

Death in Custody Reporting Act FAQs

I. REPORTING

1. When are reports due?

Reporting is on a quarterly basis, with reports due 20 days after the quarter ends.

- Jan – March (due April 20)
- April – June (due July 20)
- July – September (due Oct. 20)
- October – December (due Jan. 20)

However, you may complete the form any time during the quarter in which a death occurred, instead of waiting until due date.

2. What kind of information am I reporting?

You will report all decedent information that is required in the statute (Public Law 113-242), including

- The decedent's name, date of birth, gender, race and ethnicity
- The date, time and location of the death
- The law enforcement or correctional agency name
- Manner of death

3. Will the DOJ treat this information as confidential or as public information?

OJP will maintain this information internally, however, some data may be subject to the Freedom of Information Act. This will be determined on a case-by-case basis.

4. Do we need to report on deaths of persons in custody at juvenile correctional centers or under the jurisdiction of juvenile courts? Will juvenile data be kept confidential?

The statute (PL 113-242) states that deaths occurring in “other local or State correctional facility (including any juvenile facility)” must be reported. This applies to juveniles in the custody of a state or local juvenile facility. The information will be kept as confidential as possible, consistent with federal law.

5. Given the time lapse between identifying a potential death in custody and obtaining confirmation of a death in custody, when do we report deaths?

Report decedent information when you hear about a potential death even if an investigation is still pending at the time of reporting. Note that an “unavailable/investigation pending” choice is available. You can then update the

record when the death has been confirmed.

II. EXAMPLES OF REPORTABLE AND NOT-REPORTABLE SCENARIOS

1. What deaths are required to be reported under DCRA?

Per the statute (PL 113-242), report “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).”

2. The following are scenarios where a decedent commits suicide while law enforcement officers are present on the scene:

- a. Response is for a person with a mental disturbance or a distraught person, where result of police custody would have been to transport the subject for mental health evaluation prior to determining any criminal charges.**

Yes, this is reportable.

- b. Response is for a person who is a suspect of a crime or a person wanted for questioning of a crime, whether an arrest warrant has been issued or not.**

Yes, this is reportable.

- c. Response is for a person who has fled from police custody, and who has committed no other crime.**

If law enforcement is in “active pursuit” where the offender is fleeing law enforcement, then it would be reportable. If the offender has fled and “active pursuit” has ended to where it becomes an active investigation/search, then the event is not reportable.

3. Police officers pursue a suspect, during which the suspect produces a weapon creating a threat to officer safety. Suspect is then shot and killed by officers without an officer ever having “put hands on the suspect” to physically attempt an arrest prior to the shooting.

Yes, this is reportable

4. The following are scenarios where a death occurred during police pursuits:

- a. Suspect crashes and dies as a result while officers are engaged in an active vehicle pursuit.**

Yes, this is reportable.

- b. Suspect crashes and dies as a result, after officers terminated a pursuit for safety reasons and no police vehicles are obviously in pursuit.**

No, this is not reportable

- 5. Police contact results in an individual being delayed from going about their intended business (i.e., a brief detention—a traffic stop, questioning an individual who matches a suspect description, a check-on-the-welfare for a person who appears to be in distress.) The individual contacted then has a medical emergency and dies.**

Yes, this is reportable.

- 6. If an inmate is transferred to a medical facility and dies there, not in a correctional facility, is that reportable?**

It is reportable if the inmate was in legal custody at the time of death.

- 7. Are “in pursuit” decedents included in DCRA? What about decedents that are killed indirectly due to law enforcement pursuit included in DCRA reports?**

If the decedent is the subject of the pursuit, then it is reportable. However, indirect deaths (i.e., deaths occurring to bystanders) are not included in the statute (PL 113-242).

- 8. Are deaths occurring in halfway houses included?**

Deaths occurring in a halfway house are included if the halfway house is a under contract by the state or local government. A death occurring in a halfway house that is not under contract with a reporting entity is not reportable.

- 9. Should we report the location of the event leading to the death of the decedent, or the location of where the decedent actually dies (e.g., an offender is in critical condition following a reportable event and transported to a hospital where they are pronounced dead)?**

The location of the death is where he/she died, not the location of the event leading to the death.

III. OTHER

How does this differ from similar data collection efforts?

BJS Mortality in Correctional Institutions

- Does not collect all of the elements required in DCRA
- Can only be used for statistical purposes (not enforcement)

- Does not collect arrest related deaths

FBI Use of Force

- Developed at the request of law enforcement agencies
- Does not include correctional institutions
- Voluntary program
- Includes non-lethal use of force

CDC National Violent Death Reporting System

- Covers violent deaths including homicides, suicides, as well as some other types of death.