



State of Maine
Death in Custody Reporting Act
State Implementation Plan
2023

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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.

CURRENT APPROACH

The Bureau of Justice Assistance (BJA) works with State Administering Agencies (SAA)s to fulfill the comprehensive DCRA requirements. Data is collected and reported on behalf of state and local agencies, about all deceased individuals who are detained, under arrest, in the process of being arrested, en route to incarceration or incarcerated in state or local facilities.

DATA COLLECTION

The State of Maine does not currently have a death-in-custody law; however, it is a requirement of the Attorney General's office (AG's) to investigate deaths-in-custody and the data collected is the same information required by federal law. Maine follows the same protocol as the Federal Law, cited below.

Public Law 113-242 section 2 states that the State shall report to the Attorney General, on a quarterly basis and pursuant to guidelines established by the Attorney General, 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).

Maine currently has fifteen (15) county jails, eight (8) state facilities (seven (7) for adult and one (1) for juveniles), sixteen (16) Sheriff Departments, seven (7) State law enforcement agencies, one hundred forty-six (146) local law enforcement agencies, five (5) Tribal agencies, and four (4) college campus departments. All the listed agencies participate in reporting the deaths in custody to the AG's office.

The Department of Corrections (DOC) and the jails have internal policies that require notification of the Attorney General's Office when there is a death in custody.

Maine's Criminal Justice Academy (MCJA) requires each local and state law enforcement agency to adopt a Death Investigation Policy with minimum mandatory standards set forth by the AG's office. Currently there is no agency that is not actively participating in our State's DCRA data collection.

There is no formal training provided for state and local agencies for reporting DCRA data. Training is provided in an as needed basis, i.e., if an agency falls short in reporting, the AG's office will have a discussion with the agency's Chief officer to assure that notifications are made in the future. Training and Technical Assistance (TTA) have not been utilized by the BJA for DCRA reporting yet, however, if training is needed the SAA would contact the Justice Research and Statistics Association (JRSA) via email at dcra@jrsa.org.

The Investigation Division of the Attorney General's office is responsible for DCRA data collection from the state and local agencies, currently it is the duty of the Chief of Investigations, Anna Love. As stated above, each agency/department has individual policies that require reporting of all deaths that happen while in custody to the AG's office.

The AG's office is emailed a series of questions by the SAA in a Microsoft Word format, each quarter. These questions are the same as what is required in the Federal Law (Public Law 113-242, 113th Congress). The questions consist of:

- How many, if any, reportable death-in-custody's during the reporting period?
- Name, gender, race, ethnicity, and birth year.
- Date of death, time of death, location of death, and the facility in which the death occurred.
- Name of the department or agency that detained, arrested, or was in the process of arresting the deceased.
- The manner of death.
- A brief description of the circumstance leading to the death.

Each department/agency is required by the AG's office to notify them as soon as they are made aware of a death in custody. The AG's office then provides the department/agency with a Microsoft Word document with the series of questions listed above, the department/agency documents the information and provides the complete collection of data to the AG's office.

Each department/agency is provided with the same questions and provides the same completed data to the AG's office, which in turn is provided to the SAA quarterly by the AG's office. We do not believe there are any gaps in information. The data is then reviewed by the SAA assigned to the Justice Assistance grant by making sure that all the data fields are filled in. At the time that the information is deemed complete. If the information is not complete, the SAA will reach out to the AG's office for the missing information. The data is then entered manually by the SAA in the Performance Measurement Tool (PMT) quarterly as required by federal law and the Bureau of Justice Assistance.

The SAA does not currently check the accuracy of the information being reported to our office by the Attorney General's Office. Our office has relied on the information as accurate and reported to OJP on a quarterly basis. In the upcoming months, the SAA will do some research and contact other states for information/resources that they use to assist them with quality checks of the DCRA filings. We will work to implement a process/policy for DCRA quality checks by 2024. The SAA does not maintain paper copies of the data. The Microsoft Word documents are saved in the departments hard drive in PDF format by date and the decedent's name. According to the AG's office there have not been any challenges in collecting the data. The State of Maine does not have a website in place for DCRA information.

If there is an investigation at the time of submission to the BJA, the information will be provided to the SAA the quarter after the investigation is complete. The data will be provided to BJA via the PMT at that time.