

*Dying Republic:*  
Police Violence and the Limits of  
Death Investigation in America

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# TERENCE KEEL

The BioCritical Studies Lab is an interdisciplinary space committed to studying how discrimination, inequality, and resilience are embodied in vulnerable populations.

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Class of 2022



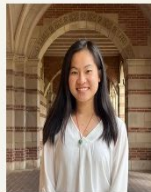
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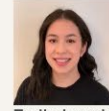
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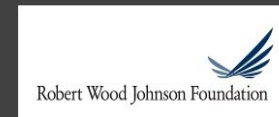


**Carmen Johnson PhD**  
Founder of Helping Ourselves to  
Transform



**Elizabeth Rossi**  
Lawyer and Director of Civil Rights  
Corp's Strategic Initiatives

## Partners



UCLA Research & Creative Activities





- Social scientists and public health scholars widely acknowledge that police contact is a decisive source of health inequality (**1, 2**) and is an important cause of early mortality for people of color (**3**).
- Police in the United States kill far more people than do police in other advanced industrial democracies (**4**)

1. A. Geller, J. Fagan, T. Tyler, B. G. Link. Aggressive policing and the mental health of young urban men. *Am. J. Public Health* **104**, 2321–2327 (2014).

2. A. A. Sewell, The illness associations of police violence: Differential relationships by ethnoracial composition. *Sociol. Forum* **32**, 975–997 (2017).

3. A. L. Bui, M. M. Coates, E. C. Matthay. Years of life lost due to encounters with law enforcement in the USA, 2015 - 2016. *J. Epidemiol. Community Health* **72**, 715–718 (2018).

4. J. Lartey. By the numbers: US police kill more in days than other countries do in years. *The Guardian*, 9 June 2015. <http://www.theguardian.com/us-news/2015/jun/09/the-counted-police-killings-us-vs-other-countries>.

- Police violence is a leading cause of death for young men in the United States. Over the life course, about 1 in every 1,000 black men can expect to be killed by police. Risk of being killed by police peaks between the ages of 20 y and 35 y for men & women and for all racial and ethnic groups.
- Black men are about 2.5 times more likely to be killed by police over the life course than are white men. Black women are about 1.4 times more likely to be killed by police than are white women.

## ORIGINAL ARTICLE

# Naturalizing unnatural death in Los Angeles County jails

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## Abstract

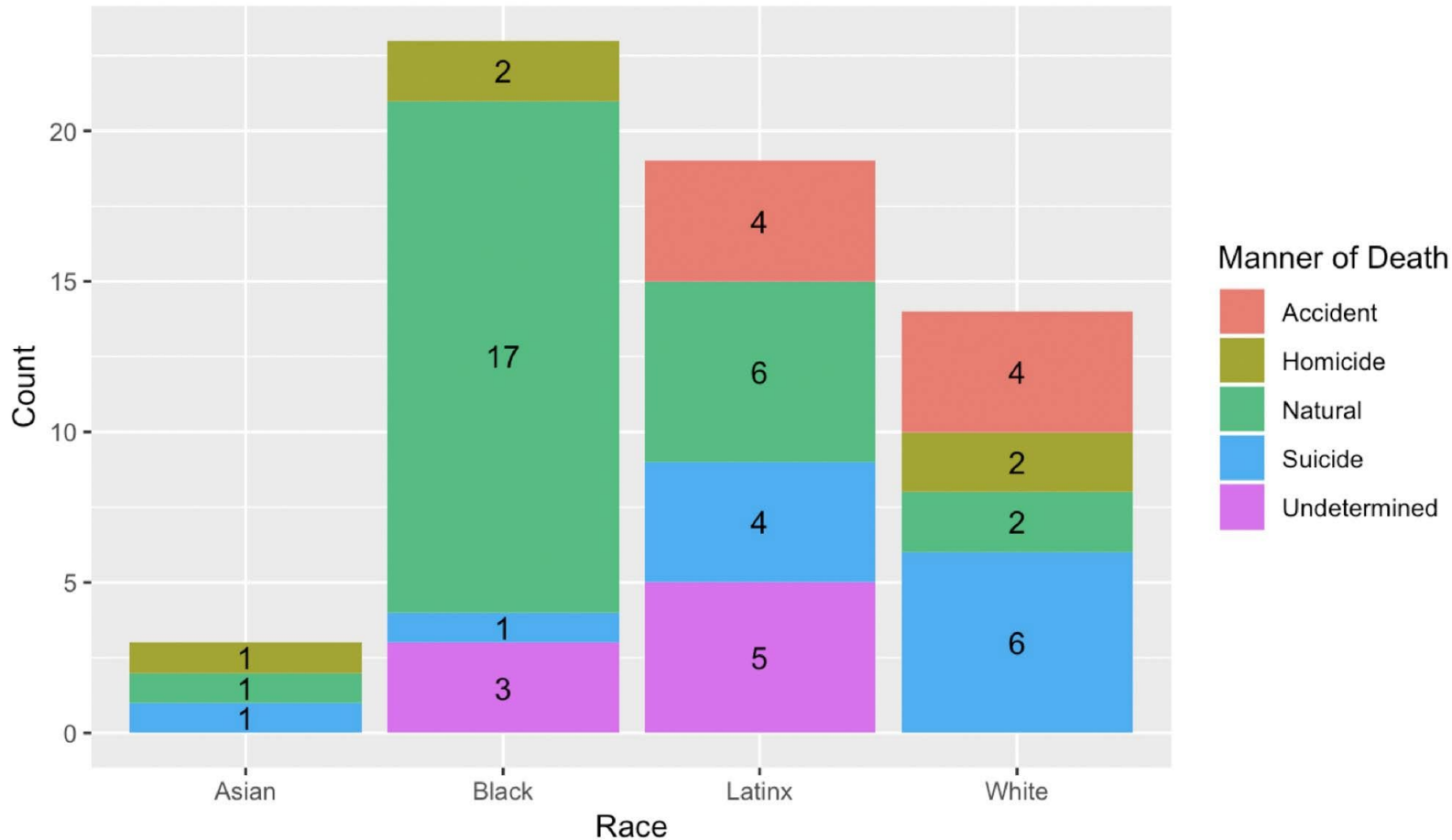
In this paper we use quantitative and qualitative methods to examine how death investigations in Los Angeles County jails disproportionately naturalize death among Black and Latino incarcerated people. Our study is based on an assessment of 58 autopsies, coroner investigator narratives, and toxicology reports produced between 2009 and 2018. We found that the Medical Examiner frequently arrived at natural or undetermined death determinations that minimized the culpability of carceral staff for loss of life that occurred within county jail. In our dataset, Black people were disproportionately classified as natural. Undetermined deaths were almost exclusively Latino. More than 75% of the cases in our study were deaths that occurred before standing trial. Our findings reveal how biomedical knowledge about incarcerated Black and Latino people is used to erase the life-diminishing effects of punishment, neglect, and maltreatment that are central to the project of mass incarceration.

Naturalizing unnatural death involves reducing lethal police encounters to problems with the the victim's biology. Death investigators who participate in this process diminish state accountability and suppress knowledge about the health effects of police violence and structural racism.



# Report 1: “Natural Causes?” 59 Autopsies Prove Otherwise

Death Classifications of 59 Cases in Los Angeles County Jails by Race, 2009-2019



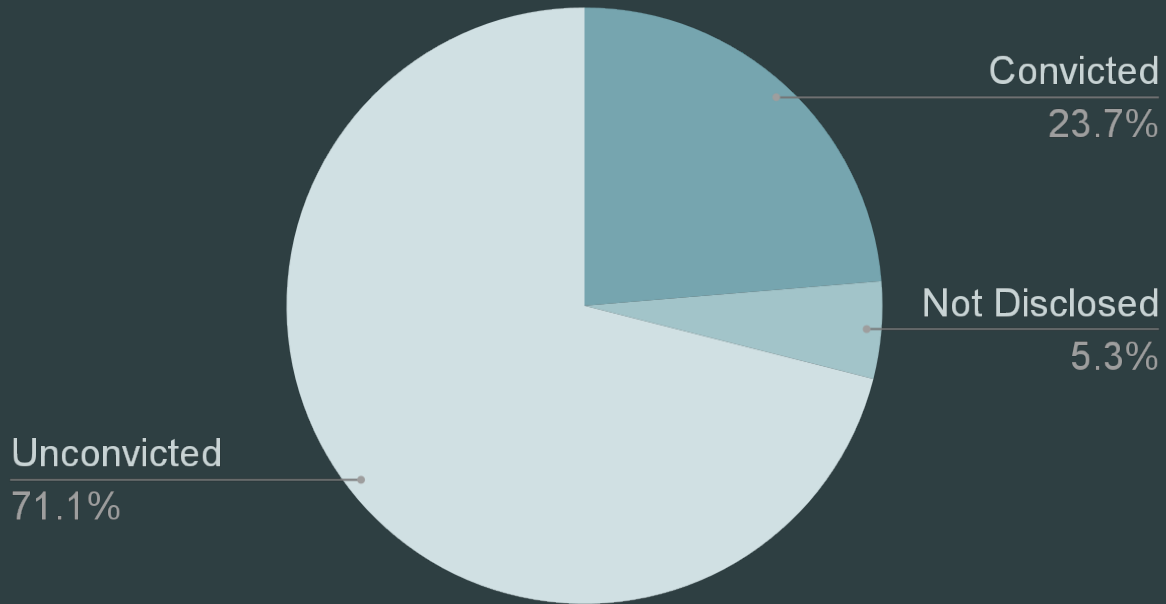
- ❖ In a sample of 59 cases, 26 deaths (44%) were ruled natural
  - 65% of these natural deaths were Black individuals
- ❖ More than 78% of the people in the total sample died before standing trial

Of 260 total recorded jail deaths between 2009-2019, only 59 (23%) were publicly accessible; the other 201 (77%) were on security hold.

# Report 2: Los Angeles County Jail Deaths 2009

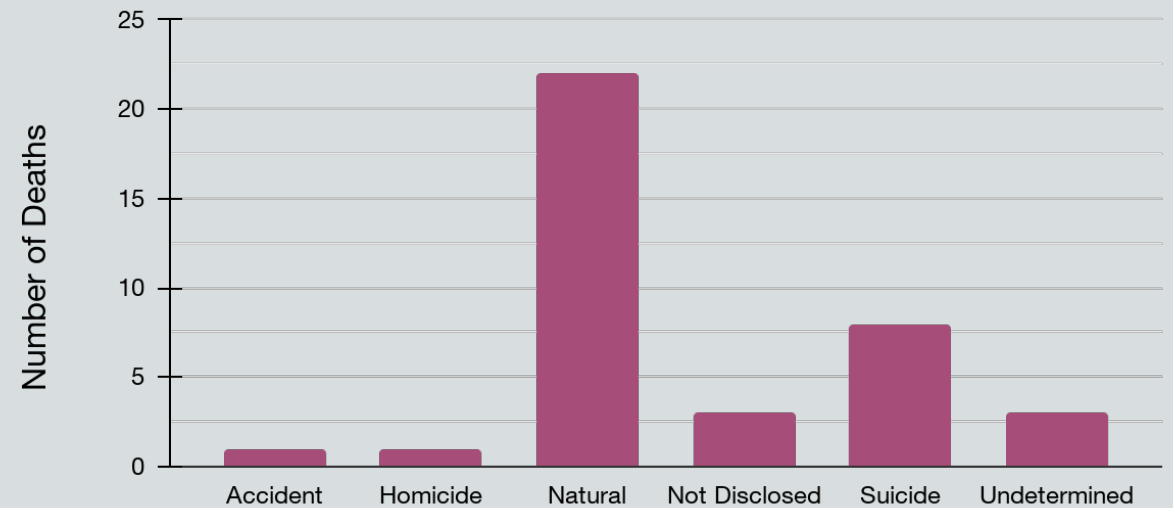
2009 was the **most lethal year** in LA County Jails before the COVID-19 pandemic (38 total deaths)

Percent of Deaths by Custody Status (2009)



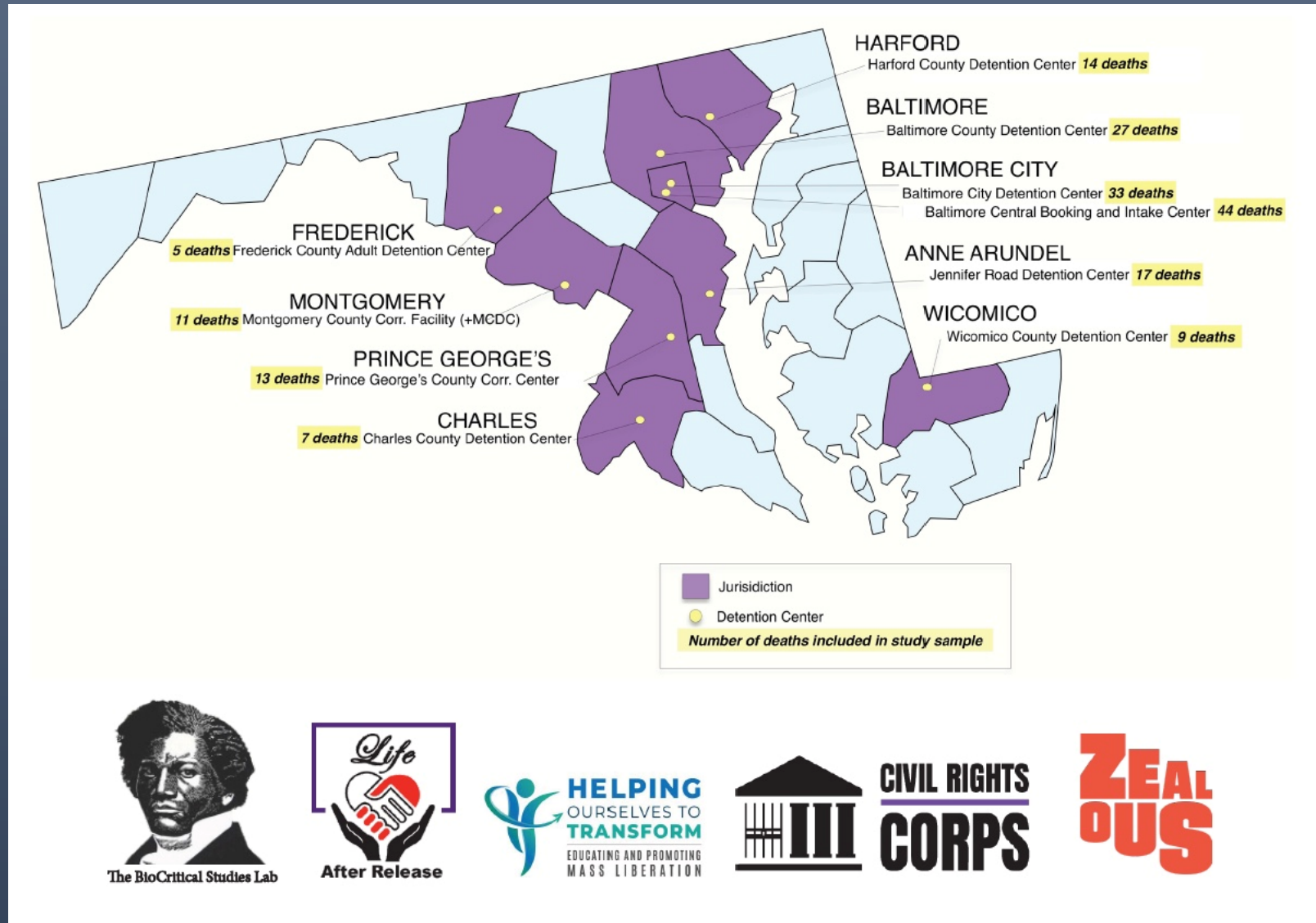
- ❖ **71% of the death cases from 2009 occurred pre-trial**
  - **70% of these pre-trial deaths were Black or Hispanic people**

Number of Deaths by Manner of Death (2009)



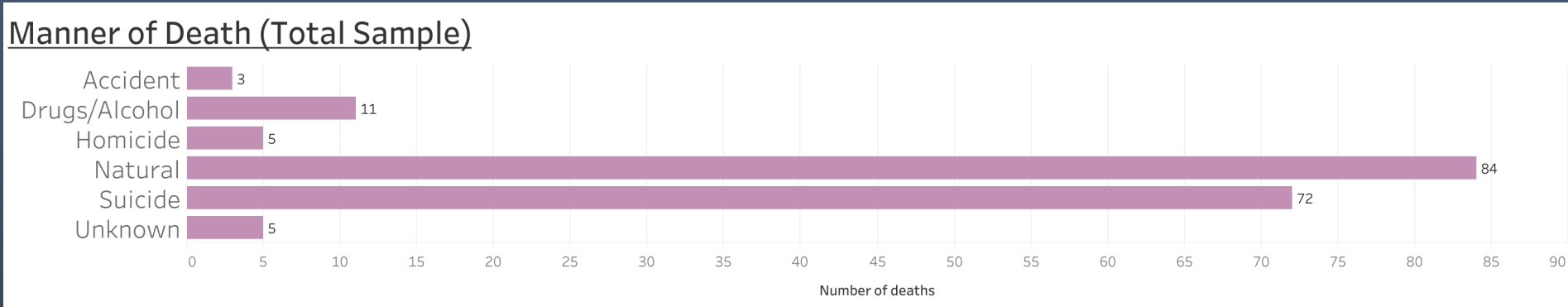
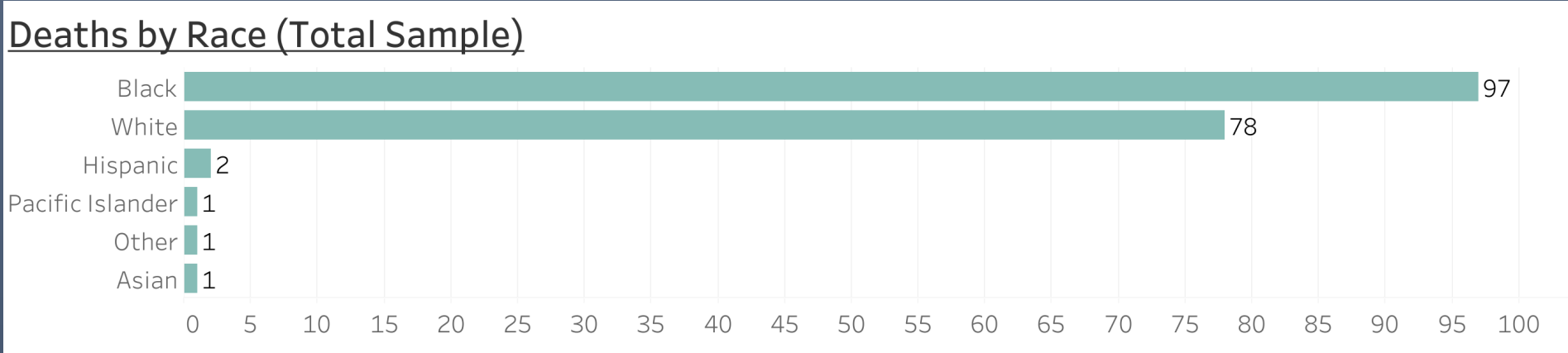
- ❖ **58% of jail deaths in 2009 were deemed natural by the LAMEC**
  - Average age at death (natural) : 49 years
  - Black and Hispanic people constituted 73% of the natural deaths

# 180 Deaths Across 10 MD Jails & Detention Centers 2009-2018

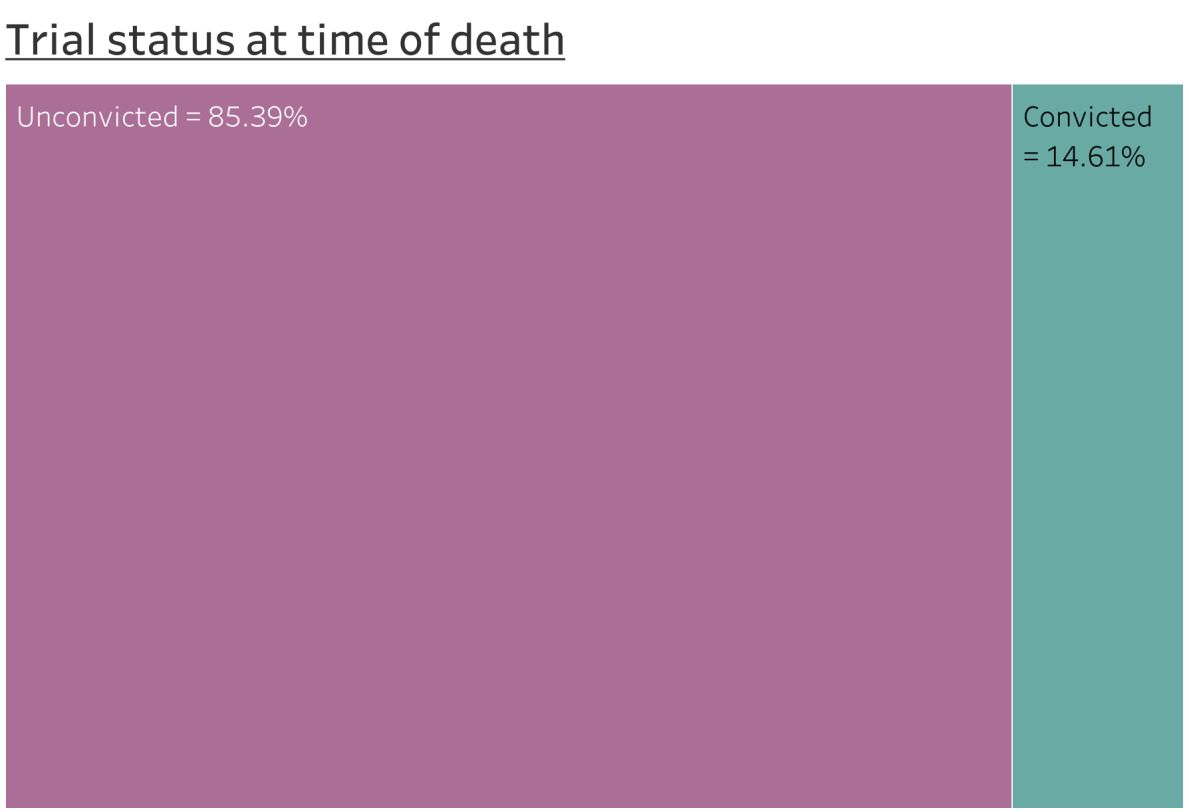
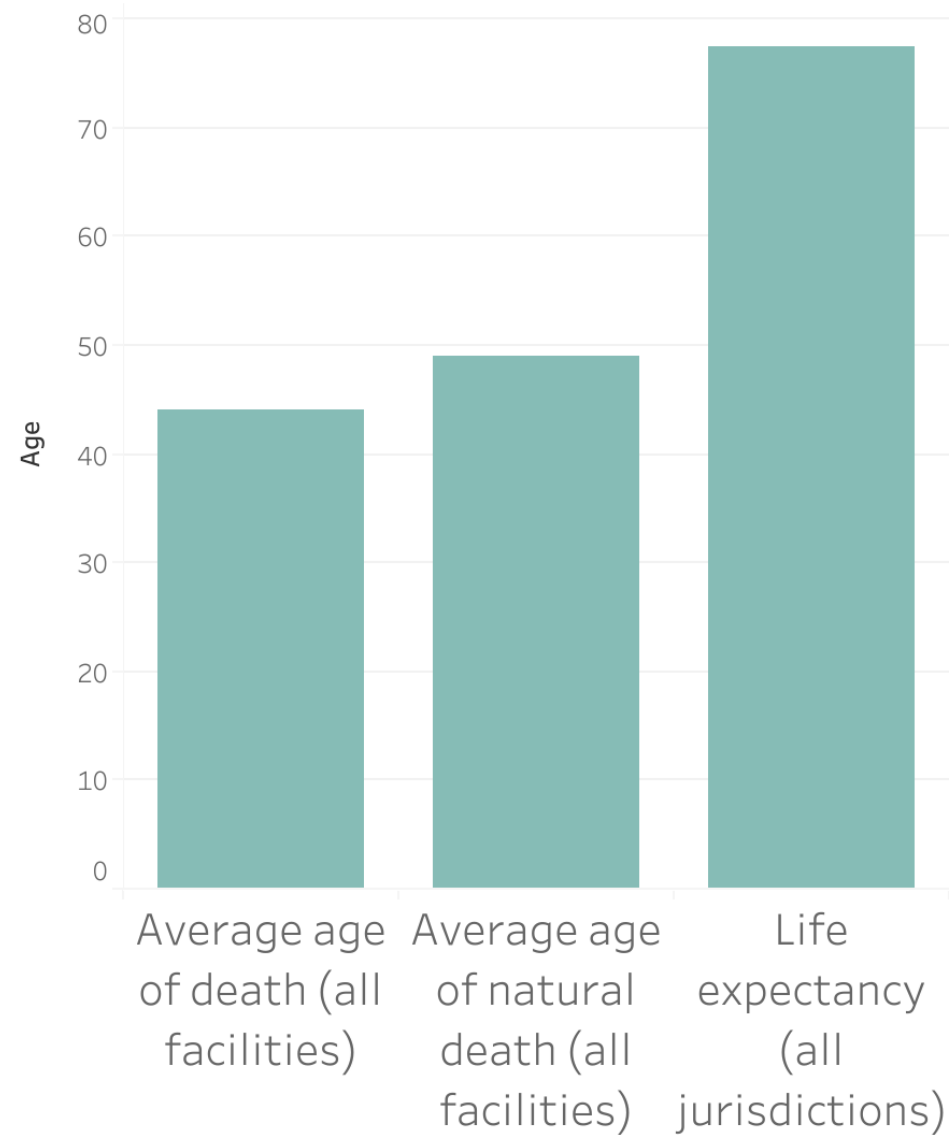




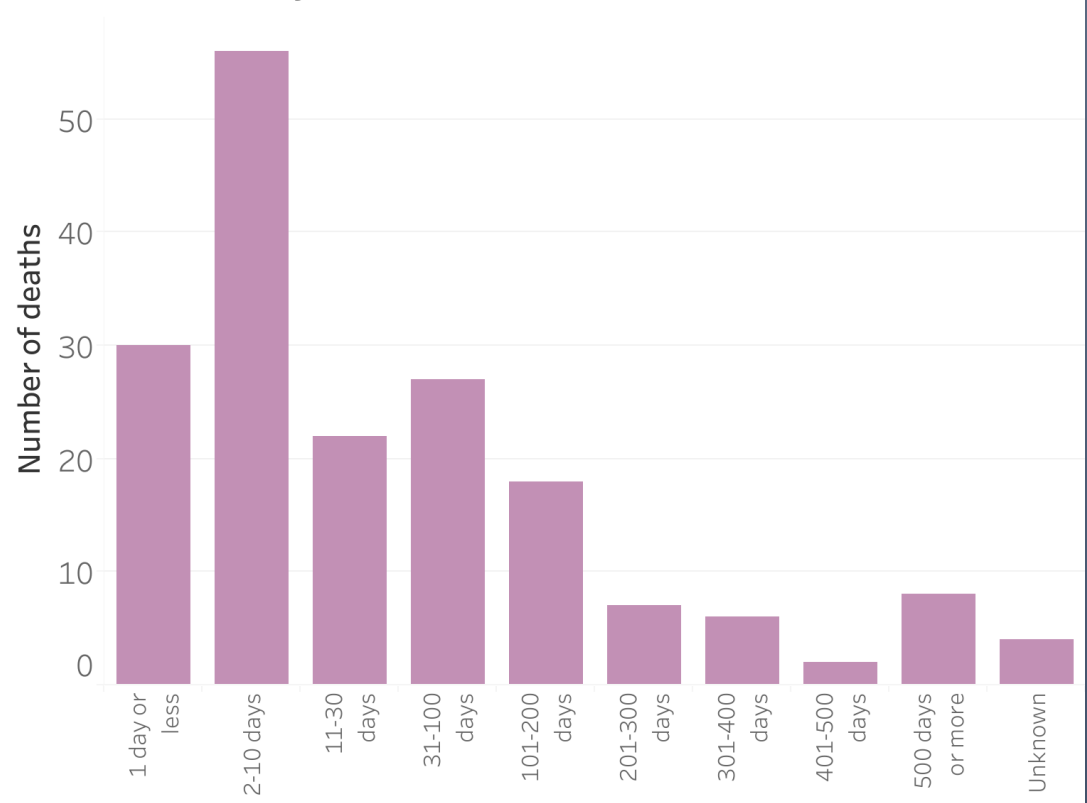
# 180 Deaths Across 10 MD Jails & Detention Centers 2009-2018



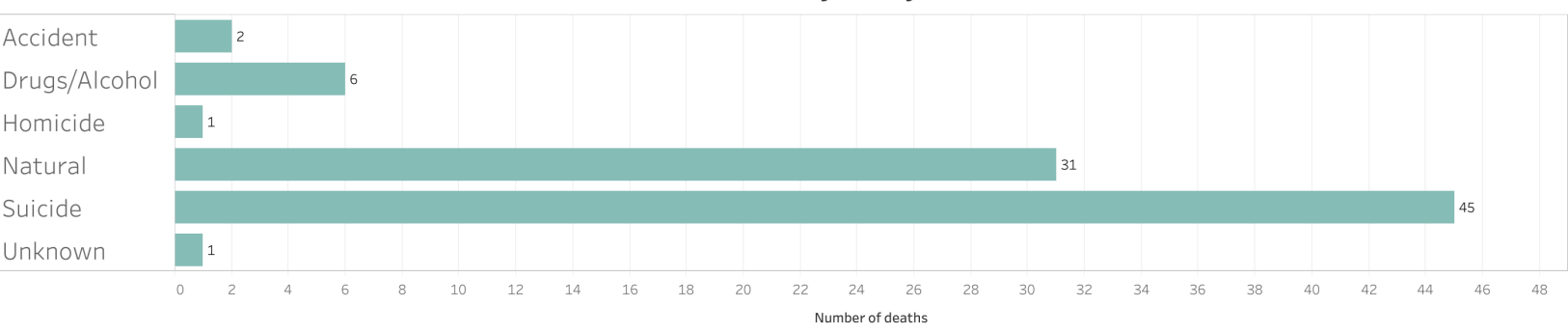
Average age of death (all facilities) and average life expectancy



### Number of days detained before death

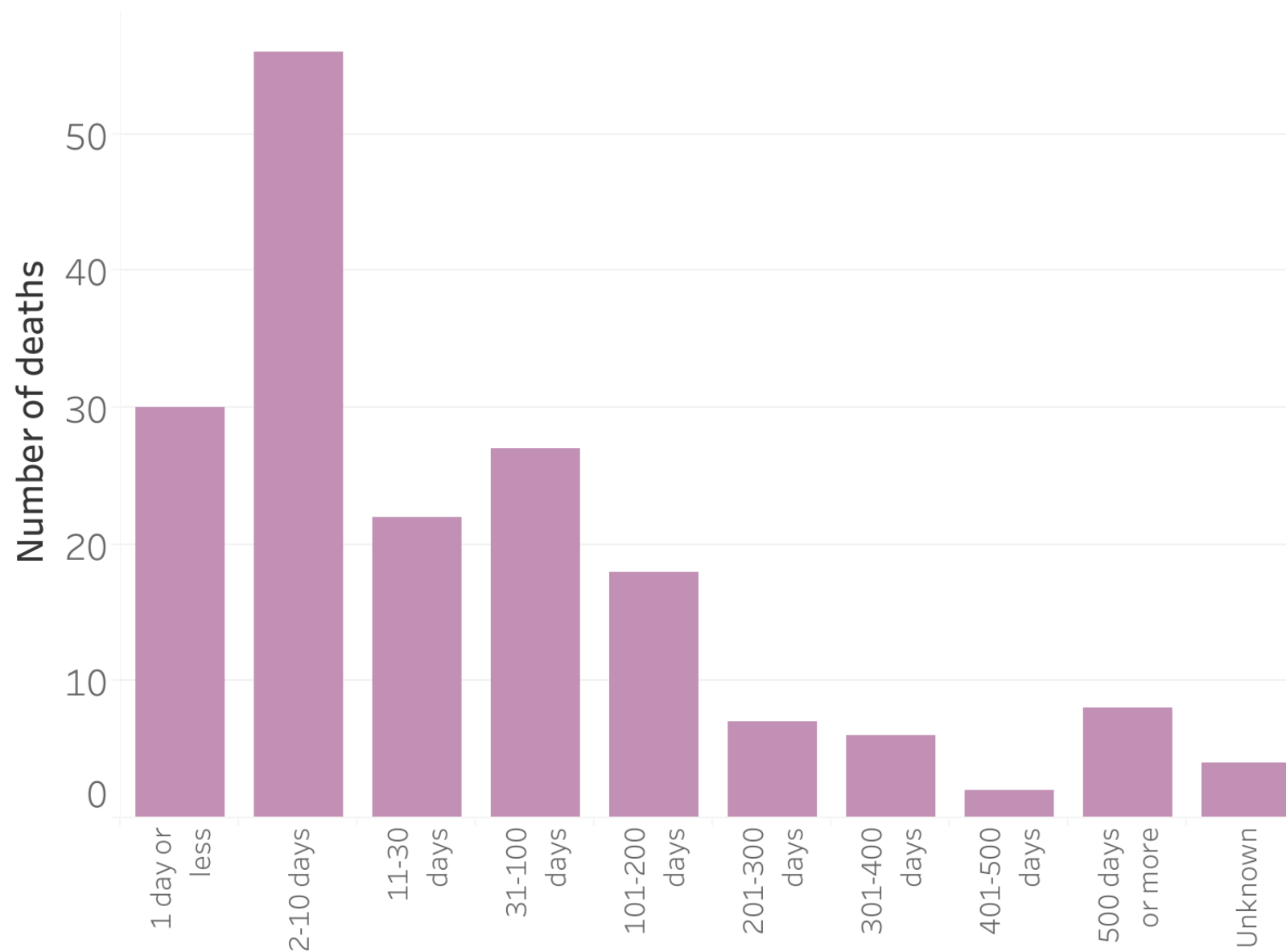


### Manner of death for those who died within 10 days of jail admission





## Number of days detained before death



# SENATE BILL 36

E5

4lr0924

(PRE-FILED)

By: **Senator Benson**

Requested: October 11, 2023

Introduced and read first time: January 10, 2024

Assigned to: Judicial Proceedings

## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Deaths in Custody Oversight Board**

3 FOR the purpose of establishing the Maryland Deaths in Custody Oversight Board within  
4 the Governor's Office of Crime Prevention, Youth, and Victim Services to analyze  
5 and make findings and recommendations related to deaths of incarcerated  
6 individuals; requiring the Department of Public Safety and Correctional Services to  
7 provide specific information to the Board; and generally relating to the Maryland  
8 Deaths in Custody Oversight Board.



CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

### ASSEMBLY BILL

No. 2761

Introduced by Assembly Member McCarty

February 18, 2022

An act to amend Section 102875 of the Health and Safety Code, and to add Section 10008 to the Penal Code, relating to law enforcement.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2761, as amended, McCarty. Deaths while in law enforcement custody: reporting.

(1) Existing law specifies the content of a certificate of death, including those items relating to medical and health data such as disease or conditions leading directly to death and antecedent causes. Existing law requires a coroner to inquire into and determine the circumstances, manner, and cause of specified deaths, including deaths in prison or while under sentence, deaths under circumstances that afford a reasonable ground to suspect that the death was caused by the criminal act of another, and all violent, sudden, or unusual deaths.

This bill would require the certificate of death to reflect when the decedent died through use of force by a peace officer, while in the custody of a peace officer, or while in the custody of state or local law enforcement, including a city or county jail or state ~~prison, prison, and the death was precipitated by law enforcement conduct.~~

(2) Existing law establishes a system of state prisons under the jurisdiction of the Department of Corrections and Rehabilitation.

CA Assembly Bill 2761 (Kevin McCarty) signed into law September 2022:

- Death certificate must indicate if death occurred during use of force by peace officer, in-custody of law enforcement, or when "death was precipitated by law enforcement conduct"
- Law enforcement office with custodial status must report within 10 days of in-custody death "decedent's age, race, and gender, on its internet website within 10 days of the death. If any information regarding the death changes, the bill would also require the agency to update the posting within 30 days of the change."

1 (B) "BOARD" MEANS THE MARYLAND DEATHS IN CUSTODY OVERSIGHT  
2 BOARD.

3 (C) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE  
4 GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES.

5 9-3802.

6 THERE IS A MARYLAND DEATHS IN CUSTODY OVERSIGHT BOARD IN THE  
7 GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES.

8 9-3803.

9 (A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

10 (1) TWO CITIZENS WHO WERE PREVIOUSLY INCARCERATED;

11 (2) TWO FAMILY MEMBERS OF INDIVIDUALS INCARCERATED IN THE  
12 STATE;

13 (3) AT LEAST TWO REPRESENTATIVES FROM COMMUNITY  
14 ORGANIZATIONS THAT FOCUS ON JUSTICE REFORM;

15 (4) AT LEAST ONE LICENSED FORENSIC PATHOLOGIST;

16 (5) AT LEAST ONE LICENSED PSYCHIATRIST; AND

17 (6) ANY OTHER MEMBER DETERMINED AS NECESSARY BY THE  
18 EXECUTIVE DIRECTOR.

19 (B) THE EXECUTIVE DIRECTOR SHALL MAKE APPOINTMENTS TO THE  
20 BOARD AFTER SOLICITING FEEDBACK FROM THE PUBLIC.

21 (C) A MEMBER OF THE BOARD:

22 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD;  
23 BUT

24 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
25 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

26 9-3804.

1 (2) THE MEDICATIONS PRESCRIBED TO THE DECEASED INDIVIDUAL  
2 AND WHETHER THE MEDICATIONS WERE ADMINISTERED WHILE THE DECEASED  
3 INDIVIDUAL WAS INCARCERATED;

4 (3) THE NUMBER OF TIMES THE DECEASED INDIVIDUAL RECEIVED  
5 MEDICAL CARE IN THE FACILITY'S HEALTH CARE FACILITY IMMEDIATELY BEFORE  
6 THE INCARCERATED INDIVIDUAL'S DEATH; AND

7 (4) WHETHER THE DECEASED INDIVIDUAL RECEIVED MEDICAL CARE  
8 IN AN OUTSIDE HEALTH CARE FACILITY IMMEDIATELY BEFORE THE INCARCERATED  
9 INDIVIDUAL'S DEATH.

10 9-3806.

11 (A) FOR EVERY DEATH OF AN INCARCERATED INDIVIDUAL IN THE STATE  
12 THAT IS DETERMINED TO BE A SUICIDE OR THAT OCCURRED IN CONJUNCTION WITH  
13 A MENTAL HEALTH CRISIS, THE BOARD SHALL CONDUCT AN INDEPENDENT REVIEW.

14 (B) THE REVIEW SHALL INCLUDE:

15 (1) A REVIEW OF THE DECEASED INDIVIDUAL'S FILE; AND

16 (2) AN INTERVIEW WITH INDIVIDUALS WHO WERE FAMILIAR WITH  
17 THE DECEASED INDIVIDUAL, INCLUDING:

18 (I) FAMILY MEMBERS AND CLOSE FRIENDS;

19 (II) STAFF; AND

20 (III) OTHER INCARCERATED INDIVIDUALS.

21 9-3807.

22 (A) THE CORRECTIONAL FACILITY WHERE THE DECEASED INDIVIDUAL WAS  
23 INCARCERATED SHALL PROVIDE THE FOLLOWING DOCUMENTS TO THE BOARD FOR  
24 THE 6 MONTHS IMMEDIATELY PRECEDING THE INCARCERATED INDIVIDUAL'S  
25 DEATH:

26 (1) INCIDENT REPORTS AND ANY RELATED REBUTTALS;

27 (2) COMPLAINTS, WRITTEN OR SPOKEN, CONCERNING:

28 (I) MEDICAL ISSUES OR CONCERNS;



SENATE BILL 36

E5

4lr0924

(PRE-FILED)CF HB 565

By: **Senator Benson**  
Requested: October 11, 2023  
Introduced and read first time: January 10, 2024  
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 18, 2024

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Maryland Deaths in Custody Oversight Board~~ **Correctional Services –**  
3 **Investigation of Suspected Homicide – Reporting**

4 FOR the purpose of ~~establishing the Maryland Deaths in Custody Oversight Board within~~  
5 ~~the Governor’s Office of Crime Prevention, Youth, and Victim Services to analyze~~  
6 ~~and make findings and recommendations related to deaths of incarcerated~~  
7 ~~individuals; requiring the Department of Public Safety and Correctional Services to~~  
8 ~~provide specific information to the Board; and generally relating to the Maryland~~  
9 ~~Deaths in Custody Oversight Board, requiring the Department of State Police to post~~  
10 ~~certain information relating to certain investigations of deaths of incarcerated~~  
11 ~~individuals on its website; requiring the Department to report to the Governor and~~  
12 ~~the General Assembly on certain investigations; and generally relating to~~  
13 ~~investigations of deaths of incarcerated individuals.~~

1~~Article – State Government~~

2~~SUBTITLE 38. MARYLAND DEATHS IN CUSTODY OVERSIGHT BOARD;~~

3~~9-3801.~~

4~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~  
5~~INDICATED.~~

6~~(B) “BOARD” MEANS THE MARYLAND DEATHS IN CUSTODY OVERSIGHT~~  
7~~BOARD.~~

8~~(C) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE~~  
9~~GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES.~~

10~~9-3802.~~

11~~THERE IS A MARYLAND DEATHS IN CUSTODY OVERSIGHT BOARD IN THE~~  
12~~GOVERNOR’S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES.~~

13~~9-3803.~~

14~~(A) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:~~

15~~(1) TWO CITIZENS WHO WERE PREVIOUSLY INCARCERATED;~~

16~~(2) TWO FAMILY MEMBERS OF INDIVIDUALS INCARCERATED IN THE~~  
17~~STATE;~~

18~~(3) AT LEAST TWO REPRESENTATIVES FROM COMMUNITY~~  
19~~ORGANIZATIONS THAT FOCUS ON JUSTICE REFORM;~~

20~~(4) AT LEAST ONE LICENSED FORENSIC PATHOLOGIST;~~

21~~(5) AT LEAST ONE LICENSED PSYCHIATRIST; AND~~

22~~(6) ANY OTHER MEMBER DETERMINED AS NECESSARY BY THE~~  
23~~EXECUTIVE DIRECTOR.~~

24~~(B) THE EXECUTIVE DIRECTOR SHALL MAKE APPOINTMENTS TO THE~~  
25~~BOARD AFTER SOLICITING FEEDBACK FROM THE PUBLIC.~~

26~~(C) A MEMBER OF THE BOARD:~~

**"Not  
everything  
that is faced  
can be  
changed, but  
nothing can  
be changed  
until it is  
faced."  
- James  
Baldwin**



## Article – Correctional Services

18  
19 9-602.1.

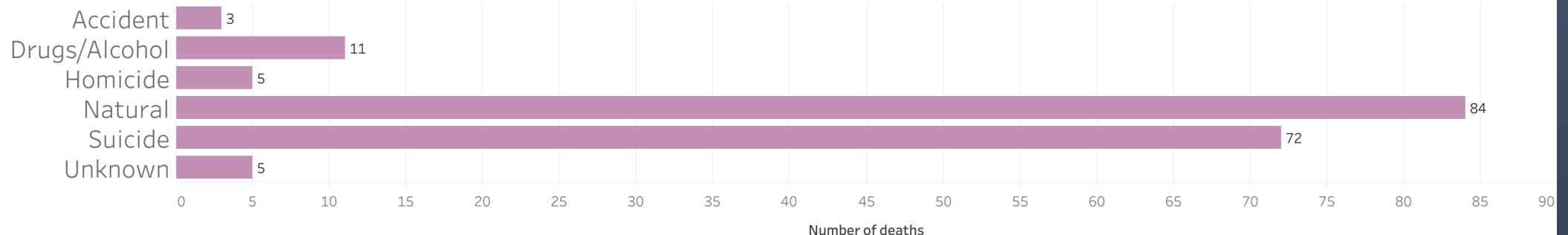
20 (A) The Department of State Police shall investigate any death of an incarcerated  
21 individual suspected to be a homicide that occurs while the incarcerated individual is in  
22 the custody of the Division of Correction whether within or outside a correctional facility.

23 (B) ON OR BEFORE DECEMBER 31 EACH YEAR, THE DEPARTMENT OF  
24 STATE POLICE SHALL POST ON ITS WEBSITE AND SUBMIT TO THE GOVERNOR AND,  
25 IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE  
26 GENERAL ASSEMBLY A REPORT DETAILING FOR THE PRECEDING CALENDAR YEAR:

27 (1) THE NUMBER OF INVESTIGATIONS COMPLETED BY THE  
28 DEPARTMENT OF STATE POLICE UNDER THIS SECTION; AND

29 (2) THE NUMBER OF CASES REFERRED BY THE DEPARTMENT OF  
30 STATE POLICE FOR PROSECUTION FOLLOWING AN INVESTIGATION COMPLETED  
31 UNDER THIS SECTION.

### Manner of Death (Total Sample)



# Recommendations

- National guidelines for increasing decarceration and jail diversion efforts
- National standards/protocols for medical treatment following traumatic injury involving law enforcement
- National standards/protocols for treatment and surveillance of individuals suffering from mental illness or substance abuse
- National standards for using “natural” and “undetermined” death classifications following violent police encounters
- Create a national committee that investigates counties with the highest and lowest rates of in-custody death (jails and during arrest)
- National guidelines for mitigating in-custody death



# Thank You

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