

Death in Custody Reporting Act (DCRA) State Implementation Plan

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DCRA Data Collection Infrastructure

The State of Texas mandates custodial death reporting and procedures under Article 49.18 of the Code of Criminal Procedure, Section 39.05 of the Penal Code, and Section 501.055 of the Government Code. Pursuant to Article 49.18(b) of the Code of Criminal Procedure, state and local entities such as local jails, correctional institutions, and state juvenile facilities must provide information regarding death-in-custody cases to the attorney general no later than the 30th day after the date on which the person in custody or the incarcerated person died.

Texas currently has over 2,800 agencies that are authorized to hire peace officers. To the best of our knowledge, all agencies required to participate in the custodial death report data collection process are actively participating. Although, since an agency is only required to file a report if a death in custody occurs, an agency must first have a death that they fail to file to be considered non-participating. As the state agency deemed responsible for the death in custody data collection in Texas, the Texas Office of the Attorney General (OAG) contacts an agency either by mail, e-mail or phone when they are made aware of a death that has not be properly filed to ensure a report is submitted promptly. To also mitigate non-filing occurrences, if an Officer Involved Shooting Report is filed by an agency into OAG's Criminal Justice Reporting System and the death box is checked on the form, then the reporting system will automatically send the individual who filed the report and email informing them that they will also need to file a custodial death report. Should an agency need any assistance completing and submitting the report, OAG is able to provide guidance via phone or email and within the OAG's report website itself agencies are able to access step-by-step instructions on how to file a custodial death report.

Data Collection Methods

As previously mentioned, the Texas Office of the Attorney General (OAG) is responsible for the Death in Custody Reporting Act (DCRA) data collection within the state of Texas. When a death is deemed to have occurred while under the custody of a state or local agency, the agency is statutorily required to report the incident to the OAG within 30 days of the death. The OAG then verifies reports received through their Criminal Justice Reporting System and processes reports received via mail by inputting the data into their database and then publishes all records to their online Custodial Death Report website.

Even though Texas' death in custody reporting methods and procedures are streamlined and effective, there are always challenges that can be addressed to bolster systematic processes. Common challenges seen in Texas regarding the collection and reporting of DCRA data include: confusion as to what constitutes an in-custody death, when multiple agencies are involved in a situation there may be confusion as to which agency should report or multiple agencies report on the same death causing duplicate reports in OAG's database, some agencies are under the impression that they must wait until the autopsy report is received in order to file a report which leads to untimely reporting issues, and some of the smaller rural areas are under the impression that a larger law enforcement agency, such as the Texas Rangers, will file the report on their behalf. These challenges could be mitigated by: adding clarity to the existing statutes regarding what is defined as an in-custody death and who is deemed as the reporting agency in an occurrence when multiple agencies are involved, the Texas Rangers work closely with agencies required to file these reports so they could also provide insight as to who should file the report, when it should be filed, and clarify that the agency should file within 30 days regardless if the

autopsy results are returned or not, and OAG could consider updating or including additional informational boxes on the electronic Custodial Death Report to strengthen the data received and ensure that it is clear and concise.

Data Reporting Methods

The DCRA data collected by the OAG is stored and made publicly available via OAG's online Custodial Death Report site. On a quarterly basis, a member of PSO's Grants Administration Division (GAD) submits an open records request to the OAG for the data from the Custodial Death Report which is then provided to PSO via an Excel spreadsheet. Once the data is received, it is reviewed, sorted and cleaned up as needed in preparation to be input into the PMT system. When the data verification process is complete, the relative data is then input into the PMT conversion tool and then imported into the PMT system using the data import feature. All state and local entities required to report custodial death data are responsible for submitting any updated information regarding the decedent or their cause of death to OAG that may not have been known at the time the initial data entry was made. Should BJA request any updated information from PSO, PSO's respective GAD member will extract any new data from OAG's Custodial Death Report, update the PMT record, and then resubmit the DCRA PMT report to BJA.