

CHAPTER 4
REPORTS OF INCIDENTS – IN-CUSTODY DEATHS
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CHAPTER 4

REPORTS OF INCIDENTS – IN-CUSTODY DEATHS

1. PURPOSE. The purpose of this chapter is to establish departmental procedures for the reporting of in-custody deaths. Government Code Section 12525 requires the Department to report all in-custody deaths, in writing, to the Attorney General within ten calendar days from the date of incident. Departmental reporting of a death in custody/arrest-related death is also required by Chapter 2, Reports of Incidents – Potential Civil Litigation, of this manual, and by General Order 100.80, Notification and Report of Emergencies and Unusual Occurrences.

2. POLICY. All in-custody/arrest-related deaths shall be reported to the Office of Risk Management (ORM) within seven calendar days from the date of incident. The California Department of Justice defines an in-custody death as any death that occurs while an individual is: (1) in the process of arrest; (2) killed by use of force by law enforcement; (3) in the temporary custody of a law enforcement agency; or (4) incarcerated in a city, county, or state correctional facility.

a. Reporting shall be conducted utilizing the BCIA 713, Death In Custody Reporting Form. This document is contained on the California Highway Patrol Intranet site within the forms library.

3. GENERAL.

a. For the BCIA 713 reporting purpose, custody is defined as any point in time when a person's freedom of movement has been denied by law enforcement. This would include the following:

(1) During the process of arrest (e.g., issuance of a citation, high-risk and/or felony enforcement stops, lawful detention).

(2) Death of a person while attempting to elude police (does not include the death of an uninvolved third party out of a pursuit).

(3) In-custody arrest being transported to or from law enforcement facilities.

b. The BCIA 713 forms can be routed to ORM via e-mail at RiskManagementUnit@chp.ca.gov, via fax at (916) 843-3164, or via mail to: Office of Risk Management, P.O. Box 942898, Sacramento, CA 94298-0001.

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