A DECADE OF
LIVES LOST

A REPORT OF IN-CUSTODY DEATHS IN CALIFORNIA BETWEEN 2011-2022

Care
First
California

REPORT STATEMENT

> **"WHAT DO YOU EXPECT WHEN YOU GO TO JAIL? WELL, THE EXPECTATIONS WHEN GOING TO JAIL SHOULDN'T BE THAT YOU DIE."**
>
> — Lisa Matus, mother of Richard Matus, Jr. who passed away on August 11th, 2022.

Richard Matus, Jr. passed away on August 11th, 2022, inside a Riverside County jail. The Matus family has since filed a federal lawsuit against the Riverside Sheriff for the his wrongful death. **Richard is one of at least 2,312 people who have died while in-custody in California between 2011-2022.**

When someone loses their life while in law enforcement custody, their death is not isolated to that cell, station, or jail. Their loss is felt by every person who knew and cared about them. We recognize that no data can express the harms of mass incarceration.

It also does not begin to address the inhumane treatment and trauma that is experienced while incarcerated, even when someone survives detention in California.

With that in mind, we still believe it is important to share this data to increase understanding of the violent realities of jail detention. **Our goal is to help prevent these deaths from being ignored or lost to time while preventing more deaths in the future and holding those responsible, accountable.**

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

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REPORT CONTEXT

Advocates across the state are demanding accountability for in-custody deaths as there is a tendency by law enforcement to downplay or outright deny their role in these deaths.

Absent accountability, we strive to educate our communities about the extent of in-custody deaths. We requested data about in-custody deaths from the State Attorney General's Office for the last 10 years (January 1, 2011 to December 31, 2022) This report shares high-level findings from that data request.

When it comes to analyzing in-custody deaths reported by the state, there are many limitations to the data collection, including, but not limited to, problematic grouping of race and gender, and inconsistences in categories across counties. These limitations are outlined at the end of this report.

DEFINITIONS

In-Custody Death

When someone is killed, or dies, at any point during contact with law enforcement. This includes during arrest, booking, pretrial detention, and incarceration post sentencing.

Pretrial Detention

When someone who is accused of a criminal offense is held in custody, while awaiting the outcome of their case. They are often detained simply because they cannot afford to pay bail.

Realignment

Realignment legislation impacts where people convicted of criminal offenses serve their time. In California, this has included moving many "low-level offenders" to serve their sentences in county (Jails) rather than under state (Prisons) supervision.
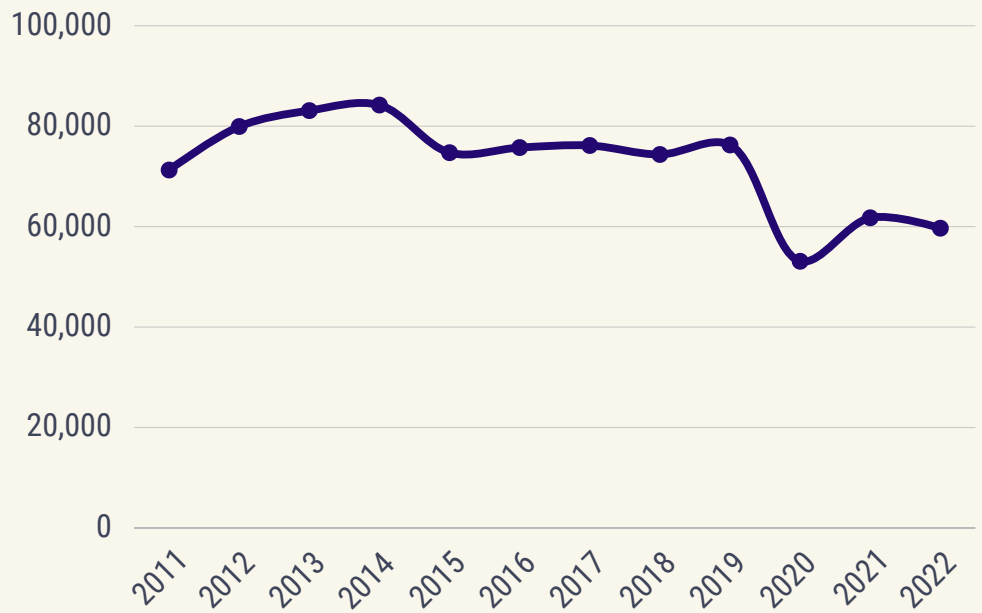
TOTAL IN-CUSTODY DEATHS

IN CALIFORNIA FROM 2011-2022
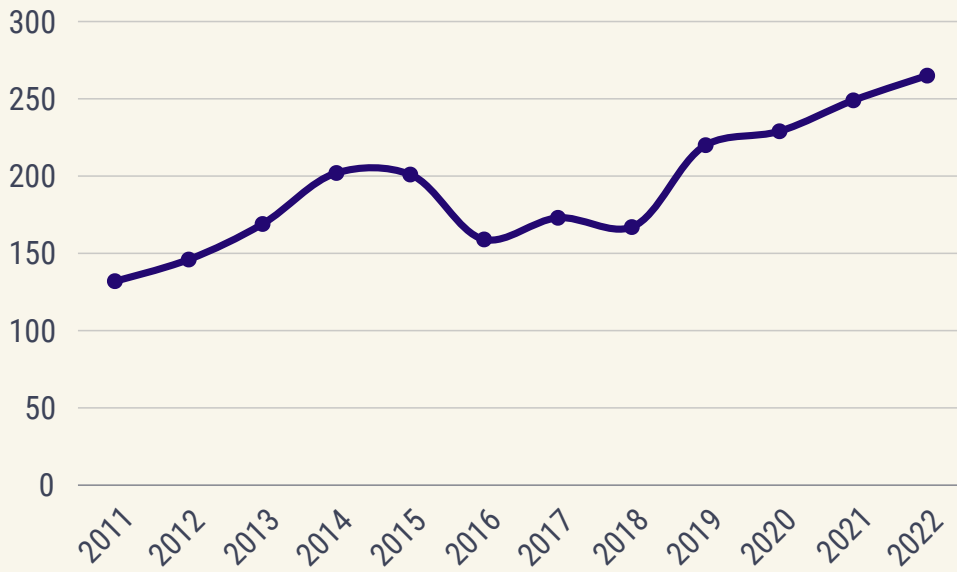
SINCE 2011, DEATHS HAVE INCREASED BY

80%

WHILE THE JAIL POPULATION HAS DECREASED BY

12%

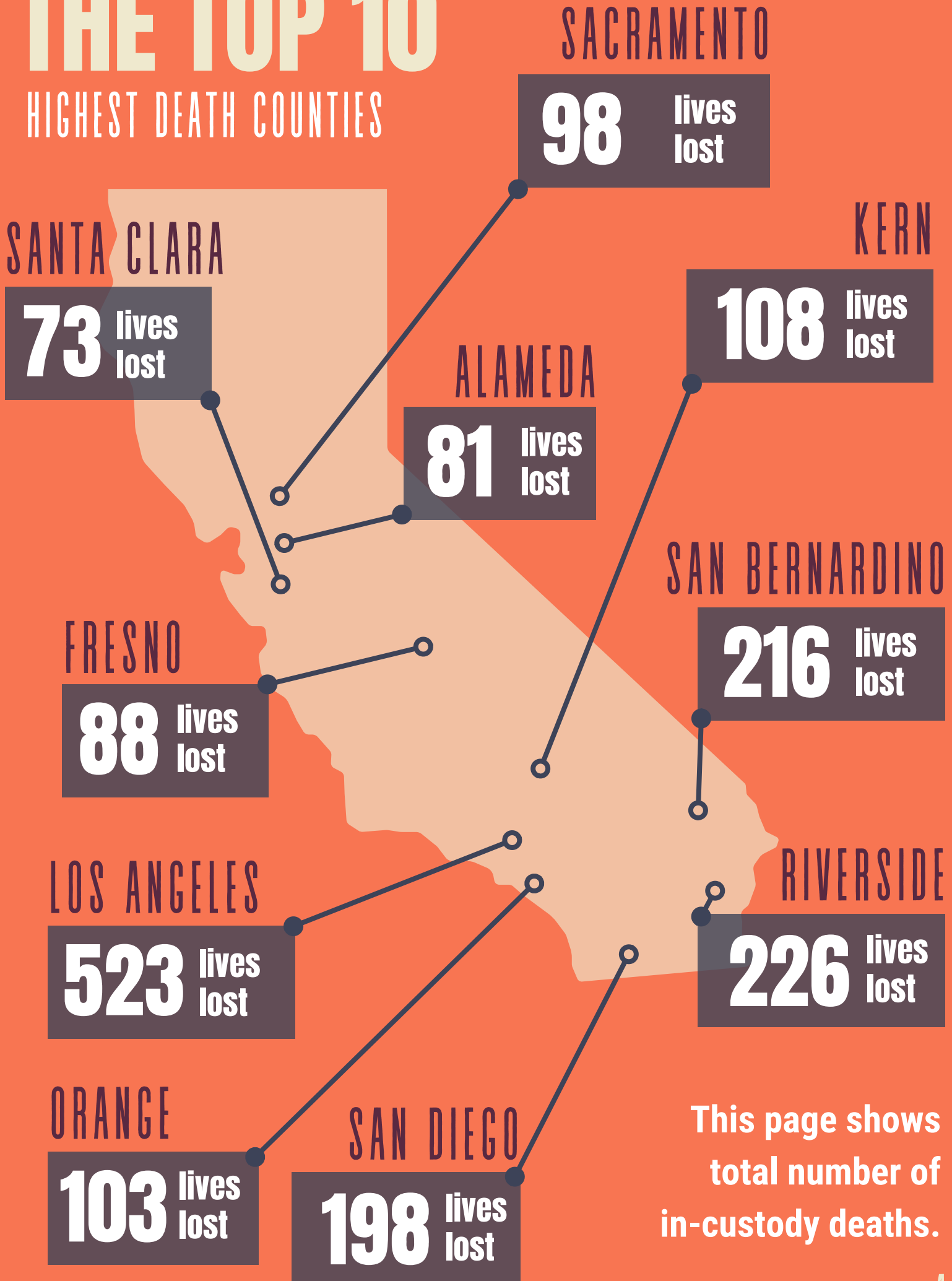## BEING ARRESTED IN CALIFORNIA HAS NEVER BEEN MORE DANGEROUS

In-custody deaths have continued to increase since 2011. There were significant increases In 2014 and 2015, potentially due to realignment* efforts across the state that increased local jail populations. **The COVID-19 pandemic initiated another steady incline that we have yet to see drop off.**

*Relignment is defined on page 2.To learn more we suggest <u>this report by the Public Policy Institute of California</u>

THE TOP 10
HIGHEST DEATH COUNTIES

SACRAMENTO

98 lives lost

KERN

108 lives lost

SANTA CLARA

73 lives lost

ALAMEDA

81 lives lost

SAN BERNARDINO

216 lives lost

FRESNO

88 lives lost

LOS ANGELES

523 lives lost

RIVERSIDE

226 lives lost

ORANGE

103 lives lost

SAN DIEGO

198 lives lost

This page shows total number of in-custody deaths.

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DEMOGRAPHIC DISPARITIES
WHO IS MOST AT RISK?

GENDER

Female
8%

Male
92%
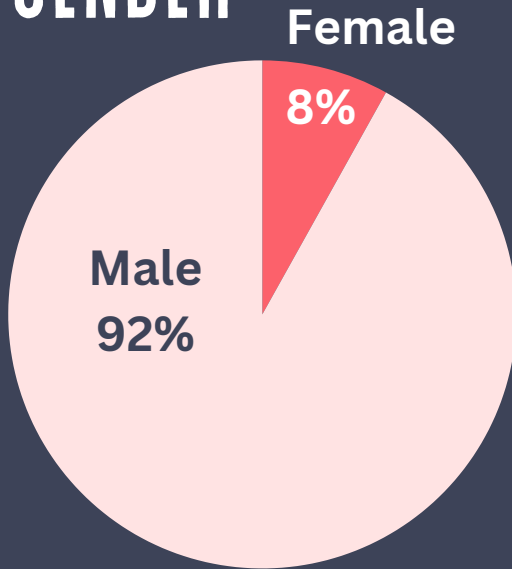
The primary challenge with measuring and reporting gender is that local sheriff's departments don't track gender identity, preventing our understanding of how in-custody deaths impact gender non-conforming people.

For instance, Riverside had an in-custody death of a trans woman last year, but her identity is not reflected in the dataset.
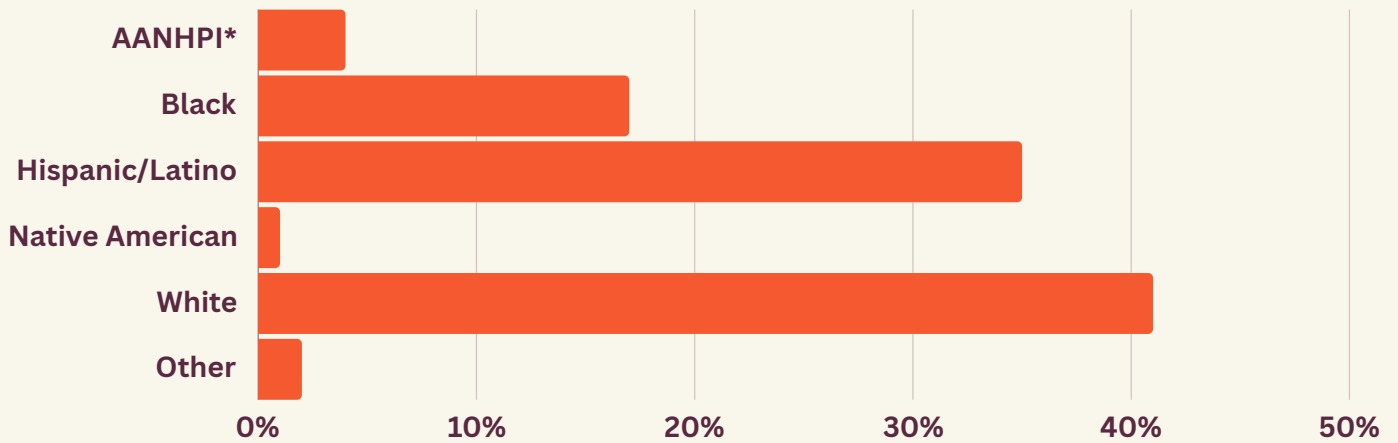
AGE

25 and under	226 people
26-35	546 people
36-45	511 people
46-55	470 people
56 and older	560 people

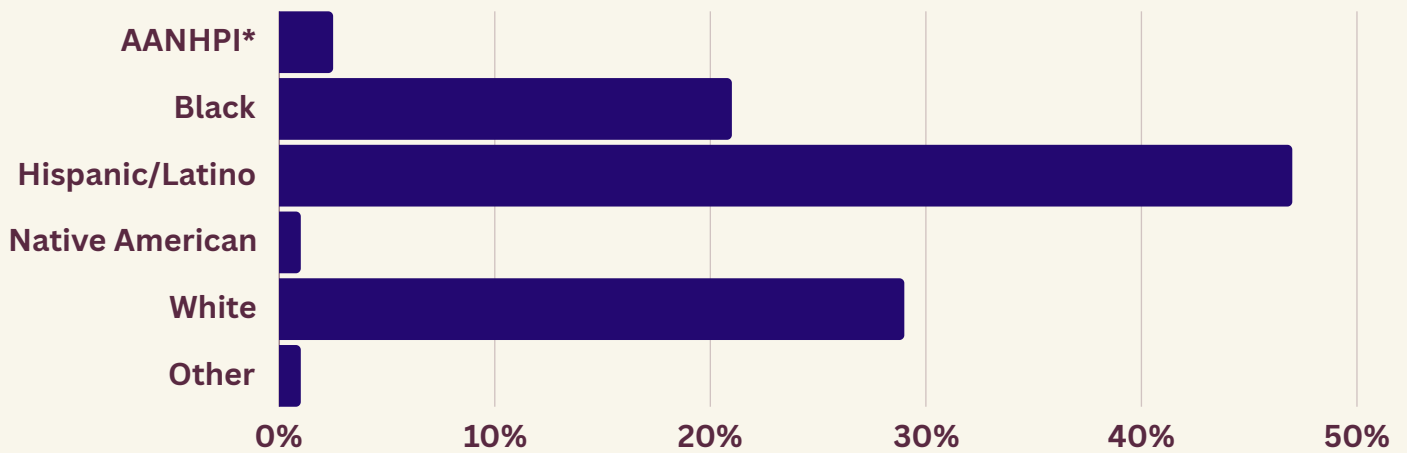The youngest person who died while in police custody was 13 and the oldest was 92.

Nearly a quarter (24%) of those that died in-custody were older adults.
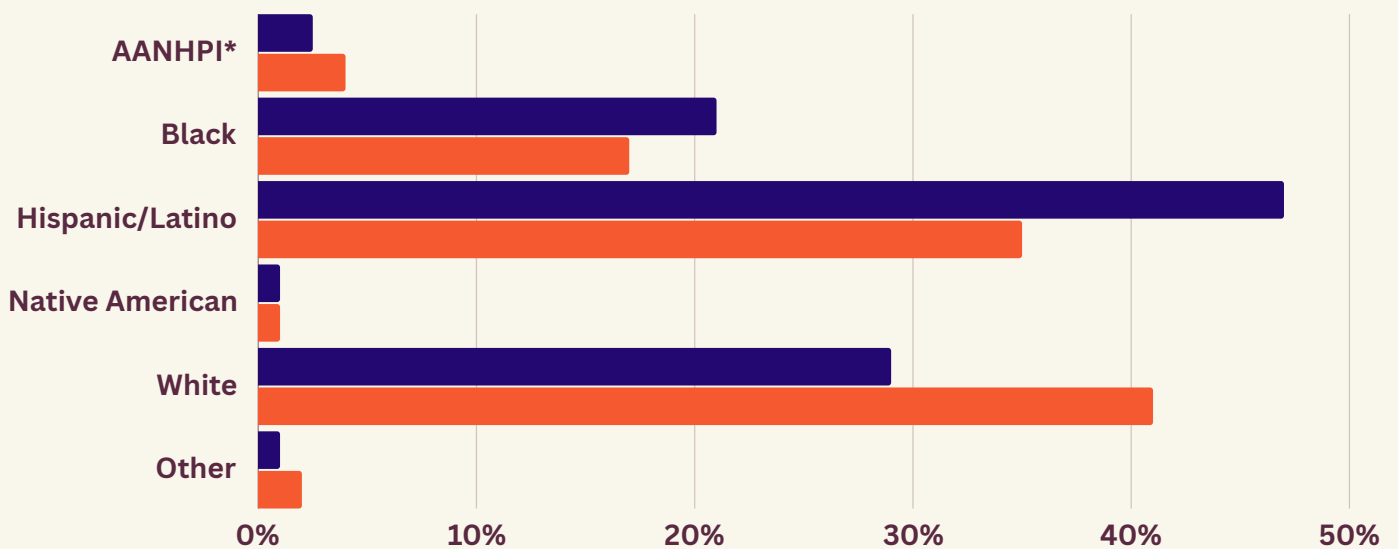
RACE/ETHNICITY

Total number of in-custody deaths between 2011-2022

AANHPI*
Black
Hispanic/Latino
Native American
White
Other

0% 10% 20% 30% 40% 50%

California jail population by race*

AANHPI*
Black
Hispanic/Latino
Native American
White
Other

0% 10% 20% 30% 40% 50%

California jail population vs In-custody deaths by race

AANHPI*
Black
Hispanic/Latino
Native American
White
Other

0% 10% 20% 30% 40% 50%

Though the data indicates that white people are more likely to die in custody, research shows that Hispanics/Latinos are routinely misidentified ethnically and racially, likely skewing the results and any conclusions we might draw.

*Asian American, Native Hawaiian, and Pacific Islanders

*Jail population by race is based on the 2019 Bureau of Justice Statistics

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When are deaths occurring?

Of the 2,312 deaths that occurred in Sheriff's custody across the state, the majority of people died after they were taken to jail but before the resolution of their case (dismissal or conviction). **Nearly a quarter of deaths occurred before individuals even entered the jail.**

40% OF DEATHS IN JAILS OCCUR WITHIN THE FIRST WEEK

CUSTODY STATUS	NUMBER OF DEATHS	% OF DEATHS
Awaiting Booking	68	3%
Booked - Awaiting Trial	1213	52%
Booked - No Charges Filed	122	5%
In Transit	8	0%
Out to Court	5	0%
Process of Arrest	529	23%
Sentenced	330	14%
Other	37	2%

84% OF DEATHS OCCUR BEFORE THEIR CASE IS RESOLVED

DATA SET LIMITATIONS

There are a number of limitations in the data collected through the PRA including, but not limited to:

1 In this report we excluded data about cause of death. What the state identifies as a "natural" or "accidental" death is not clear, and in some counties evidence suggests that deaths are purposefully miscategorized by the county coroner in collusion with the Sheriff's Department.

   UCLA recently released a report investigating this gross abuse of power, done in collaboration with Dignity and Power Now, which we encourage everyone to read.

2 Lack of standardization across metrics: race/ethnicity, manner and means of death, and custody status vary by county. As stated above, **research shows** that **Hispanics/Latinos are routinely misidentified ethnically and racially**.

3 The only options provided for gender are "Male" and "Female". While it may be true (it is not) that those who died in custody only identified as either male or female, we know that **queer, gender non-conforming, and trans individuals face higher rates of violence while incarcerated.** It is therefore likely that some information regarding gender is not accurately documented.

4 There are deaths that go unreported under the requirements of AB 276, but are ultimately caused by arrest/incarceration or interactions with law enforcement. This margin of error stems from Sheriff's Departments being in charge of reporting their own misconduct, without further accountability measures in place to ensure their accurate reporting.

To view the complete data set, please contact Shayla Wilson at **shayla@ladefensx.org** or submit your own PRA request to the Attorney General's Office.

References (in order of appearance):

Shapiro, N. & Keel, T. (2023). Naturalizing unnatural death in Los Angeles County jails. Medical Anthropology Quarterly.

González-Hermoso, J. & Santos, R. (2019). Separating Race from Ethnicity in Surveys Risks an Inaccurate Picture of the Latinx Community. Urban Institute.

Arana, A. & Senese, K. (2022). The Misidentified. Palabra.

Jones, A. (2021). Visualizing the unequal treatment of LGBTQ people in the criminal justice system. Prison Policy Initiative.

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