

DEATH IN CUSTODY REPORTING ACT

REPORTING GUIDANCE AND FREQUENTLY ASKED QUESTIONS

Version 4.0; revised October 2023

The following general instructions provide guidance for reporting [Death in Custody Reporting Act \(DCRA\)](#) data. To aid in further understanding reporting requirements, answers to frequently asked questions (FAQs) are also included. If you have additional questions, please contact the BJA PMT Helpdesk at: bjapmt@usdoj.gov.



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

 **DCRA**
DEATH IN CUSTODY REPORTING ACT PROGRAM

General Instructions

The Death in Custody Reporting Act (DCRA; [Pub. L. No. 113-242](#)) requires states to report to the Attorney General information regarding the death of any person who is either detained; under arrest; in the process of being arrested; 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). These death-in-custody data were originally captured by the Bureau of Justice Statistics' Mortality in Correctional Institutions data collection.

State Administering Agencies (SAAs) are responsible for collecting data on a quarterly basis from state and local entities including law enforcement agencies, local jails, correctional institutions, medical examiners, and other state agencies. SAAs are responsible for compiling and aggregating the data for submission to the Bureau of Justice Assistance (BJA).

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 deaths or (2) affirm that no deaths in custody occurred in their jurisdictions during the reporting period.

States must answer questions related to deaths in custody in BJA's [Performance Measurement Tool](#) (PMT) and submit the information by the reporting deadline. The [reporting deadline](#) is the last day of the month following the close of the quarter (January, April, July, and October).

For each death in custody, states 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 agency that detained, arrested, or was in the process of arresting the deceased; and
- A brief description of the circumstances surrounding the death.

States must sufficiently answer all questions related to deaths in custody before they can submit the information in the PMT. If a state does not have sufficient information to complete certain data elements, they may enter "Unknown" data values (when allowed in the PMT). For cases that remain under investigation, the manner of death should be reported as "Unavailable, Investigation Pending," and the state should specify when it anticipates obtaining the information. Once the information is available, states will need to have the PMT Helpdesk unlock their reports to update them. If the information is not updated, BJA will follow up with states in subsequent reporting periods to update previous entries.

Frequently Asked Questions

I. GENERAL INFORMATION

1. Which documents and resources should be followed to comply with DCRA reporting requirements?

While BJA is aware that former BJA-supplied DCRA reporting guidance documents are still posted on certain websites (e.g., state-specific websites), all guidance from BJA is posted on BJA's [DCRA Reporting Resources webpage](#).

Several trainings are available online regarding DCRA reporting that have been hosted and recorded on [BJA's YouTube channel](#). BJA recognizes that states may provide additional guidance and tools to state and local agencies, which we leave to the discretion of the state to assist in their own data collection process.

Also, a [“bulk upload”](#) feature is available to states for the purpose of uploading multiple decedent records at a time.

2. Which state agency is ultimately responsible for DCRA data collection and reporting to BJA?

DCRA reporting is tied to Justice Assistance Grant (JAG) reporting. As such, the SAA is ultimately responsible for setting up policies and procedures to ensure that DCRA reporting is complete.

3. What is the DCRA State Implementation Plan and do I have to submit one to BJA?

States must submit a DCRA State Implementation Plan with their applications, which includes its plan for collecting and reporting DCRA program data. The required elements in the DCRA State Implementation Plan can be found at [DCRA State Plan Implementation Guidance](#). Additionally, in any year in which the DCRA State Implementation Plan is not updated, states must also submit a brief, annual DCRA implementation update with their applications.

4. Is there a limit to the number of decedents that can be reported in the PMT each quarter?

Yes. You can enter up to 1,000 decedent records each quarter.

5. 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.

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

If the Department of Justice (DOJ) decides to apply penalties to noncompliant states, those states may have the opportunity to apply for those unobligated funds to use toward bringing DCRA data collection into compliance.

II. REPORTING

7. What kind of information am I reporting?

You will report all decedent information, as required in the statute. The [DCRA Performance Measure Questionnaire](#) contains all of the information you are required to report.

8. Has DCRA collection been approved by the Office of Management and Budget (OMB) as part of the process established under the Paperwork Reduction Act?

Yes. The current DCRA collection OMB number is 1121-0365 and the expiration date is July 31, 2024.

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

No. An SSN field was included in an early version of the reporting form as an optional field to ensure that duplicate decedents were not entered into the system. Trainings at the beginning of the BJA DCRA data collection were based on that version of the reporting form. However, BJA has since 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.

10. 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? Can we assume that if we do not hear from an agency, then there was no reportable death?

The state is required to provide an “affirmative no” in the PMT. How the state collects this information from each locality is up to the state. BJA presumes that the state has had all localities and relevant state agencies participate in the data collection, and that the information provided to the Office of Justice Programs (OJP) is complete and accurate for the state. The system is set up to

allow states to add decedents in subsequent quarters if a reportable death was not reported in the quarter when it happened.

11. Will OJP/BJA treat this information as confidential or as public information?

Data submitted to OJP/BJA, to comply with DCRA 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/BJA does not release identifiable DCRA data to the public.

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

Yes. The statute states that deaths occurring in “other local or state correctional facility (including any juvenile facility)” must be reported. 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.

13. 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” listed in the brief description field.

14. How do we report overdose deaths?

For decedents whose death was due to overdose, “Other” should be selected as the manner of death with “Overdose” listed in the brief description field.

15. The medical examiner ruled a death as “homicide,” but the death happened during the process of arrest, how do we report this?

Deaths occurring during the process of arrest from use of force (e.g., use of weapon, restraint, tactical vehicle intervention [TVI] or precision immobilization technique [PIT] maneuver) should be entered as “Use of Force by Law Enforcement or Corrections Officer,” regardless of the ruling of the medical examiner.

Please refer to the table below when selecting a manner of death for deaths occurring during the process of arrest.

| Manner of Death | Example Scenarios |
|------------------------------------|---|
| Use of Force by Law Enforcement | Includes but not limited to: death results from officer deployment of gun or taser, restraint, physical altercation, PIT maneuver or TVI |
| Accident | Includes but not limited to: car accident occurring during police pursuit, but not due to police intervention (such as PIT maneuver) |
| Suicide | Includes but not limited to: decedent uses their own weapon to commit suicide after law enforcement presence has been established |
| Natural Causes | Includes but not limited to: decedent is arrested without incident (no taser, physical altercation, etc.) but suffers a heart attack while in transport to the police station |
| Other – Overdose | Includes but not limited to: decedent swallows a baggie during traffic stop, begins convulsing, and later dies due to fentanyl toxicity |
| Unavailable, Investigation Pending | Incident remains under investigation |

III. DATA ENTRY IN THE PERFORMANCE MEASUREMENT TOOL

16. I am the state’s DCRA POC. How do I access the PMT and become associated with the JAG award for DCRA reporting?

Contact the PMT Helpdesk via phone at: 1–888–252–6867 or email at: bjapmt@usdoj.gov.

17. 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. Report all known data elements and report “Unknown” for data elements that are not known. If “Unknown,” mark the manner of death as “Unavailable, Investigation Pending” You should then update the unknown data elements and manner of death when that information is available.

18. 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?

A bulk upload option is available in the PMT. Reference the [PMT Upload Feature Resource](#) for additional guidance.

IV. EXAMPLES OF REPORTABLE AND NONREPORTABLE SCENARIOS

19. What deaths are required to be reported under DCRA?

Per the [statute](#), states are to 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).”

This does not include deaths occurring while an individual is on parole or probation.

20. The following are scenarios where a decedent commits suicide while being detained by law enforcement officers:

- 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 because the deceased was being detained.

- 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 is reportable because the deceased was being detained.

21. Police officers pursue an individual, 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, as the deceased was in the process of being arrested.

22. The following are scenarios where a death occurred during police pursuit of an individual suspected of a crime:

- a. **Suspect crashes and dies as a result of engaging in an active vehicle pursuit with law enforcement.**

Yes. This is reportable.

- b. **Crashes and dies although officers terminated the pursuit for safety reasons and no police vehicles were obviously in pursuit.**

No. This is not reportable.

23. The following are scenarios where an overdose death occurred:

- a. An individual is overdosing in the parking lot of an apartment complex; a neighbor calls the police who then arrive on scene alongside EMS. Before the officers interact with the individual, he dies.**

No. This is not reportable. The individual was not in detained, under arrest, or in the process of being arrested.

- b. An individual is acting erratically in the parking lot of an apartment complex; a neighbor calls the police, who arrive on scene and place the individual under arrest. While being handcuffed, the individual goes into cardiac arrest and is unable to be revived. The cause of death is later determined to be fentanyl toxicity.**

Yes. This is reportable. The individual was in the process of being arrested.

24. Are deaths that occur to bystanders during law enforcement pursuit considered reportable?

No. These are not reportable, as the deceased individuals are not being detained, under arrest, in the process of being arrested, en route to be incarcerated, or are incarcerated.

25. Police contact (e.g., a brief detention such as a traffic stop, questioning an individual who matches a suspect description) 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, as the deceased was detained.

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

Yes. If the incarcerated person, absent the medical condition, would have been in prison at the time of death, it counts as a reportable death. Although the person was not physically in a correctional facility at the time of death, the death is still one of an incarcerated individual.

27. Are deaths of individuals who are being monitored by GPS tracking devices reportable?

Since the individual is not being detained, under arrest, in the process of being arrested, en route to be incarcerated, or is incarcerated, this is not reportable.

28. 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 private halfway house that is not under contract with a reporting entity is not reportable.

- a. An individual is released from prison but required to serve the remainder of his sentence in a Residential Reentry Center (RCC) under contract with the state. He later dies while at the RCC.**

Yes. This is reportable.

- b. An individual is released from prison and elects to live in a sober living house post-release. She later dies while at the sober living house.**

No. This is not reportable.

29. 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.

30. Is a decedent's overdose death, which occurs before an officer arrives on-scene, reportable?

This is not a reportable death, as the individual was not being detained or in the process of arrest.

31. What are some other examples of non-reportable deaths?

- Deaths resulting from car accidents with no police involvement
- Deaths of police officers or corrections officers
- Deaths occurring to individuals under supervision (e.g., in halfway houses) who die while outside the confines of their location of custody

VI. HOW TO WRITE BRIEF CIRCUMSTANCES

States are required to submit the brief circumstances surrounding each decedent's death. This description should provide additional details on the events surrounding the death, as outlined below. Brief circumstances will be considered **insufficient** if:

- There is little or no detail provided.
- BJA is unable to discern from the description if the death is reportable or not under DCRA law.
- BJA is unable to discern from the description if the death occurred during the process of arrest.

Brief circumstances should include the following details:

- **Who:** provide the number of individuals involved in any altercations preceding death (e.g., number of inmates or law enforcement officers on scene)
- **What:** provide a more specific manner of death (e.g., end-stage liver disease, stab wounds from an altercation, asphyxiation due to being placed in a prone position while restrained)
- **When:** provide a general time of day that the death occurred (e.g., morning, afternoon, overnight)
- **Where:** provide the location of the decedent (e.g., jail cell, scene of arrest, medical facility)
- **Why:** for deaths occurring due to use of force by law enforcement, include why initial contact was made with the decedent, whether he or she was armed or resisting arrest, etc.

While all brief circumstances should provide the details outlined above, they will look different across manners and locations of death. The tables below provide examples of insufficient and sufficient brief circumstances with these factors in mind.

| Manner of Death Category for DCRA | Insufficient Description | Sufficient Description |
|--|-----------------------------------|---|
| Accident | Accidental Death While in Custody | John Doe fell from the top bunk in Pod-E, Cell 14 on 01/01/2021 and suffered a neck fracture. He was taken to the Medical Unit for treatment and observation. However, his health began to rapidly decline. He was pronounced dead at 01:05 a.m. on 01/03/2021. |
| Death Attributed to Use of Force by a Law Enforcement or Corrections Officer | Restraint | Jane Doe, housed in the Allegheny County Jail, was being transferred from Pod-A to Pod-D when she became agitated and resisted commands. She was then assaulted by Corrections Officers and forced into the prone position where she became unresponsive. Officer's initiated CPR. However, she expired on scene. |
| Execution | Execution | John Doe was executed via lethal injection on 12/01/2021 as ordered by the Missouri Courts. |
| Homicide | Altercation in Prison | On 07/01/2021, a fight occurred between John Doe and another inmate in the Ocean County Jail. The inmate punched John Doe several times in the head. During transport to the Green Valley Hospital, John Doe flatlined. |
| Natural Causes | Prolonged Illness | 86-year-old Jane Doe was found unresponsive in her cell on 12/16/2021 at approximately 08:30 a.m. Medical personnel attempted CPR but was unsuccessful and declared Jane Doe dead at the scene. Jane Doe had a history of atherosclerotic and hypertensive heart disease. |

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| Other | Overdose | On 02/08/2021 at 05:20 p.m., John Doe was found having a medical emergency. Officers notified on-site medical personnel who quickly responded to the scene and began life saving measures, performing CPR, and applying an AED. John Doe was transported to the local hospital but expired at 07:59 p.m. Autopsy reports list the cause of death as respiratory complications of COVID-19 with contributing factors of pulmonary calcifications and hypertensive cardiovascular disease. |
| Suicide | Suicide | Officers found Jane Doe hanging in her cell on 05/15/2021 at approximately 2:00 p.m. She was pronounced dead on scene. |

For deaths occurring during the process of arrest – Arrest-Related Deaths (ARDs) – BJA requests several additional details be provided in the brief circumstances, including: why initial contact was made with the decedent, if the decedent was armed, if the decedent was resisting arrest, and if life-saving measures were administered.

| Manner of Arrest-Related Death (ARDs) | Insufficient Description | Sufficient Description |
|--|--|---|
| Accident | Motor Vehicle Pursuit | On 01/30/2020 at approximately 7:15 p.m., two Lake County Sheriff Department squad cars began pursuing a stolen 2019 BMW X5. Additional units were called in to set up a perimeter. The driver increased his speed to over 120 mph and crashed into a median. The driver and front seat passenger were both ejected from the vehicle. The front seat passenger sustained serious injuries and the driver was declared dead at the scene. |
| Death Attributed to Use of Force by a Law Enforcement or Corrections Officer | Taser | On 08/17/2020 at approximately 11:30 a.m., Santa Fe Police attempted to arrest John Doe for a parole violation when he became aggressive with officers and started wielding a bat. The officers verbally advised John Doe to drop the bat, or they will deploy their taser. John Doe then dropped the bat and pulled out a knife from his back pocket and charged at an officer. Another officer deployed their service weapon hitting John Doe twice in the abdomen. EMS responded. However, John Doe died on scene. |
| Natural Causes | Natural Death in Law Enforcement Custody | On 05/23/2020, Jane Doe was arrested by the Polk County Sheriff's Office for aggravated assault after she attempted to stab another individual with a piece of broken glass. It was reported Jane Doe and the individual got into a heated argument which then turned into a physical altercation. Jane Doe initially resisted arrest, fleeing on foot by which a deputy K9 was dispatched. She was taken to Winter Haven Hospital for treatment and suffered from a heart attack. Medical records show Jane Doe had a history of chest pains and shortness of breath. Jane Doe was pronounced dead at 01:22 p.m. |
| Other | Overdose | On 07/06/2020 at approximately 09:15 a.m., John Doe was arrested by the Kansas City Police Department for possession and intent to sell methamphetamine. While |

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| | | being processed at the Johnson County Jail, John Doe suffered heart failure. CPR was started and staff radioed for medical personnel. However, he expired at 12:30 p.m. Autopsy and toxicology reports show that John Doe had elevated levels of methamphetamine in his system. |
| Suicide | Gunshot Wound to Head | On 11/22/2020 at 11:00 a.m., Jane Doe contacted New York City Police dispatch to report husband John Doe, whom she has an active order of protection against, was threatening her with a gun. Two NYPD units were sent to respond to the scene. Officers gave John Doe multiple verbal commands to drop the gun. John Doe shot himself in the head. He was pronounced dead at the scene. |

Note that the manners of death “Execution” and “Homicide” are never used for arrest-related deaths. “Homicide” is only used for deaths resulting from an altercation between two or more incarcerated individuals.

For “Unavailable, Investigation Pending” deaths, BJA requests that any available detail be provided until the investigation is completed and the record can be updated with full brief circumstances.