

**BOARD OF STATE AND COMMUNITY CORRECTIONS
TITLE 15, DIVISION 1, CHAPTER 1, SUBCHAPTER 4
MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES**

FINAL REGULATION TEXT

1046. Death in Custody

(a) ~~Death in Custody Reviews for Adults and Minors.~~ The facility administrator shall develop written policy and procedures to comply with the in-custody death reporting requirements of Government Code section 12525. The facility administrator shall submit a copy of the report filed pursuant to section 12525 to the BSCC within 10 days of an in-custody death.

(b) The facility administrator, in cooperation with the health administrator, shall develop written policy and procedures to ~~conduct ensure that there is an initial review and complete a written report~~ of every in-custody death within 30 days of the death. The review team that conducts the initial review at a minimum shall include, at a minimum, the facility administrator or designee, the health administrator, the responsible physician and other health care, and supervision staff who are relevant to the incident.

Deaths shall be reviewed to determine the appropriateness of clinical care; whether changes to policies, procedures, or practices are warranted; and to identify issues that require further study.

(c) The facility administrator shall submit a copy of the initial review report of every in-custody death to the BSCC within 60 days of the death. The facility administrator shall provide a copy of the initial review report that comports with the disclosure requirements of section 832.10 of the Penal Code.

The initial review report shall contain the following information:

(1) Demographic information

- (A) Full name of the decedent
- (B) Date of birth
- (C) Date of death
- (D) Time of death
- (E) Gender
- (F) Race and ethnicity
- (G) Relevant medical history

(2) Facility Information

- (A) Name and location of the detention facility
- (B) Description of the location where the death occurred within the facility
- (C) Date and time of the incident
- (D) Detention facility personnel (including names and roles) involved in the reporting of the death or incident

(3) Any relevant circumstances leading up to death, including behavioral health or medical issues.

~~(b) Death of a Minor~~

(d) In any case in which a minor dies while detained in a jail, lockup, or court holding facility: the BSCC may inspect and evaluate the jail, lockup, or court holding facility pursuant to the provisions of this subchapter within 30 calendar days of the death. Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations.

~~(1) The administrator of the facility shall provide to the Board a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted within 10 calendar days after the death.~~

~~(2) Upon receipt of a report of death of a minor from the administrator, the Board may within 30 calendar days inspect and evaluate the jail, lockup, or court holding facility pursuant to the provisions of this subchapter. Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations.~~

NOTE: Authority cited: Sections 6024 and 6030, Penal Code. Reference: Sections 832.10, 6030, 6034, Penal Code.