

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 7

November 19, 2024

APPROVED BY THE BOARD OF POLICE COMMISSIONERS ON November 19, 2024

SUBJECT: NOTIFICATION TO DEPARTMENT OF JUSTICE – REVISED; NOTIFICATION TO BOARD OF STATE AND COMMUNITY CORRECTIONS – REVISED; DEATH OF INMATE IN DIVISION JAILS – REVISED; AND, NOTIFICATIONS WHEN INMATE DIES IN A DEPARTMENT JAIL FACILITY – REVISED

PURPOSE: The purpose of the Order is to revise several Department Manual sections to ensure Department compliance with the reporting and notification requirements set forth in California Assembly Bills 3092 and 2531. Assembly Bills 3092 and 2531 are both effective January 1, 2025.

BACKGROUND: On July 2, 2024, Governor Newsom signed California Assembly Bill (AB) 3092, Attorney General: Law Enforcement Agencies – Reporting Requirements: Death, into law. Existing law requires a law enforcement agency (LEA) or agency in charge of a correctional facility, to report, in writing to the Attorney General, all the facts in the agency’s possession concerning the death of a person in their custody within 10 days after the death. Assembly Bill 3092 amends Government Code Section 12525 and requires, as of January 1, 2025, that a LEA or agency in charge of a correctional facility update its report to the Attorney General within 10 days of a change in the case or when new information becomes available and made known to the agency.

Additionally, on September 29, 2024, AB 2531, Deaths While in Law Enforcement Custody: Reporting, was also signed into law. Assembly Bill 2531 defines “in-custody death” for the purposes of these new laws and requires a LEA to post specified information on its internet website when a juvenile who is in law enforcement custody dies. Assembly Bill 2531 also requires the agency to update the posting if the date on which the death occurred changes, once determined by a medical examiner or similar entity.

PROCEDURE:

- I. **NOTIFICATION TO DEPARTMENT OF JUSTICE – REVISED.** Department Manual Section 4/238.35, *Notification to Department of Justice*, has been revised and is attached with the revisions in italics.
- II. **NOTIFICATION TO BOARD OF STATE AND COMMUNITY CORRECTIONS – REVISED.** Department Manual Section 4/238.36, *Notification to the Board of State and Community Corrections*, has been revised and is attached with the revisions in italics.

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- III. DEATH OF INMATE IN DIVISION JAILS – REVISED.** Department Manual Section 4/238.65, *Death of Inmate in Division Jails*, has been revised and is attached with revisions in italics.
- IV. NOTIFICATIONS WHEN INMATE DIES IN A DEPARTMENT JAIL FACILITY – REVISED.** Department Manual Section 4/648.14, *Notifications When Inmate Dies in a Department Jail Facility*, has been revised and is attached with revisions in italics.

AMENDMENT: This Order amends Sections 4/238.35, 4/238.36, 4/238.65, and 4/648.14, of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



DOMINIC H. CHOI
Chief of Police

Attachments

DISTRIBUTION "D"

DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 7 , 2024

238.35 NOTIFICATION TO DEPARTMENT OF JUSTICE. Force Investigation Division (FID) shall notify the Department of Justice, Bureau of Criminal Statistics, Statistical Data Center, in writing within *10 calendar* days of the occurrence of each in-custody death and provide the appropriate information relating to the death.

If a change occurs in the in-custody death investigation, or if new information is identified regarding the death (e.g., manner or means of the death), FID shall notify the Department of Justice, Bureau of Criminal Statistics, Statistical Data Center, in writing within 10 calendar days of the change or new information becoming available.

Pursuant to California Assembly Bill 2531, and for the purposes of this section, in-custody death is defined as:

The death of a person who is detained, under arrest, or is in the process of being arrested, is enroute 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. In-custody death also includes deaths that occur in medical facilities while in law enforcement custody.

Note: As per California Senate Bill 519, Force Investigation Division shall also provide notification and a copy of the final administrative report of **any** In-Custody Death Incident that occurs **within a Department or city jail or detention facility** to the Director, In-Custody Death Review, Board of State and Community Correction.

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238.36 NOTIFICATION TO BOARD OF STATE AND COMMUNITY CORRECTIONS. Force Investigation Division (*FID*) shall notify the Board of State and Community Corrections, in writing within *10* calendar days of the occurrence of each in-custody death of a detained **juvenile**. The notification shall include the appropriate information relating to the death. As per California Senate Bill 519, Force Investigation Division shall also provide notification and a copy of the final administrative report of **any** In-Custody Death Incident that occurs **within a Department or city jail or detention facility** to the Director, In-Custody Death Review, Board of State and Community Correction.

If changes occur in the in-custody death investigation, or if new information is identified regarding the death (e.g., manner or means of the death), FID shall notify the Board of State and Community Corrections, in writing within 10 calendar days of the change or of the new information becoming available.

Pursuant to California Assembly Bill 2531, and for the purposes of this section, In-custody death is defined as:

The death of a person who is detained, under arrest, or is in the process of being arrested, is enroute 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. In-custody death also includes deaths that occur in medical facilities while in law enforcement custody.

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238.65 DEATH OF INMATE IN DIVISION JAILS. When an inmate dies in a division jail, the investigating officer, *shall follow procedures for notifications following an In-Custody Death Incident in accordance with Department Manual Section 4/648.14.* In addition to conducting the usual investigation and completing the usual reports, shall:

- Cause the completion of a Jail Transfer Record, Form 06.11.00, transferring the inmate's personal property to the Coroner;
- Send a Notification of Inmate Release Teletype to the Automated Justice Information System (Manual Section 4/165.32); and,
- Ensure that the Supervisor, Jail Dispensaries, Medical Services Division, Personnel Department, is notified. Notification shall be routinely made as soon as possible during normal duty hours, Monday-Friday, 0730-1630 hours.

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648.14 NOTIFICATIONS WHEN INMATE DIES IN A DEPARTMENT JAIL FACILITY. A detention officer, upon learning of the death of an inmate in a Department jail facility, shall notify the on-duty watch commander who shall then notify:

- The Officer in Charge, Jail Operations Section, Custody Services Division;
- The Department Command Post, Department Operations Center (DOC);
- A supervisor of the concerned agency, when the arrestee is booked by an agency other than this Department; and,

Note: During off-hours, notification shall be made to the Watch Commander, Metropolitan Jail Section, Custody Services Division.

- The Commanding Officer, Force Investigation Division.

The Commanding Officer, Force Investigation Division (FID), *or their designee*, is responsible for ensuring that the Supervisor, Jail Dispensaries, Medical Services Division, Personnel Department, *Department of Justice, Bureau of Criminal Statistics, Statistical Data Center*, and the Director, In-Custody Review, Board of State and Community Corrections (pursuant to California Senate Bill 519) are notified, *per DMS 4/238.35-36*.

Note: Per California Senate Bill 519, FID shall also notify the Board of State and Community Corrections when a **juvenile** is the subject of an In-Custody Death Incident within a Department or city jail or detention facility.

Notification shall be routinely made as soon as practicable during normal duty hours, Monday-Friday, 0730-1630 hours.

Note: The FID investigating officers shall be responsible for advising Department personnel of information to be included in administrative reports required as a result of the death of an inmate held in a Department jail facility.

As per California Assembly Bill 2761, when a person 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 shall, consistent with reporting requirements pursuant to Section 12525 of the Government Code, 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, including, but not limited to, whether the person was awaiting arraignment, awaiting trial, or incarcerated; and,
- The manner and means of death.

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Pursuant to California Assembly Bill 2531, and for the purposes of this section, in-custody death is defined as:

The death of a person who is detained, under arrest, or is in the process of being arrested, is enroute 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. In-custody death also includes deaths that occur in medical facilities while in law-enforcement custody.

Within **five calendar days** of the incident, FID shall provide the above information to Media Relations Division (MRD). Media Relations Division shall post the above information on the Department's website within **ten calendar days** of the incident.

*Note: Per California Assembly Bill 2531, MRD shall post the above specified information on the Department's external website when a **juvenile** who is in custody dies.*

If any of the above information changes, including but not limited to, the manner and means of death, FID shall *update its written report to the Attorney General within 10 days of the date of the change or the date the new information becomes available. Additionally, FID shall notify MRD of the changes within **15 calendar days** from the date that FID becomes aware of the changes. If notified by FID of any changes, MRD shall update the posting within **30 calendar days** of the change.*

If the Department seeks to notify next of kin and is unable to notify them within *10* calendar days of the death, the Department shall be given an additional *10* calendar days to make good faith efforts to notify next of kin before the information is posted.

Procedures for transferring an inmate's personal property to the Coroner and making the appropriate inmate release notification when an inmate dies in a Department jail shall be performed in accordance with Department Manual Section 4/238.65.