

In-Custody Death Reporting FAQ's

General Information

1. Who is the facility administrator at a local detention facility?

The facility administrator is the sheriff, chief of police, chief probation officer, or other official charged by law with the administration of the local detention, facility, or system.

2. Where can we find the name and contact information of our BSCC Field Representative?

On the BSCC Facilities Standards and Operations (FSO) web site (https://www.bscc.ca.gov/s_facilitiesstandardsoperations/) there is a link to the lists of FSO Adult Inspection Assignments and FSO Juvenile Inspection Assignments.

3. Is the information submitted to the BSCC subject to Public Records Act?

Yes, the information is available through the Public Records Act except as provided by Penal Code section 832.10, which describes the type of information that may be redacted.

When to Report an In-Custody Death

4. If a person dies while being transported to the local detention facility, are we required to report?

No. A death incident subject to BSCC review is one that occurs “within a local detention facility.” (Pen. Code, § 6034, subd. (b).)

5. Is reporting required if the person dies at the local detention facility but has not yet been booked?

Yes.

6. A death incident states they have to be in custody within the local detention facility. People are not in our custody until they are screened, processed and accepted. We often deny people based on their medical condition. The form says we are listing these as “awaiting booking” even though they are not in our custody.

A “death incident” includes situations when a person dies in the “custody or supervision” of the local detention facility. (Pen. Code, § 832.10, subd. (a).) If the person dies in the facility while “awaiting booking” this would be considered in the “supervision” of the local detention facility and the incident should be reported to the BSCC.

7. Are Type I and temporary holding facilities required to report?

Yes. A local detention facility is defined as: any city, county, city and county, or regional jail, camp, court holding facility, private detention facility, or other facility in which persons are incarcerated.

8. If a state prison falls within a Sheriff's jurisdiction, is it the responsibility of CDCR to submit the form?

No. CDCR deaths are not subject to review under SB 519 and are not required to be reported to the BSCC.

9. If we house someone at a neighboring city who we have an MOU with, do we report the death because they are technically our person?

No. The administrator of the facility in which the in-custody death occurred is responsible for reporting the death to the BSCC.

10. If someone dies while on work release or home detention (ankle monitoring) are we required to report the death to the BSCC?

No. A death incident subject to BSCC review is one that occurs "within a local detention facility." (Pen. Code, § 6034, subd. (b).)

11. Do these reporting requirements apply to juveniles in juvenile detention facilities and camps?

The requirements of SB 519 do not exclude county juvenile detention facilities. While the newly adopted regulations apply to adult detention facilities, probation departments must report in-custody deaths to the BSCC pursuant to section 1341 of Title 15 of the California Code of Regulations.

Completing the Forms

12. How do we update the facility list on the form?

The facility list is developed and maintained by the FSO division. Please contact your FSO Field Representative to discuss any updates.

13. If the matter of death and means of death are still undetermined ten days after the death, are agencies required to resubmit the 10-Day Notice of Death, similar to the requirement for updating the BCIA-713 form?

No, you will include that information in the Initial Death Review Report that is submitted within 60 days of the in-custody death.

- 14. There are times that the coroner's final report takes longer than 60 days, how should we address that in the Initial Death Review Report to the BSCC?**

The BSCC recognizes that the investigation into the death may not be completed by the due date of the Initial Death Review Report. The report should contain all available information at the time the report was completed; information not yet available should be noted as pending.

Completing the Initial Death Review Report

- 15. Does the BSCC plan on developing a report or form similar to the BCIA-713 that outlines all of the requirements for the Initial Death Review Report outlined in the Title 15 regulations for thoroughness and consistency?**

There is no plan to do so at this time.

- 16. Does the BSCC have a standardized format for the Initial Death Review Report that will be submitted within 60 days?**

Not at this time.