those impacted by an in-custody death have the right to information and accountability. This resource is meant to provide support in navigating these systems and seeking answers.

When a person dies while in custody in California, the government agency responsible for that person must take specific steps to report the death and, in some cases, conduct an internal review. These requirements vary depending on where the person was being held (for example, a county jail versus a state prison). This section explains what families can expect and where oversight exists.

1. California Government Code § 12525

STATE REQUIREMENTS

When a death occurs while an individual is in custody, whether during arrest, transport, or confinement, the agency responsible for that person at the time of death must notify the California Attorney General in writing within 10 days of the death and must be updated if new or corrected information becomes available.

You may see this Death in Custody Reporting Form referred to as Bureau of Criminal Information and Analysis (BCIA) 713 (California Government Code § 12525). This form records basic facts but does not determine cause or responsibility.

This requirement applies to all in-custody deaths, including:

- County jails and local detention facilities
- Juvenile detention facilities
- Deaths during arrest or transport
- State prisons operated by the California Department of Corrections and Rehabilitation (CDCR)

For deaths that occur in local detention facilities (such as county jails or juvenile halls), a copy of this report must also be sent to the Board of State and Community Corrections (BSCC) within 10 days.

State of California — Department of Justice

PRINT CLEAR

DEATH IN CUSTODY REPORTING FORM

BCIA 713 (rev. 11/05)

☐ ORIGINAL ☐ AMENDMENT

DOJ USE ONLY

RECORD KEY

AGENCY TYPE
☐ Police
☐ Sheriff
☐ Probation
☐ State
☐ Other Local

AGENCY NCIC NUMBER

COUNTY

DATE OF DEATH ___ / ___ / ___ (MM DD YYYY)

SUBJECT NAME (Last First Middle)

CII NUMBER

DATE OF BIRTH ___ / ___ / ___ (MM DD YYYY)

GENDER
☐ Male
☐ Female

RACE/ETHNICITY *(Check One)*
☐ Other Asian ☐ Korean
☐ Black ☐ Laotian
☐ Chinese ☐ Other
☐ Cambodian ☐ Pacific Islander
☐ Filipino ☐ Samoan
☐ Guamanian ☐ Hawaiian
☐ Hispanic ☐ Vietnamese
☐ American Indian ☐ White
☐ Japanese ☐ Asian Indian

DOJ USE ONLY

CUSTODY OFFENSE

CUSTODY STATUS *(Check One)*
☐ Process of Arrest
☐ In Transit
☐ Awaiting Booking
☐ Booked - No Charges Filed
☐ Booked - Awaiting Trial
☐ Sentenced
☐ Out to Court
☐ Other

CUSTODIAL RESPONSIBILITY AT TIME OF DEATH *(Check One)*
☐ Process of Arrest
☐ City Jail
☐ County Jail
☐ Adult Camp or Ranch
☐ Local Juvenile Facility/Camp
☐ Adult Operations and Adult Programs (formerly CDC)
☐ Division of Juvenile Justice (formerly CYA)
☐ State Hospital
☐ Other

LOCATION WHERE CAUSE OF DEATH OCCURRED *(Check One)*
☐ Not Applicable (Natural)
☐ Crime/Arrest Scene
☐ Facility -- Administrative
☐ Facility -- Booking
☐ Facility -- Living
☐ Facility -- Common
☐ Facility -- Holding
☐ Facility -- Medical Treatment
☐ Other

FACILITY OF DEATH *(Check One)*
☐ Crime/Arrest Scene
☐ Local Hospital
☐ City Jail
☐ County Jail
☐ Adult Camp or Ranch
☐ Local Juvenile Facility/Camp
☐ Adult Operations and Adult Programs (formerly CDC)
☐ Division of Juvenile Justice (formerly CYA)
☐ State Hospital
☐ Other

MANNER OF DEATH *(Check One)*
☐ Pending Investigation
☐ Natural
☐ Accidental -- Injury to Self
☐ Accidental -- Injury by Other
☐ Suicide
☐ Homicide Willful (Law Enforcement Staff)
☐ Homicide Willful (Other Inmate)
☐ Homicide Justified (Law Enforcement Staff)
☐ Homicide Justified (Other Inmate)
☐ Execution
☐ Cannot Be Determined
☐ Other

MEANS OF DEATH *(Check One)*
☐ Pending Investigation
☐ Not Applicable (Natural)
☐ Handgun
☐ Rifle/Shotgun
☐ Club, Blunt Instrument
☐ Hands, Feet, Fists
☐ Knife, Cutting Instrument
☐ Hanging, Strangulation
☐ Alcohol/Drug Overdose
☐ Execution: Lethal Gas/Injection
☐ Cannot Be Determined
☐ Other

DATA SUPPLIED BY *(Please print the following information):*

Name: ___ Title: ___

Agency: ___ Telephone: ___

Address: ___

Send completed form to: Department of Justice
Criminal Justice Statistics Center
P.O. Box 903427
Sacramento, CA 94203-4270
Facsimile: (916) 227-0427 or 227-3561
Telephone: (916) 227-3545

These reports are considered public records, although certain information (such as confidential medical details) may be redacted. Families and members of the public can request copies from the California Attorney General's Office and the responsible agency. See our records section for more information on how to request them.

PUBLIC WEBSITE DISCLOSURES

Separate from reports submitted to oversight agencies, California law also requires custodial agencies to publicly post basic information about in-custody deaths on their own websites.

Under California law (Penal Code § 10008), when a person dies in custody — including while detained, under arrest, in transport to be incarcerated, or incarcerated in a state or local correctional facility — the agency responsible must post the following information on its website within 10 days of the death:

- The full name of the agency with custodial responsibility at the time of death.
- The county in which the death occurred.
- The facility and location within the facility where the death occurred.
- The race, gender, and age of the decedent.
- The date on which the death occurred.
- The custodial status at the time of death.
- The manner and means 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 of death, once determined by a medical examiner or similar entity, the agency shall update the posting within 30 days of the change.

FEDERAL REPORTING REQUIREMENTS

Under the federal Death in Custody Reporting Act (DCRA), originally passed in 2000 and reauthorized in 2013, states are required to collect and submit standardized basic information about all deaths in custody to the U.S. Attorney General on a quarterly basis, using guidelines established by the Department of Justice.

STEP 2: INITIAL INTERNAL REVIEW

For deaths occurring in local detention facilities, the custodial agency responsible for the deceased person at the time of their death (e.g., the sheriff's department) must conduct an initial review of the death and complete a written report within 30 days, known as the Initial Review Report. The review must be conducted by a multidisciplinary team that includes, at a minimum, the facility administrator or their designee, the health administrator, the responsible physician, and other relevant healthcare and supervisory staff. This review's purpose is to examine the care provided before the death, whether policies and procedures were followed, and whether changes are needed to prevent future deaths. This review does not determine legal responsibility, nor is it a criminal investigation.

STEP 3: SUBMISSION TO THE BOARD OF STATE AND COMMUNITY CORRECTIONS

The custodial agency in CA responsible for the deceased person at the time of their death must submit a copy of the completed internal review for every in-custody death to the Board of State and Community Corrections (BSCC) within 60 days of the death. The completed report must include details such as:

- Demographic information of the decedent
- Facility details (name, location)
- Incident specifics (time, place)
- Personnel involved
- Circumstances leading to death

If the decedent was a minor when they died in detention, the BSCC may inspect the facility within 30 days of the death. An inspection is permitted by law but is not mandatory in each case.

IMPORTANT LIMITATIONS TO NOTE

State prisons (CDCR) are required to report deaths to the Attorney General, but they are not subject to the BSCC's local detention review process described above. The internal reviews required for local facilities are administrative reviews, not independent investigations. Separate investigations may occur by:

- A coroner or medical examiner
- Law enforcement agencies
- Civil rights or prosecutorial authorities

Families often must make separate requests to obtain information from each entity.

FAMILY NOTIFICATION & RIGHTS

When someone dies in custody, families deserve timely, accurate, and respectful communication. Several state and federal laws outline what correctional agencies must do to notify families and publicly report information after an in-custody death. This section explains what you can expect, from how quickly you should be contacted to what information agencies are legally required to release, so you know your rights and any obligations of the institutions or agencies involved.

Existing law already required the state prison system to notify all persons covered by the current medical release of information form and next of kin form within 24 hours if an incarcerated person has died.[1]

New legislation will now require county and city jails to also notify all people covered by the current medical release of information and next of kin form within 24 hours of the death of an incarcerated person.[2] Each jurisdiction has their own process for notifying family members; some may even have dedicated staff.

Additionally, new legislation has been enacted to better protect families when their loved ones have died in custody.[3] Starting in 2027, the new law will require that prior to commencing any interview, questioning, or interrogation with an immediate family member of a person who has been killed or seriously injured by a peace officer, a peace officer or prosecutor must do the following:

- Clearly identify themselves and provide the full name of the agency by whom they are employed. If the interview takes place in person, the officer or prosecutor shall also show the person a business card, official badge, or other form of official identification;
- Inform the person of the status of their family member, including whether the family member has been killed or seriously injured;
- Inform the person that they are conducting an investigation and that the investigation may or may not involve the culpability of the person that was killed or injured;
- Inform the person that they can consult with an attorney or trusted support person, that they are not required to speak with the investigator, and that they are not required to go to the police station.

1. California Penal Code § 6401 and § 5022
2. Assembly Bill 1269 (Bryan; 2025); California Penal Code § 4032.5
3. Assembly Bill 572 (Kalra; 2025); California Penal Code Chapter 17.43

PRESERVATION AND RECORDS REQUEST

California Public Records Act (CPRA), Gov. Code §§ 7920–7931 provides families and the public the right to request certain records about the in-custody death, including coroner's reports and, in some cases, incident reports (with some exceptions for active investigations).

The expanded access to in-custody death information is relatively recent (a new mandate went into effect in 2024). There may still be agencies in California that are not aware of the law change, meaning you may need to point to the statute in your request. For the expanded list of disclosable information refer to Gov. Code §§ 832.10 (b).

HOW TO FILE A CPRA REQUEST

Any member of the public can file a request under the CPRA. There may be associated fees for physical records or extracting certain information that is labor intensive to obtain.

STEP 1: IDENTIFY THE RELEVANT AGENCY

This could include the Sheriff's Department, local police department, County Probation Agency, Coroner or Medical Examiner's Office, etc.

STEP 2: DRAFT A WRITTEN REQUEST

Include key details, such as the name of the person who died, date(s) of the incident, along with the specific records you want.

STEP 3: SUBMIT YOUR WRITTEN REQUEST

This can often be done by email, mail, fax, or an online portal. Some agencies list specific departments or people whose job it is to respond to CPRA requests, so check their websites or call them for further information.

STEP 4: WAIT FOR CONFIRMATION & CLARIFICATION

Keep a copy of your request for your records and follow up if you don't hear back within the agency's stated response time (usually 10 days, with a possible 14-day extension).

They may reach out with clarifying questions so be sure to respond in a timely manner. Under California law (Cal. Gov't Code § 6253.1[a]), agencies must work with you to determine which documents match your request and are available for release.

SAMPLE PRA LANGUAGE

Pursuant to the California Public Records Act, California Government Code § 7920 et seq. ("CPRA"), and Article I, § 3(b) of the California Constitution, I am requesting copies of all records related to the death of **[Full Name of the Deceased] [CDCR or Booking Number]**, who died on **[Date]** while in custody at **[Facility or Agency Name]**. Specifically, I am requesting:

Provide a bulleted list of requested materials. Depending on their length of incarceration these could include, but are not limited to: arrest documents; medical records, including sick call slips or requests for care; housing and supervision logs; grievance forms or complaints filed; correspondence about the death; autopsy records.

Please send all requested documents within ten (10) days. Please provide any public record requested in the following electronic formats: PDF format or all Microsoft Office formats, including Word, Excel, and PowerPoint, or csv files for data output.

If you choose to deny this request, please provide a written explanation for the denial including a reference to the specific statutory exemption(s) upon which you rely. If a portion of these documents are exempt from disclosure, provide all segregable portions. If your agency does not maintain any of the requested records, please let me know who does and include the proper custodian's name and address.

If you have any questions about this request, please do not hesitate to contact us at **[Email]** or **[Phone]**.

REQUESTING MEDICAL RECORDS

Under the federal Health Insurance Portability and Accountability Act (HIPAA), medical records are private except "the beneficiary or personal representative of a deceased patient has a full right of access to the deceased person's medical records under the same requirements that would apply to requests from the patient himself or herself (Health & Safety Code 123110, 123105(e))." To request these records, you need to prove that you're next of kin as well as fill out a HIPAA release form.

In California, the following people, as the beneficiary or personal representative of a deceased person, are able to request medical records: the person's spouse/domestic partner, adult child, parent, sibling, guardian or conservator.

To demonstrate your ability to request these documents, you will need the death certificate of the deceased and proof of your relationship including:

- Birth certificate (parent-child)
- Marriage certificate (spouse)
- Adoption papers (if applicable)
- Will or trust showing beneficiary designation (if applicable)

You will also need your own government-issued photo ID (driver's license, passport, or state ID).

Often, facilities will have their own medical records request forms that will need to be completed. Prior to submission, be sure to make copies of all submitted documents for your own records. The facility you've requested records from may take several days to review your request, and may contact you if additional documentation is needed. If approved, you will receive the medical records or be instructed on how to access them.

PRESERVATION REQUESTS

A related but slightly different request is a preservation request. A preservation request is a written request to a facility or agency asking them to save records, video, and other evidence related to your loved one's death. Submitting this request as soon as possible is important to ensure vital information isn't lost or destroyed.

You do not need a lawyer to make a preservation request. Families can send these requests directly to officials, though in some cases, it may take legal action or court orders to secure the release of certain information.

If the death occurred in a California state prison, address your request to the warden or superintendent. For county jails, contact the jail administrator or the Sheriff's Department. You can also send requests to the facility's public records officer (often listed on the county or state department of corrections website) or ask that they forward it to legal counsel. If an autopsy was performed, you may also contact the county coroner or medical examiner to request that autopsy files, samples, and photographs be preserved; in many counties the coroner is also the Sheriff.

Your written request should include your loved one's full name, date of death, and correctional or inmate/booking ID number (if available). You may ask that the following materials be preserved:

- Surveillance video or audio from housing units, infirmary, transport areas, or other relevant locations
- Emails, memos, or correspondence between prison/jail officials about the death
- Housing and supervision logs
- Medical records, including sick call slips or requests for care
- Grievance forms or complaints filed by your loved one
- Incident reports and logs
- Autopsy reports, photos, paperwork, and any tissue or blood samples

LITIGATION AND LEGAL REPRESENTATION

Depending on the circumstances of your loved one's death it may not be necessary or desirable to obtain legal representation, but there are firms and individual attorneys that specialize in this kind of litigation and may make it easier to request records, file a complaint, or simply retrieve your loved one's personal items.

FINDING AN ATTORNEY

Local advocacy groups might have a recommended attorney based on the circumstances of your loved one's death.. You may also try contacting your local or statewide bar association, which often provides attorney referrals free of charge. A bar association is a professional organization that serves to support and advance the interests of legal professionals, including attorneys and judges. They also serve as vital resources for mentorship, advocacy, and community engagement.

RETAINING AN ATTORNEY

Although different financial arrangements are possible, most civil rights attorneys work for a "contingency" fee, which means that they only get paid if the client wins or settles. The fee is an agreed upon percentage of the money recovered. The court may also award attorney's fees directly, to be paid by the defendant. A court-awarded fee may reduce or eliminate the amount of money that you owe your lawyer. Contingency fee arrangements are beneficial because they let clients with little or no financial resources obtain legal representation for violations of their civil rights. Whether an attorney will take your case depends both on the particular circumstances of your case and on the attorney's practice.

LEGAL DEADLINES

After a death in custody, there are strict legal deadlines for filing claims and lawsuits. Because of the complexity of the deadlines, if you are considering pursuing legal action it is highly advisable to speak with a local attorney as soon as possible, even if you are not yet certain that you wish to file a lawsuit. Doing so will give you a clear understanding of the timeline and prevent you from "losing on a technicality" before the case even begins.

In California, if a family believes a state or local agency (such as a jail, prison, sheriff's office, or police department) played a role in their loved one's death, the legal process usually begins with something called a Government Tort Claim. This is a required step before a lawsuit can be filed, and the timeline is very short. In most cases, the claim must be submitted within 6 months of the date of death.

Filing this claim alerts the agency that you believe it may be responsible for harm and preserves your right to pursue legal action later. After the claim is submitted, the agency will either accept it, reject it, or fail to respond. If the agency sends a written rejection, you have only six months from the date of that notice to file a lawsuit in court. If the agency does not send a written response, you may have up to two years from the date of death to bring the case. These deadlines are strict, and courts rarely make exceptions. The rules governing these timelines come from California Government Code § 945.6. Because these deadlines can pass quickly, especially during a period of grief, many families choose to speak with an attorney as soon as possible to ensure their rights are preserved.

A WRONGFUL DEATH LAWSUIT

A wrongful death generally means that someone died because another person or institution failed to act with reasonable care or violated their legal duties. When a death occurs in a jail or prison, families typically have two possible legal avenues: state law claims, such as negligence or medical malpractice, and federal civil rights claims under 42 U.S.C. § 1983, which apply when government officials violate a person's constitutional rights.[1]

In a correctional facility, an example of a wrongful death could be staff ignoring repeated medical complaints, delaying care during an emergency, or using force in ways that violate policy or training. In these situations, either the facility or the specific staff involved can be held legally responsible.

Legally demonstrating a death was wrongful often requires evidence that is admissible in a court of law, such as medical records, testimony, or witness statements, to prove that genuine neglect or indifference caused your loved one's death.

In California, the statute of limitations for filing a wrongful death lawsuit is generally two years from the time of death, when the defendant is a private party or institution. According to California Code, Code of Civil Procedure - CCP § 377.60, the following individuals are permitted to file a wrongful death claim:

- Surviving spouse or domestic partner of the decedent
- Children of the decedent
- Issue of deceased children (i.e., grandchildren if the decedent's children are deceased)
- Persons entitled to the property of the decedent by intestate succession (e.g., parents or siblings, if there are no surviving spouses, domestic partners, or children)

1. https://www.nlg-npap.org/wp-content/uploads/2020/09/NPAP-Manual-compact.pdf

NEXT STEPS, PERSONAL BELONGINGS, AND INSURANCE POLICIES

The process to retrieve a loved one's remains and possessions differs depending on whether the person died in a state prison, county jail, or other facility/location. Here you'll find a summary of important laws, timelines, and procedures outlined in official regulations and sheriff-coroner policies.

UNDERSTANDING WHO HANDLES FINAL ARRANGEMENTS

California's Health & Safety Code § 7100 sets the order of priority for who has the legal right and responsibility to handle a person's body after they die—for example, choosing a funeral home, authorizing cremation or burial, and paying related costs.

The order of priority is as follows:

1. Someone named in a health care power of attorney (if one exists)
2. The surviving spouse or registered domestic partner
3. The sole adult child or most of the adult children
4. The parent(s)
5. The sibling(s)
6. Other close relatives, if none of the above are available

When you sign a coroner or medical examiner's release form to claim the body, you're legally swearing under penalty of perjury that you are the named person in that order and have the lawful authority to do so.

PRESERVATION AND TRANSFER OF REMAINS, PROPERTY, AND FUNDS

For state prisons, Penal Code § 5061 grants CDCR the authority to dispose of a body if it is unclaimed and governs the disposition of money and personal property. If you are next of kin or a representative, you must claim the body within 10 days (or waive your right sooner).

Otherwise, CDCR will cremate your loved one, as burials in California state prisons were halted in 1958. Any money or property held for the incarcerated person is retained for one year; however, after this period, unclaimed funds are transferred to the State's Unclaimed Property Fund, and personal items may be sold at public auction. Intangible property (such as trust accounts) is maintained for a period of three years.

For county jails, Government Codes §§ 27465–27468 require a coroner to deliver money or other property found on the body to legal representatives within 90 days after an inquest, which is an official investigative process the coroner conducts to determine the cause and circumstances of death. If unclaimed after 90 days, the property is transferred to the county treasurer or sold at public auction. Some counties like San Diego County shorten the retrieval period to 60 days, so be sure to check your county's policies. Some counties may also charge removal or storage fees.

WHETHER TO OBTAIN A PRIVATE AUTOPSY

If your loved one died while in custody in California, you can ask whether the facility or coroner plans to perform an autopsy. If you're unsure about their findings or if no autopsy is being done, you can request a private autopsy by an independent forensic pathologist. **This should happen as soon as possible**, before the body is embalmed or buried.

A private autopsy ensures an unbiased and thorough examination and can help you confirm or challenge the official cause of death, gain peace of mind about the accuracy of the findings, and provide independent documentation to support any subsequent legal or advocacy efforts.

A private autopsy is especially important in counties, like Orange and Riverside, where the Sheriff also serves as the Coroner. This creates a conflict of interest, since the same agency that operates the jails also investigates deaths that occur there and within other law enforcement agencies. Legislation has attempted to address this issue by mandating the use of third party forensic pathologists[1]. Unfortunately, many counties with a Sheriff-Coroner are already contracted with third party pathologists to conduct autopsies, raising concerns about whether the autopsies and their findings are truly independent.

Private autopsy costs can add up — often ranging in the low thousands of dollars. In many wrongful death or civil rights cases, some attorneys will agree to cover autopsy and investigation costs on a contingency basis. However, this depends on the attorney and the case, so you should always ask how costs and risks are handled before moving forward. Any investigation or autopsy costs absorbed or paid by your attorney will likely be owed out of any potential future settlement you are awarded. When conducted early and properly, a private or independent autopsy may be critical in your legal cases or advocacy efforts.

One free resource is through Know Your Rights Camp which has an autopsy initiative that offers free and independent autopsies for people whose deaths occurred in custody or under suspicious, law enforcement-related circumstances. The program is run by board-certified forensic pathologists who carefully review the initial medical examiner's report and perform a new exam. To apply, you may fill out a request form on the website. If accepted, you will receive a preliminary report, a final autopsy report, and a phone call with the pathologist to explain the findings.

LIFE INSURANCE POLICIES FOR INCARCERATED PERSONS

Generally, insurers don't offer new traditional life insurance policies to anyone currently incarcerated.[2] Unfortunately, this bar also applies to obtaining final expense or burial insurance for an incarcerated person.[3] Despite this, if a person entered prison or jail with an active individual life insurance policy, and kept up with payments through their period of incarceration, that policy should remain valid upon the policy holder's death, **regardless if the death occurred in custody**, as long as the death did not occur during the commitment of a criminal act (which automatically voids most insurance policies).[4]

1. Assembly Bill 1108 (Hart; 2025); Government Code § 27522 and § 27491.56
2. https://www.progressive.com/answers/life-insurance-for-felons/
3. *Ibid.*
4. https://www.foxbusiness.com/features/does-life-insurance-cover-prison-inmates

FILING A COMPLAINT WITH LOCAL AND STATE OVERSIGHT BODIES

In addition to seeking legal representation, families can file formal complaints with local oversight bodies (if they exist) to request independent review and improve transparency. These processes vary by county, but here are some key places to start.

REQUEST A REVIEW BY THE DEPARTMENT OF JUSTICE

Families can request an independent review by writing to the California Attorney General's Office, Civil Rights Enforcement Section or submitting an online complaint at oag.ca.gov/contact. Keep copies of all correspondence and documents you send, as these are important for your attorney or for follow-up requests.

FILE A COMPLAINT WITH THE LOCAL PROSECUTOR

In California, criminal charges against law enforcement officers can only be pursued by a District Attorney (DA), the State Attorney General, or in some cases, a U.S. Attorney. These offices have the authority to investigate and prosecute misconduct, but convincing them to do so is often very difficult. Before contacting a prosecutor, it's important to speak with an attorney who understands police accountability and wrongful death cases. They can help you decide whether and when to pursue criminal charges, and ensure that your statements do not harm any potential civil case.

Keep in mind:

- Criminal prosecutions of officers are rare, and convictions even rarer.
- Local DAs often rely on law enforcement to build cases, which can create conflicts of interest.
- The California Attorney General's Office and U.S. Department of Justice may take on cases involving major misconduct or civil rights violations, but they receive many requests and accept only a few.
- A criminal case may delay any civil lawsuit you plan to file.

FILE AN INTERNAL AFFAIRS COMPLAINT

Police or sheriff's departments in California typically have an Internal Affairs (IA) unit whose responsibility is to investigate allegations of misconduct by officers. When you file a complaint, the IA unit conducts a departmental investigation, and in many cases, families receive only the final finding (e.g., "unfounded," "exonerated," "sustained") and not the full investigative materials. Sometimes you may never be told the outcome at all. While the IA unit has authority to discipline, reassign, or terminate officers, the disciplinary process is often part of the same department.

That connection contributes to bias: investigators may side with fellow officers or undervalue critical testimony. Because of this, IA investigations often fail to hold officers fully accountable. Whether to file an IA complaint is a decision best made with legal guidance. The effectiveness of an IA complaint depends heavily on the department involved, the local culture of accountability, and whether leadership supports transparency. Speak with an attorney who knows your jurisdiction before filing, so you understand both the potential benefits and risks in your specific case.

CIVIL GRAND JURY

Check your county's court website to learn what authority the civil grand jury has. In many counties, private citizens can file written complaints about public officials or local agencies, including issues like jail conditions. The civil grand jury may investigate if the issue is within its legal scope, but its work is confidential and usually appears only in an annual public report. Its role is primarily recommendatory—it can make findings and suggest reforms but cannot prosecute anyone.

Criminal grand juries are different. They are convened by the district attorney to decide whether to bring criminal charges. Families cannot initiate or participate directly in that process.

CIVILIAN OVERSIGHT OR INSPECTOR GENERAL OFFICES

Many counties, such as Los Angeles, San Francisco, San Diego, and Sacramento, have independent review boards that investigate law enforcement or jail misconduct (see Table 1). Everything about these review boards, including their effectiveness, policies, and investigative and enforcement power, vary widely from county to county. To learn whether they can investigate deaths in custody and if so, how to submit a complaint, check the county website in which the death occurred. Depending on the county you may also be able to contact the Office of Inspector General (OIG) or Civilian Oversight Commission.

There is also the California POST Peace Officer Standards and Accountability (POSA) Board. This state board reviews serious officer misconduct and can recommend decertification, preventing officers from serving elsewhere in California. You can follow public hearings and submit relevant information via their website.

In Los Angeles County, there is a Public Defender's Law Enforcement Accountability Unit. This office investigates misconduct and systemic issues within local law enforcement. They may help families understand complaint options and obtain public records.

TABLE 1. LIST OF CURRENT COUNTIES AND CITIES WITH A GOVERNMENT-RUN CIVILIAN OVERSIGHT OR INSPECTOR GENERAL OFFICE

Jurisdiction	Office Title(s)	Contact Information
Alameda County	County of Alameda Sheriff Oversight Board	ACOversight@acgov.org
City of Fresno	Office of Independent Review	oir@fresno.gov
City of Oakland	City of Oakland's Office of the Inspector General	oig@oaklandca.gov
City of Tulare	Police Department Citizen Complaint Review Board	Not Available
Los Angeles County	Inspector General; Sheriff Civilian Oversight Commission	InspectorGeneral@oig.lacounty.gov; cocnotify@coc.lacounty.gov
Orange County	Office of Independent Review	oir@ocgov.com
Sacramento County	Office of Inspector General;Sheriff Community Review Commission	OIG@saccounty.gov
San Benito County	Public Defender Oversight Committee	(831)636-4040
San Diego County	The Citizens Law Enforcement Review Board	clerb@sdcounty.ca.gov
San Francisco County	Sheriff's Department Oversight Board; Office of Sheriff's Inspector General; San Francisco Department of Police Accountability	SDOB@sfgov.org; sfoig@sfgov.org; sfdpa@sfgov.org;
Santa Clara County	Office of Correction and Law Enforcement Monitoring	oclem@bos.sccgov.org
Santa Cruz County	Office of Independent Review	info@oirgroup.com
Sonoma County	Independent Office of Law Enforcement Review and Outreach	IOLERO@sonomacounty.gov; Law.Enforcement.Auditor@sonoma-county.org

Note: County oversight structures are evolving. Some counties, such as Marin, are currently in the process of establishing an Office of the Inspector General.

CONNECTING WITH LOCAL SUPPORT

If you or someone you know has lost a loved one in custody, the **No More Deaths in Custody Workgroup** will do its best to connect you to statewide and local networks for emotional support, advocacy, and guidance navigating public records and reporting systems.

The ACLU has three affiliate organizations within the state of California (ACLU Northern CA, Southern CA and San Diego & Imperial Counties) that may be able to provide resources.. The ACLU SoCal has various active jail conditions cases that might be relevant to your case. Find out more about those cases here: Rosas v. Baca; Johnson v. Los Angeles County Sheriff's Department; and Rutherford v. Luna.

Additionally, your local County Bar Association may be able to refer you to attorneys to assist you. You may also reach out to your local County Attorney's office, which can provide guidance on legal processes, public records requests, and referrals to additional legal resources. This section highlights some of the known local organizations and partners offering support and advocacy for families across California:

LOS ANGELES

Dignity and Power Now is a Los Angeles-based nonprofit organization dedicated to securing dignity and power for all incarcerated people, their families, and communities. Two of their campaigns focus on the closure of Men's Central Jail and Sheriff Violence in the County. They also run a group for family members who have lost loved ones in law enforcement custody.

The **Carceral Ecologies** lab at UCLA and Dignity and Power Now have created videos to help families navigate the LA-specific bureaucracy related to retrieving documents about your loved one's death.

RIVERSIDE

Riverside Sheriffs Accountability Coalition is a group of impacted family members, county residents, and local advocacy organizations working to hold the Sheriff's Department accountable for deaths in their custody.

SACRAMENTO

The **Justice2Jobs Coalition** is the parent organization for the No More Deaths in Custody Workgroup.

Decarcerate Sacramento is a community organization working to prevent jail expansions, decrease jail populations, and shift county funds away from policing and incarceration towards community-based systems of care that promote community safety and health. They work closely with families who have lost loved ones in law enforcement custody in Sacramento County.

SAN DIEGO

Saving Lives in Custody was founded by Paloma Serna who lost her daughter and unborn grandchild in the San Diego County Jail. Her nonprofit provides legal resources and community support, especially around San Diego jail deaths.

NATIONAL RESOURCES

If the death of your loved one is not reported, you may turn to community reporting resources such as **Uncounted**, a national civilian-led data collection initiative for tracking custodial deaths. Reporting a death with Uncounted does not mean it will be reviewed by the state, but it will contribute to a national record of deaths unacknowledged by custodial bodies.

The **Marshall Project** has published a number of helpful resources and investigations into national in-custody deaths. These include:

- This **guide** from 2025 explaining what to do following the death of a loved one
- This **analysis** of leading nationwide causes of in-custody deaths
- This **overview** of some of the most misguided official policies following in-custody deaths.

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.**