

Why are agencies required to report Deaths in Custody?

The federal Death in Custody Reporting Act (DCRA) of 2013 requires states to report all deaths occurring in state prisons, local jails, and in the process of arrest. Beginning October 1, 2019, all reportable deaths should be reported to the Governor's Crime Commission (GCC).

Since 2000, deaths occurring in a detention facility have been reported to the Bureau of Justice Statistics (BJS) on an annual basis. DCRA shifted the responsibility of collecting this data to each state for the Bureau of Justice Assistance and expanded the reportable deaths to include deaths occurring *during interaction with law enforcement personnel* beginning on October 1, 2019. Based on the legislation, you must report any death that occurs when a law enforcement officer (LEO) is responding to a call or a decedent's freedom to leave was restricted by a LEO prior to, during, or following an arrest, regardless of the cause of death.

To whom are deaths in custody reported?

Report all deaths occurring in custody or during interaction with law enforcement personnel to the Governor's Crime Commission (GCC) beginning October 1, 2019. In addition, deaths in detention centers, jails, and prisons occurring from October 1, 2019 through December 31, 2019 will also be reported to BJS through their web-based system and included in the 2019 annual summary report.

Who is responsible for reporting deaths in custody?

The agency who has custody of the decedent at the time of death is responsible for reporting the death to the GCC. For example, if the person was held in a state prison, Prisons will report the death; if the person had been arrested and was in a police department vehicle at the time of death, the police department is responsible for submitting the report.

What deaths need to be reported?

All deaths that occur when a person is in custody or being detained or pursued by law enforcement. The legislation defines it as:

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).

Public Law No: 113-242 (12/18/2014)

A few examples of reportable deaths are:

- Law enforcement is in pursuit of arresting or detaining an individual and the individual suffers a sudden death. (e.g., heart attack, hit by motor vehicle, drowns).
- An individual (including juveniles) is being held in a detention facility and dies from any cause.
- Law enforcement responds to a medical or mental health call and the individual dies after the officer arrives.
- Use of force by law enforcement.

How does an agency report a death in custody?

The agency needs to complete the Bureau of Justice Assistance form DCR-1A (available at www.ncdps.gov/DCRA) for each reportable death and submit it to the Governor's Crime Commission (GCC) one of the following ways:

Email to:	DeathInCustodyProgram@ncdps.gov
Mail to:	Governor's Crime Commission ATTN: Death in Custody 1201 Front Street Raleigh, NC 27609

The GCC is responsible for collecting information on all deaths in custody for North Carolina and will submit reports to the Bureau of Justice Assistance on a quarterly basis.

When does an agency report a death in custody?

Agencies are encouraged to report deaths in custody soon after each incident, but are required to submit on a quarterly basis:

- October 1st – December 31st report due January 15th
- January 1st – March 31st report due April 15th
- April 1st – June 30th report due July 15th
- July 1st – September 30th report due October 15th

What if an agency has no deaths to report?

If there were no reportable deaths during a quarter, no action is needed.

Who can answer additional questions?

Please send an email to DeathInCustodyProgram@ncdps.gov or call the GCC at 919-733-4564.