

## New Jersey Death in Custody Reporting Act Data Collection Infrastructure

### Overview of Death in Custody Reporting Procedures

New Jersey is home to more than 9.2 million residents and more than 13,000 persons incarcerated in state and county correctional facilities.<sup>1</sup> New Jersey's residents are served by more than 536 law enforcement agencies, 21 county jails, 9 state correctional facilities + 11 residential community release programs + 1 assessment center, 3 secure Juvenile Facilities + 10 residential community homes. State Correctional facilities are operated and maintained by the New Jersey Department of Corrections and staffed by correctional police officers. County Jails are operated by each county and staffed by county law enforcement agencies, typically a Sheriff's Office or County Correctional Agency.

[Attorney General Directive 2019-4](#) requires notification to the Attorney General "as soon as any local, county, or state law enforcement agency learns of a Law Enforcement Incident," which is defined as: a) any use of force by an officer resulting in death; b) any use of force by an officer resulting in serious bodily injury; c) any use of deadly force (including the discharge of a firearm as defined in Section 4.1 of the UOF Policy) by an officer, regardless of whether such force resulted in injury; d) the death of any civilian during an encounter with an officer; e) and the death of any civilian while in the custody of law enforcement. The Directive provides standard investigation requirements and guidance for County Prosecutors in these events. The County Prosecutor typically conducts the investigation, unless the Attorney General decides to supersede (N.J.S.A. 52:17B-107 (P.L. 2019, c.1)). Upon completion of the investigation, the county makes a recommendation to OPIA/OAG and information regarding the manner and cause of death are finalized. This process is the basis for New Jersey's Death in Custody Reporting Act compliance.

Attorney General Directives apply to all law enforcement agencies and carry the force of law. Thus, the Directive governing the notification of deaths in custody does not actually apply to the Department of Corrections. However, under N.J.A.C. 10A:21-4.1 (b), correctional facilities are required to notify the "prosecutor of the county from which the inmate was committed.... As soon as possible on the next business day after the death of the inmate". This notification to the County Prosecutor then triggers the County Prosecutor's investigation and notification requirements under Attorney General Directive 2019-4. Excluding federal correctional institutions (two are located in New Jersey), all correctional facilities in New Jersey are required to report deaths in custody to the Office of the Attorney General via the County Prosecutor.

### Technical Training

When the Attorney General's Directive regarding investigations of deaths in custody was issued, the Office of the Attorney General provided technical training on how to conduct the investigation and report information appropriately. Periodically, the Office of the Attorney General conducts training on deaths in custody investigations and offers counsel on the directive as needed – typically on a case-by-

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<sup>1</sup> State of New Jersey Department of Corrections, Incarcerated Persons Information: <https://www.state.nj.us/corrections/pages/OffenderInformation.html>

case basis. Further, County Prosecutor's Offices can reach out to the Office of the Attorney General at any time with questions on the Directive or investigation standards.

#### Data Collection Methods

The current death in custody reporting process begins with a notification to the County Prosecutor and Attorney General. The County then conducts the investigation into the manner and cause of death, including a Death in Custody Form submitted to the Office of Public Integrity and Accountability (OPIA) within the Office of the Attorney General. Upon completion of the investigation, additional documentation, video footage, and autopsy reports (if available) are provided to OPIA for review.

Upon notification of a Death in Custody, OPIA, within the Office of the Attorney General, records information regarding the event for the Death in Custody Reporting Act. For all deaths, OPIA collects the first name, last name, date of birth, sex, ethnicity/race, facility, date of death, time of death, location of death, manner of death, and circumstances surrounding the cause of death. This information is currently collected on a form, and manually entered into a spreadsheet.

#### Data Reporting Methods

At the end of each quarter, OPIA provides New Jersey's State Administering Agency (SAA, also within the Office of the Attorney General) with the completed spreadsheet for the quarter. The sheet includes all of the abovementioned information. In the event that a death from a previous quarter has any updated information, the new quarter will include this information.

New Jersey's SAA creates a record for each death in the Performance Measure Tool. The SAA ensures that all data are entered as reported, filling in any missing information as unknown or reaching back out to OPIA for confirmation.

Because the current reporting process for deaths in custody is a manual data collection, OPIA reviews the records for completeness and cleaning prior to submission to the SAA and again before submission in PMT. New Jersey will also add an additional layer of review by the state Statistical Analysis Center (SAC), which is the Office of Justice Data, also within the Office of the Attorney General. In the event the SAA notes missing information, they reach out to OPIA for follow-up. OPIA maintains the records of death in custody and ensures that all information is recorded as available.

#### New Jersey's DCRA Challenges

Currently, New Jersey faces few challenges in collecting and reporting Death in Custody Reporting Act requirements. Because the volume of these events in New Jersey is relatively small, much of the work is manageable with current manual data collection practices. However, that does not preclude us from streamlining our collection and reporting process. Ideally, information reported on deaths in custody would be reported into a repository that permits the Office of the Attorney General to generate reports on deaths in custody as needed. As New Jersey launches a web-based reporting solution for law enforcement reporting requirements in very late 2023, we are determining whether the technology within this system can be leveraged to streamline death in custody reporting also. Such a report would

not take the place of immediate notifications in deaths, but would be used to standardize the collection of data on the event.