



COMMONWEALTH of VIRGINIA

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Virginia Civilian Deaths in Custody Report 2024

On behalf of the Secretary of Public Safety and Homeland Security, attached please find the ***Virginia Civilian Deaths in Custody in 2024*** report. *Code of Virginia* § 9.1-192.1 mandates that every law enforcement agency and state or juvenile correctional facility shall report to the Virginia Department of Criminal Justice Services (DCJS) the death of any person who is:

1. Detained,
2. Under arrest or in the process of being arrested,
3. En route to be incarcerated, or incarcerated,
4. Or otherwise in the custody of such law enforcement agency or correctional facility.

Code of Virginia § 9.1-192.1 also directs DCJS to analyze the data submitted by these agencies to determine how this information could be used to reduce the number of such deaths and report the findings and recommendations by July 1 of each year. ***Virginia Civilian Deaths in Custody in 2024***, is the first such report to be produced under this mandate.

In calendar year 2024, there were 97 civilian deaths in custody reported by state adult correctional facilities, and 49 civilian deaths in custody reported by law enforcement agencies. This report explains how the data was collected, details the decedents' demographics, and discusses their manner of death.

If you have any questions, please contact Baron Blakley, the Manager of our Criminal Justice Research Center, at baron.blakley@dcjs.virginia.gov, or (804) 786-3057.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackson H. Miller".

Jackson H. Miller
Director

Attachment



Virginia Civilian Deaths in Custody in 2024

Virginia Department of Criminal Justice Services
Criminal Justice Research Center

July 2025

Preface

Virginia House Bill 611 of the 2024 legislative session amended the *Code of Virginia* (COV) to require the collection and reporting of the deaths of civilians in the custody of Virginia law enforcement agencies and correctional facilities to reduce the number of such deaths. COV § 9.1-192.1 mandates that every law enforcement agency and state or juvenile correctional facility shall report to the Virginia Department of Criminal Justice Services (DCJS), and every local or regional adult correctional facility shall report to the State Board of Local and Regional Jails (BLRJ), the death of any person who is:

1. Detained,
2. Under arrest or in the process of being arrested,
3. En route to be incarcerated, or incarcerated,
4. Or otherwise in the custody of such law enforcement agency or correctional facility.

COV § 9.1-192.1 further mandates that DCJS and BLRJ analyze the data submitted to them to determine “the means by which such information can be used to reduce the number of deaths” in custody, and report annually on such findings by July 1st each year.

The *Virginia Civilian Deaths in Custody in 2024* report is the first such report from DCJS.

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Executive Summary

The data collected by the Virginia Department of Criminal Justice Services (DCJS) and the Board of Local and Regional Jails (BLRJ) covers 194 civilian deaths in custody that were applicable under the standards set forth in the *Code of Virginia* (COV) § 9.1-192.1 in calendar year 2024.

This report reviews and analyzes the 146 civilian deaths that occurred in the custody of Virginia law enforcement agencies and state adult correctional facilities (prisons) that were reported to DCJS and occurred during the period of January 1, 2024, to December 31, 2024. Readers who want to review the 48 cases that happened in the custody of Virginia's local or regional jails should reference the *Board of Local and Regional Jails Calendar Year 2024 Annual Report of Jail Death Reviews* found on that agency's website.

This report describes the data collection system that DCJS developed in 2024, in collaboration with BLRJ and the Virginia Department of Corrections (VADOC), to ensure that the data required by COV § 9.1-192.1 are collected in an efficient, accurate, and complete manner. Unlike previous data collection methods, the new system collects data directly from the Commonwealth of Virginia's law enforcement agencies and incarceration facilities who had custody of the decedent. DCJS analysis shows that this data collection system is performing well.

This report analyzes the data submitted to DCJS in 2024, focusing on the demographics of decedents and how those individuals died. The analysis covers decedent gender, race, ethnicity, age, and manner of death. DCJS found that the majority of the deaths were male (95%) and White (64%). The overrepresentation by males is somewhat consistent with their overrepresentation in the criminal justice system, but is greater in degree (males make up 94% of prison inmates but only 71% of arrestees). Similarly, the underrepresentation of White decedents is consistent with their underrepresentation in the criminal justice system, but to a lesser degree (White individuals make up about 46% of prison inmates and 57% of arrestees). The data also showed that persons who died in prison were more likely to die of natural causes, whereas those who died in law enforcement custody were more likely to die due to officer use of force, based on the manner of death information provided by the law enforcement agencies.

Lastly, this report presents a set of recommendations aimed at reducing the number of civilian deaths in custody, as required by COV § 9.1-192.1. These recommendations were prepared by a working group of subject matter experts that met in quarter 1 of 2025. This group reviewed the deaths in custody data used in this report to formulate their recommendations for how to reduce the number of civilian deaths in custody. Under the advice of this group, DCJS recommends that agencies provide the following additional data, so that more thorough analysis and recommendations can be made in future reports:

1. Provide more detailed summaries of cases.
2. Determine whether the use of force was deemed justified.
3. Determine whether any forms of de-escalation were feasible.
4. Identify what forms of less-lethal technology were available in use of force cases.

Introduction

Virginia House Bill 611 of the 2024 legislative session amended the *Code of Virginia* (COV) to require the collection and reporting of the deaths of civilians in the custody of Virginia law enforcement and correctional facilities to reduce the number of such deaths. COV § 9.1-192.1 mandates that every law enforcement agency and state or juvenile correctional facility shall report to the Virginia Department of Criminal Justice Services (DCJS), and every local or regional adult correctional facility shall report to the State Board of Local and Regional Jails (BLRJ), the death of any person who is:

1. Detained,
2. Under arrest or in the process of being arrested¹,
3. En route to be incarcerated, or incarcerated,
4. Or otherwise in the custody of such law enforcement agency or correctional facility².

The data collected by the Virginia Department of Criminal Justice Services and the Board of Local and Regional Jails pursuant to COV § 9.1-192.1 covers 194 civilian deaths in custody in calendar year 2024. Of these, this report will review and examine the 146 deaths that occurred in the custody of Virginia law enforcement agencies and state correctional facilities, and the data collection system developed to collect these data. Readers who want to review the 48 cases that happened in the custody of Virginia's local or regional jails should reference the *Board of Local and Regional Jails Calendar Year 2024 Annual Report of Jail Death Reviews* found on the agency's website.

Data Collection and Methodology

To collect the data called for in COV § 9.1-192.1, DCJS designed and implemented a new death in custody data collection system, which began in quarter 2 of 2024. DCJS aimed to ensure that every death in custody (as defined in the COV) was collected and analyzed. This data collection system integrates data collected directly by DCJS and data collected by the Virginia Department of Corrections (VADOC) and BLRJ. Each of the above agencies is responsible for collecting deaths in custody data from different types of reporting agencies: DCJS receives data directly from law enforcement agencies and juvenile correctional facilities; VADOC – from adult correction facilities³; and BLRJ – from local and regional jails. This is different than previous data collection efforts, which relied on data collected by the Office of the Chief Medical Examiner and media outlets. Table 1 shows which agencies are responsible for gathering data from the four custodial agency types described in COV § 9.1-192.1. DCJS identified 194 cases of civilian deaths in custody in 2024, and this report analyzes the 146 cases that occurred in the custody of prisons and law enforcement agencies (there were no cases occurring in juvenile correctional facilities).

¹ The process of arrest is a term that is not defined in the *Code of Virginia*. DCJS uses guidance provided by the Bureau of Justice Assistance (BJA) to define the process of arrest as: incidents resulting in the death of a person where there was intent by law enforcement to detain or restrain, active pursuit by law enforcement with intent to arrest or restrain, in the process of being restrained, or in restraint and/or under arrest. This also includes the death of a person who has been arrested and/or restrained and is enroute to a different facility (e.g., diversion center, holding facility, jail, or lock-up).

² The *Code of Virginia* does not differentiate between cases of civil versus criminal detention. As such, both civil detentions (such as emergency custody orders) and criminal detentions (such as an investigative detention) would be applicable forms of detentions for a death to be reportable under the *Code of Virginia*.

³ According to *Code of Virginia* § 9.1-192.1, prisons are supposed to report data to DCJS; DCJS has agreed that data will be collected by VADOC headquarters and then submitted to DCJS.

Table 1: Types of Agencies that Report Deaths in Custody Data

Agency Type	Number of Agencies/Facilities	Number of Deaths in Custody	Reporting Agency
Law Enforcement Agencies (LEAs)	352	49	DCJS
Juvenile Correctional Facilities (JCFs)	24	0	DCJS
State Adult Correctional Facilities (Prisons)	38 ⁴	97	DOC
Local and Regional Jails	52	48	BLRJ
Total	466	194	

To collect data from law enforcement agencies and juvenile correctional facilities, DCJS created an online form that agencies can use to report any deaths in custody, or to inform DCJS that no deaths in custody occurred⁵. To ensure the current data collection system is effective, DCJS examined other available data sources, investigating any potential death in custody that did not appear in its data. These efforts demonstrate that the current data collection efforts are performing well but can be improved. For more information about the specifics of the DCJS data collection or how it compared to previous data collection efforts, known issues, and planned improvements, please reference Appendices 1-4.

Analysis

Before going into the analysis from DCJS, it is important to note a few things to ensure the analysis is given the necessary context. First, this analysis only covers the 146 cases that were identified by DCJS and that DCJS could confirm were deaths that fell under the parameters set forth in COV § 9.1-192.1. This means DCJS did not include cases that were identified in other datasets but did not qualify as in-custody, or any cases that were not reported to DCJS⁶. Readers are reminded to keep this undercounting issue in mind. This analysis does not cover the 48 cases from local and regional jails covered in the BLRJ report.

Readers are also cautioned to remember that the DCJS definition of “in custody” is drawn from COV § 9.1-192.1 and may be broader than the readers’ conception of the word. Many readers may think of “in-custody” as having a physical component; that it means, for example, that the decedent was “handcuffed in the back of the squad car” or some similar scenario. However, the definition as outlined in the COV is broader. Officers might not have physical custody of the decedent, but the case can still qualify under the COV as an in-custody death if, for example, the individual was verbally detained or was being pursued by police and in the process of an arrest.

Lastly, as this is the first year of a new data collection system specific to Virginia, it is not appropriate to compare the full data presented here to data from previous years, or other states, without due consideration on the part of the reader. The mandate established in COV § 9.1-192.1 required a newer method of data collection than what was used previously to meet the federal Death in Custody Reporting Act (DCRA) requirements. For this reason, the number of reported cases of “death in custody” (DIC) data from 2024 should not be compared with a previous year’s data; the data collection methods differ, and any observed difference in the number of deaths in custody could be due to the different methodologies. Similarly, any observed differences between states could be due to

⁴ The Augusta Correctional Facility is included in this number, but it closed in April 2024.

⁵ Guidance from the BJA regarding reporting for the federal DCRA requires that reporting agencies (in this case DCJS) receive positive confirmation that custodial agencies experienced no deaths in a reporting quarter. As such, DCJS asks that reporting agencies/facilities respond to the form indicating no deaths have occurred. For more information about the DCRA see the Appendix.

⁶ This includes five cases that DCJS believes fall under the definitions set out in the COV for an in-custody death, but the reporting agency did not believe qualified as a death in custody. For more details on these cases, see Appendix 2.

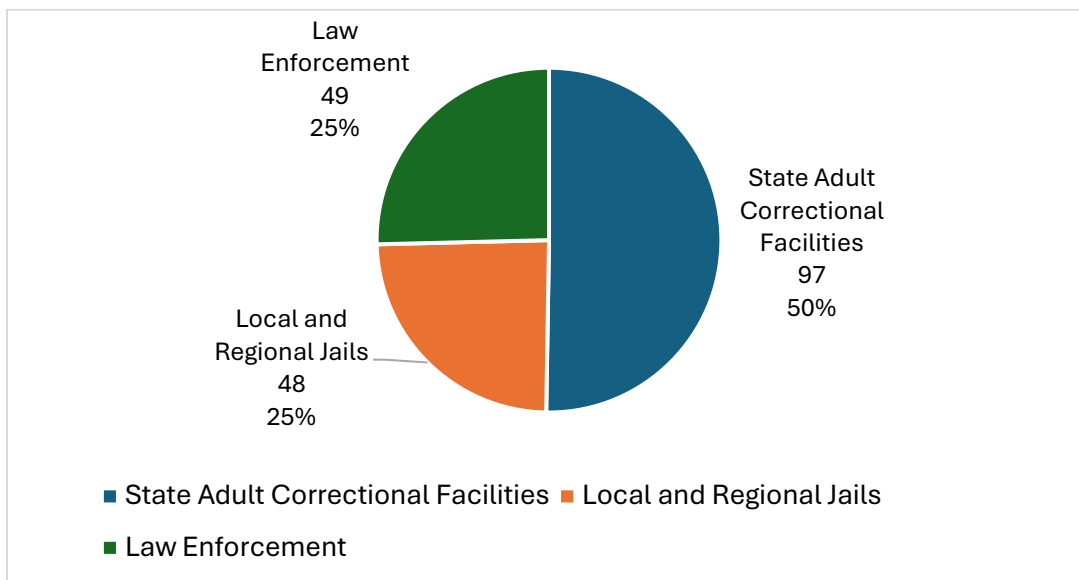
differences in the definition of “in custody” or in how comprehensive their data collection efforts are when compared to Virginia. If a state uses a different, less stringent definition, or if its data collection scheme is more likely to miss cases, it might appear to have fewer in-custody deaths than Virginia, when in reality this would be a function of their data collection process.

These concerns do not mean it is impossible to analyze how comparatively prevalent deaths in custody in Virginia are. This report performs two forms of comparative analysis: first it compares prison deaths against data provided by the U.S. Department of Justice (DOJ) and, second, it compares the rate of officer-involved shootings against the national averages found in non-government databases. Future iterations of this report will also analyze how the deaths in custody data change over time.

Deaths in Custody Analysis

With the above in mind, what does the data show? There were 194 deaths in custody reported to DCJS in 2024 across the four types of reporting agencies: state correctional facilities, local and regional jails, law enforcement agencies, and juvenile correctional facilities. About half of the cases, 97, occurred in state adult correctional facilities, with the remaining cases being roughly split between local and regional jails (48) and law enforcement agencies (49), and none occurring in juvenile correctional facilities. Figure 1 shows the breakdown of cases across the agency types. For any further analysis regarding cases that occurred in local and regional jails in Virginia, see the Board of Local and Regional Jails Calendar Year 2024 Annual Report of Jail Death Reviews found on that agency’s website.

Figure 1: Civilian Deaths in Custody in 2024, by Reporting Agency

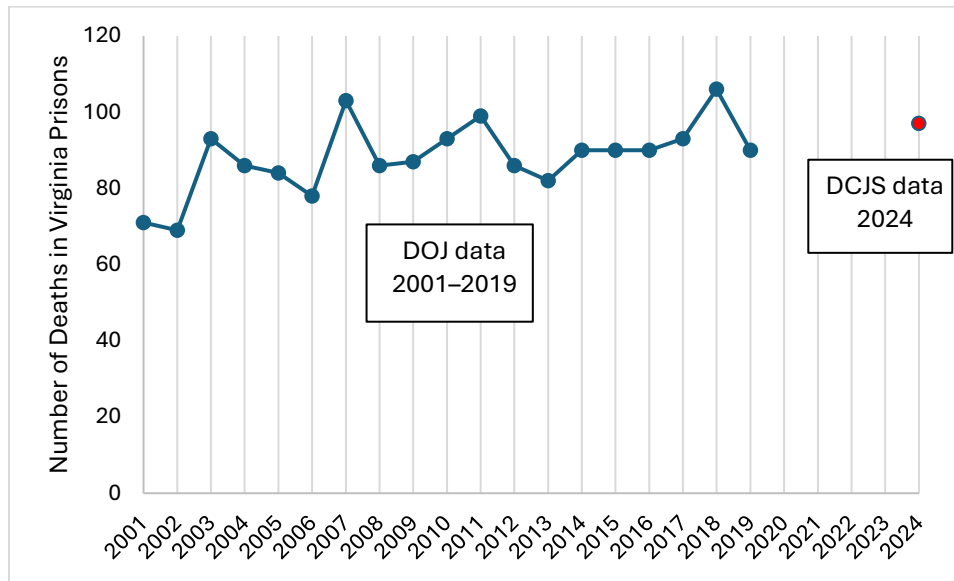


Deaths in Prisons over Time

While reliable statistics for all deaths in custody are not available nationally, data on deaths in prisons are available for 2001–2019, from the Department of Justice (DOJ) report on *Mortality in State and Federal Prisons*⁷. That report shows the number of prisoners in every state who died while incarcerated in state prisons. Figure 2 shows the number of prisoners who died in Virginia from the DOJ report for 2001–2019. The 2024 datapoint was added by DCJS.

⁷ U.S. Department of Justice, and E. Ann Carson. “Mortality in State and Federal Prisons, 2001–2019 – Statistical Tables.” *Bureau of Justice Statistics*, report, NCJ 300953, Dec. 2021, bjs.ojp.gov/content/pub/pdf/msfp0119st.pdf.

Figure 2: Number of Deaths in Virginia State Prisons



These historical data show that the average yearly number of deaths from 2001–2019 is about 88, though it has trended upwards since 2001; the average from 2015–2019 was 94. This suggests that the number of deaths observed in 2024 is roughly what should have been expected, especially when one considers how the prison population is aging can affect mortality rates, something this report will discuss later.

When compared to the average daily population of VADOC institutions in 2024⁸, Virginia’s prisons experienced about 418 deaths per 100,000 inmates. DCJS cautions readers against directly comparing this rate to those from the DOJ report, as those estimates use different inmate population estimates.

Decedent Gender

Deaths in Custody decedents in 2024 were more likely to be men than women⁹. Of the 146 cases, 138 (95%) were men while eight (5%) were women. This is congruent with what is known about criminal justice populations; the vast majority of the incarcerated are men¹⁰, and the majority of the civilians in police interactions (such as arrests¹¹, traffic stops¹², or fatal encounters¹³) are men. Interestingly, the gender dynamics vary between the agency types covered in this report. Table 2 shows the gender breakdown for each agency type. This shows that those who died while in prisons were more likely to be men than those who died while in the custody of law enforcement.

⁸ Estimated to be about 23,000, compiled from averaging monthly reports put out by the Virginia Department of Corrections found here: vadoc.virginia.gov/general-public/population-reports. This estimate covers inmates who are the responsibility of the Department of Corrections and who are held in DOC institutions.

⁹ Data collection tools allowed for other gender categories, however there were no cases for anyone who was not male or female.

¹⁰ Sawyer, Wendy. *The Gender Divide: Table 2*. 2018. Prison Policy Initiative. www.prisonpolicy.org/reports/women_overtime_table_2.html

¹¹ *Crime in the United States: Table 42*. 2019. FBI. ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/table-42/table-42.xls

¹² DCJS. *2023 Report on Analysis of Traffic Stop Data Collected Under Virginia’s Community Policing Act*. 2023. www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/law-enforcement/cy23-cpa-tsreport-final.pdf

¹³ *Mapping Police Violence*. 2025. mappingpoliceviolence.org.

Virginia Civilian Deaths in Custody in 2024

Table 2: Deaths in custody by gender and agency type

Race	State Adult Correctional Facilities		Law Enforcement		Total	
	Number	Percent	Number	Percent	Number	Percent
Men	94	97%	44	90%	138	95%
Women	3	3%	5	10%	8	5%
Unknown	0	0%	0	0%	0	0%
Total	97	100%	49	100%	146	100%

Decedent Race

DCJS collected data on the decedent's race using the following categories:

- American Indian or Alaska Native
- Asian
- Black
- Middle Eastern
- Native Hawaiian or Other Pacific Islander
- White
- Other (with a text box to provide additional information)
- Unknown

Of the 146 decedents, DCJS received race data for 145. Of these 145 cases, 93 (64%) were White, 51 (35%) were Black, and one was Asian. Unlike gender, the racial demographics do not change much between agency types. Table 3 shows the number of cases for each racial group and agency type.

Table 3: Deaths in custody by race and agency type

Race	State Adult Correctional Facilities		Law Enforcement		Total	
	Number	Percent	Number	Percent	Number	Percent
American Indian or Alaska Native	0	0%	0	0%	0	0%
Asian	1	1%	0		1	<1%
Black	35	36%	16	33%	51	35%
Middle Eastern	0	0%	0	0%	0	0%
Native Hawaiian or Other Pacific Islander	0	0%	0	0%	0	0%
White	61	63%	32	65%	93	64%
Other	0	0%	0	0%	0	0%
Unknown	0	0%	1	2%	1	<1%
Total	97	100%	49	100%	146	100%

There is a disparity between the racial makeup of Virginia's population and the racial makeup of those who died in custody during 2024. White residents make up about 68% of the Virginia population, whereas Black residents make up about 20%¹⁴. This means that Black decedents are overrepresented among those who died in custody: while they make up only 20% of the population, they are 35% of those who died in custody. However, this

¹⁴ United States Census Bureau QuickFacts. "U.S. Census Bureau QuickFacts: Virginia." *Census Bureau QuickFacts*, www.census.gov/quickfacts/fact/table/VA/PST045223.

overrepresentation is likely the result of the overrepresentation of Black individuals in the criminal justice system. For incarcerated populations, Black inmates make up 53% of the population, whereas White inmates make up 46% of the population¹⁵. While the racial demographics of those who interact with law enforcement is harder to estimate, evidence suggests a similar breakdown: Black individuals make up roughly 40% of those arrested¹⁶, 30% of traffic stops¹⁷, and 25% of those killed in police shootings¹⁸. So, while Black decedents are overrepresented in the data when compared to the average Virginia population, this is likely the result of the overrepresentation of Black individuals in the criminal justice system at large.

Decedent Ethnicity

DCJS collected data on the decedent's ethnicity using the following categories:

- Hispanic
- Not Hispanic
- Unknown

Of the 146 cases in the DCJS dataset, ethnicity data for the decedent was available in 130 (89%) cases. Of the 130 cases with ethnicity data, three decedents were listed as Hispanic, roughly 2% of the data. DCJS performed a name matching analysis to identify if any decedents listed as Not Hispanic were likely to be Hispanic. In this analysis, DCJS compared the surnames of decedents against a Census list of the most common surnames amongst the Hispanic population in the United States¹⁹. Research has demonstrated that surnames are a good predictor of ethnicity²⁰. It is important to note that while a surname is an effective predictor of Hispanic identity, it is not as accurate as self-identified data, or more complex imputation methods that use data not available to DCJS.

DCJS referenced the last names for all decedents against any name on the 100 most common Spanish surnames from the Census's Spanish Origins Surname list. This yielded four cases where the decedent's name was on the Census list but who were not listed as Hispanic in the data. Other sources estimate that at least 80% of people with these surnames are Hispanic²¹. To validate this name matching process DCJS also checked whether it would have correctly predicted the ethnicity of those who were identified in the raw dataset as Hispanic. Of the three decedents listed as Hispanic in the data, all of their surnames were on the Census list. With this in mind, DCJS feels it is likely the four identified cases were Hispanic individuals, and included them in the analysis, for a total of seven (5%) Hispanic decedents. These cases were not evenly distributed between agency type; four of these cases were from law enforcement custody (roughly 9%) and three were from those in who died while in prison (roughly 4%). Figure 3 shows the breakdown of ethnicities in the data.

¹⁵ Statistical Analysis & Forecast Unit. FY2024 State Responsible Offender Demographic Profile.

¹⁶ Virginia Data Analysis & Reporting Team and Virginia State Police. *Crime in Virginia*. report, 2023, vsp.virginia.gov/wp-content/uploads/2024/08/CRIME-IN-VIRGINIA-2023.pdf.

¹⁷ DCJS. *2023 Report on Analysis of Traffic Stop Data Collected Under Virginia's Community Policing Act*. 2023. www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/law-enforcement/cy23-cpa-tsreport-final.pdf.

¹⁸ *Mapping Police Violence*. 2024. mappingpoliceviolence.org.

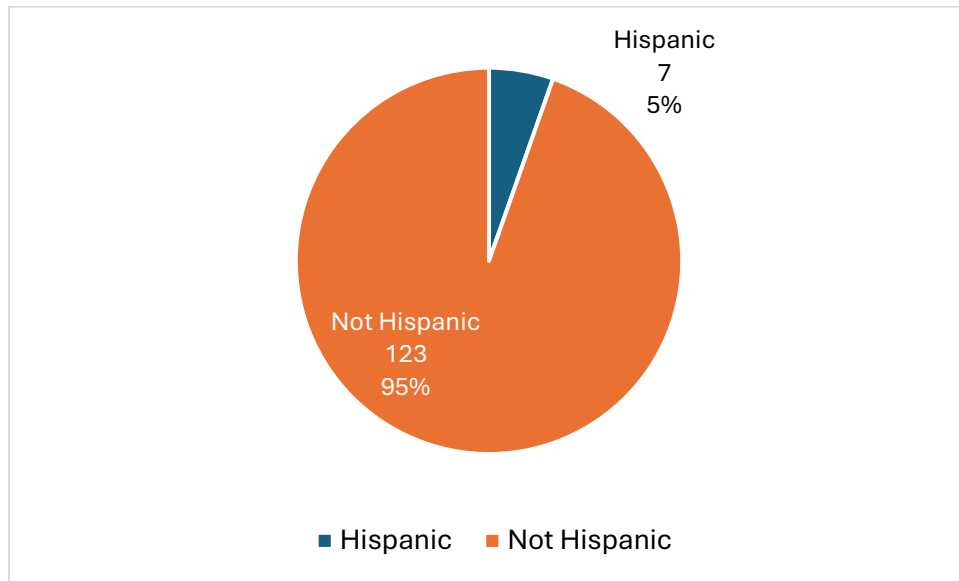
¹⁹ Word, David L., Jr., et al. *Building a Spanish Surname List for the 1990's—A New Approach to an Old Problem*. U.S. Census Bureau, Mar. 1996, www.census.gov/content/dam/Census/library/working-papers/1996/demo/POP-twps0013.pdf.

²⁰ Fiscella, Kevin, and Allen M. Fremont. "Use of Geocoding and Surname Analysis to Estimate Race and Ethnicity." *Health Services Research*, vol. 41, no. 4p1, May 2006, pp. 1482–500. doi.org/10.1111/j.1475-6773.2006.00551.x.

²¹ "Most common Hispanic last names in the United States". NameCensus.com, namecensus.com/last-names/common-hispanic-surnames. Accessed April 3, 2025.

Virginia Civilian Deaths in Custody in 2024

Figure 3: Deaths in custody by ethnicity



When comparing the number of Hispanic decedents to the average population of Virginia, this figure shows that Hispanic individuals are underrepresented in the data. Hispanic individuals are roughly 11% of the population of Virginia²², and only 5% of the data presented here.

However, as with racial demographics, there are differences between the ethnic makeup of Virginia's population and those who are incarcerated or interact with the police. For interactions with law enforcement, Hispanic decedents were represented at about the same rate (9%) as compared to the general population (11%), though are underrepresented when compared to Hispanic individuals in law enforcement interactions (where Hispanic individuals are a larger proportion of the whole). For example, Hispanics drivers were stopped, searched and arrested during traffic stops at higher rates than their share of the population (with the disparity being lowest for stops and highest for arrests)²³.

By comparison, however, Hispanic individuals who died while in prison were a markedly smaller proportion (4%) of the whole when compared to the general population (11%). However, there are also differences between the incarcerated population and the general population regarding ethnicity. Hispanic individuals are underrepresented in Virginia's prison populations, only making up about 3% of inmates²⁴, roughly equal to the share of decedents observed in our data.

²² United States Census Bureau QuickFacts. "U.S. Census Bureau QuickFacts: Virginia." *Census Bureau QuickFacts*, www.census.gov/quickfacts/fact/table/VA/PST045223.

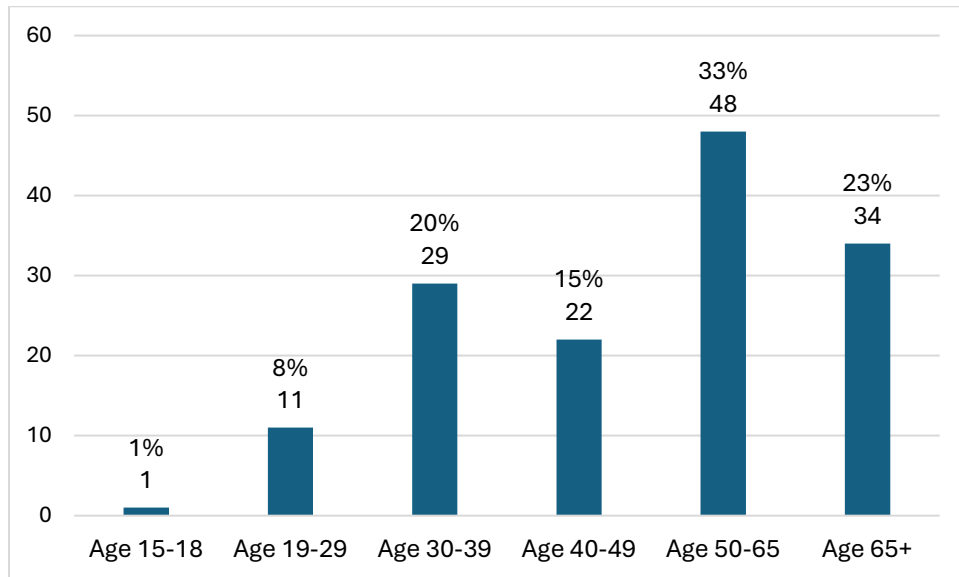
²³ DCJS. *2023 Report on Analysis of Traffic Stop Data Collected Under Virginia's Community Policing Act*. 2023. www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/law-enforcement/cy23-cpa-tsreport-final.pdf.

²⁴ Statistical Analysis & Forecast Unit. *FY2019 State Responsible Offender Demographic Profile*. Jan. 2020, vadoc.virginia.gov/media/1472/vadoc-research-state-responsible-demographic-report-2019.pdf.

Decedent Age

Of the 146 cases, date of birth information was available for 145 (99%) cases. The median age of decedents was 54, with the mean age at the time of death being 53. The oldest decedent was age 95 and youngest 15. Figure 4 shows a breakdown of the age of the decedents. It shows that relatively few decedents (8%) were below the age of 30, and most (56%) were above 50.

Figure 4: Deaths in custody by age of decedent



As seen in previous sections, there are considerable differences between those who died in the custody of Virginia's prisons and Virginia law enforcement. In state correctional facilities, where individuals might be in custody for decades, decedents tended to be older, with a median age of 61. For law enforcement agencies, where custody might be measured in minutes or hours, the median age of decedents was considerably lower, only 38.

Manner of Death

Deaths were categorized based on the circumstances, using the following categories provided by the BJA:

- Execution
- Accident
- Use of Force by Law Enforcement or Corrections Officer
- Homicide (an incident between two or more incarcerated individuals resulting in a death)
- Natural Causes
- Suicide
- Unavailable, Investigation Pending
- Drug Overdose²⁵
- Other (agencies provide a short description of the manner of death for other cases)

DCJS received manner of death data for all of the 146 civilian deaths in custody, however 33 (23%) of these reports were listed as "unavailable pending investigation". Cases that were listed as unavailable pending investigation were more common for incarcerated decedents (30%) than in the case of law enforcement-related deaths (8%). For the

²⁵ The categories above are those suggested by the BJA for federal reporting standards. The BJA asks that drug overdoses be reported as "Other," with a description of "drug overdose." DCJS separates this into its own category.

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remaining cases, the majority were deaths due to natural causes and officer use of force, followed by suicides, accidents, and drug overdoses. Table 4 presents the number of cases for each manner of death category.

Table 4: Deaths in custody by manner of death and agency type

Manner of Death	State Adult Correctional Facilities		Law Enforcement		Total	
	Number	Percent	Number	Percent	Number	Percent
Execution	0	0%	0	0%	0	0%
Accidental	3	3%	6	12%	9	6%
Use of Force by Officer	0	0%	25	51%	25	17%
Homicide	1	1%	0	0%	1	<1%
Natural Causes	53	55%	1	2%	54	37%
Suicide	6	6%	12	24%	18	12%
Unavailable, Pending Investigation	29	30%	4	8%	33	23%
Drug Overdose	5	5%	1	2%	6	4%
Other	0	0%	0	0%	0	0%
Total	97	100%	49	100%	146	100%

The manner in which civilians died in custody is heavily dependent on the type of custody they are experiencing. Figure 5 compares the manner of death for law enforcement agencies and adult correctional facilities separately.

Figure 5: Deaths in custody by manner of death and agency type

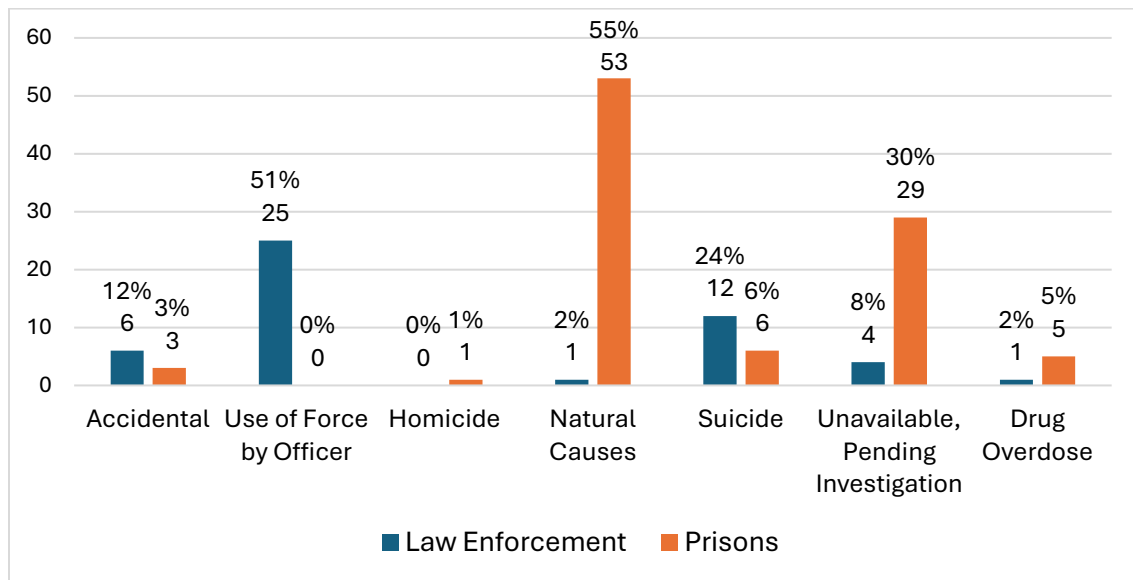


Figure 5 shows that in-custody deaths for law enforcement are primarily due to officer use of force (most commonly due to an officer-involved shooting), followed by accidents (most commonly during police pursuits) and suicides.

Officer Use of Force

While there is no national dataset of in-custody deaths that uses the same definition of “in custody” as the DCJS data, there are media databases that collect information on civilians who are killed by the police that are roughly comparable to the use of force cases in the DCJS dataset. This makes a comparative analysis of deaths due to officer use of force possible. According to *Mapping Police Violence*, the number of individuals killed by the police across the United States in 2024 was 1,365: a rate of 0.401 deaths per 100,000²⁶. According to the DCJS data, Virginia experienced 25 such deaths, a rate of 0.284 deaths due to officer use of force per 100,000 Virginian residents²⁷. As can be seen, Virginia is below the national average for deaths due to officer use of force, an assessment supported by other state-by-state analyses of officer use of force involved deaths²⁸. While Virginia ranks below many states with higher rates of officer involved shootings, such as New Mexico (1.37) or Texas (0.566), it has higher rates than many other states such as New York (0.153) or Connecticut (0.111)²⁹.

Manner of Death for those Incarcerated in Virginia’s Prisons

For those who die while incarcerated in Virginia’s prisons, the majority of deaths are attributable to natural causes, as seen in Figure 5. This would be expected given the aging incarcerated population, which is growing increasingly geriatric and less healthy³⁰, conditions that would lead to an increase in deaths due to natural causes. As the prison population continues to age, this trend is likely to continue.

Recommendations

The *Code of Virginia* (COV) § 9.1-192.1 also requires DCJS to provide recommendations to reduce civilian deaths in custody. To accomplish this, the DCJS Criminal Justice Research Center started a working group of subject matter experts to provide specific recommendations. This working group was made up of current and former law enforcement and correctional facility staff and leadership. It met in quarter 1 of 2025, reviewing the deaths in custody data that DCJS presented in this report³¹. These experts were asked to review these data and provide recommendations for reducing the number of deaths in custody. The working group determined that the data the agencies are required by COV § 9.1-192.1 to report are not sufficient for the purpose of making recommendations that could reduce deaths. With that in mind, the group recommends agencies report the following additional information:

1. Provide more detailed summaries of cases.
2. Determine whether the use of force was deemed justified.
3. Determine whether any forms of de-escalation were feasible.
4. Identify what forms of less-lethal technology were available in use of force cases.

²⁶ Population estimates as of July 1, 2024. Citation: United States Census Bureau QuickFacts. “U.S. Census Bureau QuickFacts: United States.” *Census Bureau*, www.census.gov/quickfacts/fact/table/US/PST045224.

²⁷ Population estimates as of July 1, 2024. Citation: United States Census Bureau QuickFacts. “U.S. Census Bureau QuickFacts: Virginia.” *Census Bureau QuickFacts*, www.census.gov/quickfacts/fact/table/VA/PST045223.

²⁸ Hemenway, David, et al. “Variation in Rates of Fatal Police Shootings Across US States: The Role of Firearm Availability.” *Journal of Urban Health*, vol. 96, no. 1, Oct. 2018, pp. 63–73. doi.org/10.1007/s11524-018-0313-z.

²⁹ These rates come from *Mapping Police Violence* and refer to 2024.

³⁰ VADOC Research Unit. *Geriatric Inmates in the State Responsible Confined Population FY2024*. 2024, adoc.virginia.gov/media/2024/fy2024-geriatric-report.pdf.

³¹ The recommendations group was not able to review cases from state adult correctional facilities, as this data was not approved to be shared.

Conclusion

This report relied on a new data collection system that the Virginia Department of Criminal Justice Services (DCJS) has created, in conjunction with the Virginia Department of Corrections (VADOC) and the State Board of Local and Regional Jails (BLRJ), to fulfill the requirements set forth in the *Code of Virginia* § 9.1-192.1. DCJS wants to thank those departments for their efforts in collecting data and Virginia's law enforcement and juvenile correctional facilities for submitting their data to DCJS.

According to the data submitted to DCJS, there were 194 deaths in the custody of Virginia's prisons, local and regional jails, and law enforcement agencies. When examining those who died in Virginia's prisons and in the custody of law enforcement (146 cases), the DCJS analysis found that the racial and gender distribution among the decedents was closer to the distribution in prison and at arrest than to the distribution in the general population. The data also showed that those who died in Virginia's prisons tended to die due to natural causes, a trend that is likely to continue and get more pronounced. By contrast, those who died in police custody tended to die due to the use of force by officers.

Appendix 1: Data Collection

To collect the data called for in the *Code of Virginia* (COV) § 9.1-192.1, DCJS designed and implemented a new death in custody data collection system, which began in quarter 2 of 2024. DCJS aims to ensure that every death in custody (as defined in the COV) is collected and analyzed. This data collection system integrates data collected directly by DCJS and data collected by the VADOC³² and the BLRJ. Each of the above agencies is responsible for collecting deaths in custody data from different types of reporting agencies: DCJS receives data directly from law enforcement agencies and juvenile correctional facilities; VADOC – from adult correction facilities; and BLRJ – from local and regional jails. DCJS identified 194 cases of civilian deaths in custody in 2024, and this report will analyze the 146 cases that occurred in the custody of prisons and law enforcement agencies (there were no cases occurring in juvenile correctional facilities). Readers can reference the BLRJ report cited earlier for analysis of the 48 civilian deaths that occurred in the custody of Virginia’s local and regional jails.

To collect data from law enforcement agencies and juvenile correctional facilities, DCJS created an online form that agencies can use to report any deaths in custody, or to inform DCJS that no deaths in custody occurred³³. DCJS asks agencies to report their data to DCJS at the end of every quarter during an eight-day reporting period (DCJS accepts responses given outside the reporting period). To solicit responses, DCJS maintains a contact sheet for each applicable agency and contacts each to remind them to respond every quarter (this was not done in quarter 1 of 2024, which was collected concurrently with quarter 2). Starting in quarter 4, agencies receive at least three communications from DCJS reminding them of this data reporting: once two weeks before the end of the quarter, once when the data reporting period begins, and once before the data reporting period ends. DCJS also regularly follows up with agencies that have not yet reported their data after the data reporting period ends. When reporting their data, agencies are able to update previously reported cases and can report cases for previous quarters they had not yet reported.

DCJS asks reporting agencies to provide the following information, as required by COV § 9.1-192.1:

- “1. The name, gender, race, ethnicity, and age of the deceased;*
- 2. The date, time, and location of death;*
- 3. The law-enforcement agency or correctional facility that detained, arrested or was in the process of arresting, transported, incarcerated, or otherwise had custody of the deceased; and*
- 4. A brief description of the circumstances surrounding the death and the cause of death.”*

Response Rates

DCJS asks for data from 376 agencies: 352 law enforcement agencies (which includes police departments, sheriff’s offices, and campus police agencies) and 24 juvenile correctional facilities. Of the 352 law enforcement agencies, 294 responded to the survey fully³⁴ for a response rate of 84%. Of the 24 juvenile correctional facilities, 19 responded to the survey fully, for a response rate of 79%, though the Research Center received confirmation from the DCJS Office of Safer Communities and Youth Services that no deaths occurred in the facilities that did not respond.

³² According to COV § 9.1-192.1, prisons are supposed to report data to DCJS, however, DCJS has agreed for that data to be collected by DOC headquarters and then submitted to DCJS.

³³ Guidance from the BJA regarding reporting for the federal DCRA requires that reporting agencies (in this case DCJS) receive positive confirmation that custodial agencies experienced no deaths in a reporting quarter. As such, DCJS asks that reporting agencies/facilities respond to the form indicating no deaths have occurred.

³⁴ Fully here means that an agency would have reported data for all four quarters in 2024, and therefore, not include those agencies which only reported data for some quarters of the year. Only 21 agencies failed to provide any data to DCJS for the entire year.

Appendix 2: Comparisons to Previous Data Collection

The data collection system discussed in this report is not the first attempt to collect deaths in custody data in Virginia; Virginia has been collecting deaths in custody data for the federal Deaths in Custody Reporting Act (DCRA) since at least 2019³⁵. The DCRA requires that states collect and submit to the Bureau of Justice Assistance (BJA) all deaths that occur in state custody³⁶, leaving it up to the state to determine how to collect this data. DCJS serves as Virginia's state administering agency and collects and submits quarterly DCRA reports to the BJA.

In 2023, the DCJS Criminal Justice Research Center (Research Center) used data provided by the Office of the Chief Medical Examiner (OCME) when making its reports to BJA. The Research Center supplemented OCME data with data from publicly available datasets produced by news organizations such as the *Washington Post* and *Mapping Police Violence*. This report refers to this method collectively as the OCME/Media method.

Current DCJS Data Collection compared to the Prior OCME/Media method

In 2024, the Research Center continued to use the OCME/Media method parallel to the new process of collecting data directly from agencies, for comparison. DCJS compares the results from the two methods to both evaluate the efficacy of its current data collection system and to work towards capturing every applicable death. To achieve those goals, DCJS investigates any case that appeared in the OCME/Media data but was not originally reported through the online portal. The goal of each investigation is to determine if such a case qualified as a "death in custody" under COV § 9.1-192.1, and, if so, why it was not reported to DCJS (so DCJS can understand how to improve data collection).

Throughout 2024, DCJS identified 22 cases that were not originally reported to DCJS but could be confirmed as "in custody" deaths. To confirm if a case happened "in custody", DCJS requested additional information from the custodial agencies to confirm that the details of the cases matched the requirements set forth in COV § 9.1-192.1, with any such case then being added to the dataset³⁷. In each of the 22 such cases, the reason the case was not originally reported to DCJS was that the reporting agency was not aware the death counted as an "in custody" death.

However, beyond these 22 confirmed cases there are still differences between the OCME/Media datasets and the DCJS current DIC dataset. In 2024 the OCME/Media dataset identified 159³⁸ deaths in the custody of law enforcement, prisons, and juvenile correctional facilities; whereas the current data collection system identified 146 deaths in custody (this would include the 22 cases discussed above). Although the OCME/Media data did identify 13 more cases than the current data collection system, this advantage is contingent on the inclusion of non-qualifying cases.

Beyond the total counts, these datasets identified different cases. The OCME/Media data contained 33 cases that were not present in the current dataset. And the DCJS current data collection system identified 20 cases that the OCME dataset did not include (not including cases that occurred in local or regional jails).

³⁵ Though data on deaths in custody were collected in earlier years, difficulties in establishing data-sharing agreements resulted in the DCJS Criminal Justice Research Center collecting incomplete data. Data collection was more complete in 2023, thanks to the Research Center's data-sharing agreement with the OCME.

³⁶ The DCRA defines deaths in custody almost identically to COV § 9.1-192.1, the only difference being that COV § 9.1-192.1 includes a provision for deaths that occur "otherwise in the custody of such law-enforcement agency or correctional facility." In this report DCJS will be referring specifically to the Virginia definition of "in custody" but it should be noted these different definitions would not identify different cases according to the data DCJS presents in this report.

³⁷ These 22 cases thus, are part of the 146 cases this report evaluates.

³⁸ The OCME/Media data contains a total of 205 cases in 2024, with 46 cases being in local and regional jails and therefore dropped from this analysis.

DCJS looked into each of the 33 cases that were present in the OCME/Media data but missing from the 2024 DIC data collected by DCJS, and found that:

- 18 cases were determined to not be in-custody deaths. These cases did not qualify for a variety of reasons, including not occurring in Virginia, occurring in Virginia in the custody of federal authorities, being a civilian bystander to an accident during a police pursuit, and occurring in the presence of authorities but not in their custody.
- Two cases did not contain enough information to determine that the case was an in-custody death, but DCJS could not confirm the details of the case to ensure it was not an eligible case.
- Six cases were identified as potential in-custody deaths, but DCJS was not able to verify the details of the case.
- Two cases were identified as likely in-custody deaths that occurred during incarceration, but for which the DCJS data partners had no records to confirm the validity of the information provided by OCME.
- Five cases involved deaths that DCJS believes fall under the definitions set out in the COV for an in-custody death, but the reporting agency did not believe qualified as a death in custody. As this report is of only cases reported by law enforcement, state adult correctional facilities, and juvenile correctional facilities, these five cases are not included.

This analysis demonstrates several things. First, while the OCME/Media dataset identified 13 more cases, it identifies 18 cases that, for a variety of reasons, do not qualify as deaths in custody under COV § 9.1-192.1³⁹. If you remove these cases, the current data collection system identifies five more cases than the OCME/Media dataset. However, this analysis also demonstrated that the DCJS current data collection system is missing applicable cases. This is problematic both for the analysis and for the DCJS goal to ensure every applicable death is counted. The value of this investigation process and the OCME/Media dataset cannot be understated. Without the data collected by the OCME and other media sources, DCJS would have missed dozens of applicable in-custody deaths. Taken together, DCJS believes that its current data collection system is working well, and with continued effort, will improve and get closer to the goal of ensuring a complete and correct dataset.

³⁹ It is important to note that those data sources are not built to identify cases that specifically meet the qualifications set under COV § 9.1-192.1. So, it is not surprising they capture cases that fall outside the definition set out within it.

Appendix 3: Known Issues in Data Collection

As with any new or existing data collection system, it is important to remain cognizant of issues a data collection scheme can introduce into the final dataset. As discussed earlier, DCJS is concerned that its current data collection efforts are undercounting the number of deaths in custody. There are two potential issues that could lead to an undercount: the lack of response from some law enforcement agencies, and confusion on which cases count as “in custody” and therefore need to be reported.

Response Rates

Some law enforcement agencies did not respond to the DCJS requests for data.⁴⁰ DCJS reached out to 352 law enforcement agencies; of these, only 294 agencies provided data for all four quarters of 2024 to DCJS.

The *Code of Virginia* § 9.1-192.1 directs agencies to report to DCJS specific information regarding the death of persons in custody. It does not direct agencies to make a report to DCJS if no deaths in custody occur. Therefore, for purposes of this report, DCJS must assume that the lack of response from an agency indicates that they have no deaths in custody to report. However, DCJS is also the reporting agency for the federal DCRA, and BJA instructions state that state administering agencies must receive positive confirmation that custodial agencies experienced no deaths during a reporting period. With that in mind, DCJS seeks responses from every agency, every quarter, regardless of whether deaths in custody occurred in that period.

While 58 agencies did not report a full year’s worth of data, many of those 58 agencies did report data for part of 2024 to DCJS; only 21 agencies (6%) did not report any data. As such, the response rate of 84% is conservative, it does not mean DCJS has no data for 16% of agencies, but that it lacks full data for 16% of agencies. Also, as detailed in Appendix 2, DCJS was able to use the OCME/Media dataset for comparison, to reduce the chance of missing cases. Finally, deaths in custody are, thankfully, relatively rare; only eight percent of law enforcement agencies (29) reported a death in custody in 2024.

Missing Data and the Definition of “In Custody”

As discussed above, as part of its efforts to ensure DCJS captures all reportable deaths, DCJS used outside datasets to identify possible deaths in custody that had not been reported. During this process, DCJS identified 22 deaths that were applicable under the Code but had not been originally reported.

What caused these cases to go unreported? After discussions with the corresponding agencies (and reviewing conversations with law enforcement agencies and subject matter experts) DCJS believes that the issue is primarily one of definitions; agencies did not know that these deaths were “in custody” according to the definition set out in COV § 9.1-192.1. Many agencies thought that “in custody” meant the agency had physical custody of the decedent. However, such a definition is more restrictive than the definition set out in the Code, and this led to many applicable cases not being reported to DCJS. COV § 9.1-192.1 does not require an individual to be in physical custody but covers deaths where an individual was detained or in the process of being arrested, regardless of how long the detention or how far in the process of arrest an individual was.

Many interactions with law enforcement in the dataset cover very brief encounters where officers never physically subdued the individual, and indeed, many of the corrected cases were examples of this. While each case was different, there were two commonalities for the 22 corrected cases: either an officer-involved shooting or a traffic pursuit. In both types of cases, officers were in the process of arresting the decedent but generally had not taken physical custody of them.

⁴⁰ While DCJS did not receive full data from all juvenile detention centers, DCJS does not discuss them in this section because DCJS received confirmation that no deaths occurred in those facilities.

Virginia Civilian Deaths in Custody in 2024

DCJS believes the definition issue could lead to an undercount. DCJS can confirm that 22 cases were added to its dataset during its investigations of unreported cases, roughly 15% of the yearly data. Using the lessons learned during those investigations, DCJS provided additional instructions to the agencies in quarter 4, clarifying what is considered “in custody.” In quarter 4, DCJS received information about 21 cases that occurred in quarters 1–3. DCJS believes that a lot of this back reporting is attributable to a clearer definition of “in custody” provided to the agencies. While this process improved both the current data and the data collection process, it points to the continued possibility of underreporting.

Appendix 4: Improving Methodology

As discussed briefly, to reduce the number of unreported cases, DCJS implemented multiple improvements to its data collection system in quarter 4 of 2024. These improvements included the following:

1. Scheduling and increasing communications with reporting agencies.
2. Providing guidance on what counts as “in custody”.
3. Creating an instructions and FAQ manual.
4. Outreach to reporting agencies concerning potential cases that were not originally reported.
5. Improved survey instructions.

These changes lead to substantial improvements, both in an increased response rate and in an increase in the number of reported cases. In quarter 3 the response rate was about 77% (270 of 352), which increased to about 84% (294 of 352) in quarter 4. As discussed in Appendix 3, DCJS also received reports in Q4 of 2024 of 21 cases that happened in previous quarters. While it was already possible to provide information for a case that happened in a previous quarter throughout the year, it was not common; DCJS only received one such case in Q3. This increase in response rate, and the reporting of missing cases from previous quarters, demonstrates how these changes improved the quality of the data received by DCJS. DCJS believes that continuing these efforts will reduce the underreporting issue to being insubstantial to the analysis.

Planned Improvements for 2025

To continue to improve its data collection system, DCJS has planned the following improvements for 2025:

1. Continued instruction and outreach to reporting agencies to clarify which cases need to be reported.
2. Continued investigations of unreported cases, including additional potential data sources.
3. Refining the instructions manual:
 - a. Adding additional example cases to provide reporting agencies guidance.
 - b. Adding narrative prompts for common case types to ensure that relevant details are included in case summaries.
 - c. Adding instructions on how to make classifications, such as the manner of death.
4. Improving the ethnicity data collection instructions.
5. General survey improvements
 - a. Data entry validation to avoid the input of incorrect data.
 - b. Adding a drop-down menu for agency name to avoid misspellings.
 - c. Adding more descriptive instructions in the survey prompts.