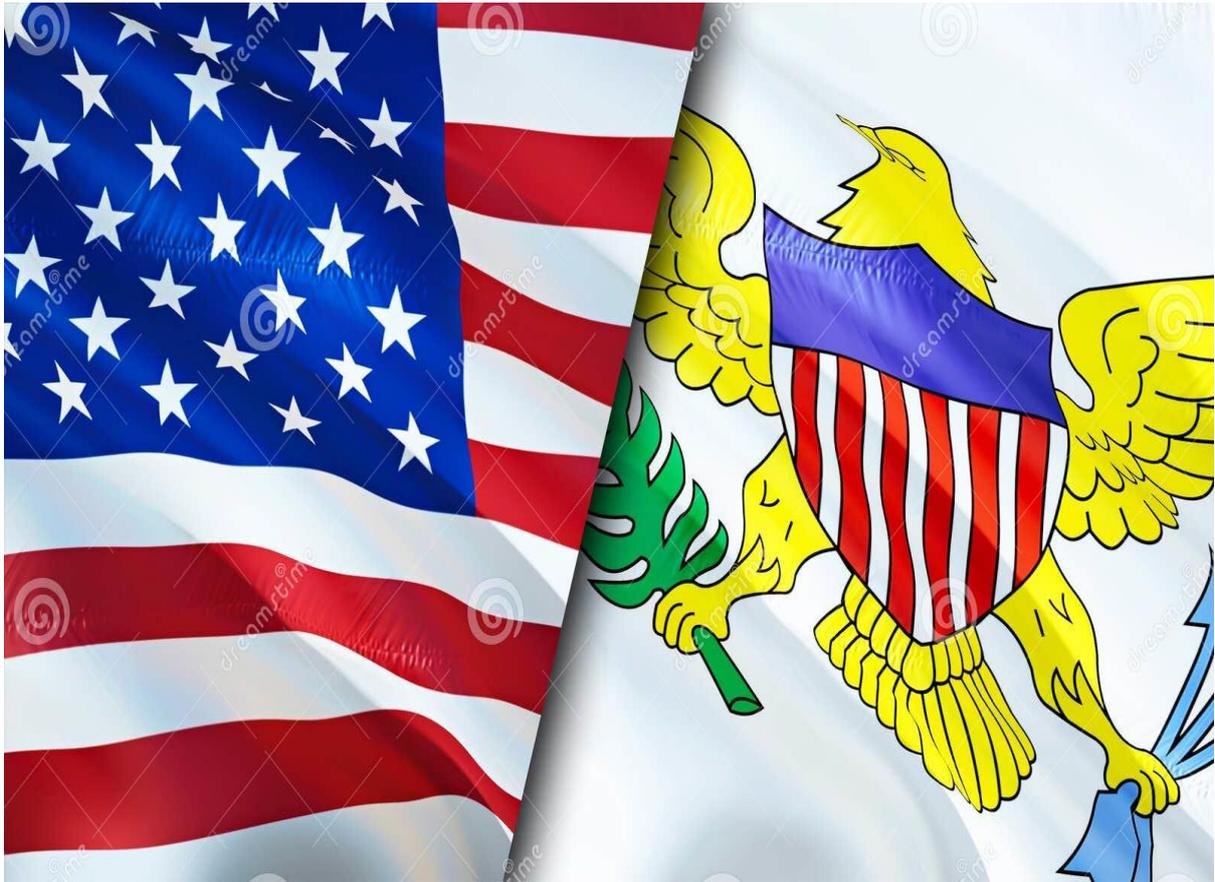


*United States Virgin Islands
Death In Custody RePorting Act (DCRA)
Implementation Plan*



**FY 2023 EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT PROGRAM (JAG)**

**Submitted by:
United States Virgin Islands
Law Enforcement Planning Commission**

**Solicitation Requirement Application# 13932822
Dated: August 30, 2023**

TABLE OF CONTENT

I.	Introduction of Death in Custody Reporting Act (DCRA)	
	• Purpose of the Plan.....	3
	• Historical Reference.....	3
	• National Reference.....	4-5
 II.	 Virgin Islands DCRA Statistic Data Collection Infrastructure	
	• Death-in Custody Law.....	5
	• Reporting Universe.....	6
	• Non-Participating Agencies & Engagement.....	7
	• Training and Technical Assistance.....	8
 III.	 Virgin Islands DCRA Data Collection Methods	
	• Data Collection Responsibility.....	9
	• Data Collection Tools.....	10
	• Collection and Reporting Challenges.....	10-11
 IV.	 Virgin Islands DCRA Data Reporting	
	• Reporting Data.....	11
	• Verification Process/Quality Assurance.....	11
	• Records Pending Investigation.....	12
 V.	 Conclusion	
 VI.	 APPENDICES.....	 13
	APPENDIX A -St Thomas Souces Article.....	14-16
	APPENDIX B	17
	APPENDIX B Performance Measures Questionnaire.....	18-20

I. INTRODUCTION OF DEATH IN CUSTODY REPORTING ACT (DCRA)

Purpose of the Plan

State and territory grantees of the Edward Byrne Memorial Justice Assistant Program (JAG) are required by solicitation for FY 2023 to submit a Death in Custody Reporting Act (DCRA) State Implementation Plan. DCRA requires states and federal law enforcement agencies to report to the Attorney General “information regarding the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility).” [See 34 U.S.C. § 60105(a)].

DCRA requires states to provide, at a minimum, the following information on deaths that occur during the process of arrest or while individuals are confined in jails or prisons, and other specified custodial facilities: the date, time, and location of the death; the custodial agency; the circumstances associated with the death; and the name, age, gender, race, and ethnicity of the decedent.

Historical Reference

In 2000, Congress passed the Death in Custody reporting act (DCRA) to collect data on deaths involving law enforcement. In 2013, Congress reauthorized the law to include deaths of individuals within correctional facilities. The reauthorization of 2013 also provided the US Attorney General with the authority to withhold 10% of the state’s Byrne Justice Assistance grant award for noncompliance of the reporting requirement. In the onset of the DCRA reporting the Bureau of Justice Statistics (BJS) collected the death in custody in data.

By 2016 the responsibility of collecting the data was transferred from BJS to Bureau of Justice Assistance (BJA). BJA works with state administering agencies to satisfy the DCRA data collection and reporting requirements.

National Reference

According to the National Institute of Justice Report to Congress titled “*Literature Review and Data Analysis on Death in Custody*” DCRA covers a wide variety of deaths in custody, ranging from police shootings to deaths in state and federal prisons. Fatalities in custody may be grouped into three main categories: (1) arrest-related deaths, (2) deaths in local county jails, and (3) deaths in prison facilities. Arrest related deaths are defined by several different factors; detained by police, almost arrested, under arrest, or en route to being incarcerated. Jail-related deaths can take place while awaiting trial or sentencing or serving a sentence in a city or county correctional facility. Prison-related deaths can occur in a state or federal correctional facility.

The study noted that the leading cause of death varies as the death in custody may result from homicide, negligence, suicide or illness. Other contributing factors may be present such as the use of force, the individual’s mental and physical health and interestingly enough the length of time the individual is in custody.

II. VIRGIN ISLANDS DATA COLLECTION INFRASTRUCTURE

The Law Enforce Planning Commission is the State Administering Agency (SAA) designated as the recipient of the Byrne Justice Assistance grant program which is requiring through its solicitation the Death in Custody Reporting Act (DCRA) Implementation Plan. As this will be the Virgin Islands first such plan LEPC will enlist the guidance of the DCRA Training and Technical Assistance Center to work closely with government entities, local law

enforcement agencies and other stakeholders to develop and implement an accurate DCRA State Implementation Plan.

The Virgin Islands will develop policies and procedures that would ensure the territory is in compliance with managing and reporting complete decedent records. This would allow the Virgin Islands to contribute its data relative to deaths in custody to the National discussion additionally, as a Jag recipient the DCRA data is also submitted as a reporting requirement in the Quarterly Performance Measures Reporting (PMT).

The Virgin Islands DCRA Implementation Plan will consider the data infrastructure, data collecting methods, and data reporting methods. The SAA will utilize these elements as a guide for preparing their plans to demonstrate the understanding of reporting and adhere to requirements set by Bureau of Justice Assistance (BJA).

Virgin Islands Death -in-Custody Law

The US Virgin Islands Territory does not have a death-in-custody reporting law. Currently facilities that house inmate populations have established policies and procedures that address the reporting of a death in custody. As a response to the newly required DCRA Implementation Plan the Virgin Islands will establish working groups to address the need for such a law and the process to implement it. As the SAA, LEPC recognizes that the collection and reporting of the data is a required element and failure to do so will result in the reduction of up to 10% of JAG funds in next coming year funding.

Virgin Islands Reporting Universe

The Virgin Islands non-federal law enforcement agencies consist of (5) essential governmental and (3) semi-autonomous agencies operating in the Territory. See below table.

Non-Federal Law Enforcement Government Agencies	Municipal or County Jails
	Superior Court of Virgin Islands
Office Virgin Islands Marshal	Bureau of Corrections St. Thomas Jail
Department of Planning and Natural Resources	
Department of Justice	State or Contract Prisons
Virgin Islands Police Department	John A. Bell Adult Correctional Facility
Department of Health	
	State-run/Contract Boot Camp Facilities
Non-Federal Law Enforcement Semi-Autonomous Agencies	N/A
Virgin Islands Port Authority	Lockup Facilities/Juvenile Facilities
Virgin Islands Waste Management Authority	Youth Rehabilitation Center (YRC)
University of the Virgin Islands	

Primarily in the Virgin Islands the inmate related facilities are governed fall under the auspices of the Virgin Islands Bureau of Corrections. These services are provided at two main facilities situated on each of the larger islands in the territory. On St. Croix the John Bell (Golden Grove) Adult Correctional Facility serves as the prison. The Bureau of Corrections jail facility is on the island of St. Thomas. For fiscal year 2023 the inmate resident population is approximately 250 individuals: 88 on St. Thomas and 162 on St. Croix. There were no Death in Custody Reported for 2023 at the writing of this document. However, in FY 2022 there were (1) death in custody at Criminal Justice Complex, St. Thomas where the 36-year-old inmate was in distress and Emergency medical technicians pronounced dead around 4:20 am. Lastly in FY 2021 another inmate death was reported in September 2021 while in custody at the John A. Bell Correctional Facility on St. Croix

John A. Bell (Golden Grove) Adult Correctional Facility	Bureau of Corrections, St. Thomas Jail
St. Croix District	St. Thomas/St. John District
Sentence = 65	Sentence = 8
Detainee = 97	Detainee = 80
Total 162	Total 88
FY 2023 Death-in Custody Reported was zero (0) as of A	FY 2023 Death-in Custody Reported was zero (0) as August 2023.

The Youth Rehabilitation Center (YRC) is the only secured juvenile detention facility in the territory situated on St. Croix. Minors are remanded to the facility for pre-trial or when adjudicated delinquent. These minors can be remanded from age 13 up to 19 years of age if the Court exercises judicial control. Minors legally transferred to adult status for committing serious felonies may also be remanded to YRC if not incarcerated at the Bureau of Corrections.

In Fiscal Year 2022, YRC provided services to 30 minors. There were 5 (17%) females and 25 (83%) males. Of the total number of minors served, 22 (73%) were from St. Croix and 8 (27%) were from St. Thomas/St. John district. The female minors were all from the island of St. Croix. The average of admission: Males – 16.8 and Females – 15.5. Sixteen minors (509%) were admitted for the first time to YRC during this fiscal year.

The average census for FY 2022 is seven (7) residents. From October 1, 2021 – July 31, 2022:

- Pre-Trial: (70%) 21 youths (6 STT/J; 15 STX)
- Adjudicated (30%) 9 youths (2 STT/J; 7 STX)
- Adult Transfers (13.0%) 4 youth (4 STT/J; 0 STX)

**DEPARTMENT OF HUMAN SERVICES
DIVISION OF INTERVENTION AND PREVENTION SERVICES-YRC STATS
FY 2022**

Youth Rehabilitation Center Population	ST. CROIX			ST. THOMAS/ST. JOHN			TERRITORIAL TOTALS		
	ADJ	PRE-TRAIL	TOT.	ADJ	PRE-TRAIL	TOT.	ADJ	PRE-TRAIL	TOT.
Category: Total Population	7	15	22	2	6	8	9	21	30
Sex									
Male	3	14	17	2	6	8	5	20	25
Female	4	1	5	0	0	0	4	1	5
Average Age									
Male	17	16	16.5	17	17	17	17.0	16.5	16.8
Female	14	17	15.5	0	0	0	14.0	17.0	15.5
Drug or Alcohol Users	6	14	10	2	4	6	8	18	26
From Singel Parent Household	7	15	22	2	6	8	9	21	30
Living at Home at Arrest/Petition	7	15	22	2	6	8	9	21	30
Involvement w/Juv. Jus. Sys.									
First Admission to YRC	0	10	10	0	5	5	2	15	15
Repeat offender	7	5	12	2	0	2	15	1	14
Arrested on Contempt of Court	7	0	7	2	0	2	9	0	9
Age at time of 1 st Police contact	14	14	14	14	15	14.5	14.0	14.25	14.1
Siblings involved in Ju. Jus. Sys. (Current or past involvement)	2	3	5	0	0	5	2	3	10
School dropout at time of arrest	3	3	6	0	1	1	3	4	7
Diagnosed special education	2	8	10	0	2	2	2	10	12
Commit a violent crime	3	1	4	1	4	5	4	5	9
Commit a crime against property	3	10	13	2	0				
Diagnosed mental illness	0	0	0	0	1	2	5	10	15
						1	0	1	1

Resources: Department of Human Services, Division of Intervention and Prevention,
<http://dhs.gov.vi>

Virgin Islands Non-Participating Agencies

The identified local law enforcement and correctional facilities are considered participating agencies and contribute the relevant data for the reports. Moreover, is also noted the potential contribution from non-participating agencies such as the Department of Health, Department of Human Services, and other social and behavioral health organizations. Collaboration with the non-participating agencies will provide additional resources beneficial to the participating entities. These agencies are not law enforcement, but they will be invited to participate in the DCRA implementation plan process.

Training and Technical Assistance

As the Virgin Islands prepares to develop its DCRA implementation plan the LEPC will engage the lead agencies to discuss the DCRA requirements and training and technical needs. The territory's correctional and local law enforcement entities would likely be the facilities that will host detainees or sentenced persons. Therefore, the need to institute proper or adequate collection and reporting knowledge will ensure the Virgin Islands compliance with the DCRA reporting requirement. Affected facilities and their requisite staff or team members would be afforded training and technical assistance opportunities.

The Virgin Islands does not have a DCRA website. This aspect of the plan will be phased in as the territory moves through its training and technical assistance processes.

III. DATA COLLECTION METHODS

Data Collection Responsibility

LEPC as the SAA through the JAG Grant Manager is responsible for DCRA data collection from state/local agencies. The data is collected from the reporting agencies and submitted as the quarterly performance measure to data on the BJA PMT data module.

Data Collection Procedures

At present, the LEPC collects the death in custody data per request as well as through subgrantee program reports. In preparation for program report submittal as a result of the newly implemented requirement the SAA will establish memorandums of agreement with all territory facilities that have the potential of detaining or housing sentenced persons. In the future a more robust policy driven process will be developed to collect and report the required data.

Data Collection Tools

In the current process the data is collected with the use of reporting tools, such as spreadsheets, progress reports, and administrative records. The Virgin Islands will explore technology-driven data collection systems in conjunction with the law enforcement agencies and correctional facilities.

Data Collection Challenges

As the Virgin Islands is considerably smaller jurisdiction challenges in collecting DCRA data may not mirror our national counterparts. As indicated previously within this plan, this is the Virgin Islands first DCRA Implementation Plan for the collection of the requisite data. Anticipated challenges might be surrounding the participating agencies' understanding and impact as it relates to providing the data. DCRA data reporting is a requirement of the JAG Grant, which LEPC, as the Virgin Islands SAA, is responsible for collecting. Additionally, the challenge lies in the notable fact that the data originates within the agencies that the SAA does not have any direct oversight of.

Efforts have been initiated in light of these anticipated challenges to engage dialogue among the key stakeholders, to disseminate information which would aid in the establishment of a seamless process for the collection and reporting of the data from the participating

agencies. Any other challenges cited during the course of the initial conversations will be noted for a follow up and inclusion in updated plans. The Virgin Islands intends on securing the guidance and technical assistance that will be needed to navigate this process and ultimately look towards the implementation of technology assisted tools for the collection of the death in custody data.

IV. VIRGIN ISLANDS DCRA DATA REPORTING

Reporting the Data

Virgin Islands Law Enforcement Planning Commission (as the SAA) submits DCRA data reporting to BJA quarterly. The data is manually entered on BJA Performance Measures Tool (PMT) platform. Each quarter, states must either (1) report all deaths in custody that occurred in their jurisdictions during the corresponding quarter and provide basic information about the circumstances of those death or (2) affirm that no death is custody occurred in their jurisdiction during the reporting period.

For each death in custody, the SAA Grants Manager must enter the following information into the PMT:

- *The decedent's name, date of birth, gender, race, and ethnicity.*
- *The date, time, and location of the death.*
- *The law enforcement or correctional agencies are involved.*
- *Manner of death.*
- *Description of the circumstances leading to the death.*

Verification Process/Quality Assurance

To date, the information collected for data reporting has been on an honor-based system among agencies trusting that the information is indeed true and correct. However, in order to maintain transparency and credibility a verification process of such information will be instituted for future submissions of death in custody incidents. The Virgin Islands, through the guidance that it will seek in the way of technical assistance will develop best verification

process methods and commit to submitting clean records to the BJA PMT platform. The Virgin Islands SAA will review DCRA performance measures, focusing on the numbers, narratives, or other data that needs to be collected and be mindful that poor quality or inaccurate data will result in flawed output. The SAA may consider assigning one or more staff members to coordinate DCRA data collection and reporting.

Records Pending Investigation

Death in Custody Reporting information will be submitted into the PMT module on a quarterly basis. In instances where there is a pending investigation during the time of submission it is anticipated that follow-ups and updates will be necessary. For this reason, a tracking and updating system will be implemented so that the SAA is able to receive the updated information regarding the death in custody incident.

Conclusion

On behalf of the Virgin Islands, the Law Enforcement Planning Commission submits the required DCRA Implementation Plan BJA's review and approval. This Implementation Plan as intended through the solicitation provides the Territory's course for the collection and reporting of the DCRA program data. The Virgin Islands SAA will engage all the relevant partners and participating agencies to impart the program information and the inherent opportunities to submit the requested information cementing the Virgin Islands compliance with the Edward Byrne Justice Assistance Grant. The Virgin Islands plans to avail itself of the various levels of guidance, training and technical assistance and best practices.

APPENDICES

APPENDIX A

St. Thomas Source Article

THE St. Thomas Source US VIRGIN ISLANDS

St. Thomas Jail Inmate Dies in Custody

stthomassource.com/content/2022/05/16/st-thomas-jail-inmate-dies-in-custody/

May 16, 2022

A 36-year-old inmate being held at the Criminal Justice Complex on St. Thomas died on Monday morning while in the custody of the Bureau of Corrections. According to a statement released shortly after noon, the unidentified inmate suffered from a life-threatening illness.



A spokesman for Corrections said jail personnel called 911 when they saw an inmate at the St. Thomas Jail was in distress. He was pronounced dead at the scene on Monday. (Submitted photo)

Corrections spokesman Kyza Callwood said jail personnel and the medical staff were alerted to the incident early Monday morning and called the 911 emergency line. At the time, Callwood said, the inmate had been in custody at the jail “for about a month.”

No foul play was suspected, he said.

“The Bureau’s medical and security staff called 911 when the detainee began showing signs of distress,” the spokesman said. Emergency medical technicians pronounced the patient dead around 4:20 a.m.

The Criminal Justice Complex — also known as the St. Thomas Jail — is located on the top floor of the Alexander Farrelly Criminal Justice Complex on Veterans Drive in Charlotte Amalie, about a mile away from the Roy L. Schneider Hospital.

Callwood said the inmate’s next of kin was notified, and police have been called to investigate. Police spokesman Glen Dratte affirmed that VIPD was asked to look into the circumstances surrounding the death. “The police department has been notified about the death of the detainee,” Dratte said Monday.

The jail is currently operating under a partial lockdown because of an uptick in Covid-19 infections, but a Corrections official said the death is not believed to be the result of an infectious disease. Callwood said the medical condition of the inmate was noted in a screening process that took place at the time of admission.

“Everybody goes through an intake process,” he said; those who are found with ailments are monitored by medical staff and the hospital. “There was nothing contagious, so there was nothing any of the other inmates could have been infected with,” Callwood said. Once the police investigation and the findings of an autopsy are carried out by the

Department of Justice, the cause of death will be made public, the spokesman added. Corrections last reported the death of an inmate in September 2021 that took place at the John Bell Correctional Facility on St. Croix, formerly known as the Golden Grove.

APPENDIX B

BUREAU OF JUSTICE ASSISTANCE
DEATH IN CUSTODY REPORTING ACT
(DCRA)

PERFORMANCE MEASURES
QUESTIONNAIRE

BUREAU OF JUSTICE ASSISTANCE
 Death in Custody Reporting Act
PERFORMANCE MEASURES QUESTIONNAIRE

DEATH IN CUSTODY REPORTING ACT ACTIVITY

The Death in Custody Reporting Act of 2013 requires states receiving 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 a state or local facility or boot camp prison.

1. Was there at least one reportable death in your state during the reporting period? A *reportable death refers to the death of an individual who was detained, arrested, enroute to incarceration, or incarcerated in a state or local facility or boot camp prison.*

- A. Yes
- B. No *(If No, this marks the conclusion of the module)*
- C. If Yes, provide the number of reportable deaths in your state during the reporting period:

2. Provide the following decedent information. *If you have multiple deaths in custody, report them one at a time.*

- A. Name: _____
- B. Gender
 - 1. Male
 - 2. Female
 - 3. Other gender identity: _____
- C. Race *(Select all that apply)*
 - 1. American Indian or Alaska Native
 - 2. Asian
 - 3. Black or African American
 - 4. Native Hawaiian or other Pacific Islander
 - 5. White
 - 6. Unknown
- D. Ethnicity
 - 1. Hispanic, Latino, or Spanish origin
 - 2. Not of Hispanic, Latino or Spanish origin
 - 3. Unknown
- E. Birth year (YYYY) *(If unknown, enter "9999")*: _____

REVISED JANUARY 2022

This document is only to be used for planning and data collection purposes.
Data must be entered into the Performance Measurement Tool at: <https://bjapmt.ojp.gov>. OMB#1121-0365,
Death in Custody Reporting Act, exp. 07/31/2024

Death in Custody Reporting Act Performance Measures Questionnaire

3. List the following information regarding the decedent's death.

- A. Date of death (MM-DD-YYYY): _____
- B. Time of death (24-hour clock): _____
- C. Location of death
 - 1. Location name (if applicable). *This could be the name of a facility, place of business, or other designation for the location of death:* _____
 - 2. Street address: _____
 - 3. City: _____
 - 4. State (postal abbreviation): _____
 - 5. Zip code: _____
- D. If the event causing the death occurred in any of the following facilities, indicate the appropriate facility. If the event causing the death did not occur in one of the following facilities, select "none of the above."
 - 1. Municipal or county jail
 - 2. State prison
 - 3. State run boot camp prison.
 - 4. Contracted boot camp prison
 - 5. Any state or local contract facility
 - 6. Other local or state correctional facility (to include any juvenile facility)
 - 7. None of the above

4. List the name of the department or agency that detained, arrested, or was in the process of arresting the deceased.

- A. Agency name: _____

5. Indicate the manner of death. *Select only one.*

- A. Execution (i.e., capital punishment)
- B. Accident
- C. Death attributed to use of force by a law enforcement or corrections officer.
- D. Homicide (e.g., an incident between two or more incarcerated individuals resulting in death)
- E. Natural causes
- F. Suicide
- G. Unavailable, investigation pending
 - 1. If Yes, report the agency conducting the investigation and an approximate end date. *When the investigation has concluded, contact the Performance Measurement Tool Helpdesk to update this report.* _____
- H. Other

1. If Other, explain: _____

6. Provide a brief description of the circumstances leading to the death (e.g., details surrounding an event that may have led to the death, the number and affiliation of any parties involved in the incident, the location and characteristics of the incident, other context related to the death, etc.). _____

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