

## Clarification on the Death in Custody Program's "Reportable Deaths"

The U.S. Department of Justice's Bureau of Justice Assistance form, *Death in Custody Reporting Act Fiscal Year 2020, Instructions for Completion (OMB number 1121-0365)* outlines the reporting requirements for the Death in Custody Reporting program. The document categorizes what deaths should be reported. For purposes of the DCRA collection, a "reportable death" means any death that occurred during interactions with law enforcement personnel or while the decedent was in their custody or in the custody, **under the supervision**, or under the jurisdiction of a state or local law enforcement or correctional agency. This includes any deaths that occurred:

"During an interaction with law enforcement personnel responding to medical or mental health assistance (e.g., in response to suicidal persons)."

For clarification purposes, deaths occurring when a decedent was "under the supervision" of an officer should be reported. This does not necessarily mean the person had to be under arrest, being detained or, part of a criminal activity. The Death in Custody Reporting Form (DCR-1A) has several options for reporting the "circumstances surrounding the death", including *Accident*, *Natural Causes*, and *Suicide*.

The key determinate on whether a death should be reported should be if the officer had direct contact or supervision of the individual.

### Example One:

An officer is called to a residence with a possible suicide. If any officer arrives and interacts with the person and the person subsequently carries out the suicide, the death should be reported.

### Example Two:

An officer is called to a medical emergency. Upon arrival the officer determines the person is having a heart attack and begins CPR. If the person dies as a result of the heart attack the death should be reported.

### Example Three:

An officer is called to a medical emergency. Upon arrival the officer sees the victim is unconscious or being attended to by EMS. Since the victim did not "have interaction with" or was not "under supervision of" the officer, if the person dies this death should not be reported.