

Deaths in Custody in California: 2005 through 2014

Justin McCrary
School of Law
University of California, Berkeley
jmccrary@berkeley.edu

Steven Raphael
Goldman School of Public Policy
University of California, Berkeley
stevenraphael@berkeley.edu

September 9, 2015

1. Introduction

California law enforcement agencies across the state report to the California Department of Justice deaths that occur while an individual is in the custody of a state correctional facility, or a state, county, municipal, or special-district law enforcement agency. Law enforcement agencies are required to report all such deaths within ten days of the incident. Deaths in custody¹ occur in many different circumstances and for many different reasons. These incidents range from deaths during the process of arrest, to suicides in county jails, state prisons, and state hospitals, to individuals who die of natural causes while serving prison or jail sentences.

Police departments, county sheriffs, prisons, and state hospitals have been submitting death-in-custody reports to the Department of Justice since 1980. The completeness of these data vary by reporting agency and year, in part due to changing operational definitions of what it means to be in custody. However, reporting has improved considerably with the most recent years of data being the most complete. There is some evidence of incomplete coverage for particular stages of the custody process; in particular, for deaths that occur in the process of arrest.

This paper provides a summary description of the death-in-custody reports filed with the California Department of Justice from 2005 through 2014. The document presents analysis of the following:

- We document trends in deaths in custody and detail how the manner of death, custody status of the decedents, and facility of death vary by the type of agency reporting the incident.
- We provide a detailed exploration of racial and ethnic differences in deaths in custody and how the representation of racial and ethnic minorities among those who die in custody compare to various arrest and custodial populations in the state.
- We present a comparison of deaths in custody occurring in California relative to other states based on federally collected data.
- Finally, we present a comparison of reports of deaths in custody occurring during the process of arrests to reports collected on crowd-sourced web

¹ Government code section 12525 (Amended by Stats. 1992, Ch. 529, Sec. 1. Effective January 1, 1993) states “In any case in which a person dies while in the custody of any law enforcement agency or while in custody in a local or state correctional facility in this state, the law enforcement agency or the agency in charge of the correctional facility shall report in writing to the Attorney General, within 10 days after the death, all facts in the possession of the law enforcement agency or agency in charge of the correctional facility concerning the death. These writings are public records within the meaning of subdivision (d) of Section 6252 of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), are open to public inspection pursuant to Sections 6253, 6256, 6257, and 6258. Nothing in this section shall permit the disclosure of confidential medical information that may have been submitted to the Attorney General’s office in conjunction with the report except as provided in Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code.”

pages tracking such deaths across the country. This analysis presents an opportunity to assess the completeness of the administrative database as well as an opportunity to improve the state's collection efforts using these novel and independent data sources.

The analysis presented here touches the surface of the many questions that can be asked of these data. For those interested in pursuing their own analysis, the raw data are posted on the Open Justice Data Portal (<http://openjustice.doj.ca.gov/data.html>). We caution analysts, however, to be careful in making comparisons over time and across agencies, especially for the years prior to 2005. California municipalities differ greatly with respect to population size, poverty rates, demographics characteristics, and other factors that are correlated with crime rates.

2. A note on the time period of analysis

The Department of Justice has been collecting data on deaths in custody since 1980. However, there have been several changes over time in the official form used by reporting agencies to record such deaths, and most importantly, an expansion of the scope of incidents covered by this reporting requirement. Until 2003, agencies reported deaths in custody where custody is defined as occurring when "...the suspect is physically deprived of his freedom of action in any way or is led to believe, as a reasonable person, that he is so deprived."² In late 2003, agencies across the state were notified of an expansion in the scope of the reporting requirements in order to comply with the Federal Death in Custody Reporting Act of 2000, to include all deaths that occur in the process of arrest.³ The original 2003 notification included a revised form used to report deaths in custody and the introduction of a supplemental report to be filed in the event that the Department of Justice deemed a given death in custody as occurring during the process of arrest. These multiple forms and reporting requirements were consolidated into a single revised reporting form that was first introduced to agencies throughout the state through a California Department of Justice Information Bulletin dated December 12, 2005.

It is most certainly the case that deaths occurring during the process of arrest are underreported in the data prior to 2004, and perhaps into 2005 and 2006 as agencies adjusted to the new reporting requirement. This is most evident in a comparison of counts of justifiable homicides through the death in custody reports and deaths in the process of arrests reported in the Supplemental Homicide

² See discussion of the California Supreme Court decision in *People vs. Arnold (1967)* in the California Department of Justice Information Bulletin dated 9/2/03.

³ A death occurring during the process of arrest mean that the subject died while in physical custody or under the physical restraint of law enforcement officers (even if the person was not formally under arrest at the time); the subject was killed by any use of force by law enforcement officers; the subject died at the crime/arrest scene or medical facility prior to booking.

Reports⁴ data collected by the Federal Bureau of Investigation. Prior to 2003, there are few reported justifiable homicides in the death in custody data despite roughly 100 per year in the Supplemental Homicide Reports. By roughly 2007, justifiable homicide counts in the death in custody data begin to come close to the total reported in the Supplemental Homicide Reports. Differences that remain between the two data sets likely reflect deaths in custody that are pending investigation or that are misclassified in the immediate aftermath of an incident. In addition, the several substantive changes and improvements to the reporting forms and reporting process make it difficult to compare the data collected prior to 2005 to data collected from 2005 on. Hence, the analysis here focuses on all reported deaths from 2005 through 2014.

3. Basic trends and descriptive statistics

We begin with some overall summaries of deaths in custody for our ten-year study period. Between 2005 and 2014, law enforcement agencies across the state reported 6,837 deaths in custody. Figure 1 shows the breakdown of deaths from 2005 to 2014 by broad reporting agency type. To understand this chart, it is helpful to review the respective roles of the different types of law enforcement agencies within the state. The division of responsibilities among law enforcement agencies is as follows. Local police departments patrol jurisdictions that correspond to the municipal boundaries of cities. County sheriffs run county jail systems and patrol unincorporated areas of the county or municipalities within the county that lack independent municipal police departments and contract with the county sheriff. County jails hold criminal defendants awaiting arraignment and/or trial, inmates sentenced for relatively minor offenses and relatively short spells, and inmates serving terms for probation, parole and Post-Release-Community-Supervision violations.⁵ The California Department of Corrections and Rehabilitation (CDCR)

⁴ The Supplemental Homicide Reports are micro-records collected by the U.S. Federal Bureau of Investigation on all homicides reported in the United States. The data collection effort is a component of the Uniform Crime reporting system. These permit separate identifications of homicides described as “felon killed by police.”

⁵ Over the past four years, there have been several important criminal justice reforms that have altered the balance of responsibilities between state and county government and that have likely impacted trends in deaths in custody. In October 2011, California implemented the provisions of Assembly Bill 109, commonly referred to as corrections realignment. This reform included several important changes to adult corrections and felony sentencing. First, individuals released from prison serving time for a non-violent, non-serious, non-sexual crime are now monitored in the community by county probation departments rather than state parole under the newly created Post-Release Community Supervision (PRCS) Program. Second, individuals newly convicted of non-violent, non-sexual, non-serious crime with no such offense on their criminal history record are now punished with probation, local jail terms, or split sentences of jail terms followed by a period on probation in lieu of a state prison sentence. Third, individuals who technically violate parole or the terms specified under PRCS are sanctioned with short jail terms rather than short prison terms. Realignment has increased the responsibilities of county sheriffs, county probation departments, and local police in managing a population that in the past would have been in state prison or monitored by state parole officers. This reform led to an approximate decline in the state prison population of 27,000 inmates within one year and an increase in the average daily population of county jails of

manages the state prison system as well as the population of former inmates on state parole. All three of these broad agency types make arrests (for example, police make arrest within their jurisdictions, sheriffs make arrests in the process of patrolling unincorporated areas, parole officers arrest parolees deemed to be out-of-compliance). However, these agency types differ greatly in terms of the composition of their responsibilities, with sheriffs and CDCR devoting much greater resources to managing inmates.

Aside from local police, sheriffs, and CDCR institutions, the California Highway Patrol (CHP) enforces the law on highways and freeways across the state. The California Department of State Hospitals manages the state's psychiatric hospital system, and the California Department of Developmental Services manages the state residential care system for individuals with developmental disabilities. In addition, there are a number of special jurisdiction police departments throughout the state, such as transit police, university police departments, and school district police departments. All of these agencies are required to report deaths that occur in their custody to the Department of Justice.

Over half of deaths in custody are reported by CDCR (55 percent), followed by county sheriffs (23 percent) and local police (approximately 15 percent). Together these three agency types account for roughly 93 percent of the deaths reported during the study period. A relatively small share of deaths is reported by the state mental hospitals (5 percent), and an even smaller share is reported by other state law enforcement (for example, the CHP).

Most deaths in custody are deaths occurring among sentenced inmates due to natural causes. Homicides, justified, by law enforcement and suicide among the incarcerated are the second and third leading manners of death. Table 1 presents a breakdown (counts as well as percentages) of these deaths by the manner of death recorded by the reporting agency. Roughly 61 percent of deaths are recorded as due to natural causes. Homicide, justified, is the next leading cause of death at 14 percent, followed by suicide at roughly 10.5 percent. Willful homicides (by either law enforcement staff or other inmates) are relatively rare, while a fairly small percentage of reports are recorded as "pending investigation" (0.59 percent), "cannot be determined" (1.62 percent), or "other" (0.31 percent).

Death in custody may occur at various points of the criminal justice case processing flow. Broadly speaking, a criminal case commences with an arrest, and may proceed to formal booking into a county jail, pre-trial detention, and ultimately, an

roughly 8,000. Proposition 47 passed by California voters in November 2014 redefined low level property crimes and drug crimes involving personal use from felonies to misdemeanors. The proposition also allows for the resentencing of individuals convicted of such crimes in the past. The passage of the proposition led to a quick decline in the state prison population by roughly 5,000 inmates over the first six months. While data on jail population counts spanning the passage of proposition 47 are not yet available, individual counties throughout the state have reported declines in arrests, bookings, and average daily jail populations.

incarceration sentence depending on the particulars of a specific case. Deaths occur at all points in this process.

The majority of deaths in custody occur among jail and prison inmates who have been convicted and who are serving out their sentences. Table 2 shows the breakdown of deaths in custody by the custody status of the decedent at the time of death. Most deaths (64 percent) occur among sentenced prison and jail inmates. Slightly less than one-fifth of deaths occur during the process of arrest. A sizable proportion of deaths in custody occur among pre-trial detainees awaiting trial (12 percent) or arraignment (2.74 percent). Relatively few deaths occur during transit or while the detained are attending court hearings.

Figure 2 documents trends over time in deaths in custody after grouping the data into three broad custody stages: arrest-related deaths (those occurring in the process of arrest or in transit), deaths that are booking-related or occur while awaiting trial (those occurring while awaiting booking, arraignment, or trial) and deaths among sentenced inmates. The annual totals are fairly stable across years, with the exception of arrest-related deaths, which exhibit a large increase in 2006 and an apparent upward trend in the last few years. We are nearly certain that the jump between 2005 and 2006 reflects the new reporting forms and an improvement in reporting rates.⁶ It is likely the case that the proportion of arrest-related deaths reported to the Department of Justice are increasing over the entire study period, given the greater concordance between death totals in the death-in-custody data base and death totals for process-of-arrest deaths in the Supplemental Homicide Reports in later years.

Tables 3 and 4 present more detail on deaths in custody by these custody stages. Table 3 shows the percentage breakdown of deaths in each stage by the agency type reporting the death. Table 4 shows the percent distribution of deaths within each category by the manner of death. In table 3 we see several salient patterns. First, local police account for over two-thirds of deaths that are arrest-related (70.4 percent), with sheriffs accounting for the second largest share (20.8 percent). For comparisons sake, metropolitan police departments in the state made 76 percent of arrests in 2014 while county sheriffs accounted for 16 percent of arrests. County sheriffs generally report booking-related and pre-trial deaths. This is not particularly surprising given that sheriffs manage local county jail systems. Third, 86 percent of deaths among sentenced inmates occur within the state's prison system, with sheriffs accounting for a relatively small share.

⁶ From 2005 through 2012, the counts of arrest related deaths in this data set are 18, 156, 111, 83, 110, 97, 140, and 162 (counts for years listed consecutively). Homicides occurring in the process of arrest reported in the FBI Supplemental Homicide Reports for the corresponding years were 111, 124, 115, 101, 113, 83, 98, and 114. This comparison strongly suggests that that jump between 2005 and 2006 is driven by changes in reporting and likely the change in the reporting form used to collect information on deaths in custody.

In Table 4, we see that three-quarters of deaths that occur in the process of arrest are reported as justifiable homicides by law enforcement staff, with the second most important manner of death being accidents. Suicides account for roughly one-quarter of booking-related and pre-trial detention deaths, while deaths recorded as due to natural causes account for half. For deaths among sentenced inmates 81.4 percent are recorded as occurring due to natural causes, 8.8 percent are recorded as suicides, while 4.7 are recorded as accident-related.

4. Racial Disproportionality in Deaths in Custody

Racial disproportionality in involvement with the criminal justice system is a serious problem throughout the United States. Causes aside, racial minorities and African Americans in particular are disproportionately represented among those arrested and those incarcerated in prisons and jails. Deaths in custody represent perhaps the most serious criminal justice outcome involving those who are justice-involved. Given the over-representation of racial minorities in arrests and in incarcerated populations, there are corresponding disparities in who dies in custody.

No one racial or ethnic group accounts for the majority of deaths in custody in California. Table 5 shows the percentage breakdown of deaths in custody by racial/ethnic group for the period 2005 through 2013.⁷ This table groups deaths in custody in a manner that is somewhat different from the case-processing distinction used to separate deaths into the different custody stage. For all deaths in custody, whites account for the largest share (41.33 percent), followed by Latinos (28.76 percent), and African Americans (24.73 percent). Together, these three groups account for 95 percent of all deaths in custody.

For arrest-related deaths, Latinos account for the largest share (41.31 percent), followed by whites (31.72 percent), and African Americans (20.99 percent). For all post-booking deaths and deaths that occur in state prisons, whites account for the largest shares with relatively equal shares accounted for by African Americans and Latinos.

African Americans are certainly over-represented among those who die in custody. African Americans account for roughly 6 percent of the resident population, but 25 percent of all deaths in custody (with the percentage varying from 21 to 27 percent across the different custody stages). African Americans are also over-represented in all stages of the criminal justice process. Table 6 presents these comparisons. The first column shows the percentage breakdown of the California population for the period 2005 through 2013.⁸ The second column shows the racial/ethnic

⁷ Here we focus on the nine year period due to the fact that we do not yet have population benchmark data for 2014.

⁸ We generated this population distribution using data from the American Community Survey for the years 2005 through 2013. The precise definition of the race categories tabulated from the ACS are non-Hispanic white alone (white in the table), non-Hispanic black alone (black in the table), non-

composition of all individuals arrested between 2005 and 2013.⁹ The third column presents estimates of the racial breakdown of individuals in California who are housed in institutional group quarters. This population corresponds roughly to the combined population of state prisons, county jails, and state mental hospitals.¹⁰ The final column provides the racial breakdown of the state prison population gleaned from the semi-annual inmate census conducted and published by the California Department of Corrections and Rehabilitation.¹¹

At all stages of the criminal justice system, beginning with arrests, the racial/ethnic breakdown differs considerably from the state's residential population. While whites account for 41 percent of the resident population, they account for roughly 35 percent of arrests. African American's share of arrests (approximately 17 percent) is nearly three times their percentage in the resident population. Latinos are slightly over-represented among arrestees (42 percent of arrests compared with 37 percent of the population). Asians/Pacific Islanders are under-represented among arrestees while Native Americans are slightly over-represented.

African Americans are heavily over-represented among the overall institutionalized population (roughly 24 percent of the institutionalized compared with 6 percent of the resident population), while Latinos are slightly over-represented (roughly 39 percent of the institutionalized compared with 37 percent of the resident population). Whites and Asians/Pacific Islanders are under-represented among the institutionalized while Native Americans are over-represented.

We observe similar patterns for the state prison population. The percent of state prison inmates that are African American is nearly five times their percentage of the state population. Latinos are only slightly over-represented, accounting for 39 percent of state prisoners and 37 percent of the state population. Whites are heavily under-represented among state prisoners.

The percentage breakdown of deaths in custody by race as well as the racial composition of these alternative benchmark populations can be used to characterize the degree to which one group is disproportionately represented among those who

Hispanic Asian/Pacific Islander alone (Asian/PI in the table), Non-Hispanic Native American alone (Native American in the table), non-Hispanic two or more or other race (other in the table), and Hispanic.

⁹ These figures were tabulated from the Monthly Citation and Arrests Registry files for 2005 through 2013.

¹⁰ Data from the American Community Survey for the years 2006 through 2013 were used to estimate the racial breakdown of residents of institutional group-quarters. We limited the data to those 18 to 65 years of age to eliminate individuals in homes for the elderly. We use these census data due to the fact that breakdowns of the populations of California's jails by race and ethnicity are not available in any published sources. We use these census tabulations as estimates of the racial composition of the combined populations of the state's prisons, jails, and state hospitals

¹¹ The CDCR presents data from their inmate census for the racial/ethnic categories white, black, Hispanic, and other. Hence, the other category includes Asians/Pacific Islanders, Native Americans, and other-race individuals.

die in custody relative to another. Specifically, by dividing the percentage of deaths in custody for one group by their percentage in a benchmark population, one can assess whether a group is over-represented or under-represented. A ratio greater than one suggests over-representation while a ratio less than one suggests under-representation. For example, African Americans account for 20.99 percent of arrest-related deaths but only 5.84 percent of the state's resident population. Dividing the first number by the second yields a ratio of 3.59, indicating that African Americans die in custody at a rate that is 3.59 times what it would be if they were not over-represented.

In addition, one can use alternative population benchmarks to broadly highlight the source of the disproportionality for a given group. For example, one can use the percent of arrests accounted for by African Americans rather than the percent of the residential population in the denominator. The ratio of the percent of arrest-related deaths that are of African Americans to the percent of arrests that are of African Americans is 1.26; indicating that African Americans die in arrest-related circumstances at a rate that is 1.26 times what it would be if they were not over-represented among those who die pre-booking. The much lower ratio using arrests as a benchmark (1.26) as compared to the resident population (3.59) suggests that much of the disproportionate representation of African Americans among those who die in pre-booking circumstances can be attributed to the relatively high arrest rate for African Americans.

Figure 3 presents comparable ratios of percentage shares of arrest-related deaths to percentage shares of the residential population and of arrests made between 2005 and 2013. Relative to their residential population share, whites are under-represented among those who die in custody (with a ratio of 0.77), though less so when we account for the fact that whites are under-represented among those who are arrested (with a deaths-to-arrests ratio of 0.91). Latinos are slightly over-represented among pre-booking deaths when we benchmark by resident population but slightly under-represented when we benchmark by arrests. The largest differences between the two results using the alternative population benchmarks occur for African Americans and Asian/Pacific Islanders. African Americans are heavily over-represented when we benchmark with resident population shares (with a ratio of 3.59), though less so when we benchmark with arrests (1.26). Regardless of the explanation for higher arrest rates for African Americans (for example, differential treatment by police or a higher propensity to offend), the side-by-side comparison using these alternative benchmarks indicates that differential arrest rates are an important source of racial disproportionality in this outcome. For Asian/Pacific Islanders, they are heavily under-represented among those who die pre-booking when we benchmark with resident population shares (ratio of 0.34), but somewhat over-represented when we benchmark by arrest shares (1.56). Native Americans are slightly over-represented among pre-booking deaths regardless of the benchmark used.

Figure 4 presents ratios of the percentage share of deaths occurring among jail inmates, prison inmates, and all other institutionalized persons relative to two alternative benchmark populations: (1) the share of each group in the resident population and (2) the census estimates of the share of each group in the overall population of the institutionalized. Here we see that whites are over-represented among these decedents for both benchmarks. African Americans are heavily over-represented relative to their share of the residential population (accounting for a percentage of these deaths that is 4.4 times their percentage of the resident population), but only slightly over-represented relative to their share of the institutionalized population (with a corresponding ratio of 1.08). Again, this indicates that much of the disproportionate share of African Americans among the institutionalized who die in custody can be explained by their over-representation among the institutionalized. Latinos and Asians/Pacific Islanders are under-represented for both benchmarks, while Native Americans are over-represented relative to their resident population and under-represented relative to their share of the institutionalized population.

Finally, Figure 5 presents the ratio of a given racial group's share of deaths in state prison to their relative share of the state population and the state prison population. CDCR only reports population totals for four broad race/ethnic groups: white, black, Latino, and other. Hence, this figure uses a slightly different grouping than those presented for pre-booking deaths and deaths among the overall institutionalized population of the state. While African Americans are heavily over-represented relative to their share of the resident population, they are not over-represented relative to their share of the state prison population. Whites are slightly over-represented among those who die in prison relative to their resident population share, but more so relative to their share of the prison population (with corresponding ratios of 1.05 and 1.66, respectively). Latinos and others are under-represented using either population benchmark.

5. How Does California Compare to Other States?

While other states have not released data on deaths in custody comparable to the administrative data collected by the Department of Justice, the U.S. Bureau of Justice Statistics (BJS) does manage several ongoing data collection programs that permit comparisons of California to other states. In particular, the Deaths in Custody Reporting Program collects data from all 50 state Departments of Corrections and roughly 3,000 adult jails on deaths in custody in jails and prisons. In addition, the BJS collects information under the Arrest-Related Deaths program, though as we will discuss in the next section coverage of this program is less than complete.

The BJS data indicate that the annual number of prisoner deaths per 100,000 state prison inmates was 216 in California for the period 2003 through 2009. The average of this figure across all states was 253. When states are ordered from

lowest to highest along this dimension, California ranked 16th out of 50 along this dimension. That is to say, 34 states have higher values than California.

Regarding deaths in local jails, the average annual mortality rate per 100,000 jail inmates for the period 2003 through 2009 was 160.7 for California, compared with a national average of 140.7. California had the 11th highest rate out of the 44 states that report data.¹²

Regarding Arrest-Related Deaths program, the BJS reports 775 arrest-related deaths in California for the period 2003 through 2009. This amounts to 16 percent of the national total. During this period, California's population amounted to roughly 12 percent of the national population. Hence, arrest-related deaths occur in California at a rate that is somewhat above the national rate.¹³

6. Comparison of Deaths in Custody Reported to the Department of Justice with Independent Crowd-Sourced Efforts to Enumerate Arrest-Related Deaths

The general scarcity of data on deaths that occur in the process of arrests has given rise to organized private efforts to enumerate and record such incidents. These efforts generally rely on the crowd sourcing, or volunteer contributions of known incidents where an individual is killed during an interaction with a law enforcement officer. The most advanced effort can be found at www.fatalencounters.org, which collects information on incidents occurring as far back as 2000 from across the nation. The organization notes on their webpage that they believe that their data is most complete for the years 2013 and 2014.¹⁴

To assess the completeness of coverage of the data received by the Department of Justice, we downloaded all confirmed incidents on the fatalencounters.org webpage for the years 2013 and 2014. We discarded all incidents that occurred outside of California and all incidents where no useable name of the decedent was recorded on the spreadsheet. We identified 377 incidents on fatalencounters.org that satisfied these criteria.

We then compared each of these 377 incidents by first and last name with the incidents included in the Department of Justice file for these years. In addition to looking for exact matches, we identified a handful of cases where first and last names were switched, or where there were minor variations in spelling across the two data sets. For such discrepant pairs, we also assured that the dates matched across the two data sets. In total, 254 of the 377 incidents from the fatalencounters.org data set matched records in the Department of Justice data set.

¹² Data do not exist on jail death for the six states with uniform prison-jail systems.

¹³ To see more detail, see Noonan, Margaret E. and E. Ann Carson (2011), *Prison and Jail Deaths in Custody, 2003-2009 Statistical Tables*, U.S. Department of Justice NCJ 236219, and Burch, Andrea M. (2011), *Arrest-Related Deaths, 2003-2009 Statistical Tables*, U.S. Department of Justice, NCJ 235385.

¹⁴ An alternative effort can be found at www.killedbypolice.net.

Of these 254 matches, 98 percent of the cases (or 248) were classified in the Department of Justice database as deaths that occurred in the process of arrest.

We can use these data in conjunction with a simple set of calculations to provide a ballpark estimate of the degree of coverage of the Department of Justice database for deaths that occur in the process of arrest. Specifically, the Department of Justice database includes 321 process-of-arrest deaths for the years 2013 and 2014. Of these, 248 are observed in the fatalencounters.org data set. If we (1) drop the six deaths in the fatalencounters.org data that occurred in California but involved federal law enforcement (mostly deaths attributed to the U.S. Border Patrol), (2) further exclude the six deaths that match the state data but are not classified as process-of-arrest deaths, and (3) assume that all of the remaining unmatchable deaths in the crowd-sourced data are actually process of arrest deaths, this leaves 117 incidents in the fatalencounters.org data with no matching observation in the administrative data base. Alternatively stated, the process-of-arrest deaths recorded in the state's database amounts to approximately 68 percent of the process-of-arrest incidents captured by the crowd-sourced data. If we assume that the crowd-source data represents a random sample of all process-of-arrest data, this would imply that the state data is capturing 68 percent of all such incidents. With 321 incidents in 2013 and 2014, these numbers imply an estimated total number of process of arrest deaths for these two years equal to 472 ($321/0.68$), or 236 per year.

This estimated 68 percent coverage rate is in line with the coverage estimates for the federal Arrest-Related Deaths (ARD) program. Researchers from RTI International studied the degree to which deaths reported to the federal government through the ARD program were also captured in the Supplemental Homicide Reports (SHR), a separate data collection effort that includes micro-level information on all homicides, including deaths that occur in the process of arrest.¹⁵ The authors concluded that for the period 2003 through 2009 (roughly the first seven years of the federal effort), the ARD data captured roughly 50 percent of all arrest-related deaths throughout the country. For a more recent year (2011), the analysis found that the ARD data captured 59 to 69 percent of all arrest-related deaths. Hence, California's coverage rate falls at the top end of this range.

That being said, a careful analysis of the cases reported on the multiple crowd-sourced webpages may aid in improving coverage in the state data file. Specifically, incidents that are in the crowd-sourced data but not the state data can be researched through media accounts. For those confirmed to be process-of-arrest-related deaths, retrospective reports can be requested from the responsible agencies. Such monitoring would likely close the non-coverage gap by a substantial amount. For example, the estimate suggests that there were likely 472 process-of-arrest deaths in California in 2013 and 2014, 321 of which were recorded, and by extension, 151 of which were not. To the extent that the 117 incidents in the crowd-

¹⁵ See Banks, Duren; Couzens, Lance; Blanton, Caroline and Devon Cribb (2015), *Arrest-Related Deaths Program Assessment Technical Report*, RTI International, NCJ 248543.

sources data page are confirmable, collecting retrospective reports for each incident would close the coverage gap considerably. Moreover, monitoring the multiple crowd-sourced data sets would improve coverage rates even further.

Figure 1: Percent Breakdown and Number of Deaths in Custody from 2005 through 2014 by Major Reporting Agency

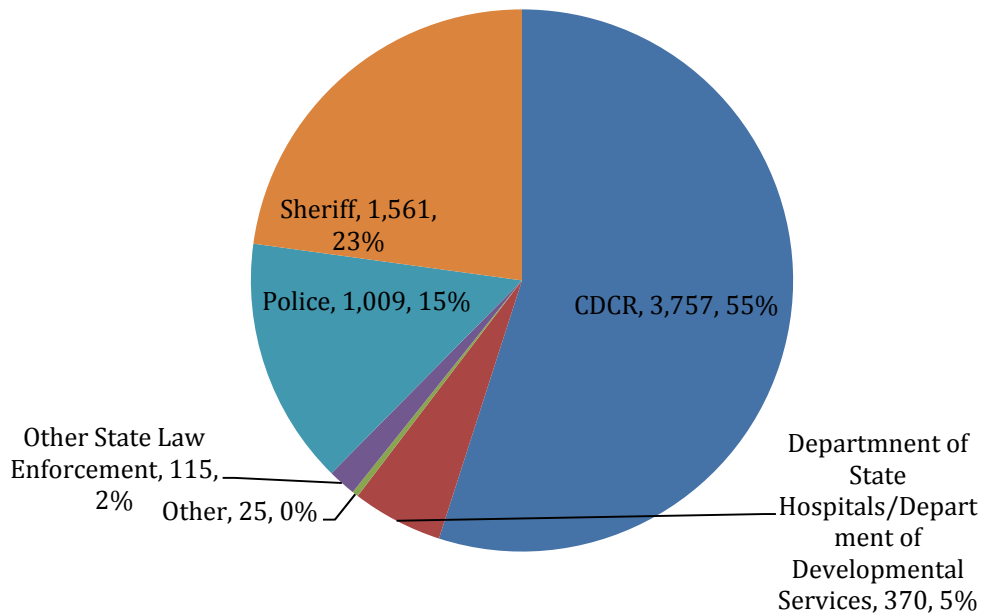


Figure 2: Trends in Deaths in Custody by Broad Custody Stage Categories

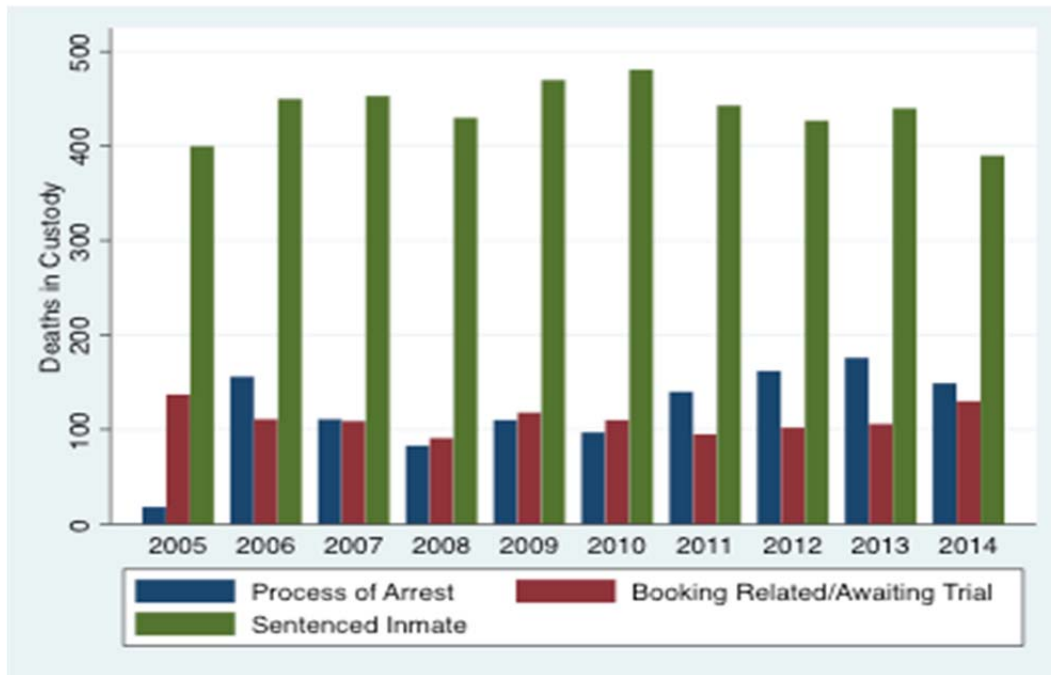


Figure 3: Ratio of the Percentage Share of Arrest-Related Deaths for Each Racial/Ethnic Group to the Percentage Shares of the General Population and the Percentage Shares of Arrests, 2005 through 2013

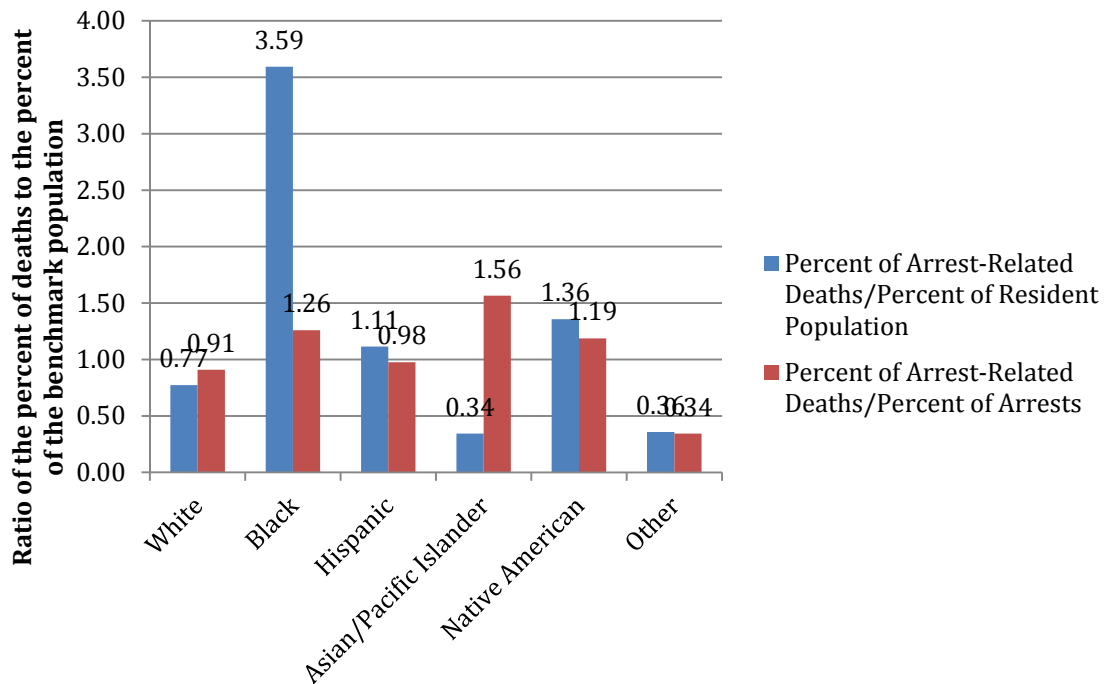


Figure 4: Ratio of the Percentage Share of Pre-Booking and Pre-Trial Detention Deaths for Each Racial/Ethnic Group to the Percentage Shares of the General Population and the Percentage Shares of the Institutionalized Population, 2005 through 2013

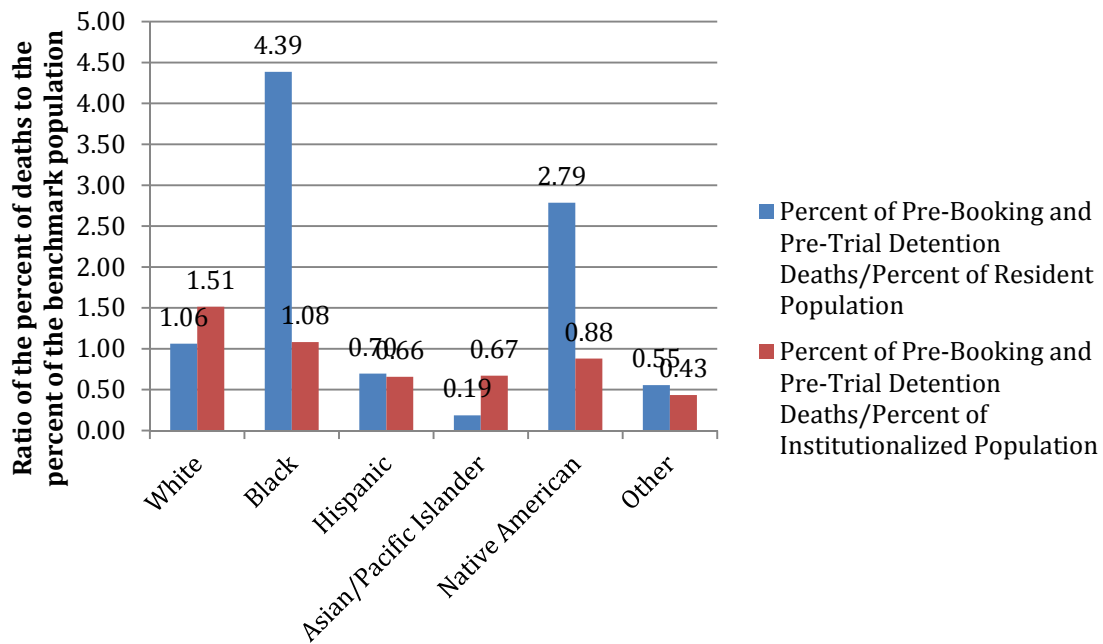


Figure 5: Ratio of the Percentage Share of Prison Deaths for Each Racial/Ethnic Group to the Percentage Shares of the General Population and the Percentage Shares of the State Prison Population, 2005 through 2013

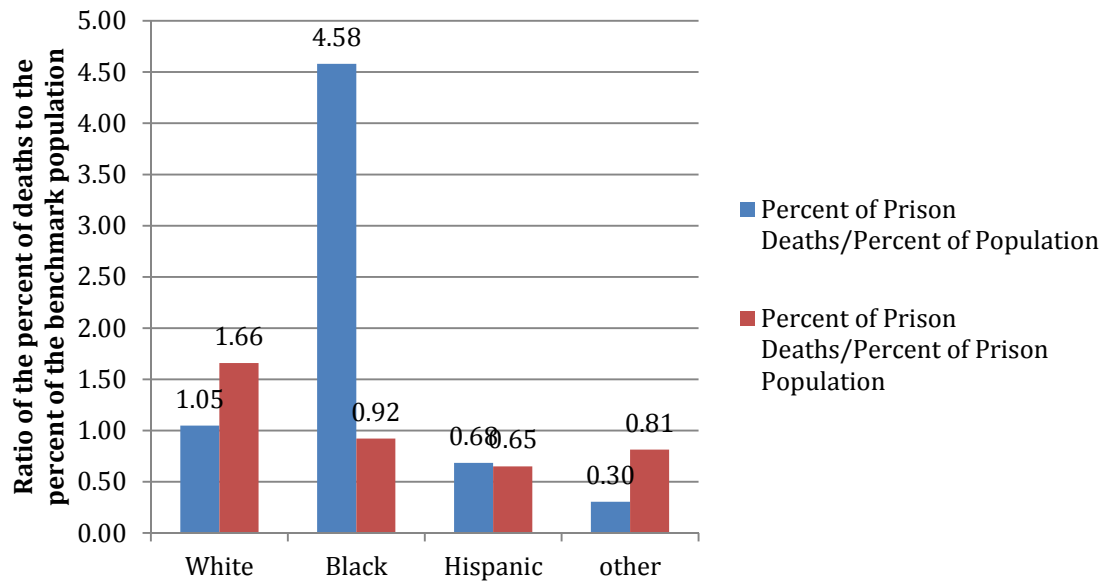


Table 1
Deaths in Custody Occurring From 2005 Through 2014 by Manner of Death

Manner of Death	Number of Deaths	Percent of Total
All Manners	6,837	100.00%
Natural Causes	4,197	61.39%
Justifiable Homicide by Law Enforcement	981	14.35%
Suicide	720	10.53%
Accidental	572	8.37%
Willful Homicide by Other Inmate	188	2.75%
Pending Investigation	40	0.59%
Cannot be determined	111	1.62%
Other	22	0.32%
Willful Homicide by Law Enforcement Staff	3	0.04%
Homicide Justified by Other Inmate	2	0.03%
Execution	1	0.01%

Table 2
Deaths in Custody Occurring from 2005 through 2014 by Custody Status of the Decedent at the Time of Death

Custody Status	Number of Deaths	Percent of Deaths
All Statuses	6,837	100.00%
Sentenced inmate	4,384	64.12%
Process of arrest	1,179	17.24%
Booked - Awaiting Trial	831	12.15%
Booked – No Charges Filed	176	2.74%
Other	142	2.08%
Awaiting Booking	78	1.14%
In Transit	23	0.34%
Out to Court	13	0.19%

Table 3
Percent Distribution of Deaths in Custody from 2005 to 2014 by Major Reporting Agency Type for Deaths that are Arrest-Related, that Occur During Booking or in Pre-Trial Detention, and Deaths Among Sentenced Inmates

	Deaths occurring during the process of arrest	Deaths that are booking related or occur during pre-trial detention	Deaths among sentenced inmates
All	100.0%	100.0%	100.0%
Police	70.4%	8.8%	0.0%
Sheriff	20.8%	89.6%	6.4%
CDCR	0.1%	0.0%	85.6%
Other	8.7%	1.6%	8.0%

Figures within columns may not sum to 100 percent due to rounding.

Table 4
Percent Distribution of Deaths in Custody from 2005 to 2014 by Manner of Death for Deaths that are Arrest-Related, that Occur During Booking or in Pre-Trial Detention, and Deaths Among Sentenced Inmates

	Deaths occurring during the process of arrest	Deaths that are booking related or occur during pre-trial detention	Deaths among sentenced inmates
All Manners	100.0%	100.0%	100.0%
Natural Causes	3.0%	50.0%	81.4%
Justifiable Homicide by Law Enforcement	75.5%	0.8%	0.2%
Suicide	2.8%	25.9%	8.8%
Accidental	12.5%	16.9%	4.7%
Willful Homicide by Other Inmate	0.0%	2.3%	3.7%
All other manners	6.2%	4.1%	1.2%

Figures within columns may not sum to 100 percent due to rounding.

Table 5
Racial/Ethnic Breakdown of Deaths in Custody Occurring from 2005 through 2013, All and By Broad Criminal Justice Status Categories

	All Deaths in custody	Deaths occurring during the process of arrest	Post-Arrest Deaths and Deaths of Sentenced Inmates	Deaths of Inmates in State Prison
All Deaths	100.00%	100.00%	100.00%	100.00%
White	41.33%	31.72%	43.54%	42.99%
Black	24.73%	20.99%	25.62%	26.75%
Latino	28.76%	41.31%	25.80%	25.37%
Asian/Pacific Islander	2.76%	4.46%	2.41%	2.01%
Native American	1.04%	0.57%	1.17%	1.29%
Other	1.38%	0.95%	1.47%	1.59%

Table 6
Racial/Ethnic Composition of the California General Population, of Arrests, of the Institutionalized, and of the State Prison Population

	California Population, 2005-2013	Arrests Made Between 2005 and 2013	Institutionalized Individuals Observed in the American Community Survey ^a	State Prison Population ^b
Total population	100.00%	100.00%	100.00%	100.00%
White	41.03%	34.90%	28.75%	25.90%
Black	5.84%	16.66%	23.68%	29.40%
Latino	37.07%	42.34%	39.26%	39.05%
Asian/Pacific Islander	12.98%	2.85%	3.59%	-
Native American	0.42%	0.48%	1.33%	-
Other	2.65%	2.76%	3.38%	6.01%

a. Data from the American Community Survey for the years 2005 through 2013 were used to estimate the racial breakdown of residents of institutional group-quarters. We limited the data to those 18 to 65 years of age to eliminate individuals in homes for the elderly. We use these census data due to the fact that breakdowns of the populations of California's jails by race and ethnicity are not available in any published sources. We use these census tabulations as estimates of the racial composition of the combined populations of the state's prisons, jails, and state hospitals

b. CDCR presents data from their inmate census for the racial/ethnic categories white, black, Hispanic, and other. Hence, the other category includes Asian/Pacific Islanders, Native Americans, and other-race individuals.