

2023 Justice Assistance Grant (JAG)
Death in Custody Reporting Act (DCRA)
State Implementation Plan

Data Collection Infrastructure

The Montana Board of Crime Control (MBCC) and the State of Montana recognizes that the Death in Custody Reporting Act of 2013 requires states that receive JAG allocations under specified provisions of the Omnibus Crime Control and Safe Streets Act of 1968 to report certain information regarding the death of any person in law enforcement custody. This may include individuals who are detained, arrested, enroute to incarceration, or incarcerated in state or local facilities or a boot camp prison. Our state law and the federal law do not differ within the requirements of information that is requested.

The Montana Department of Corrections provides public information regarding the death of inmates in its custody pursuant to the Public Records Act, MCA 2-6-100. Under Montana law (Title 46, Ch. 4, Pts. 1, 2, MCA), the cause, manner, and circumstances of the death of a person who dies while incarcerated in a prison or confined to a correctional facility operated by the state shall be inquired into and determined by a county coroner. Those findings are provided by the coroner to the county attorney in the county of jurisdiction, who may request an inquest into the causes of and circumstances surrounding the death (Title 46, Ch.4, Pts. 2a, MCA). The coroner's official statement of the cause of death is stated in a death certificate, which are public records.

Also, pursuant to MCA 46-4-122, all human deaths within Montana require an inquiry by the county coroner. MCA 46-4-122 states in part that coroner inquiries are required:

(2) whenever the death occurred:

(a) while the deceased was incarcerated in a prison or jail or confined to a correctional or detention facility owned and operated by the state or a political subdivision of the state;

(b) while the deceased was in the custody of, or was being taken into the custody of, a law enforcement agency or a peace officer;

MCA 7-4-2911. Duties of county coroner states:

The county coroner shall:

(1) hold inquests as provided in Title 46, chapter 4, parts 1 and 2;

(2) inquire into the cause, manner, and circumstances of all human deaths, as required in **46-4-122**, and establish the identity of the deceased person;

(4) maintain records of inquiries as required by good practice and law.

Montana maintains a total of approximately 120 non-federal law enforcement agencies: 54 county, 49 city, 3 universities, 6 tribal, 4 state-owned, 5 airport, and 2 that are combined city and

county. These numbers (120 agencies) do include: 37 jails, 5 prisons, and 2 juvenile detention facilities. All agencies adhere to Montana's death in custody laws and are required to comply with state MCA statutes related to DCRA reporting and data collection requirements. All agencies do participate and if we should ever see any agency not participate, the SAC Unit staff would reach out to those agencies to encourage participation and offer one-on-one training. The SAC Unit does provide training and technical assistance to agencies with DCRA data reporting and more training is available and administered if needed. MBCC provides training via Just the Facts once a year <https://mbcc.mt.gov/docs/Data/MTIBRS-Training-TA/07-20-MTIBRS-TA-DCRA.pdf>

These trainings (video and pdf) are posted on our website after the training. The trainings are not always well attended, however, having the resource online for convenience seem to be appreciated. Moving forward we will email all our law enforcement contacts the links to the presentation and pdf slides for DCRA and Use-of-Force as per the link above. Montana does not require specific TTA from BJA at this point in time, but should the need arise, the SAC Unit staff will be in contact.

Montana does not have a DCRA website. With all the information available to our law enforcement agencies, and the manner in which we identify and collect the data, we determined it was unnecessary and could create potential confusion and or duplication of these incidents. Since these incidents come to us through the Violent Death Registry System (VDRS) death certificates and the Montana Department of Corrections (MTDOC) website and the Division of Criminal Investigations (DCI), agencies are only contacted if information is not available through these sources.

Data Collection and Reporting Specifics for Death in Custody Reporting Act (DCRA) SAC Procedures

Data Collection Partners

The MBCC Statistical Analysis Center (SAC) frequently monitors DCRA-eligible deaths within Montana, collecting and disseminating the federally required data. The SAC works collaboratively with the following sources to obtain DCRA data and updates:

- The Montana Department of Corrections (DOC): All deaths occurring within a state correctional facility or while under supervision within a correctional program.
- The Montana Violent Death Registry Program (VDRS): The Montana VDRS developed a repository for all coroner death certificates. Those deaths involving violence, suicide, or law enforcement are flagged. The flagged certificates with law enforcement involvement are summarized in a report provided to the MBCC SAC quarterly. If the

cause of death is pending or under investigation, the case will be continually reported until complete. We contact the VDRS members to discuss any issues:

- Alyssa Johnson, MT-VDRS Principal Investigator, 406-444-0752
- Annie Kurtz, MT-VDRS Program Coordinator, (406) 444-1310
- Forensic Data Abstractor, (they are filling this position), (406) 444-1310
- The Montana Division of Criminal Investigations (DCI): DCI utilizes the Montana Analysis & Technical Information Center (MATIC) data algorithms to identify law enforcement involvement results in injury or death.
 - Bryan Lockerby, DCI Administrator, 406-444-2967

Using the above sources, in addition to web searches, Montana is able to capture as many DCRA related occurrences as possible, including tribal death information not typically available for other data collections.

Montana's Data Collection Processes

The SAC's DCRA tracking process includes updating the status of records that are open to pending investigation. On a federal quarterly basis within the required timeline, the SAC enters the decedent data into the Bureau of Justice Assistance (BJA) Performance Measurement Tool (PMT) in the required prescribed format.

1. Monitor local print and televised media weekly for incidents fitting reportable criteria.
2. Document reportable incidents in an excel log. These logs are currently being imported into an Access database to better track pending investigations and missing data.
3. Contact appropriate personnel (sheriff, undersheriff, chief of police or subordinate, as well as the NIBRS contact) from the law enforcement agency no later than 14 days from the date the incident was identified, and they complete the DCRA 1-A Report form. Reports may be taken over the phone or copies can be faxed or emailed.
4. Enter incidents into the MT_DICRA Excel spreadsheet.
5. Review quarterly reports (Kathy Wilkins and Autumn Frey) from DOC and DPHHS Vital Statistics for additional DCRA incidents to enter.
 - 5.1. SAC Staff (Kathy Wilkins and Autumn Frey) will receive a report from the Montana Department of Corrections' Offender Management Information System (OMIS) titled "MBCC Death Report" via email at the start of each new quarter. This report lists deaths of inmates in DOC secure or alternative secure facilities that reportedly occurred during the prior quarter.
 - 5.1.1. SAC staff (Kathy Wilkins and Autumn Frey) will review and report deaths of DOC inmates as part of the DCRA quarterly submission. Do not include deaths of

offenders that under Probation or Parole supervision which were not housed in secure or alternative secure facilities.

5.1.2. If SAC staff (Kathy Wilkins and Autumn Frey) do not receive the report as schedule, they will follow up with personnel from the Department of Correction's Statistics and Data Quality Unit. The Point-of-Contact (POC) is Janice Fries (jfries2@mt.gov) as of February 2022.

5.2. SAC staff (Kathy Wilkins and Autumn Frey) will request the "QUARTERLY_MT_JAIL_SUICIDES_YTD" report from Matt Ringel (MRingel@mt.gov), Epidemiologist with the Office of Vital Statistics in the Department of Public Health & Human Services.

Matthew Ringel, MPH Vital Statistics Epidemiologist Office of Epidemiology and Scientific Support Vital Statistics Analysis Unit Montana Department of Public Health and Human Services 1400 East Broadway Ave, Rm B-102 Helena, MT 59620-2951 PO Box 202951 Phone: (406) 444-1746 Fax: (406) 444-6910 mringel@mt.gov

5.2.1. SAC staff (Kathy Wilkins and Autumn Frey) will review the spreadsheet for additional deaths that may be reportable under DCRA. The report will contain data from death certificates submitted to the CDC for certain ICD-10 codes (10th edition of the International Classification of Diseases and Related Health Problems). The report searches for keywords on the electronic death certificate data which may capture additional DCRA incidents such as suicides in local detention facilities which may not have been reported in the media.

6. Once all reportable incidents have been entered into the MT_DICRA Excel spreadsheet, SAC staff (Kathy Wilkins and Autumn Frey) will log into to the PMT system at <https://ojpsso.ojp.gov/> and upload the DCRA data.

6.1.1. DCRA reporting in PMT is by choosing the "Federal Awards" tab, scrolling down to the "JAG/DICRA reporting", and choosing the correct Reporting Period.

7. DCRA Incidents submitted with "Pending" values in any of the fields may be requested to be updated by the Bureau of Justice Assistance (BJA). When this happens, someone in the SAC Unit (Kathy Wilkins and Autumn Frey) reaches out to BJA to unlock the quarter and then research is done by reaching out to the above-mentioned contacts to see if a determination has been made on a "Pending" investigation. Update accordingly. When the excel report the SAC Unit (Kathy Wilkins and Autumn Frey) receives states "Pending," Autumn Frey (or Kathy Wilkins) will reach out to Montana VDRS (Annie Kurtz) to see if she has received any other clarifying information on the individual. If no new information has been received it is left as "pending" and will be addressed again the following quarterly report.

Challenges and solutions Montana faces in collecting and reporting DCRA data

The current collection through the VDRS and MTDOC provides the most comprehensive look at all deaths in Montana. The biggest challenge is noting when someone dies outside the justice

system facility. Our effort to overcome this is to insure we have all prison and jail addresses in the VDRS system to be matched for home address (i.e. county jails or other detention facility addresses) when the death location is a hospital or not their home address.

Deaths occurring while being taken into custody have an indicator on the death certificate of law enforcement involvement. Those would not be caught by the above validation of home address. Our strategy for these is to continue to work with the primary data source which is the coroners/death certificates. These types of cases are always reported. Our analysts use specific Google searches to make sure we do not miss incidents. The Division of Criminal Investigation Administrator, Bryan Lockerby, also monitors any law enforcement Use of Force or death and notifies MBCC prior to media coverage. The Montana Analysis & Technical Information Center (MATIC) data algorithms are the primary tool Administrator Lockerby uses to identify law enforcement involvement resulting in injury or death.