



**BJA**  
Bureau of Justice Assistance  
U.S. Department of Justice

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# DEATH IN CUSTODY REPORTING ACT

PERFORMANCE MEASUREMENT TOOL · FREQUENTLY ASKED QUESTIONS

FAQ



The following frequently asked questions (FAQ) were derived from the most commonly asked questions compiled from State Administering Agencies (SAAs) and State Statistical Analysis Centers. If you have any additional questions that are not covered in this or any other guidance, please contact Chris Casto: [Chris.Casto@ojp.usdoj.gov](mailto:Chris.Casto@ojp.usdoj.gov).

## I. GENERAL INFORMATION

### 1. When are we required to start reporting Death in Custody Reporting Act (DCRA) data?

DCRA reporting will only be required after you have accepted your fiscal year (FY) 2019 Byrne Justice Assistance Grant (JAG) award. If you have not yet accepted your FY 2019 JAG award, then DCRA reporting is not required for the October–December 2019 reporting period at this time, and you can select 'no' to the first DCRA question to skip past the DCRA module.

### 2. Which agency in the state is ultimately responsible for DCRA data collection and reporting?

DCRA reporting is tied to JAG reporting. As such, the SAA is ultimately responsible for setting up their own policies and procedures to ensure that DCRA reporting is completed.

### 3. Is there a limit to the number of decedents that can be reported in the Performance Measurement Tool (PMT) each quarter?

Yes, you can enter up to 300 decedent records each quarter.

### 4. Is there a point of contact (POC) list for all jails?

BJA does not have a list of jail POCs to share. It is up to the state to determine its own methodology for establishing the universe of facilities that are required to participate.

### 5. Will there be an opportunity to apply for DCRA reallocation funds for states who are not compliant?

If the Department of Justice (DOJ) decides to apply the penalty for non-compliant states, they will have the opportunity to program those award funds for DCRA data collection. If that money remains unobligated, grantees will be notified if states are allowed to apply for those funds.

## II. REPORTING

### 1. What kind of information am I reporting?

You will report all decedent information that is required in the statute as well as the location of where the death occurred. A PDF data collection form detailing all fields can be found here: [https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/DCRA-Performance-Measure-Questionnaire\\_508.pdf](https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/DCRA-Performance-Measure-Questionnaire_508.pdf).

### 2. Is the Social Security Number (SSN) of decedents required?

A SSN field was included in an early version of the reporting form as an optional field for ensuring duplicate decedents were not entered into the system. Trainings were based on that version of the reporting form. However, since the trainings, BJA has removed the SSN field from the reporting form based on feedback from states. The SSN field is no longer required, nor does it appear on the reporting form in the PMT.

- 3. Each quarter, we are asked to report whether there has been at least one reportable death in the state during the reporting period. Do we have to get an “affirmative NO” response from all agencies? Or can we assume if we do not hear from an agency that there was no reportable death?**

The state is required to provide an “affirmative no.” How the state collects this information from each locality is up to the state. DOJ assumes that the state has had all localities participate in the data collection and the data collection is reasonably accurate. However, the system is being set up to allow state representatives to add decedents in a subsequent quarter if the reportable death was not reported in a previous quarter.

- 4. Do we (or should we) be working in concert with the Federal Bureau of Investigation (FBI) and their use of force data collection program? Are there any concerns about duplication of efforts and/or stats that don't align?**

The Bureau of Justice Assistance (BJA) and the FBI are not collecting or sharing data with each other. BJA and the FBI are each conducting separate data collections with different requirements. BJA will only be managing the data it is provided.

- 5. Will DOJ treat this information as confidential or as public information?**

The Office of Justice Programs will maintain this information internally, however some data may be subject to the Freedom of Information Act. This will be determined on a case by case basis.

- 6. Do we need to report on deaths of persons in custody at juvenile correctional centers or under the jurisdiction of juvenile courts? Will juvenile data be kept confidential?**

The statute states that deaths occurring in “other local or state correctional facility (including any juvenile facility)” must be reported. Your understanding is correct that this applies to juveniles in the custody of a state or local juvenile facility. The information will be kept as confidential as possible, consistent with federal law.

### III. DATA ENTRY IN THE PERFORMANCE MEASUREMENT TOOL

- 1. I am the states DCRA POC. How do I access the PMT and become associated with the JAG award for DCRA reporting?**

Please contact the PMT Helpdesk via phone (1-888-252-6867) or email: [bjapmt@ojp.usdoj.gov](mailto:bjapmt@ojp.usdoj.gov).

- 2. Given the time lapse between identifying a potential death in custody and obtaining confirmation of a death in custody, when do want us to report deaths?**

Report decedent information when you hear about a potential death even if an investigation is still pending at the time of reporting. Note that an “unavailable/investigation pending” choice is available. You can then update the record when the death has been confirmed.

- 3. Will BJA provide for a “bulk upload” option in the PMT, whereas decedent information can be uploaded into the PMT using a standardized electronic format?**

This option will be provided in the PMT in early 2020.

## IV. EXAMPLES OF REPORTABLE AND NON-REPORTABLE SCENARIOS

### 1. What deaths are required to be reported under DCRA?

Per the statute, report "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)."

### 2. The following are scenarios where a decedent commits suicide while law enforcement officers are present on the scene:

- a. Response is for a person with a mental disturbance or a distraught person, where result of police custody would have been to transport the subject for mental health evaluation prior to determining any criminal charges.

Yes, this is reportable.

- b. Response is for a person who is a suspect in a crime, or a person wanted for questioning, whether an arrest warrant has been issued or not.

Yes, this reportable.

- c. Response is for a person who has fled from police custody, and who has committed no other crime.

If law enforcement is in "active pursuit," where the offender is fleeing law enforcement then it would be reportable. If the offender has fled and "active pursuit" has ended to where it becomes an active investigation/search, then the event is not reportable.

### 3. Police officers pursue a suspect, during which the suspect produces a weapon creating a threat to officer safety. Suspect is then shot and killed by officers without an officer ever having 'put hands on the suspect' to physically attempt an arrest prior to the shooting.

Yes, this is reportable.

### 4. The following are scenarios where a death occurred during police pursuits:

- a. Suspect crashes and dies as a result while officers are engaged in an active vehicle pursuit.

Yes, this is reportable.

- b. Suspect crashes and dies as a result, after officers terminated a pursuit for safety reasons and no police vehicles are obviously in pursuit.

No, this is not reportable.

### 5. Police contact results in an individual being delayed from going about their intended business (e.g., a brief detention—a traffic stop, questioning an individual who matches a suspect description, a check-on-the-welfare for person who appears to be in distress. The individual contacted then has a medical emergency and dies.

Yes, this is reportable.

### 6. If an inmate is transferred to a medical facility and dies there, not in a correctional facility, is that reportable?

It is reportable if the inmate was in legal custody at the time of death.

**7. Are deaths occurring in halfway houses included?**

Deaths occurring in a halfway house are included if the halfway house is under contract by the state or local government. A death occurring in a halfway house that is not under contract with a reporting entity is not reportable.

**8. Are "in pursuit" decedents included in DCRA? What about decedents that are killed indirectly due to a law enforcement pursuit included in DCRA reports?**

If the decedent is the subject of the pursuit, then it is reportable. However, indirect deaths (i.e., deaths occurring to bystanders) are not included in the statute.

**9. Should we report the location of the event leading to the death of the decedent, or the location of where the decedent actually dies (e.g., an offender is in critical condition following a reportable event and transported to a hospital where they are pronounced dead)?**

The location of the death is where he/she died, not the location of the event leading to the death.