

Death in Custody Reporting Implementation Plan

The Federal Death in Custody Reporting Act (DCRA), which is administered by the Bureau of Justice Assistance (BJA), is a data collection effort designed to capture limited information on the death of any person who is detained, under arrest, in the process of being arrested, enroute to be incarcerated, or incarcerated. This includes, but is not limited to, deaths resulting from an officer's use of force and individuals who die of natural causes during the arrest process or while in custody. Natural cause deaths include medical conditions (i.e., cardiac arrest); suicides; accidental deaths (i.e., traffic accidents); deaths due to intoxication (i.e., drug or alcohol); etc. To ensure state and local compliance with DCRA, and provide statewide statistics related to arrest-related deaths, New York passed [Executive Law 837-v](#). This law requires all police and sheriff departments to report arrest-related deaths to the Division of Criminal Justice Services (DCJS). In addition, New York Correction Law §47 ensures that every administrator of a correctional facility reports the death of an incarcerated individual to the New York State Commission of Corrections (SCOC). The combination of both laws aligns with the Federal Death in Reporting requirements.

New York State collects arrest and custody related death data from three separate sources. Arrest-related deaths are reported to DCJS through the State's Use of Force data collection interface, which is used by local law enforcement to report all arrest and use-of-force related deaths. In custody deaths are reported to DCJS by the New York State Commission of Corrections (SCOC) and the State's Department of Corrections and Community Supervision (DOCCS).

The process and procedures described below represent current practices by DCJS to collect arrest-related deaths as defined by the Bureau of Justice Administration (BJA). DCJS maintains

data collection systems and internal procedure documents, which are not detailed in this document, to ensure continuity in the collection, review, and submission of DCRA data as required by BJA.

Collection of Arrest-Related Death Incidents

The New York State Division of Criminal Justice Services manages the State’s Crime Reporting Program. As part of the program, DCJS collects use-of-force and arrest-related death information from 537 state and local law enforcement agencies through a comprehensive online reporting interface maintain on the State’s secure Integrated Justice Portal.

As part of the State’s crime reporting collection program, DCJS applies the same reporting requirements and delinquent tracking protocols to the reporting of arrest-related (including natural cause deaths) and use-of-force deaths. As such, all reporting agencies are required to report all deaths related to arrest activity and/or use-of-force in a timely manner. If no deaths occurred, agencies are required to submit a “Nothing to Report” (NTR) record for that reporting month. While all agencies participate, there are currently 60 agencies that have failed to submit a death or a NTR record to DCJS for 3 or more months in the past year (July 2022 – July 2023). These lapses in reporting are challenging but are generally due to delinquency and not “non-participation”. To facilitate more timely reporting, the State Crime Reporting Program routinely (upwards of five times per year) sends system generated emails to delinquent agencies reminding them of the missing submission months. The most common cause of delinquency is related to an agency’s failure to affirmatively report an NTR for a particular reporting month. New York State does not have any other challenges with participation. However, details about the circumstances can be pending for some time due to investigations. While New York has procedures to track and follow-up on pending investigations, the State does not have any suggestions on how to mitigate this challenge.

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While New York State does not have a dedicated DCRA website, DCJS does post an arrest-related death report to the Division's public website at <https://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>. Training material for how to report arrest-related and use-of-force deaths to DCJS have been distributed to all reporting agencies. These materials are also posted on the DCJS public website at <https://www.criminaljustice.ny.gov/crimnet/ojsa/crimereporting/use-of-force.htm>.

The State's Crime Reporting Program follows detailed procedures that ensure all reported deaths are reviewed for inclusion in the State's DCRA reporting. Each month, crime reporting staff generate a report from the State's Use of Force Collection database. The report is reviewed for incidents involving a death. In the event a death has been identified, staff will reach out to the reporting agency to collect some of the additional variables (i.e., Name and DOB) required by BJA as part of the quarterly Death in Custody reporting form. For arrest-related deaths that were not directly related to an officer's use-of-force (i.e., natural causes), DCJS will request the local agency to provide all the data variables required by the BJA quarterly collection form.

Collection of Deaths in Custody Incidents

In New York State there are two agencies that oversee individuals in custody: New York State Commission of Corrections (SCOC) and the NYS Department of Corrections and Community Supervision (DOCCS). As an administrative and oversight agency, SCOC evaluates, investigates, and oversees 473 local and state correctional facilities and police lockups. NYS DOCCS administers the State's 44 prisons, providing supervision and programming for incarcerated persons returning home.

Both agencies have strict internal control policies and procedures to ensure all deaths that occur within a local or state correctional facility are confirmed and well documented. DCJS

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collaborates and coordinates with these two agencies to ensure deaths in custody are reported to DCJS on a quarterly basis for inclusion in the Death in Custody report submitted to BJA.

Reporting Death in Custody Incidents to BJA

As the State Administering Agency (SAA) the DCJS Office of Program Development and Funding (OPDF) is the responsible entity for the actual completion and submission of the required reports via the Office of Justice Programs website: <https://ojpsso.ojp.gov/>. However, OPDF partners with DOCCS, SCOC, and other DCJS internal offices to compile the necessary information. Prior to submission of data, collected information is reviewed for completeness (race, year of birth, name fields, etc.) including the verification of reported deaths by DOCCS and/or SCOC. If there is missing or incomplete information, DCJS OPDF staff will reach out to the appropriate partner to obtain missing information. If there is a pending investigation, the death is reported during that quarter and listed as “pending” in PMT. In subsequent quarters, if there are updates to the pending investigations, DOCCS and/or SCOC will resubmit prior reports highlighting the updates to DCJS OPDF staff. The updates are entered into prior quarter reports in PMT. All data collected from the local jurisdictions is submitted by OPDF staff via a manual data entry in the Performance Measurement Tool (PMT) site as this ensures correct and comprehensive data submission. Reports are due by the third week in the month following the end of the quarter (I.E., first quarter report Jan-Mar is due by the third week in April).

Continuous Improvement

While York State has a comprehensive data collection infrastructure for collecting and reporting in custody and arrest-related deaths, DCJS recognizes that the Federal Death in Custody collection program continues to evolve in scope. To this end, DCJS has routinely engaged the BJA Technical Assistance Team to ensure New York State is meeting its reporting obligations

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related to the Federal Death in Custody Reporting Act. Most recently, DCJS staff met with BJA staff in May 2023 to work through definitions, alignment of data, and to discuss ways to improve the data collection efforts. Additionally, DCJS staff had also attended BJA DCRA training in June 2023.