DEATH IN CUSTODY REPORTING ACT

PERFORMANCE MEASUREMENT TOOL · FREQUENTLY ASKED QUESTIONS
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 or subsequent Byrne Justice Assistance Grant (JAG) award. If you have not yet accepted your FY 2019 or subsequent JAG award, then DCRA reporting is not required at this time, although you must go into the Performance Measurement Tool (PMT) and select “not applicable” to the first DCRA question to skip past the DCRA module.

2. Which state agency 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 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 each quarter?

Yes, you can enter up to 1000 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 each state to determine which facilities are required to participate.

5. Will states that are not compliant have an opportunity to apply for DCRA reallocation funds?

If the Department of Justice (DOJ) decides to apply the penalty to noncompliant states, they may have the opportunity to apply for those unobligated to use toward DCRA data collection.

II. REPORTING

1. What kind of information am I reporting?

You will report all decedent information, as required in the statute, as well as the location of where the death occurred. A PDF data collection form detailing all the fields can be found at: 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?

An SSN field was included in an early version of the reporting form as an optional field to ensure 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. Nevertheless, the system is set up to allow state representatives to add decedents in a subsequent quarter if the reportable death was not reported in the quarter when it happened.

4. Do we (or should we) be working in concert with the Federal Bureau of Investigation (FBI) and its use-of-force data collection program? Are there any concerns about duplication of efforts and/or statistics that do not align?

The Bureau of Justice Assistance (BJA) and the FBI are each conducting separate data collection with different requirements. While the collected data will remain discrete, BJA and the FBI are currently working together to validate the data across agencies.

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

Data submitted to the Office of Justice Programs (OJP) to comply with the Death in Custody Reporting Act are subject to 34 U.S.C. §10231(a) which protects from disclosure any research or statistical information that is identifiable to any private person. Accordingly, OJP does not release DCR-1A forms to the public. However, the confidentiality statute does not prevent OJP from publishing data related to deaths in custody if the data are not identifiable to a private person, and OJP does periodically publish general data related to deaths in custody.

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.

7. How do we report COVID-19-related deaths?

For decedents whose death was due to COVID-19 or COVID-19-related complications, “Other” should be selected as the manner of death with “COVID-19” in the brief description field.

III. DATA ENTRY IN THE PERFORMANCE MEASUREMENT TOOL

1. I am the state’s 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 at: 1–888–252–6867 or email at: bja@pmtpoj.usdoj.gov.

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

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

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

The bulk upload option is available in the PMT as of April 1, 2020. Reference the PMT Upload Feature Resource for additional guidance.
IV. EXAMPLES OF REPORTABLE AND NONREPORTABLE SCENARIOS

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).”

1. 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 the result of police custody would have been to transport them 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.

2. Police officers pursue a suspect during which the suspect produces a weapon threatening officer safety. The suspect is then shot and killed by the officers without an officer ever having “put hands on the suspect” to physically attempt an arrest prior to the shooting.
   Yes, this is reportable.

3. The following are scenarios where a death occurred during police pursuit:
   a. Suspect crashes and dies as a result of officers engaged in an active vehicle pursuit.
      Yes, this is reportable.
   b. Suspect crashes and dies although officers terminated the pursuit for safety reasons and no police vehicles were obviously in pursuit.
      No, this is not reportable.

4. Police contact (e.g., a brief detention such as a traffic stop, questioning an individual who matches a suspect description, or a check on the welfare of a person who appears to be in distress) results in an individual being delayed from going about their intended business. The individual then has a medical emergency and dies.
   Yes, this is reportable.

5. If an inmate is transferred to a medical facility and dies there, not in a correctional facility, is that reportable?
   If the incarcerated person, absent the medical condition, would be sitting in prison, it counts as their death and is reportable. If the decedent is no longer considered to be in the custody of the detaining agency and is no longer detained within the facility, then it would not be reportable.

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

7. 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 for reporting in the statute.

8. Should we report the location of the event leading to the death of the decedent or the location 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 they died not the location of the event leading to the death.