



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

The Role of the Bureau of Justice Statistics and the Bureau of Justice Assistance in Deaths in Custody Data Collection, Analysis, and Monitoring

June 17, 2024

The National Academies of
Sciences, Engineering, and Medicine

Committee on Advancing the Field of
Forensic Pathology: Lessons
Learned from Death in Custody
Investigations

Meeting #2



Bureau of Justice Statistics

Bureau of Justice Statistics Data Collections on Deaths in Custody

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June 17, 2024

BJS Data Collections Related to Deaths in Custody

- Mortality in Correctional Institutions (MCI)
 - Collected detailed data from the nation's prisons and jails on deaths in correctional custody from 2000 to 2019.
- Data elements collected included demographics, offense(s) for which the person was held, location and time of death, and manner of death.
 - BJS asked for detailed information related to manner of death that it then classified using ICD-10 codes.



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BJS Data Collections Related to Deaths in Custody, cont'd.

- Arrest-Related Deaths
 - Administered from 2003 to 2009, using state reporting coordinators.
 - Data elements collected included demographics, circumstances of the death, location and time of death, and manner of death.
 - BJS determined in 2011 that it was undercounting arrest-related deaths and piloted using a combination of open-source and survey data to improve coverage.
- Federal Deaths in Custody Reporting Program
 - Collect data from federal law enforcement agencies since fiscal year 2016.



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Challenges Related to these Collections

- Defining a death in custody
 - For MCI, jails and prisons were asked to report on deaths of people held in their facilities.
 - Prisons were also asked to report on those under their jurisdiction but confined in a private facility.
 - Both prisons and jails were asked about those under their jurisdiction but in special facilities (medical centers, halfway houses, lockups) or in transit to or from their facilities.



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Challenges Related to these Collections, cont'd.

- Defining an arrest-related death
 - Deaths of all persons in the process of arrest or in the presence of law enforcement officers.
 - Would include, e.g., police pursuit where the officers force the vehicle off the road but would not include deaths of innocent bystanders.



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Challenges Related to these Collections, cont'd.

- Coverage
 - BJS received data from 98% of jail jurisdictions, on average, and all state departments of corrections for the entire data collection.
 - Coverage of arrest-related deaths was less complete.
 - 36 states reported ARDs every year between 2003 and 2011; 47 states reported in 2011. Using state reporting coordinators captured either 49% or 36% of law enforcement homicides depending on assumptions made in a capture-recapture analysis.



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Efforts to Improve Measurement of Arrest-Related Deaths

- BJS piloted using open-source methods with machine learning, paired with surveys of law enforcement agencies associated with deaths and the medical examiner/coroner associated with that agency.
- Open-source review found 386 possible deaths between June and August 2015.
 - Agency survey of LEAs and ME/Cs resulted in response from at least one of the two for 93% of the possible deaths.
 - Agencies confirmed 296 deaths.
 - Agencies identified 48 additional deaths.



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Efforts to Improve Measurement of Arrest-Related Deaths, cont'd.

- ME/Cs were generally able to answer questions about death location, decedent demographics, and manner and cause of death. They were less able to answer questions about the presence of substances (alcohol or Schedule I or II) or if the homicide was due to legal intervention.



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Question	CJ-12A response		
	Answered	Item missing	Answer is 'Unknown'
Cause of death	92.5 %	7.5 %	0.0 %
Manner of death	94.8	1.6	3.6
Type of location	96.4	3.0	0.7
Decedent characteristics			
Sex	99.0	1.0	0.0
Age or DOB	95.4	4.6	0.0
Ethnic origin	90.8	2.6	6.6
Race	93.1	2.6	4.3
LEO homicide?	44.9	45.9	9.2
Substances found?	52.1	47.9	0.0
Weapon caused death?	95.1	3.3	1.6

Source: *Arrest-Related Deaths Program: Pilot Study of Redesigned Survey Methodology*, Bureau of Justice Statistics, July 2019



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Path Forward

- In 2014, Congress passed the Death in Custody Reporting Act (DCRA) of 2013.
 - Law specifies that states are responsible for reporting to the Attorney General, information on deaths in custody, including those during the process of arrest.
 - Law includes potential sanction for non-reporting states of 10% of Byrne Justice Assistance Grant (JAG) funds for non-reporting.
- Department of Justice determined that data collection responsibilities for DCRA reside with the Bureau of Justice Assistance.
- BJS has no active data collection on arrest-related deaths at the state and local level, and no plans to restart its lapsed collection.



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Bureau of Justice Assistance Data Collection on Deaths in Custody

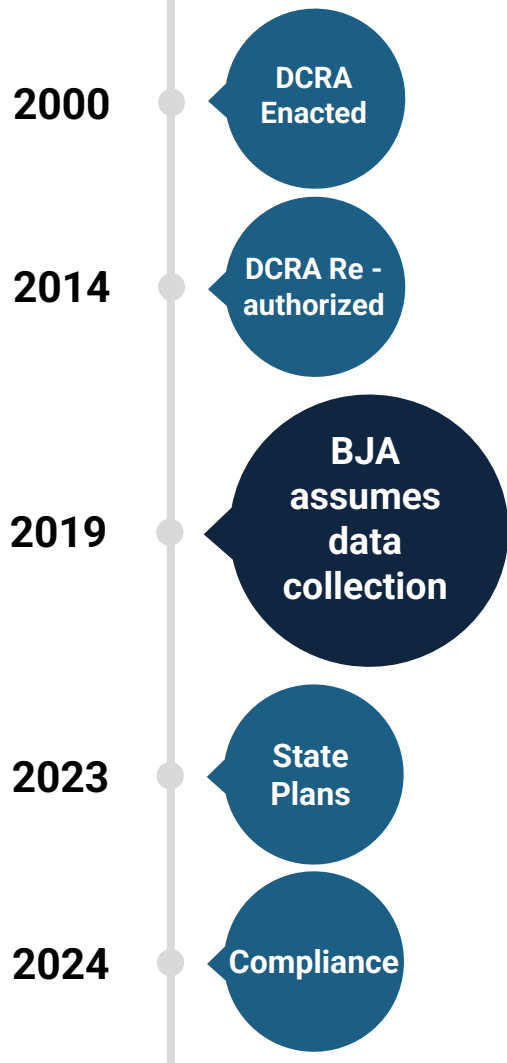
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BJA
Bureau of Justice Assistance
U.S. Department of Justice



- DCRA data collection responsibility transferred from the Bureau of Justice Statistics to the Bureau of Justice Assistance (BJA).
- BJA makes DCRA reporting a requirement of the Edward Byrne Memorials Justice Assistance Grant (JAG) Program for states.
- State Administering Agencies (SAAs) begin collecting and reporting quarterly data.

BUREAU OF JUSTICE ASSISTANCE
 Death in Custody Reporting Act
PERFORMANCE MEASURES QUESTIONNAIRE

Death in Custody Reporting Act Performance Measures Questionnaire

2

DEATH IN CUSTODY REPORTING ACT ACTIVITY

The Death in Custody Reporting Act of 2013 requires states receiving allocations under specified provisions of the Omnibus Crime Control and Safe Streets Act of 1968 to report certain information regarding the death of any person in law enforcement custody. This may include individuals who are detained, arrested, en route to incarceration, or incarcerated in a state or local facility or boot camp prison.

1. Was there at least one reportable death in your state during the reporting period? *A reportable death refers to the death of an individual who was detained, arrested, enroute to incarceration, or incarcerated in a state or local facility or boot camp prison.*

A. Yes

B. No *(If No, this marks the conclusion of the module)*

C. If Yes, provide the number of reportable deaths in your state during the reporting period:

2. Provide the following decedent information. *If you have multiple deaths in custody, report them one at a time.*

A. Name: _____

B. Gender

1. Male

2. Female

3. Other gender identity: _____

C. Race *(Select all that apply)*

1. American Indian or Alaska Native

2. Asian

3. Black or African American

4. Native Hawaiian or other Pacific Islander

5. White

6. Unknown

D. Ethnicity

1. Hispanic, Latino, or Spanish origin

2. Not of Hispanic, Latino or Spanish origin

3. Unknown

E. Birth year (YYYY) *(If unknown, enter "9999")*: _____

3. List the following information regarding the decedent's death.

A. Date of death (MM-DD-YYYY): _____

B. Time of death (24-hour clock): _____

C. Location of death

1. Location name (if applicable). *This could be the name of a facility, place of business, or other designation for the location of death:* _____

2. Street address: _____

3. City: _____

4. State (postal abbreviation): _____

5. Zip code: _____

D. If the event causing the death occurred in any of the following facilities, indicate the appropriate facility. If the event causing the death did not occur in one of the following facilities, select "none of the above."

1. Municipal or county jail

2. State prison

3. State run boot camp prison

4. Contracted boot camp prison

5. Any state or local contract facility

6. Other local or state correctional facility (to include any juvenile facility)

7. None of the above

4. List the name of the department or agency that detained, arrested, or was in the process of arresting the deceased.

A. Agency name: _____

5. Indicate the manner of death. *Select only one.*

A. Execution (i.e., capital punishment)

B. Accident

C. Death attributed to use of force by a law enforcement or corrections officer

D. Homicide (e.g., an incident between two or more incarcerated individuals resulting in death)

E. Natural causes

F. Suicide

G. Unavailable, investigation pending

1. If Yes, report the agency conducting the investigation and an approximate end date. *When the investigation has concluded, contact the Performance Measurement Tool Helpdesk to update this report.* _____

H. Other

1. If Other, explain: _____

6. Provide a brief description of the circumstances leading to the death (e.g., details surrounding an event that may have led to the death, the number and affiliation of any parties involved in the incident, the location and characteristics of the incident, other context related to the death, etc.). _____

State quarterly reporting

State does not submit reports

State submits reports but with “0” reportable incidents

State submits reports with incomplete or inaccurate data

State submits reports with complete and accurate data

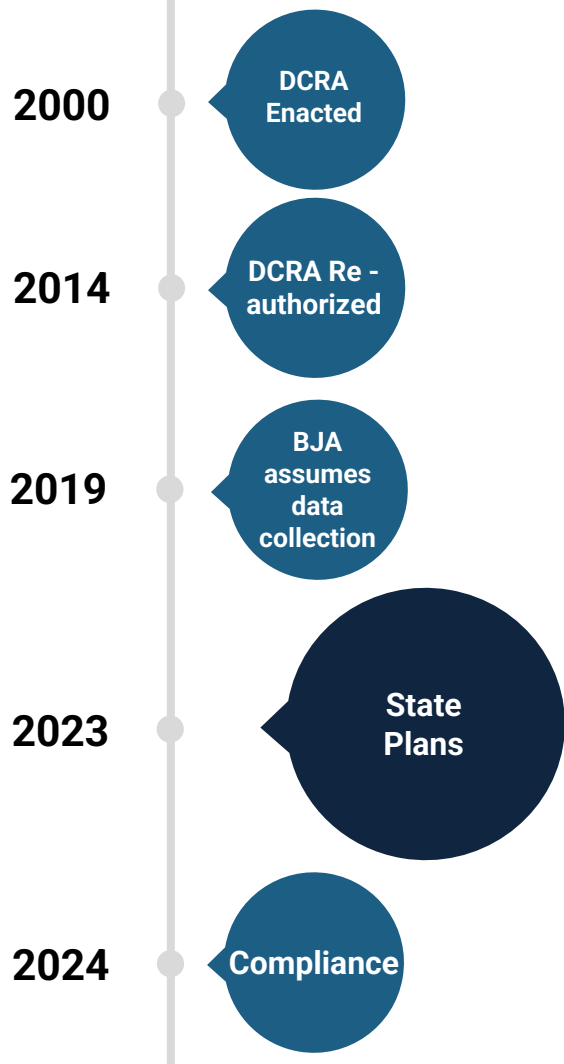
Universe of Reporting Agencies

The universe of reporting agencies may include, but is not limited to:

- Local law enforcement agencies/facilities
 - Police departments
 - Sheriff offices
 - Municipal or county jails
 - Lock-up/holding cells
- State law enforcement agencies and correctional facilities
 - State police
 - Highway patrol
 - State prisons
 - Private facilities under contract with the state
 - State-run boot camp prisons
 - Contracted boot camp prisons
- Other local or state correctional facilities
 - Juvenile facilities
 - Halfway houses or treatment facilities (operated by or under contract with the state)

Provide Arrest Related Death Data to States

- [Mapping Police Violence](#) and [The Washington Post's Fatal Force](#)
- Spring 2023 data share
 - SAAs reported back over 200 new arrest-related deaths, a 47% increase in the number of reported deaths in this category.
 - Twenty-five states back reported at least one new arrest-related death.



- Launched the DCRA Training and Technical Assistance (TTA) Center managed by the Justice Information Resource Network (JIRN).
- Beginning with the FY 2023 JAG solicitation, State Administering Agencies (SAAs) were required to submit a DCRA State Implementation Plan.
 - DCRA Data Collection Infrastructure
 - Data Collection Methods
 - Data Reporting Methods

DCRA TTA Center

DCRA State Implementation Plans

Death in Custody Reporting Act (DCRA) Training and Technical Assistance Center (TTAC)



About the DCRA TTAC

The goal of the DCRA TTA Center is to increase state-level compliance with DCRA reporting requirements by assisting states in identifying sources of data on such deaths and reporting complete and accurate data on a quarterly basis. Such data is essential to improve the understanding of why death in custody occurs and to develop solutions to prevent avoidable deaths.

The DCRA TTA Center has four components that further information sharing and foster peer-to-peer learning.

1. The DCRA collection within JIRN's Justice Research Academy provides online meeting capabilities, on-demand learning modules, virtual training support, and a comprehensive course catalog to enhance the availability of learning opportunities for SAAs and DCRA reporters.
2. The online [DCRA Community Discussion Board](#) serves as a place where interested parties can build a sense of community online and asynchronously exchange information regarding DCRA planning, implementation, and reporting. To maximize the usefulness of this resource, SAAs and DCRA reporters should visit the DCRA discussion board and subscribe to it in order to be alerted via email whenever content is added.

State-Specific Information [↗](#)

The following table specifies if BJA has approved each state's/territory's plan. Select a state/territory name to view the respective plan.

State/Territory	Plan Approved	State/Territory	Plan Approved
Alabama	Yes	Montana	Yes
Alaska	Yes	Nebraska	Yes
American Samoa*	No	Nevada	Yes
Arizona	Yes	New Hampshire	Yes
Arkansas*	No	New Jersey	Yes
California	Yes	New Mexico	Yes
Colorado	Yes	New York	Yes
Connecticut	Yes	North Carolina	Yes
Delaware	Yes	North Dakota	Yes
District of Columbia	Yes	Northern Mariana Islands	Yes
Florida	Yes	Ohio	Yes
Georgia	Yes	Oklahoma	Yes

2000

DCRA
Enacted

2014

DCRA Re -
authorized

2019

BJA
assumes
data
collection

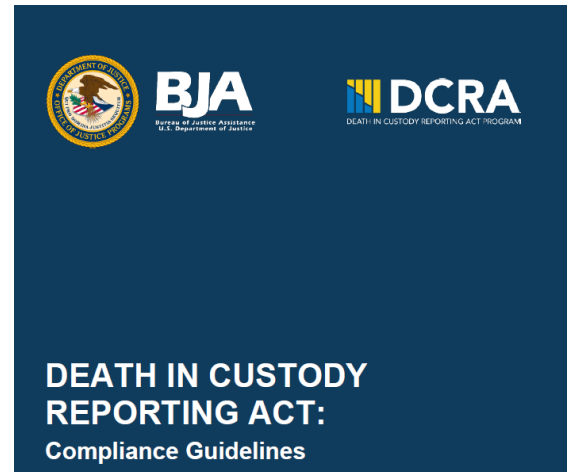
2023

State
Plans

2024

Compliance

- Released DCRA Compliance Guidelines in February 2024
- Four factors:
 1. Approved DCRA State Implementation Plan
 2. Quarterly DCRA submissions
 3. Comprehensive, complete, and accurate DCRA submissions
 4. Continuous quality improvement



[dcra-compliance-guidelines.pdf \(ojp.gov\)](https://www.ojp.gov/dca/dcra-compliance-guidelines.pdf)

Listening Sessions with States

Main Challenges

- Timely and accurate data reporting is a major challenge
- SAAs do not have the funding, resources, or time to correct data issues
- Law enforcement data is the most difficult to collect
- SAAs lack communication avenues and credibility with state and local agencies

Overcoming Challenges

- Have dedicated DCRA avenues of communication
- Work with centralized contacts (e.g., DOCs, state police, medical examiners)
- Use state specific templates and standardized forms (often in the form of online portals)
- Hire dedicated staff/coordinators
- Use state associations/unions/membership organizations to deliver messaging
- Have law enforcement specific DCRA training



Questions/Discussion