

BUREAU OF JUSTICE ASSISTANCE

Death in Custody Reporting Act – Federal Reporting Requirements

November 4, 2022



BJA
Bureau of Justice Assistance
U.S. Department of Justice

Challenges to Death in Custody Reporting Act Data Collection



BJA
Bureau of Justice Assistance
U.S. Department of Justice

There are several challenges to collecting “death in custody” data, including:

- Lack of official nationwide system
- Failure to track all deaths in custody (e.g., not counting deaths from tasers, restraints, or motor vehicle pursuits)
- Death certificates failing to identify police involvement
- Death certificates misidentifying causes of death (e.g., excited delirium vs. positional asphyxia)

(Feldman & Bassett, 2021; Feldman et al., 2017; Michael, 2020)

Agenda



- Death in Custody Reporting Act (DCRA) Background
- Coroner or Medical Examiner (CME) Role in DCRA Data Collection
- Questions and Answers



Death in Custody Reporting Act Background



BJA
Bureau of Justice Assistance
U.S. Department of Justice

- Originally passed in 2000, DCRA requires the Attorney General to collect information regarding the death of any person who is under arrest, is en route to be incarcerated, or is incarcerated at a municipal or county jail, state prison, or other local or state correctional facility (including any juvenile facility).
- Data collection by the Bureau of Justice Statistics (BJS) began and continued through 2019 when it was ended.

DCRA Timeline

2000



DCRA passed

Requires reporting of (a) the name, gender, race, ethnicity, and age of the deceased; (b) the date, time, and location of death; and (c) a brief description of the circumstances surrounding the death of any person in the process of arrest; en route to be incarcerated; incarcerated at a municipal or county jail, state prison, or other local or state correctional facility, including juvenile facilities.

2014



DCRA reauthorized

Requires reporting of the "law enforcement agency that detained, arrested, or was in the process of arresting the deceased" in addition to the original reporting requirements. Also requires the Attorney General to study DCRA data and report on the means by which the data can be used to reduce the number of in-custody deaths.

2019



BJA begins collecting mortality data

State Administering Agencies are collecting data on a quarterly basis from local entities including local jails, law enforcement agencies, medical examiners, and other state agencies. Federal agencies continue to report in-custody death information to BJS annually.

Death in Custody Reporting Act Background (cont'd)



BJA
Bureau of Justice Assistance
U.S. Department of Justice

- DCRA 2014 Reauthorization added a new section:
 - For any fiscal year after the expiration of the period specified in paragraph (1), a State that fails to comply with subsection (a), shall, at the discretion of the Attorney General, be subject to not more than a 10-percent reduction of the funds that would otherwise be allocated for that fiscal year to the State under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the **Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.**

DCRA Timeline

2000



DCRA passed

Requires reporting of (a) the name, gender, race, ethnicity, and age of the deceased; (b) the date, time, and location of death; and (c) a brief description of the circumstances surrounding the death of any person in the process of arrest; en route to be incarcerated; incarcerated at a municipal or county jail, state prison, or other local or state correctional facility, including juvenile facilities.

2014



DCRA reauthorized

Requires reporting of the "law enforcement agency that detained, arrested, or was in the process of arresting the deceased" in addition to the original reporting requirements. Also requires the Attorney General to study DCRA data and report on the means by which the data can be used to reduce the number of in-custody deaths.

2019



BJA begins collecting mortality data

State Administering Agencies are collecting data on a quarterly basis from local entities including local jails, law enforcement agencies, medical examiners, and other state agencies. Federal agencies continue to report in-custody death information to BJS annually.

Death in Custody Reporting Act Background (cont'd)



BJA
Bureau of Justice Assistance
U.S. Department of Justice

- Bureau of Justice Assistance (BJA) required states to begin collecting mortality data for the Department of Justice (DOJ) in 2019, thus replacing BJS data collections.
- State Administering Agencies (SAAs) collect data on a quarterly basis from local entities including local jails, law enforcement agencies, medical examiners, and other state agencies.
- SAAs are thus required to pass that information to BJA to fulfill their reporting requirements.

DCRA Timeline

2000



DCRA passed

Requires reporting of (a) the name, gender, race, ethnicity, and age of the deceased; (b) the date, time, and location of death; and (c) a brief description of the circumstances surrounding the death of any person in the process of arrest; en route to be incarcerated; incarcerated at a municipal or county jail, state prison, or other local or state correctional facility, including juvenile facilities.

2014



DCRA reauthorized

Requires reporting of the "law enforcement agency that detained, arrested, or was in the process of arresting the deceased" in addition to the original reporting requirements. Also requires the Attorney General to study DCRA data and report on the means by which the data can be used to reduce the number of in-custody deaths.

2019



BJA begins collecting mortality data

State Administering Agencies are collecting data on a quarterly basis from local entities including local jails, law enforcement agencies, medical examiners, and other state agencies. Federal agencies continue to report in-custody death information to BJS annually.

Death in Custody Reporting Act Requirements (cont'd)



- SAAs are responsible for compiling and submitting the data for submission to BJA.
- State and local law enforcement are required to report Mortality in Correctional Institutions and Arrest-Related Deaths.
- The requirements set forth in DCRA provide an opportunity to identify deaths and develop solutions to avoid them in custody, including preventable deaths such as suicide.
- Knowing the circumstances and number of fatalities is crucial to developing policies and program changes that could reduce the number of in-custody fatalities.

Death in Custody Reporting Act

Public Law 113-242



BJA
Bureau of Justice Assistance
U.S. Department of Justice

Under DCRA, DOJ will collect information from states regarding the death of any person who is:

- *The State shall report to the Attorney General, on a quarterly basis and pursuant to guidelines established by the Attorney General, information regarding the death of any person who is **detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, state prison, state-run boot camp prison, boot camp prison that is contracted out by the state, any state or local contract facility, or other local or state correctional facility (including any juvenile facility).***

Death in Custody Reporting Act Public Law 113-242 (cont'd)



BJA
Bureau of Justice Assistance
U.S. Department of Justice

Under DCRA, DOJ will collect relevant information from states regarding in-custody deaths:

- *The report required by this section shall contain information that, at a minimum, includes—*
 - *(1) the name, gender, race, ethnicity, and age of the deceased*
 - *(2) the date, time, and location of death*
 - *(3) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased*
 - *(4) a brief description of the circumstances surrounding the death*

Death in Custody Reporting Act Data Collection Methodology



BJA
Bureau of Justice Assistance
U.S. Department of Justice

- SAAs generally work closely with state and local law enforcement, correctional agencies, and local jails/holding facilities.
- Some also work closely with CMEs to improve DCRA collection.
- When working with CMEs, SAAs need to ensure proper agreements are in place and procedures are followed when sharing decedent records.
- This presentation will cover some of the ways that CMEs can help SAAs to provide relevant information.

Best Practices for Death in Custody Reporting Act Data Collection



BJA
Bureau of Justice Assistance
U.S. Department of Justice

To combat some of the challenges of collecting DCRA data, CMEs can:

- Work closely with SAAs to establish policies and procedures for sharing relevant data.
- Become familiar with the DCRA reporting schedule to ensure data is shared in a timely manner.
- Establish internal procedures for identifying and tracking death in-custody death data.
- Ensure relevant death certificates note police involvement.

Reporting Schedule



BJA
Bureau of Justice Assistance
U.S. Department of Justice

Each quarter, SAAs must:

- (1) Report the known decedent information aggregated for submission, or
- (2) Affirm that no reportable deaths are known to the SAA for submission during the reporting period

| Reporting Period | Data Required | Due Date |
|-----------------------|------------------|------------|
| October 1–December 31 | Decedent Records | January 30 |
| January 1–March 31 | Decedent Records | April 30 |
| April 1–June 30 | Decedent Records | July 30 |
| July 1–September 30 | Decedent Records | October 30 |



Coroners and Medical Examiners Role in Collecting DCRA Data



BJA
Bureau of Justice Assistance
U.S. Department of Justice

CME reports can provide many of the required data elements to SAAs, including:

- Demographic information:
 - Name
 - Gender
 - Race*
 - Ethnicity*
 - Birth year

**Not collected on a death certificate*

Coroners and Medical Examiners Role in Collecting DCRA Data (cont'd)



BJA
Bureau of Justice Assistance
U.S. Department of Justice

CME reports can also provide:

- Time and location information:
 - Date of death
 - Time of death
 - Location (i.e., address)

Coroners and Medical Examiners Role in Collecting DCRA Data (cont'd)



BJA
Bureau of Justice Assistance
U.S. Department of Justice

The DCRA reporting module asks about the type of facility in which the decedent was located/under the jurisdiction of (if the decedent died in a hospital):

- Municipal/County jail
- State prison
- State-run boot camp prison
- Any state/local contract facility
- Other state/local correctional facility (including juvenile facilities)
- None of the above (i.e., law enforcement)

Coroners and Medical Examiners Role in Collecting DCRA Data (cont'd)



The DCRA reporting module includes the following manners of death:

- Accident
- Execution
- Homicide
- Natural causes
- Other
- Suicide
- Unavailable, investigation pending
- Death attributed to use of force by law enforcement or corrections officer

The CME death certificate narrative can help an SAA determine which manner of death should be selected.

Coroners and Medical Examiners Role in Collecting DCRA Data (cont'd)



BJA
Bureau of Justice Assistance
U.S. Department of Justice

There will be times when a death is under investigation:

- Until the investigation is complete, CMEs can:
 - Provide SAAs with all available information (e.g., decedent name, date of death, etc.)
 - Provide a date or timeline for the expected completion of the investigation
 - Keep track of decedents that will require updates following completion of the investigation

Coroners and Medical Examiners Role in Collecting DCRA Data (cont'd)



When writing a death certificate narrative, CMEs should always make note of police involvement:

- Including non-firearm involvement such as Taser shocks, chokeholds, prone restraint, or chemical restraint
- Involvement should be noted even if the death is classified as accidental or undetermined

(Feldman & Bassett, 2021)

CME Narrative and DCRA Manner of Death



The manners of death listed in the DCRA reporting module may not always align with the official “manner of death” determined by the CME.

- The narrative can help the SAA determine when to use the following manners of death.
- For example, the official manner of a death that occurred during arrest may be determined to be homicide, however for DCRA reporting, use of force is its own manner of death.

| | Used For: | Not Used For: |
|--------------|--|---|
| Homicide | Death of an inmate resulting from a murder committed by another inmate while in custody | Police use of force |
| Use of Force | Deaths that result from an officer discharging his or her gun or taser, use of physical or chemical restraint, or precision immobilization technique (PIT) maneuvers | Car accidents during police pursuit that are not a result of a PIT maneuver (i.e., accident) |

CME Narrative and DCRA Manner of Death (cont'd)



The manners of death listed in the DCRA reporting module may not always align with the official “manner of death” determined by the CME.

- Similarly, in DCRA reporting, “Other” is used for several cases in which “Natural Causes” or “Accident” may be the official cause of death ruled by the CME

| | Used For: | Not Used For: |
|----------|---|-------------------------------|
| Other | Overdose, COVID-19 | Deaths pending investigation |
| Accident | Car accident during police pursuit that is not a result of a PIT maneuver | Overdose, police use of force |

Decedent Information: Manner of Death and Brief Circumstances



BJA
Bureau of Justice Assistance
U.S. Department of Justice

The following example indicates how information provided by the CME is helpful in determining that manner of death would be “Death Attributed to Use of Force by Law Enforcement or Corrections Officer”:

Brief Circumstances

John Doe was originally approached by police after a bystander called to report a man acting belligerently on Post Rd. Doe was uncooperative and aggressive toward the officers, who attempted to arrest him for public intoxication. Officers placed Doe in a prone restraint position, where he continued to resist. EMS arrived and administered 500 mg/L Ketamine to subdue Doe. Doe was placed on a stretcher and loaded into an ambulance, where he soon became completely unresponsive and stopped breathing. EMS worked to revive Doe but were unable to do so. The coroner report revealed Doe had sustained significant hypoxic brain damage and the autopsy determined the cause of death was restraint asphyxia and the toxic effects of Ketamine.

Decedent Information: Manner of Death and Brief Circumstances (cont'd)



BJA
Bureau of Justice Assistance
U.S. Department of Justice

In contrast, this example indicates how information provided by the CME is helpful in determining that manner of death would be “Other”, not “Use of Force”.

Brief Circumstances

Jane Doe was arrested for driving while intoxicated. Ms. Doe attempted to flee the scene of an accident after striking several parked vehicles. Responding officers handcuffed Ms. Doe and placed her into the back of the police cruiser. While in route to the station, Ms. Doe began seizing. Officers rerouted to the closest hospital where despite lifesaving measures being performed, Ms. Doe was declared dead. The medical examiner ruled that Ms. Doe’s death was accidental overdose due to methamphetamine toxicity.

Decedent Information: Manner of Death and Brief Circumstances (cont'd)



BJA
Bureau of Justice Assistance
U.S. Department of Justice

Similarly, this example indicates how information provided by the CME is helpful in determining that manner of death would be “Suicide”, not “Use of Force”.

Brief Circumstances

On October 3, police attempted to serve John Doe with a warrant. Doe barricaded himself in his home and indicated he had a gun. Following an extended standoff, Doe fired several rounds at officers through a window. Officers returned fire. A SWAT team entered the residence where several more shots were fired. Doe was found deceased, suffering from gunshot wounds to the head and extremities. The medical examiner later determined the cause of death was a self-inflicted gunshot wound to the left temple.

Resources



BJA
Bureau of Justice Assistance
U.S. Department of Justice

DCRA Website:

- <https://bja.ojp.gov/program/dcra/overview>

Frequently Asked Questions:

- Compilation of questions taken from email, helpdesk, and training webinars
- Includes guidance on scenarios
- Available here:
https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/DCRA-FAQ_508.pdf

Performance Measure Questionnaire:

- Available here: https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/DCRA-Performance-Measure-Questionnaire_508.pdf



Contact Information



BJA
Bureau of Justice Assistance
U.S. Department of Justice



BJA Performance Measurement Tool Helpdesk

Monday–Friday
8:30 a.m.–5:00 p.m. Eastern Time
Closed on Federal Holidays
bjapmt@ojp.usdoj.gov

Planning, Performance, and Impact Team Contact

James Steyee

James.D.Steyee@usdoj.gov

Thank you for your hard work and dedication!

References



BJA
Bureau of Justice Assistance
U.S. Department of Justice

Feldman JM, Bassett MT. Monitoring Deaths in Police Custody: Public Health Can and Must Do Better. Am J Public Health. 2021 Jul;111(S2):S69-S72. doi: 10.2105/AJPH.2021.306213. PMID: 34314217; PMCID: PMC8495641.

Feldman JM, Gruskin S, Coull BA, Krieger N. Killed by Police: Validity of Media-Based Data and Misclassification of Death Certificates in Massachusetts, 2004-2016. Am J Public Health. 2017 Oct;107(10):1624-1626. doi: 10.2105/AJPH.2017.303940. Epub 2017 Aug 17. PMID: 28817335; PMCID: PMC5607669.

Michaels S. <https://www.motherjones.com/crime-justice/2020/10/why-coroners-often-blame-police-killings-on-a-made-up-medical-condition> 2020 Oct.