

2023 Minnesota Deaths in Custody Report Act (DCRA) State Implementation Plan

The Death in Custody Reporting Act (DCRA; Public Law 113-242) requires states to report to the Attorney General information regarding the death of any person who is either detained, under arrest, in the process of being arrested, 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, or any state or local contract facility, or other local or state correctional facility (including any juvenile facility).

1. Deaths in Custody Reporting Act (DCRA) Reporting Structure

Minnesota does not have a specific law for all law enforcement in the state to report all deaths-in-custody to one agency. Minnesota does have the following policies and laws specific to reporting and investigating deaths in jails, correctional facilities, and by use of force by law enforcement.

Deaths in Minnesota Department of Corrections (MN DOC) Facilities

The death of an inmate in a Minnesota Department of Corrections facility is handled according to Division Directive 300.300 (Incident Reports) and DOC Policy 203.230 (Death of an Offender). All deaths including homicides, suicides, and deaths from natural causes are investigated by specially trained personnel from DOC's Office of Special Investigations (OSI). If there is an indication of foul play, local law enforcement agencies are included in the investigative team. OSI submits a full report of findings, including autopsy results when an autopsy is appropriate, to DOC's Policy and Legal Services Division. It should be noted that criminal investigations of DOC employees are conducted by the local law enforcement agency with OSI involvement¹.

Deaths in MN DOC Licensed or Inspected Facilities, e.g. jails, lockups, detention centers, transport buses, or medical transports.

The death of an inmate in a MN DOC licensed or inspected facility is handled according to DOC Policy 600.210 (Investigation of Complaints, Special). Facilities, e.g. jails, lockups, detention centers, transport buses, medical transports, etc. must submit a written report of the incident to DOC's Facilities Inspection and Enforcement Unit (FIEU). While Policy 600.210 pertains to the mandatory reporting requirement of DOC licensed and inspected facilities, DOC maintains that all such facilities are required to have a range of internal policies and procedures, including but not limited to, next-of-kin notification, preservation of the crime scene, locking down housing units as necessary, assessing and attending to the injured, notification and request to other agencies such as the Bureau of Criminal Apprehension and the appropriate county attorney, etc. to maintain a license to operate.¹

Deaths Outside of Correctional Facilities

When a person dies or is seriously injured by the use of force by a law enforcement officer, the officer(s) actions are investigated and reviewed under Minnesota statute [609.066, subdivision 2](#), to determine whether they were legally justified. The Minnesota Bureau of Criminal Apprehension

¹ Corrections Ombudsman Working Group chaired by the Commissioner of Human (2008, January 28). Ombudsman for Corrections Working Group- Report to the Legislator. Retrieved from Minnesota Legislative Reference Library: <https://www.leg.mn.gov/docs/2008/mandated/080172.pdf>

2023 Minnesota Deaths in Custody Report Act (DCRA) State Implementation Plan

(BCA) conducts a criminal investigation of an officer use-of-force incident if requested by the local jurisdiction.²

Conflict Investigations: The BCA also investigates conflict of interest cases involving peace officers. These are cases where the agency involved has a real or perceived interest in the outcome of the investigation. The BCA conducts an independent and unbiased investigation to find out what happened, and then provides that information to a prosecutor (usually a county attorney) without recommendation. The prosecutor reviews the case under the law. The BCA does not determine whether an officer is guilty or innocent.²

MN State Data Privacy Laws Related to DCRA Information

Data submitted to comply with DCRA from OJP to the BJA are subject to 34 U.S.C. §10231(a), which protects from disclosure any research or statistical information that is identifiable to any private person. Accordingly, MN Office of Justice Programs (OJP) does not release identifiable DCRA data to the public.

Minnesota corrections and detention data, complies with Minn. Stat. 13.85, which identifies which types of corrections and detention data are private or confidential. Medical information and personal information not related to incarceration is private under 13.85. Information contained in arrest data is public and includes date of birth and sex. Race and ethnicity are not gathered in arrest data so these elements would be private. If manner of death identifies pre-death medical information such as “liver cancer” it is considered private data because it identifies the individual’s medical information. If a death is reported without an individual’s pre-death medical information such as “natural causes” the manner of death is public data.

DCRA Data Required

OJP provides the information below for each person that meets the DCRA death criteria:

- Name
- Gender
- Birth year
- Race
- Ethnicity
- Date of facility admission/arrest
- Date of death
- Time of death
- Location of death
- Facility Name and Address
- Type of facility
- Name of department or agency that detained, arrested, or was in the process of arresting deceased
- Manner of Death
- Description of Death

Facilities Overview

The MN DOC is responsible for inspection and licensing of state and local correctional facilities including jails, lockups, holding facilities, adult institutions, private prisons, group homes, and halfway houses. There are 87 counties in Minnesota with a total of 100 of facilities that fall under

² <https://dps.mn.gov/divisions/bca/use-of-force-investigations/Pages/default.aspx>

2023 Minnesota Deaths in Custody Report Act (DCRA) State Implementation Plan

this requirement. MN DOC is also responsible for inspection and licensing of state and local correctional facilities including secure and non-secure juvenile residential, detention, and group homes. The DOC shares the licensing rule with the Department of Human Services.

Since Minnesota does not have a statute mandating DCRA reporting, OJP is unable to state which agencies are not actively participating.

2. Data Collection Method

Currently, the JAG Grant Program Administrator is responsible for the DCRA data collection. Once the Statistical Analysis Center is fully staffed, this responsibility will most likely be transferred to that staff.

The deaths in local MN DOC licensed or inspected facilities are reported to and investigated by DOC's Office of Special Investigations (OSI). Each quarter, staff from the OSI enter the required data for all deaths into an excel spreadsheet. This includes deaths from the last quarter as well as updates to previous quarter's death investigations with any new information including the final results of the investigations. OSI staff then email the data to the JAG Grant Program Administrator. The same process happens for deaths that occur in the state's correctional institutions, except the reporting entity is staff from the DOC's Facilities Inspection and Enforcement Unit.

The JAG Grant Program Administrator uses the following methods to collect local law enforcement DCRA data. The JAG Grant Program Administrator completes a review of the MN BCA media releases, conducts Google searches related to officer involved deaths, and checks the [open source collection](#) of deaths by law enforcement. After deaths are found via these methods, the next step is to cross reference open-source reports (newspaper articles) and the BCA press releases. This step ensures accuracy of information as well as provides a comprehensive description of the event that caused the death. If there is a death discovered via the Google search that is not reported by any other source, the JAG Grant Program Administrator contacts the investigating agency and requests the police report. If there are discrepancies in the open-source information and law enforcement reports, or if the required data is unavailable in these methods, the JAG Grant Program Administrator requests the medical examiner's report.

Challenges

In instances where a person dies from something other than a physical use of force by law enforcement such as a police chase, natural causes, suicide, or a drug overdose during DCRA required events of "Any person who is either detained, under arrest, in the process of being arrested and en route to be incarcerated"; local law enforcement has the discretion to not report these cases for additional investigation to state law enforcement. These deaths are the most challenging to report because there is no public record unless a news article is written about the death. Unless use of deadly force was involved, these types of deaths are not by statute required to be reported or investigated by an outside entity such as the BCA. Because deaths during law-enforcement interactions are often reported in the news, OJP is confident it has identified most, if

2023 Minnesota Deaths in Custody Report Act (DCRA) State Implementation Plan

not all, DCRA deaths. A change to Minnesota statute to require all DCRA eligible deaths be reported to the investigative agencies would remedy this issue.

Specific data points such as ethnicity, time of death, and official cause of death are challenging to attain from public information sources. To attain this data, The JAG Grant Program Administrator must submit a data request to one of the four medical examiner's offices in Minnesota. Each medical examiner's office has their own process of data requests, and it can take anywhere between a couple of hours to a couple of days to return the report. This process adds even more additional time onto an already time intensive report. A solution to this challenge is yet to be determined.

Tools

Minnesota uses spreadsheets to collect and document this data as well as medical examiner reports.

Data Reporting Methods

DCRA data is reported manually into the PMT system.

The data cleaning and review consists of the JAG Program Administrator cross referencing the information from the sources to find any discrepancies. If there are discrepancies or any required information is missing, the medical examiner's report is requested.

OJP uses a spreadsheet with a tab for each quarter to track the DCRA data. If the death is still under investigation, that field is highlighted and the reporting entity updates the highlighted fields each quarter. Then, the previous DCRA PMT report is unlocked and the information is added to that report and resubmitted.