



## A Primer for Death in Custody Reporting Act (DCRA) and Related Program Data Requirements

This brief, with support from the Bureau of Justice Assistance (BJA) and in partnership with the National Criminal Justice Association (NCJA) and The National Consortium for Justice Information and Statistics (SEARCH), is intended to provide an overview of the [Death in Custody Reporting Act \(DCRA\)](#), its reporting requirements, and how they align with other federal programs that collect data on criminal justice-related deaths.

Simple questions can often be the most difficult to answer, and the national justice community faces one of these; how many people die while in custody? But simple questions are often more complex than they seem. This document will describe the several overlapping reporting requirements on state and local agencies and describe the federal government's previous and current efforts – including the role of State Administering Agencies (SAAs) – to answering this seemingly straightforward question. More than two decades after passage of DCRA, despite some progress, data reporting remains difficult to collect and does not reflect a full count of deaths in custody in the United States. The onus of reaching full compliance with DCRA falls on SAAs, who are at risk of federal grant penalties for low reporting, and the local and state agencies who must navigate tight deadlines and incompatible information systems to report deaths.

### Background

Congress passed the Death in Custody Reporting Act (DCRA) in 2000 to collect data on deaths involving law enforcement (e.g., while detained, under arrest, in the process of arrest, or en route to incarceration/detention). In 2013, in the wake of high-profile police shootings, Congress reauthorized the law and expanded its requirements to include deaths of individuals in correctional institutions. It also authorized the US Attorney General to withhold 10 percent of a state's Byrne Justice Assistance Grant (JAG) award for non-compliance. To date, the Attorney General has not exercised the discretion to levy the penalty.

#### *Initial DCRA Reporting Efforts*

DCRA oversight was originally assigned to the Bureau of Justice Statistics (BJS), one of 13 official statistical entities in the federal

government. In 2003, BJS established the Death In Custody Reporting Program and began two parallel data collection efforts; Mortality in Correctional Institutions (MCI) and Arrest-Related Deaths (ARD) to capture DCRA data.

In 2016, the Office of Justice Programs (OJP) determined that BJS, as a strictly statistical agency prohibited from policy-related activities that could trigger an enforcement penalty (i.e., the 10 percent JAG penalty), could no longer collect DCRA data. Thus, DCRA reporting oversight was transferred to BJA.<sup>1</sup>

### Current Approach

BJA works with SAAs to fulfill the comprehensive DCRA requirements. Data is collected and reported, on behalf of state and local agencies, about all deceased individuals who were detained, under arrest, in the process of

being arrested, en route to incarceration or incarcerated in state or local facilities.<sup>2</sup> BJA has developed resources and provided assistance to streamline and simplify the reporting by states, by adding DCRA reporting capabilities to the Performance Management Tool's (PMT) JAG reporting section, creating a detailed User Guide and conducting trainings to assist with DCRA submissions.<sup>3</sup> The challenge remains, however, that SAAs are required to collect the data from local agencies over whom they have little to no authority or leverage.

As SAA staff work with their state and local partners, they may encounter questions about the difference among DCRA, MCI and the FBI's Use of Force reporting. The next section of this brief will highlight the relationships and distinctions to equip SAA staff with a detailed look at the requirements of each program.

### Reporting Conditions and Data Analysis

MCI, Use of Force, and DCRA each rely upon agency data submissions under specific situations. The table below identifies the programs, reporting entities, and events that trigger data submission for each initiative.<sup>4</sup>

#### Programs, entities, and triggering events for death in custody initiatives.

| Collection Program     | Primary Reporting Agency | Death During Arrest | Non-Fatal Officer Use of Force | Death from Suicide, Accident, or Natural Causes | Death in Detention or Correctional Institution |
|------------------------|--------------------------|---------------------|--------------------------------|---|--|
| <b>FBI Collection</b>  |                          |                     |                                |   |  |
| Use of Force           | Law Enforcement          | ✓                   | ✓                              |   |  |
| <b>BJA Collection</b>  |                          |                     |                                |   |  |
| MCI                    | Correctional Facilities  |                     |                                | ✓   | ✓  |
| <b>DCRA Collection</b> |                          |                     |                                |   |  |
| DCRA                   | State SAA JAG Programs   | ✓                   |                                | ✓   | ✓  |

Note that Use of Force and MCI only report deaths in custody for certain scenarios, while DCRA is intended to capture data from *all* in-custody scenarios.

In addition to the distinct scenarios and reporting entities, each of the programs require slightly different data related to their specific areas of focus. The figure below captures the relationship and unique requirements for each of the three data collection initiatives.

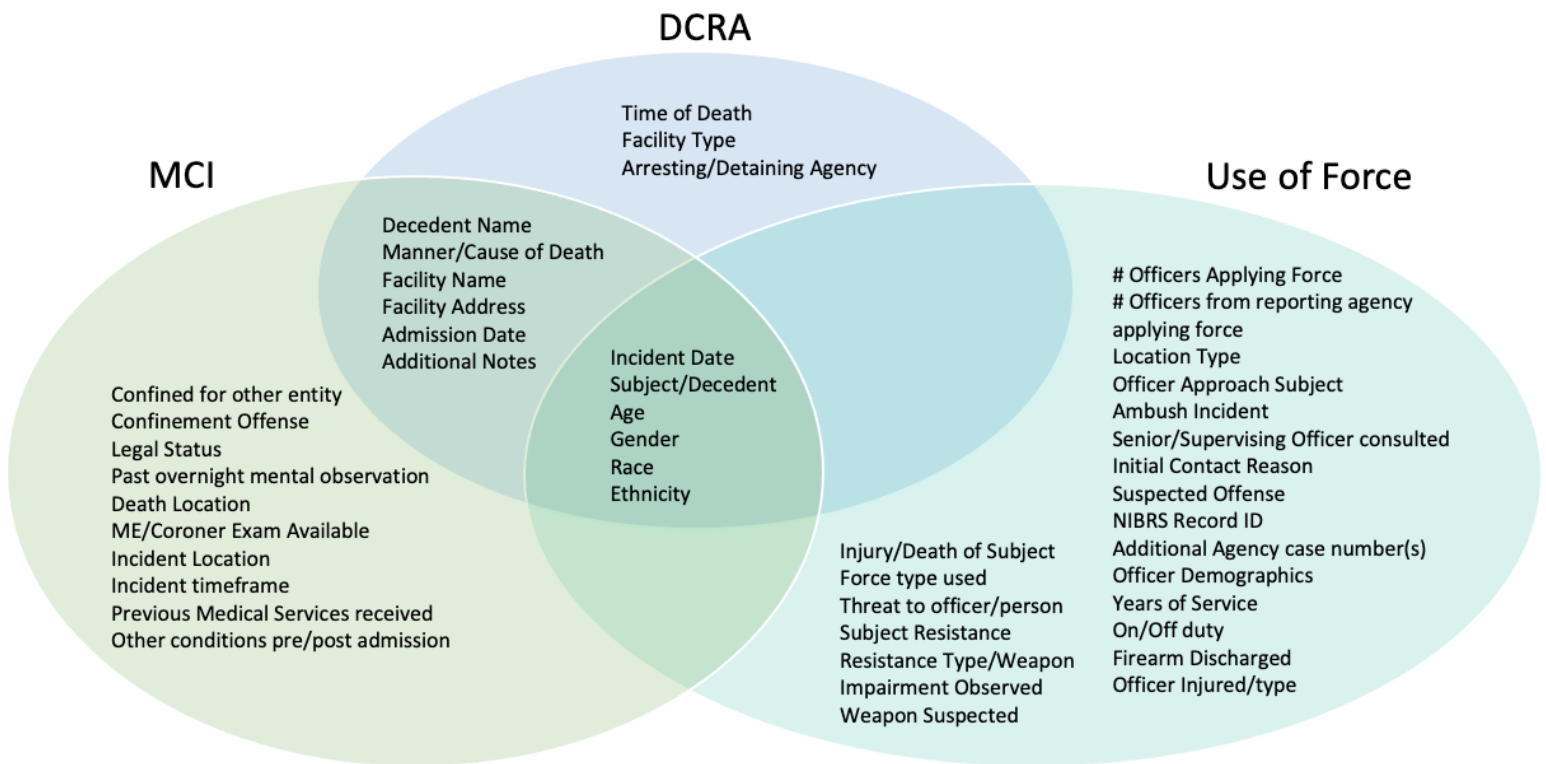
When compared to MCI and Use of Force, DCRA data is relatively limited. It is comprised of 14 total data elements captured through six questions on the reporting form. DCRA data is largely a subset of MCI with the additions of Time of Death, Facility Type, and Arresting/Detaining Agency.<sup>5</sup> Use of Force has less overlap,

as it primarily contains information outside the scope of DCRA.<sup>6</sup>

It should be noted that not all DCRA submissions will contain every data element, depending upon the incident conditions. For example, if an individual dies of a heart attack during a traffic stop, the DCRA report will not contain information about a correctional facility, admission date, etc.

State and local law enforcement and corrections agencies must submit DCRA reports to the SAA in addition to MCI or Use of Force data, if participating in those initiatives.

**Diagram of differences and overlap of death in custody initiatives.**





## Moving Forward

Given the requirement for SAAs to collect and report DCRA data, many states are looking for guidance and strategies to improve reporting participation and accuracy. The following suggestions are based on state experiences as described to NCJA and BJA staff.

### 1. Designate a staff point of contact to manage reporting efforts.

Each SAA should assign a staff member to coordinate DCRA data collection and reporting. This individual should be considered the resident expert in the reporting requirements and data and be the liaison with partner agencies.

### 2. Seek Out Partner Agencies with Data Reporting Experience

Many agencies have previous experience reporting data very similar to ARD, MCI, and/or Use of Force programs. These agencies may include the state Statistical Analysis Center (SAC), Department of Corrections (DOC), or state chiefs of police and sheriffs associations. SAAs can, and do, take advantage of this existing experience by partnering with such agencies.

### 3. Work with Traditional and Non-Traditional Partners

SAAs should think “outside the box” about agencies and groups that may have access to DCRA-related data or the capacity to coordinate reporting. Some states have worked with state coroners’ offices or the state medical examiner to access data on deaths in custody. Many states also have offices that oversee criminal justice information systems and may have access to data and/or guidance on improving data compatibility between agencies. Finally,

local, regional or statewide groups such as criminal justice planning boards are comprised of representatives from across the justice system and may be useful in facilitating greater participation in DCRA reporting.

### 4. Leverage Existing Resources

BJA has developed DCRA reporting capabilities on the BJA website and provides a simple reporting template for submitting bulk uploads. SAA staff can use this template as a form for collecting DCRA data among partner agencies.

## BJA Resources

[Data Collection for Bureau of Justice Assistance Programs: Best Practices](#)

[Death in Custody Reporting Act Factsheet](#)

[Death in Custody Reporting Act—Performance Management Tool, FAQ](#)

[Death in Custody Reporting Act Performance Measure Questionnaire](#)

[Death in Custody Reporting Act Performance Measurement Tool Import Feature](#)

[Death in Custody Reporting Act: Performance Measures Training 2019](#)

## More Resources to Come

The BJA Performance, Planning and Impact (PPI) team and NCJA are working to create more resources to assist SAAs in improving the participation and accuracy of DCRA reporting. Please reach out to the NCJA TTA team for specific requests and ideas for useful resources at [stratgicplanning@ncja.org](mailto:stratgicplanning@ncja.org).



## Endnotes

1. The BJS maintained the [Federal Law Enforcement Agency Deaths in Custody Reporting Program](#).
2. Information requested can be found in the [DCRA Performance Measure Questionnaire](#).
3. Users can access the reporting portal at [PMT login](#) and find guidance in the [DCRA Reporting User Guide](#).
4. [Review of the Department of Justice's Implementation of the Death in Custody Reporting Act of 2013, Office of Inspector General](#).
5. [Mortality in Correctional Institutions forms: Inmates Under Jail Jurisdiction CJ-9 and State Prison Inmate Death Report NPS-4A](#).
6. [FBI Use of Force Specification](#).

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