

**California’s Federal Death in Custody Reporting Act (DCRA)  
Implementation Plan  
August 2023**

**Section I: Current California Data Collection (Effort and Methods)**

**Mandated Reporting**

The California Department of Justice (CA DOJ) has been responsible for collecting death in custody data pursuant to state law since 1961. Government Code section 12525 (statute) (see Appendix A for full statute text) mandates all local, county, and state entities with a law enforcement arm report death in custody (DIC) data to the CA DOJ within 10 days of the death. An Attorney General Opinion in May of 1976 advised the CA DOJ to only keep 20 years of data on the mainframe. However, in 1999 the DIC data was moved from the mainframe to an Access database and the 20 year purge was dropped. The CA DOJ has DIC data available dated back to 1980.

**Participating Agencies**

Below is the breakdown of the agency types reporting death in custody data to the CA DOJ. Please note that several police and sheriff have contract agencies and Deaths in Custody are reported by the parent agency.

Agency Type Counts:

- Police = 453
- Sheriff = 58
- State Prisons (CDCR) = 34
- State Hospital = 5
- Department of Juvenile Justice (DJJ) = 4\* (All DJJ facilities have closed effective July 1, 2023, per SB 823, and the custodial responsibility was transferred to the county level.)

All reporting agencies in CA are accounted for and actively participate in the DIC data submission requirements. Currently, per statute, agencies are only required to report deaths within ten days of the occurrence; there is no provision in the statute for agencies to provide follow-up information, should any information be submitted as “unknown” or “pending” in the original submission.

## **Communication and Training**

The CA DOJ communicates regularly with all of our reporting agencies via email, phone, and virtual meetings. Our data collection is straightforward and we have a robust Information Bulletin that explains the process, provides guidance for reporting, and also provides definitions of data elements and values. We also offer training opportunities, both in-person and virtually and includes statewide or regional meetings, agency specific trainings, or one-on-one trainings. When there is turn over within an agency, we work with the new point of contact to assist them with reporting.

## **Collection Methods**

The data collection in California is a manual effort at this time. Agencies complete a form and submit it to the CA DOJ via fax or email. Once the form is received, CA DOJ staff review it for completeness, contact the agency for any questions or inconsistencies, processes according to procedure, and enters the data in to a Microsoft Access database (Access), which is where the CA DOJ DIC data is currently housed. All reporting agencies follow the same uniformed processes and procedures; there are no deviations from the reporting standards, regardless of agency type. At the beginning of each year, the CA DOJ sends out an annual survey to all agencies so each reporting agency can verify all their submissions and review their systems to determine whether they have missed anything. If they notice any discrepancies, they can provide revisions or new submissions to CA DOJ at that time.

## **Current Limitations and Challenges at the State Level**

While the CA DOJ is successful in the DIC data collection and has been for many years, there are challenges to current methods. While we are making efforts to mitigate these challenges (see [Proposed Solutions](#) section), some limitations will require a legislative change to overcome.

Limitations and challenges are listed in detail below:

1. **The current statute only mandates reporting agencies to report to the CA DOJ, what is known, within 10 days of the death.** In many instances, the reporting agency does not have all of the information within the initial 10 day period and without provisions in the statute to mandate the reporting of updated information when it becomes known to the agency, the CA DOJ may not have complete data over time. Additionally, a statute for 2023 mandates agencies to post DIC data on their own websites and to update those postings with new information as it becomes available. This means data posted on the agencies' websites could be different from what was reported to, and published by the CA DOJ.
2. **The data collected by the CA DOJ does not match one-to-one with the federal DCRA collection.** While we collect much of the same data, the values are coded and maintained differently. Further details provided in later sections.

3. **There are data elements the CA DOJ will not be able to collect or provide due to the current language in the statute.**
4. **The DIC is a manual effort and there are no allowances for additional funding or staff to automate and provide additional analytical support.**
5. **The CA DOJ currently does not have a monthly zero reporting process.** This means that we are only notified by an agency when a death occurs; we are not notified at all if the agency does not have a death to report in a given timeframe.

## **Section II: Current DCRA Submissions to the Bureau of Justice Assistance (BJA)**

### **DCRA Submission Responsibility**

The CA DOJ is responsible for the data collection and submission of the DCRA data to the California Bureau of State and Community Corrections (BSCC) using the Performance Management Tool (PMT) template . The BSCC is tasked with uploading the Template into BJA's PMT.

### **Submission Method-PMT Template**

An extract of the CA DOJ's DIC Access database is prepared for the time period required for BJA reporting. Once the data has been extracted, there is a complete manual transfer and re-coding of the data into the PMT template. Given the extent of data transfer and re-coding that must occur, there are additional reviews for matching counts and each data row to ensure the data was transferred and re-coded to the PMT template properly. Once the submission file is ready, it undergoes two additional rounds of review and approvals prior to sending to the BSCC for submission to BJA.

### **Submission Challenges (PMT Template)**

In addition to the challenges with the California collection, there are several noted challenges with the manner in which the DCRA requires data and the PMT template. The challenges are described below:

1. **The PMT template and the CA DOJ data collection database are structurally different.** All California systems and databases have data elements with multiple data values in a single column. The PMT template does not follow this standard data structure and therefore requires a manual recoding of the following data elements: Gender, Race, Ethnicity, Facility Location Where Death Occurred, and Manner of Death. There is no consistency on the PMT template regarding the values to recode to; sometimes it is

looking for an “X” and sometimes it is looking for a “YES”. To understand the impact of these structural differences, we will use the Race/Ethnicity values as an example. California has one “Race/Ethnicity” data element (column) that has 19 available values. In the California extracted data set, there is one column for Race and there is a value in each cell for each decedent. Conversely, the PMT template has each Race/Ethnicity value listed in its own column and the required value is an “X”. This means that instead of being able to submit Example One below, we must manually produce Example Two:

**Example One – CA DOJ Data Extract:**

Last Name	First Name	Race/Ethnicity
Doe1	A	Hispanic
Doe2	B	White
Doe3	C	Black
Doe4	D	Hawaiian
Doe5	E	White
Doe6	F	Japanese

Since California is mandated by state law to collect disaggregated race data, we must combine race values to fit the PMT specified values. For example, we must identify the following California values and roll them up into the PMT category as described below:

White – Combines White and Hispanic. If the California race value is Hispanic, then the PMT would contain a “X” in the White race column and a “X” in the Hispanic ethnicity column.

Black/African American – (single value in California’s collection)

Alaska Native – Combines American Indian and Alaska Native

Asian – Combines Chinese, Cambodian, Filipino, Japanese, Korean, Laotian, Vietnamese, Asian Indian, Other Asian.

Native Hawaiian/Pacific Islander – Combines Native Hawaiian, Pacific Islander, Samoan, Guamanian

Other – Combines Other and Unknown

**Example Two – BJA’s PMT Template:**

Last Name	First Name	Asian	Alaska Native	Black	Hawaiian/Pacific Islander	White	Unknown	Hispanic	Not-Hispanic
Doe1	A					X		X	
Doe2	B					X			
Doe3	C			X					
Doe4	D				X				
Doe5	E					X			
Doe6	F	X							

2. **There are data elements the CA DOJ does not collect and thus cannot provide.** These data elements are: Time of Death, Location of Death Address, Pending Investigation-Agency Conducting the Investigation and Approximate End Date, and Brief Description of the Circumstances.
  
3. **There is an expectation to resubmit data when changes occur to previously submitted records.** While we are not opposed to doing this, the manner in which it is required for resubmission is impossible for the CA DOJ to comply with for two reasons. First, the CA DOJ’s system does not track or journal on the back end. If we submit a file to the BSCC for upload, there is not a way for us to determine if there were any additions or updates to the data in that specific file. For example, if we pulled the data for the time period January-March 2023 we are pulling that file based upon the date of death. If in June of 2023 an agency sends in a previously unreported death that occurred in February of 2023, there is not a way for us to pull that new record into a submission extract. Similarly, if records submitted for January-March 2023 were originally submitted with any values of “pending” or “unknown” but were subsequently updated in the CA DOJ system, there is no way for us to flag or identify those modified records to report the update to BJA. Second, the BJA’s expectation for updating a record is for the submitter to go back to the file where the death was first submitted, modify the record and then resubmit that file. Unfortunately, there is no way for us to track what was submitted when, and would require a manual review of the entire CA DOJ data base and each file for each submission period. This is a highly ineffective way to submit updates and we are not staffed adequately to perform such manual reviews.
  
4. **The CA DOJ dataset, for some elements, contains richer, more distinct values that aren’t captured on the PMT Template.** This means we have a high number of Other/Unknown/None of the Above in our submissions to BJA. For example, the values for *If the event causing the death occurred in any of the following facilities* question, does not contain a value for Process of Arrest, which is a valid value for the CA DOJ dataset. This means that in our last submission to BJA, 60 of 135 records were submitted with “None of the above” as the value for this question.

5. **The PMT template asks for the Location of Death to include the Location Name, Street Address, City, State, and Zip.** For two reasons, we are only able to provide the location of the reporting agency’s main headquarters. First, all data submitted to us pursuant to the state statute is open for public record. This means we could not redact the address provided for any reason, which leads into our second reason. A portion of our reported deaths are classified as “in the process of arrest.” Since these deaths occur in the community, rather than in a facility, for privacy reasons, we cannot post or release the address of a private home or business that may not have been a party to the actual incident, but could be location where the death occurred.
  
6. **The PMT template requires a value for the field “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 an incident, the location and characteristics of an incident, other context.”** As previously mentioned, our state statute mandates all statistics collected be open to public inspection. Since a narrative field of this sort could include medical information or the names and locations of others who may have been present but not a party to the incident, we would not be able to collect this information.

### **Section III: Plan for Overcoming Limitations and Challenges**

While the CA DOJ does already have a robust DIC data collection, there are areas we can improve data quality in general and also work towards federal DCRA compliance where we statutorily can. The following are a list of mitigation actions and proposed timelines, when applicable.

#### **Immediate Action:**

1. For collection beginning with the statistical year January 2024, the CA DOJ plans to add data elements and values to include a Date Received, Ethnicity, Time of Death, and Agency Investigating Death. Since we are not able to collect the specific address, we will continue submitting the address of the submitting agency.
  
2. For collection beginning with the statistical year January 2024, the CA DOJ will implement a monthly zero reporting requirement. One of the areas we are working to improve is the accountability of our agencies by implementing a zero reporting form for each agency for each month. While we will not be changing our mandate, we will be changing our collection procedures to include the monthly zero reporting form. This will not only improve accountability, but also ensure agencies are checking their systems each month to determine if everything was reported as mandated.

3. For collection beginning with the statistical year January 2024, the CA DOJ will implement a DIC research team dedicated to reviewing open source resources and monitoring agency websites for updated death in custody information. We are in the process of hiring some Student Assistants to work as a part of this team.
4. For collection beginning with the statistical year January 2025, the CA DOJ will hold focus groups with our law enforcement partners to develop a standardized set of values the agency can select from for the Brief Description of Circumstances field. The CA DOJ understands the importance of having contextual information. This is a compromise so we can maintain our statutory integrity and comply as much as possible with the federal collection.

### **Strategic Planning:**

1. Submit legislative concepts to strengthen our mandate to include a section on updating new information as it is discovered by the reporting agencies.
2. Explore options for a new system to house and maintain our DIC data.
3. Explore funding options to acquire a new system, module, and staff.
4. Collaborate with BJA to streamline data collection and discover methods to alleviate manual transfer and re-coding and a more time efficient method for submitting updates.

### **Section IV: Conclusion and Appendices**

The CA DOJ has a strong data collection mandate, robust collection, and nearly 100% participation with reporting agencies. While this is true, the CA DOJ is always looking for ways to improve data collection and quality. Several limitations and challenges to both the state and federal level collections are identified and immediate and strategic mitigations were discussed. The CA DOJ is determined to be a partner agency with the federal DCRA collection and looks forward to working more closely with the BJA on mitigation and implementation strategies.

### **Appendix A-California Statute Text**

#### **Government Code section 12525**

In any case in which a person dies while in the custody of any law enforcement agency or while in custody in a local or state correctional facility in this state, the law enforcement agency or

the agency in charge of the correctional facility shall report in writing to the Attorney General, within 10 days after the death, all facts in the possession of the law enforcement agency or agency in charge of the correctional facility concerning the death. These writings are public records within the meaning of Section 7920.530 of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and are open to public inspection pursuant to Sections 7922.500 to 7922.545, inclusive, 7923.000, and 7923.005. Nothing in this section shall permit the disclosure of confidential medical information that may have been submitted to the Attorney General's office in conjunction with the report except as provided in Part 2.6 (commencing with Section 56) of Division 1 of the Civil Code.

*(Amended by Stats. 2021, Ch. 615, Sec. 174. (AB 474) Effective January 1, 2022. Operative January 1, 2023, pursuant to Sec. 463 of Stats. 2021, Ch. 615.)*

### **Penal Code section 10008**

(a) When a person who is in custody dies, the agency with jurisdiction over the state or local correctional facility with custodial responsibility for the person at the time of their death shall, consistent with reporting requirements pursuant to Section 12525 of the Government Code, post all of the following on its internet website:

- (1) The full name of the agency with custodial responsibility at the time of death.
- (2) The county in which the death occurred.
- (3) The facility in which the death occurred, and the location within that facility where the death occurred.
- (4) The race, gender, and age of the decedent.
- (5) The date on which the death occurred.
- (6) The custodial status of the decedent, including, but not limited to, whether the person was awaiting arraignment, awaiting trial, or incarcerated.
- (7) The manner and means of death.

(b) (1) Subject to paragraph (2), the information shall be posted for the public to view on the agency's internet website within 10 days of the date of death. If any of the information changes, including, but not limited to, the manner and means of death, the agency shall update the posting within 30 days of the change.

- (2) If the agency seeks to notify the next of kin and is unable to notify them within 10 days of the death, the agency shall be given an additional 10 days to make good faith efforts to notify next of kin before the information shall be posted for the public to view on the agency's internet website.

*(Added by Stats. 2022, Ch. 802, Sec. 1. (AB 2761) Effective January 1, 2023.)*