

## South Carolina DICRA Implementation Plan

### Background

The Death in Custody Reporting Act (DCRA) (Public Law 113-242; see appendix A) requires all states to report to the Attorney General information regarding the death of any person who is detained, under arrest, in the process of being arrested, en route to be incarcerated, or incarcerated. As part of their state Edward Byrne Memorial Justice Assistance Grant (JAG) reporting, State Administering Agencies (SAAs) are responsible for collecting DCRA data on a quarterly basis from state and local entities and submitting that data to the Bureau of Justice Assistance (BJA). Beginning 1 October 2019, the South Carolina Department of Public Safety (SCDPS), serving as the SAA, began collecting and reporting information on in-custody deaths in South Carolina. As a prerequisite to receiving JAG funding, SCDPS must submit a plan for DCRA data collection and reporting in accordance with Public Law 113-242 as part of its solicitation response. This plan serves to satisfy the necessary condition that SCDPS demonstrates an understanding of DCRA reporting requirements and explains how it intends to gather the required data should it receive funding.

### Data Collection Infrastructure

In South Carolina, because DCRA contains no requirements for law enforcement or carceral agencies to report deaths in custody to their respective SAA's, the reporting of deaths in custody to SCDPS is essentially voluntary. Though South Carolina's Code of Laws (§ 24-9-35; see Appendix B) provides for the proper reporting of the death of a person who "dies while incarcerated or in the custody of a municipal, county, or multijurisdictional overnight lockup or jail, county prison camp, or state correctional facility", the penalty can essentially be considered de minimis, and as consequence, the requirement to report is rendered negligible and the impetus to enforce the provisions of the law is seemingly non-existent.

South Carolina has 313 non-federal law enforcement agencies (see Appendix C) and at least 88 non-federal facilities (see Appendix D) – e.g., municipal or county jails or lockup facilities, state or contract prisons, or state-run/contract boot camp facilities, etc. – that could be expected to report deaths in custody as defined by DCRA. It is unknown at this time exactly how many law enforcement or carceral agencies are either aware of the need for the SAA to comply with DCRA reporting requirements or are if all are actively participating in our data collection effort, but SCDPS is making or considering the following efforts to improve the level of active participation and to improve the quality of the information received by SCDPS and reported to BJA:

- 1) Informal agreements – SCDPS has fostered an understanding with the following entities regarding the need and methods of reporting deaths in custody:
  - a. South Carolina Department of Corrections (SCDC) – The Division of Resource and Information Management within SCDC compiles information regarding deaths of their inmates.
  - b. South Carolina Law Enforcement Division (SLED) – SLED is requested to investigate almost every suspicious death in custody.
  - c. County Coroners – Because of SCDPS fostering relationships with each of the 46 county coroners, SCDPS is provided with the details of deaths in custody in each county.
- 2) Websites – To increase awareness and information sharing, SCDPS created its own websites regarding deaths in custody
  - a. Informational website (<https://scdps.sc.gov/ohsjp/stats/DeathsInCustody>) – This website provides information on how entities can report deaths in custody.

- b. Dashboard  
<https://scdps.maps.arcgis.com/apps/dashboards/007fe103761b4b38bb9be9ff48a9c821> – On a quarterly basis, this dashboard is updated with the latest data regarding the closed death-in-custody cases.
- 3) Special conditions – The specific language below is included in the special conditions section of each JAG grant award:
  - a. The Death in Custody Reporting Act (DCRA) of 2013 requires states that receive 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, en route to incarceration, or incarcerated in state or local facilities or a boot camp prison. The subrecipient agrees to notify the OHSJP of any reportable deaths involving the implementing agency using the OHSJP DCRA reporting form on the SCDPS website, <https://scdps.sc.gov/ohsjp/stats/deathincustody> and submitting to [DCRA@scdps.gov](mailto:DCRA@scdps.gov). For further clarification regarding this requirement, please contact your Program Coordinator.
- 4) Education and outreach – SCDPS fields questions from all reporting entities regarding deaths in custody. In the future, SCDPS plans to engage with members of the Law Enforcement Network, Coroner’s Association, and Sheriff’s Association to increase awareness and encourage accurate, timely, and complete reporting from law enforcement agencies.

## Data Collection Methods

As the SAA, SCDPS is responsible for the collection and reporting of information regarding deaths in custody in South Carolina. More specifically, this task falls to the manager – who is also the Statistical Analysis Center (SAC) director – of the Statistical Analysis and Research Section (SARS) within the Office of Highway Safety and Justice Programs (OHSJP). The SARS manager collects death-in-custody information in the following ways:

- 1) Internet searches
  - a. Media websites – Various major news outlets are reviewed on occasion for any relevant cases.
  - b. Death-in-custody websites
    - i. Fatal Encounters - <https://fatalevents.org/view/person/?pagenum=5>
    - ii. The Washington Post - <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>
    - iii. Mapping Police Violence - <https://airtable.com/shroOenW19l1m3w0H/tblxearKzw8W7ViN8>
    - iv. Wikipedia - [https://en.wikipedia.org/wiki/Lists\\_of\\_killings\\_by\\_law\\_enforcement\\_officers\\_in\\_the\\_United\\_States#See\\_also](https://en.wikipedia.org/wiki/Lists_of_killings_by_law_enforcement_officers_in_the_United_States#See_also)
    - v. Public Accountability Chain - <https://pac.foundation/>
- 2) SCDC quarterly reporting and media releases – SCDC submits SCDPS’s [Death in Custody Reporting Act Excel spreadsheet](#) every quarter that provides information regarding deaths of their inmates. On occasion SCDC posts media releases on their Twitter page ([https://twitter.com/SCDCNews?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauth](https://twitter.com/SCDCNews?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauth)).

- 3) SLED case reports and media releases – SLED submits case reports every quarter that provide the name of the decedent. SCDPS then follows up with SLED or other entities for more information if necessary.
- 4) Coroner communications – Every quarter SCDPS sends an email to all coroners reminding them to report any deaths in custody that have occurred in their jurisdiction. Depending on the coroner’s prerogative, the coroner’s office will provide information on deaths in custody using various means. For the most part, coroners will either submit either a full case report or SCDPS’s [Death in Custody Reporting Form](#). On occasion coroners will provide only information specifically requested by SCDPS.
- 5) Traffic fatality reports – As part of their mission, the OHSJP compiles information regarding traffic fatalities for its own purposes and for reporting to the National Highway Traffic Safety Administration (NHTSA) through the Fatality Analysis Reporting System (FARS). The FARS analyst in SARS will report any traffic fatality that is a possible death in custody as defined by DCRA and BJA.
- 6) Other agency reports and media releases – Local law enforcement agencies may also report deaths in custody directly to SCDPS. Some local law enforcement agencies have their own websites, a Facebook page, or a Twitter page that contain media releases regarding deaths in custody.
- 7) Death-in-custody research – [Incarceration Transparency](#) conducts research on carceral deaths. The results of this research is made publicly available and is reviewed for information about any deaths in custody.
- 8) BJA – When it is not clear if a death should be considered as a death in custody as defined by DCRA, SCDPS seeks clarification from BJA.

Using these sources of information, SCDPS believes it captures most, if not all, South Carolina deaths in custody. However, because current legislation does not require reporting of deaths in custody to SCDPS, we cannot be entirely confident that we capture all deaths in custody. With this caveat in mind, SCDPS continues to look for ways to improve its collection of information regarding deaths in custody.

SCDPS manages death-in-custody data in an Access database (see Appendix E for details of the master table of the database) that is stored on an encrypted server. Any ancillary information regarding deaths in custody is also stored on an encrypted server. Any open cases are reviewed on a quarterly basis for applicability and accuracy.

### **Data Reporting Methods**

At least once every quarter, SCDPS reports DCRA cases via manual data entry in BJA’s performance measurement tool. Before DCRA cases are reported, any cases still pending or needing a follow up are reviewed, and the applicable entities are contacted to provide any outstanding pieces of information. Once the review for case completeness is conducted, a reporting query is run in the Access database that provides the information that BJA deems necessary. Once the DCRA reporting period is closed, the SARS manager will upload data regarding all closed cases to the SCDPS death-in-custody dashboard.