



Death in Custody Reporting Act State Implementation Plan 2023

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Office of Criminal Justice Grants



2023 DCRA State Implementation Plan for Florida

Introduction

In 2000, the Death in Custody Reporting Act (DCRA; [Pub. L. No. 113-242](#)) was passed by Congress requiring all states to report to the Attorney General 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). The DCRA was reauthorized in 2014 to include the reporting requirement for “the law enforcement agency that detained, arrested, or was in the process of arresting the deceased.”

Originally this information was captured by the Bureau of Justice Statistics (BJS) Mortality in Correctional Institutions (MCI), however, reporting of deaths in custody shifted to the Bureau of Justice Assistance (BJA) in 2019. Under the Edward Byrne Memorial Justice Assistance Grant (JAG), BJA made all State Administering Agencies (SAA) responsible for collecting and submitting death in custody data through BJA’s Performance Measurement Tool (PMT).

As the SAA for Florida, the Florida Department of Law Enforcement (FDLE)’s Office of Criminal Justice Grants (OCJG) began collecting death in custody data on October 1, 2019. Each quarter, state and local law enforcement agencies, as well as correctional agencies are obligated to report deaths in custody to OCJG in compliance with the DCRA.

Data Collection Infrastructure

Within the state of Florida, there are 205 police departments, 67 sheriff’s departments, and 62 state law enforcement agencies. There are a total of 87 jails with an additional 128 state prison facilities.^{1, 2} Of those state prison facilities there are: 50 major institutions, 15 annexes, 7 private facilities, 20 work camps, 3 re-entry centers, 2 road prisons/forestry camps, 1 basic training camp, and 30 work release centers.³ The State of Florida currently does not have a death-in-custody reporting law which requires these state and local agencies to report the death-in-custody data to a state entity. However, all state and local law enforcement agencies within Florida who receive federal grant funding are required to report the death-in-custody data to FDLE’s OCJG on a quarterly basis.

OCJG makes every effort to notify and instruct local and state law enforcement agencies on the DCRA reporting requirement. Historically, multiple emails have gone out to Florida’s state and local law enforcement agency chief officials (i.e., sheriffs, police chiefs, jail administrators, directors, etc.) notifying them and reminding them of the DCRA requirement. OCJG has also

¹ <https://nicic.gov/resources/nic-library/state-statistics/2020/florida-2020#:~:text=Florida%20has%2087,jails%20in%2067%20counties>.

² <https://fdc.myflorida.com/ci/index.html>

³ <https://fdc.myflorida.com/ci/index.html>

created a Death in Custody Reporting Act webpage which provides detailed information regarding the DCRA reporting requirement and provides instruction on how to report to death-in-custody data to FDLE.⁴ State and local law enforcement agencies within Florida are not currently required to submit a quarterly notice of no deaths in custody if a death in custody did not occur within their jurisdiction during a quarter.

OCJG utilizes its Death in Custody Reporting Act webpage to provide general DCRA information, a FAQ, end notes summarizing agency reporting requirements under OCJG, and additional resources. The additional resources section of the webpage provide links to BJA's Death in Custody Reporting Act (DCRA) Data collection webpage, Death in Custody Reporting Act FAQ, DCRA Factsheet, and YouTube Channel. Additional resource links are provided to the National Criminal Justice Association's DCRA Primer, the National Institute of Justice's DCRA Studies, and to Pub. L. No. 113-242.⁵

FDLE does not currently require TTA from BJA with regards to DCRA compliance requirements. OCJG has attended multiple BJA DCRA trainings and actively reviews all available BJA DCRA resources as needed.

Collection Methods

FDLE's OCJG is responsible for collecting and reporting death-in-custody data from state and local law enforcement agencies within Florida. OCJG utilizes a Death in Custody Questionnaire to collect the required data.⁶ The Death in Custody Questionnaire has been modeled after BJA's Death in Custody Reporting Act Performance Measures Questionnaire and mirrors the questions posed in PMT.⁷ Florida's law enforcement agencies are required to complete and submit the Death in Custody Questionnaire to OCJG every quarter a death-in-custody occurs within their jurisdiction. OCJG currently has no way to ensure one hundred percent of Florida's death-in-custody data has been collected on a quarterly basis from state and local law enforcement agencies, but strives to ensure the maximum amount of death-in-custody data is reported.

Data Reporting Methods

OCJG manually enters data collected from the Death in Custody Questionnaires submitted by Florida's local and state law enforcement agencies into BJA's PMT each quarter. Each Death in Custody Questionnaire submitted to OCJG is carefully reviewed prior to data submission. Any grammatical errors found are corrected when inputted into PMT. If information has been marked as unknown or investigation pending, the submitting agency is notified by OCJG they must submit

⁴ <http://www.fdle.state.fl.us/FDLE-Grants/Office-of-Criminal-Justice-Grants/Forms/Forms/DCRA>

⁵ <http://www.fdle.state.fl.us/FDLE-Grants/Office-of-Criminal-Justice-Grants/Forms/Forms/DCRA>

⁶ http://www.fdle.state.fl.us/FDLE-Grants/OCJG-Documents/DCRA/Death-in-Custody-Questionnaire_Revised-05-06-21.aspx

⁷ <https://www.bja.ojp.gov/funding/performance-measures/dcra-measures-questionnaire.pdf>

updated information once the information has been obtained, or upon completion of the investigation.

Conclusion

It is the goal of FDLE to improve DCRA processes to ensure the maximum amount of death-in-custody data is submitted to PMT on a quarterly basis. FDLE will continue to amend and streamline DCRA reporting processes and procedures in order to ensure accurate data is provided to BJA in a timely manner.

This document was prepared by the Florida Department of Law Enforcement, Office of Criminal Justice Grants.

For additional information, please visit our website at <http://www.fdle.state.fl.us/FDLE-Grants> or call us at (850) 617-1250.

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