

Virginia DCRA Reporting State Implementation Plan

Under previous DCRA reporting requirements, the Department of Criminal Justice Services (DCJS), Virginia’s State Administering Agency, developed a methodology for reporting deaths-in-custody data to the U.S. Department of Justice. Virginia is updating its data collection processes to incorporate the latest requirements of Public Law 113-242, and these are reflected in the statewide implementation plan presented below.

DCRA Data Collection Infrastructure

Virginia is fortunate in that the Office of the Chief Medical Examiner (OCME), located within the Virginia Department of Health, has a centralized death reporting system which includes – by law – the reporting of all deaths that occur within correctional facilities or law enforcement custody. This requirement is codified by VA Code § 32.1-283:

Code of Virginia § 32.1-283. Investigation of deaths; obtaining consent to removal of organs, etc.; fees.

A. Upon the death of any person... in jail, prison, other correctional institution or in police custody... the Office of the Chief Medical Examiner shall be notified by the physician in attendance, hospital, law-enforcement officer, funeral director, or any other person having knowledge of such death...

B. Upon being notified of a death.... the Chief Medical Examiner shall cause an investigation into the cause and manner of death to be made and a full report.... to be prepared.

This reporting requirement covers all of the types of agencies and offices that are required to report in-custody deaths to BJA. If DCJS becomes aware of any agencies that are not reporting the required data, DCJS will work with the OCME and the agencies to obtain compliance with the reporting.

Under § 32.1-283 described above, all law enforcement and correctional organizations are required by law to report any in-custody deaths to Virginia’s OCME. Therefore, DCJS has determined that if an agency does not report any deaths-in-custody, this is considered as an “affirmative no” response.

To ensure complete reporting, DCJS has identified a total of nearly 500 potential DCRA reporting agencies or facilities in Virginia. These included the following:

<i>Law Enforcement</i>	<i>Jails</i>
240 police departments	36 local jails
122 sheriff’s offices	22 regional jails
<i>Virginia Department of Corrections</i>	<i>Virginia Department of Juvenile Justice</i>
26 major institutions	24 Juvenile Detention Centers (local-responsible)
8 field units	1 Juvenile Correctional Center (state-responsible)
6 work centers	Other local, nonsecure residential facilities
1 private prison	
2 secure hospital units	

DCJS does not anticipate requiring training or technical assistance from BJA as it relates to complying with the requirements of DCRA.

Data Collection Methods

The DCJS Statistical Analysis Center (SAC) will serve as the coordinator and recipient for the deaths-in-custody data received from the OCME. DCJS held several meetings with staff from the OCME to review how data was reported to the OCME by law enforcement and correctional agencies, and which data elements that are reported to the OCME matched the elements needed for the DCRA reporting to BJA.

An analyst at the OCME will review all of the death investigation reports received by the OCME, and flag all reports that indicate that the death occurred in law enforcement or correctional custody. Several fields on the OCME death investigation report form include the code for the location of the death and whether it occurred under law enforcement or correctional custody, as well as the other information required by the DCRA.

DCJS and the OCME executed a data sharing agreement which specified which data elements from the OCME death investigations the OCME would transmit to DCJS, the timetable for reporting to DCJS, the methods by which the data would be securely electronically transmitted to DCJS, and how DCJS would securely maintain the OCME data.

Once the OCME analyst sends the relevant records to the SAC, the SAC analyst performs another review of the data to ensure that the data reflect a reportable death and that the required data fields are included. If the SAC analyst identifies any questions or issues with the report, the analysts from the OCME and the SAC work together to resolve any questions. If necessary, the original reporting agency will be contacted for further information.

To ensure that that potential reporting agencies were aware of the DCRA reporting requirements, DCJS convened meetings and provided written notices with representatives from the following groups representing the DCRA reporting agencies or facilities in Virginia. These organizations included the following:

- Va. Association of Chiefs of Police
- Va. Sheriff's Association
- Va. State Police
- Va. Association of Regional Jails
- Va. Department of Corrections
- Va. Department of Juvenile Justice
- Office of the Chief Medical Examiner

In these meetings and communications, DCJS explained to the agencies the purpose and requirements of the DCRA reporting law, Virginia's law requiring agencies to report deaths-in-custody to the OCME, the various types of in-custody circumstances that would qualify as DCRA-reportable incidents, and the process that DCJS would use to collect and report DCRA data. DCJS also provided contact information so the agencies could contact DCJS with any questions concerning the DCRA reporting.

Challenges that DCJS identified in collecting and reporting DCRA data centered mainly on concerns voiced by the local law enforcement and correctional agencies. These concerns generally included:

- Staff time required to collect and report data
- Duplication of existing reporting requirements
- Release of personal identifying information
- Lack of clear definition of what constitutes a reportable death
- Who reports deaths when multiple agencies are involved in a death incident
- Potential public reporting of data that identifies agencies by name

DCJS will continue to work with the agencies to address these concerns as the reporting goes forward.

Data Reporting Methods

Once the SAC analyst ensures that the DCRA reports received from the OCME are complete, the analyst then formats the required data elements in an Excel spreadsheet and transmits the spreadsheet to the DCJS grants management section. There, grants management staff enter the data into the Performance Management Tool for electronic transmission to BJA.

Baron: BJA asks if DCJS has a process for tracking and updating the status of records that are open or pending investigation. I don't think we have a formal process for this. I'd suggest adding something like what I say below:

Based on past experience with DCRA reporting, DCJS understands that in some cases the final deaths-in-custody report from a local agency may be delayed in being reported to DCJS, which in turn means that there is a delay in it being reported by DCJS to BJA. This is sometimes the case if the death investigation is transferred from the involved agency to another outside agency (for example, a small local law enforcement agency may request that an officer-involved shooting be investigated by the Virginia State Police). In these cases, DCJS will maintain a record of cases that are due to BJA but that are delayed. DCJS will takes steps to track and follow-up on these cases and report them to BJA when the information comes available.