

# Wisconsin's 2023

## DCRA State Implementation Plan

Information provided by the Wisconsin Department of Justice, Bureau of Justice Information and Analysis

### 1. DCRA Data Collection Infrastructure

- Does your state have a death-in-custody reporting law, requiring state and local agencies to report the related data to a state entity?
  - Wisconsin statute 165.845(1r)<sup>1</sup> requires the Wisconsin Department of Justice (DOJ) to collect use-of-force data in compliance with the standards of the National Use-of-Force Data Collection system administered by the Federal Bureau of Investigation, including incidents involving “an action taken by a law enforcement officer as a response to an act of resistance [that] results in great bodily harm or death.” These incidents are received by the Bureau of Justice Information and Analysis (BJIA) at the Wisconsin DOJ. This statute includes some deaths reportable under the death-in-custody reporting law, but not all. There is no additional state statute that requires all scenarios covered in the death-in-custody reporting law to be reported to one specific state agency. However, the DOJ statute 165.845 also allows for the DOJ to “determine any other information to be obtained regarding crime, evidence, and justice system data or statistics” which we have used to collect additional DCRA-reportable deaths as part of the Use-of-Force and Arrest-Related Death program. As a result, with how the Wisconsin DOJ has combined the Use-of-Force and Arrest-Related Death (i.e. DCRA) into one program, BJIA believes we are in compliance with DCRA reporting requirements. Furthermore, Wisconsin statute 979.01<sup>2</sup> instructs private and public institutions to report deaths to the sheriff, police chief, or county coroner. The Wisconsin Department of Corrections (DOC) have additional internal written policies and procedures regarding the death of a person in DOC’s care<sup>3</sup>.
- How many non-federal law enforcement agencies, municipal or county jails or lockup facilities, state or contract prisons, or state-run/contract boot camp facilities are in your state?
  - Non-Federal Law Enforcement Agencies: 523
  - Municipal/County Jails/Lockup Facilities: 74
  - State or Contract Prisons: 36
  - State-run/Contract Boot Camp Facilities: 0
- Are there any agencies that are not actively participating in your state’s DCRA data collection?
  - As of the writing of this, there are five municipal law enforcement agencies that are not actively participating in the state data collection.

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<sup>1</sup><https://docs.legis.wisconsin.gov/statutes/statutes/165/845/1r>

<sup>2</sup><https://docs.legis.wisconsin.gov/statutes/statutes/979/01>

<sup>3</sup><https://doc.wi.gov/GuidanceDocumentsV2/DAI/DAI%20300.00.09%20WCCS%20Death%20of%20an%20Inmate%2007-13-21.pdf>

- If agencies are not actively participating in your state’s DCRA data collection, establish lines of communication and encourage non-reporting entities to start reporting.
  - The agencies that are not currently reporting to the Wisconsin state collection have been communicated with and encouraged to report frequently over the past two years.
- Do you provide training or technical assistance (TTA) to assist state and local agencies with reporting DCRA data?
  - Yes, BJI have a dedicated Program and Policy Analyst-Advanced who assists agencies with DCRA reporting, training, and compliance.
- Do you need TTA from BJA as it relates to complying with the requirements of DCRA?
  - Our dedicated analyst would be happy to attend any training courses BJA hosts regarding DCRA reporting, but there are no specific needs at this time.

## 2. Data Collection Methods

- Who within your agency is responsible for DCRA data collection from state/local agencies?
  - The Bureau of Justice Information and Analysis (BJIA) within the Wisconsin Department of Justice.
- Examine your methods for collecting reportable death data from each type of reporting entity (e.g., local law enforcement, local jails/lockup, and state correctional institutions).
  - All facilities that are under the jurisdiction of Wisconsin law enforcement (e.g. county jails) report to us via a digital form that all agencies have access to via Traffic and Criminal Software (TraCS), an application developed by the state of Iowa in partnership with the Federal Highway Administration (FHWA)<sup>4</sup>. This form is sent to us monthly and includes zero reporting so that BJI can identify agencies who are missing reports separate from agencies who have no incidents to report. A sample of the TraCS form is included in Appendix A. The data in these forms is transmitted to Wisconsin DOJ via XML and stored in DOJ databases. The data received from Wisconsin law enforcement for both use-of-force and arrest-related death (DCRA) are displayed publicly on the Wisconsin Use-of-Force and Arrest-Related Death (UFAD) data explorer, located at <https://www.doj.state.wi.us/dles/bjia/ufad-data-explorer>
  - All facilities covered by the Wisconsin DOC report to an analyst at the DOC who works with BJI’s analyst to send DOC data to DOJ, so that all facilities are covered. DOC’s data includes state penitentiaries, juvenile detention centers, etc. (essentially, anything not covered under the jurisdiction of Wisconsin law enforcement).
- What challenges does your state face in collecting and reporting DCRA data? What can be done to overcome those challenges?
  - The timeframe for reporting is far too short if an incident occurs at the end of the last month in a quarter. For example, some of the DCRA incidents are also law enforcement

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<sup>4</sup> <https://wisconsin.gov/Pages/safety/enforcement/agencies/tracs/default.aspx>

Use-of-Force incidents; having as little as two weeks for an agency to report all of the DCRA required fields is not realistic.

- The way in which updates are submitted via the PMT needs to be streamlined. Currently, the process is far too involved to be practical. Analysts need to be able to freely make updates, without PMT staff intervention. Given the timeframe that incidents need to be submitted, almost every incident eventually needs updated to its original submission.
  - The subject's age at the time of incident is easier to obtain/report out compared to the subject's year of birth. Knowing the age does not allow for automatic calculation of birth year if the full date of birth is not known.
- What data collection tools does your state use for DCRA data (e.g., spreadsheets, administrative records, data systems, etc.)?
    - As mentioned above, a digital collection form for WI law enforcement available to agencies in TraCS, and a formatted Excel sheet from our DOC partners.

### **3. Data Reporting Methods**

- How is DCRA data reported to BJA (e.g., manual data entry in the Performance Measurement Tool [PMT] or the data import feature in the PMT)?
  - Manual entry via the PMT.
- Does your agency have a process for reviewing and cleaning records prior to submission to BJA?
  - Yes, every incident received by local and county law enforcement is reviewed and audited for data quality monthly.
  - All incidents received from our DOC are reviewed by their analysts prior to being sent to BJIA.
- Does your agency have a process for tracking and updating the status of records that are open or pending investigation?
  - Yes, our dedicated Analyst reviews any incidents with pending values on a monthly audit cycle and request updates/corrections where needed from agencies/DOC.

## Appendix A

### Wisconsin TraCS Use-of-Force and Arrest-Related Death Form Example

|                                                                                 |                                 |                                                                       |                                                                                              |
|---------------------------------------------------------------------------------|---------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Reporting Person<br><b>USER SYSTEMADMIN</b>                                     |                                 | Report Date<br><b>08/15/2023</b>                                      |                                                                                              |
| Incident Date<br><b>08/15/2023</b>                                              | Incident Time<br><b>1:53 PM</b> | Was this part of a multi-agency unit or taskforce?                    |                                                                                              |
| Number of Additional Agencies                                                   | Total Officers                  | Total Officers from YOUR agency                                       | Total Subjects<br><b>01</b>                                                                  |
| Location<br><b>INTERSECTION<br/>ON<br/>AT<br/>IN THE<br/>IN COUNTY</b>          |                                 | Latitude                                                              | Longitude                                                                                    |
|                                                                                 |                                 | X Coordinate                                                          | Y Coordinate                                                                                 |
|                                                                                 |                                 | Location Type<br><b>JAIL/PRISON/PENITENTIARY/CORRECTIONS FACILITY</b> |                                                                                              |
| Was this an ambush incident?                                                    | Video Available?                | Supervisor Consulted?                                                 | Did an officer approach a subject?                                                           |
| Did subject(s) die as a result of law enforcement use of force?                 |                                 | <b>NO</b>                                                             | Did subject(s) experience serious bodily injury as a result of law enforcement use of force? |
| Did subject(s) die while detained, arrested or in the course of being arrested? |                                 | <b>YES</b>                                                            | Did an officer discharge a firearm at/in the direction of a person?                          |
| Reason for Initial Subject/Officer Contact                                      |                                 | IBR Crime Incident Number                                             | IBR LEOKA Incident Number                                                                    |
| Weather Condition(s)                                                            |                                 | Settings                                                              |                                                                                              |
| Factor(s) Involved                                                              |                                 |                                                                       |                                                                                              |

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**Arrest Related Death**

DEPARTMENT OF JUSTICE-DCI  
17 WEST MAIN STREET  
MADISON, WI 53703

| SUBJECT INFORMATION                                                                      |                                    |                                                                  |                               |                                            |  |
|------------------------------------------------------------------------------------------|------------------------------------|------------------------------------------------------------------|-------------------------------|--------------------------------------------|--|
| Name<br><b>JOHNA DOE</b>                                                                 | Date of Birth<br><b>01/01/1990</b> | Age<br><b>33</b>                                                 | Sex<br><b>MALE</b>            | Ethnicity<br><b>NOT HISPANIC OR LATINO</b> |  |
| Race<br><b>WHITE</b>                                                                     |                                    |                                                                  |                               |                                            |  |
| Height<br><b>6'00</b>                                                                    | Weight (lbs)<br><b>175 LBS</b>     |                                                                  | Eye Color                     | Hair Color                                 |  |
| Driver License Number                                                                    |                                    | State                                                            | Expire                        | Country                                    |  |
| Injuries received as result of use of force?                                             |                                    |                                                                  |                               |                                            |  |
| Force Type                                                                               |                                    |                                                                  | Force Type Lesser             |                                            |  |
| ACTIONS                                                                                  |                                    |                                                                  |                               |                                            |  |
| Armed?                                                                                   | Fired from Cover?                  | Shots Fired                                                      | Threat Directed               |                                            |  |
| Known Impairment?                                                                        |                                    | If subject had mental/physical impairment, impairment conditions |                               |                                            |  |
| Did the subject resist the officer(s) or attempt to use a weapon against the officer(s)? |                                    |                                                                  |                               |                                            |  |
| Resistance or Weapon Type                                                                |                                    |                                                                  | Related Offenses              |                                            |  |
| DEATH                                                                                    |                                    |                                                                  |                               |                                            |  |
| Date of Death<br><b>08/15/2023</b>                                                       |                                    |                                                                  | Time of Death<br><b>13:56</b> |                                            |  |
| Death Narrative<br><b>NATURAL CAUSES</b>                                                 |                                    |                                                                  |                               |                                            |  |
| Agency Space                                                                             |                                    |                                                                  |                               |                                            |  |