

SUPPORTING STATEMENT – Part A

The Bureau of Justice Statistics requests clearance to continue its Deaths in Custody Reporting Program (DCRP) for an additional three-year period. Since 2000, BJS has collected data under this program, which consists of three separate collections that collectively cover deaths of suspects and offenders under the control or supervision of criminal justice system agencies from the time that suspects come in contact with law enforcement through the time that offenders are incarcerated in jail or prison. The three collections are:

- **Arrest-Related Deaths (ARD):** Since 2003, BJS has annually obtained records of deaths occurring during the process of arrest or in the custody of state or local law enforcement personnel, including deaths occurring in police lockups or holding cells, prior to arraignment.
- **DCRP-Local Jails:** Since 2000, BJS has annually obtained data on each death occurring in the roughly 3,000 local jails nationwide. The jail portion of DCRP covers, with some exceptions, defendants incarcerated post arraignment through sentencing including sentences to jail, which typically run less than one year.
- **DCRP-State Prisons:** Since 2001, BJS has collected data on deaths occurring in the 50 states' departments of corrections. This portion of the program covers felons who have been sentenced to prison terms, which generally are longer than one year.

For each of the three collections, annually BJS obtains an aggregate count of deaths occurring in each of the three domains, and for each death an incident report that describes the circumstances surrounding the death, including the manner and cause of death.

The DCRP is a national database containing information about each death occurring in these three components of the U.S. criminal justice system. Information about the criminal justice system actors' involvement with decedents is not available in other national databases on mortality. In this request for clearance, BJS plans to maintain the collections and also to undertake research to improve its understanding of the coverage of the arrest-related deaths component of the program.

A. Justification

1. Necessity of the Information

BJS authority for the DCRP comes from the Omnibus Crime Control and Safe Street Act of 1968, as amended (42 U.S.C. 3732), which established BJS and authorized it, among other things, to collect and analyze statistical information concerning the operations of the criminal justice system at the Federal, state, tribal and local levels (§3732(c)(4) (see Appendix C, Attachment A).

The DCRP was originally authorized by *the Death in Custody Reporting Act (DICRA) of 2000* (P.L. 106-297, see Appendix C, Attachment B), which required state and local law enforcement agencies, local jails, and state prisons to report to the Department of Justice on a quarterly basis information pertaining to the circumstances of each death occurring in the process of arrests or while offenders were in custody. According to the main sponsor of DICRA (Representative Bobby Scott of Virginia), the legislation was motivated by a focus on conditions in State prisons and local jails and the problem of prisoners dying in custody. Congressional interest in oversight of this issue arose primarily because of the rising tide of expensive wrongful death lawsuits brought in relation to these deaths. Press reports in the 1990s concerning prison abuses and

deaths of those incarcerated being attributed to suicide led Congress to develop the DICRA of 2000 in response to this problem.

The DICRA reporting requirements expired in 2006 but BJS has continued to collect, analyze and report on deaths in custody since then, as public concerns about the safety and humane treatment of suspects, defendants, and offenders while in contact with or under the control or supervision of criminal justice agencies remain. Cases of lethal use of force by the police receive national attention on a recurring basis. Organizations such as Human Rights Watch have long maintained that the failure of criminal justice agencies to maintain safe and secure detention and confinement facilities violates the human rights of persons deprived of their liberty to be treated with respect and to be free from cruel or inhumane punishment.

Central to BJS' statistical information on the operation of the criminal justice system is mortality that occurs while persons are in contact with the criminal justice system. The DCRP uniquely provides information on three major components of the criminal justice system, the police, local jails, and corrections. With information collected from the DCRP, BJS not only can track changes in mortality rates of persons who have contact with the police or are in custody in jail or prison, but by using the information on cause of death and circumstances, can also improve the public's understanding about deaths of defendants and offenders under the control of the criminal justice system. For example, through the DCRP, BJS has shown that almost 40% of deaths in the process of arrest arise from causes other than officer-involved homicides of suspects; that in any given year about 80% of the roughly 3,000 jails in the U.S. have zero deaths and among those jails reporting deaths, the modal count is one death; that the leading causes of death in prisons is cancer, followed by heart disease, and that the vast majority of inmates who died in custody had medical conditions that pre-dated their arrival into prison or jail, as opposed to contracting a fatal disease while in custody.

The DCRP is the only national database that can inform the issue of mortality during arrest and incarceration in depth. Prior to the DCRP, the public's knowledge of deaths occurring in the criminal justice system was limited. Arrest-related mortality data were restricted to small local studies, mostly at the agency level, and focused predominantly on officer-involved homicides. Prison mortality data were collected at the national level on a limited number of causes (homicide, suicide, natural causes) and levels of aggregation that precluded analysis of subpopulations. Jail mortality data were collected at infrequent intervals through BJS' *Census of Jail Facilities* series but like prison mortality data, the data were limited to broad cause categories and provided no information on the demographic characteristics of decedents.

The information about deaths occurring in these components of the criminal justice system cannot be obtained through other, existing collections. The National Center for Health Statistics mortality files and the National Death Index, for example, do not identify the criminal justice system involvement in deaths. Other sources of data on mortality in the criminal justice system also have significant limitations (see item 4 below, Efforts to Identify Duplication).

Congressional concerns about deaths in custody remain, leading to the proposed reauthorization of the DICRA through the *Death in Custody Reporting Act of 2011* (H.R. 2189) (see Appendix C, Attachment C). The Act, which would reauthorize DICRA's reporting, passed the House of Representatives on September 20, 2011 and was referred to the Senate. The DICRA of 2011 maintained the provisions for local and state agency reporting that were included in the DICRA of 2000, but it expanded the reporting coverage to include federal law enforcement and correctional agencies.

Under Title 42 of the United States Code, Section 3789g (see Appendix C, Attachment D) BJS collects DCRP data for statistical purposes only, does not release data pertaining to specific individuals in the DCRP, and has in place procedures to guard against disclosure of personally identifiable information. DCRP data are maintained under the security provisions outlined in U.S. Department of Justice regulation 28 CFR §22.23, which can be reviewed at: <http://bjs.ojp.usdoj.gov/content/pub/pdf/bjsmpc.pdf>.

2. Needs and Uses

The DCRP is part of BJS effort to measure conditions of confinement and mortality throughout the criminal justice system and to integrate the analysis of mortality into its statistics on other criminal justice system outcomes such as recidivism. BJS' most basic need for the data is to enable it to track and report on all cause, and cause-specific mortality and mortality rates in the arrest process and during incarceration in jails and prisons. Through this effort, BJS is able to report on mortality outcomes, assess whether changes in mortality are occurring over time and whether changes are due to changes in the composition of the populations in custody or if changes are associated with criminal justice agency conditions, such as crowding in prisons and jails.

BJS routine uses of the DCRP

Through the DCRP, and in conjunction with its other statistical collections, BJS obtains and uses data that are necessary to understand the incidence and prevalence of mortality occurring while suspects are in the process of arrest by state and local law enforcement agencies or in custody in local jails or state prisons. Through the DCRP collection, BJS promulgates statistics on mortality at three stages of the criminal justice system, and this information provides policymakers, public health officials, law enforcement officials and correctional administrators with information to track changes in mortality in the arrest process, jail incarceration, and prison incarceration.

BJS annually tracks and reports on changes in mortality and assesses whether the changes in mortality arise from changes in the demographic and crime type composition of populations or changes in the age, sex, race, or offense-specific mortality rates. By decomposing changes in overall mortality rates into compositional and group- and cause-specific rates, BJS can identify sources of changes in mortality rates.

BJS also routinely describes the circumstances surrounding deaths, such as pre-existing medical conditions or suspects' uses of weapons when they are in contact with the police. BJS uses these statistics to also help to understand how much of the change in the overall mortality rate arises from changes in the population that comes in contact with the police or with custodial institutions.

Non-routine use of DCRP: Census of Jails

In an effort to control cost, reduce multiple data collections burden and respondent fatigue, BJS is expanding the 2013 DCRP Annual Summary Form (ASF) to include additional critical items to obtain an updated and more complete sampling frame for jails. This frame is needed for drawing the samples for the Annual Survey of Jails, Prison Rape Elimination Act (PREA) related data collections, and other BJS jail inmate surveys. This one-time questionnaire expansion will apply only to jails and will replace the 2013 ASF on Jail Inmates forms (currently form 9A and 10A). The questionnaire will be used in lieu of the lengthier Census of Jails.

Items in the 2013 ASF will include 18 questions (a significant reduction from the 2005 Census of Jails Inmates and the 2006 Census of Jail Facilities) that have been previously tested and are currently fielded in the Annual Survey of Jails and from the prior Census of Jails collections. Most of these questions are of critical importance for devising improved sampling designs for surveys such as the Annual Survey of Jails. For this survey, the aim is to draw a new sample every 5 to 6 years to reduce burden on respondents. However, the current sample was last selected from the 2005 Census of Jail Inmates. The need to update the ASJ sample highlights/emphasizes the need for an updated Census of Jails.

The instruments used to collect the DCRP-Jails and DCRP-Prisons data include the following forms (see Appendix C, Attachment E):

DCRP-Jails

- CJ-9A: *Deaths in Custody, 2012 Annual Summary on Inmates under Jail Jurisdiction*¹
- CJ-10A: *Deaths in Custody, 2012 Annual Summary on Inmates in Private and Multi-Jurisdiction Jails*¹
- CJ-9: *Deaths in Custody, 2013 Death Report on Inmates under Jail Jurisdiction*²
- CJ-10: *Deaths in Custody, 2013 Death Report on Inmates in Private and Multi-Jurisdiction Jail*²
- *CJ-9A/10A 2013 Annual Summary on Inmates Under Jail Jurisdiction (See Appendix_C_2013 CJ-9A_10A)*

DCRP-Prisons

- NPS-4: *Deaths in Custody, 2012 Annual Summary of Inmate Deaths in State Prisons*¹
- NPS-4A: *Deaths in Custody, 2013 State Prison Inmate Death Report*²

The DCRP-Jails and DCRP-Prisons instruments will remain essentially unchanged, except for minor modifications that add clarity or assist in completing records and the one-time 2013 CJ-9A/10A Annual Summary on Inmates Under Jail Jurisdiction form. These include:

- Adding a 'specify, other' line to intoxication deaths so as to distinguish between these deaths due to alcohol intoxication. As one in ten deaths in jails is due to some type of intoxication, the ability to distinguish the reason for intoxication will increase the utility of the BJS statistics for administrators.
- Adding a response option to the location of death item that requests information about whether a prisoner was under a sentence of death at the time of death.
- For the 2012 CJ-9A and CJ-10A summary forms, adding items about sub-populations in local jails, such as the number of inmates held for U.S. Immigration and Customs Enforcement (ICE), U.S. Marshals, and state prisons. These items are consistent with items on BJS' Annual Survey of Jails (OMB #1121-0094).

2013 Annual Summary on Inmates Under Jail Jurisdiction

- On December 31, 2013, the number of inmates confined in jail facilities including male and female adult and juvenile inmates; persons under age 18 held as adults; race/ethnicity categories; held for Federal authorities, State prison authorities, American Indian/Alaska Native Tribal governments, and other local jail jurisdictions;

1 Identical versions of the jail and prison annual summary forms will be used for the 2014 data collections.

2 Identical versions of the jail and prison death record forms will be used for the 2013, 2014, and 2015 data collections.

- On December 31, 2013, the number of inmates held for a felony or misdemeanor, convicted inmates that are unsentenced or sentenced and the number of unconvicted inmates awaiting trial/arraignment, or transfers/holds for other authorities;
- On December 31, 2013, the number of persons confined in jail facilities who were not U.S. citizens;
- Whether the jail facilities have a weekend incarceration program prior to December 31, 2013 and the number of inmates participating;
- Jail rated capacity on December 31, 2013;
- On December 31, 2013, the number of persons under jail supervision but not confined (e.g., electronic monitoring, day reporting, etc.);
- On December 31, 2013, the number of correctional officers and other staff employed by jail facilities;
- On December 31, 2013, the number of correctional officers and other staff employed by jail facilities, by male and female staff;
- On December 31, 2013, the number of correctional officers employed by jail facilities, by race/ethnicity categories;
- Between January 1, 2013 and December 31, 2013, the total facility operating expenditures.

The instruments used to collect the DCRP-ARD data include the following forms (see Appendix C, Attachment F.);

- CJ-11: *Arrest-Related Deaths Summary of Incidents, 2013*³
- CJ-11A: *Arrest-Related Deaths Incident Report, 2013*
- CJ-11A: *Arrest-Related Deaths Incident Report (CJ-11A) Question-by-Question Guide*

The CJ-11 Summary of Incidents is used to record the total number of reportable deaths that occur within a reporting period. Instructions have been revised to improve clarity. Several items on the CJ-11A incident report were modified to improve clarity. (See Part B, Item 3, Tests of Procedures.) A Question-by-Question Guide (Q-by-Q) was developed to provide additional instruction and examples of event scenarios in order to enhance respondents' understanding of items and increase the precision of responses.

To generate its annual reports on mortality in prisons and jails, BJS routinely uses data from its other collections to generate mortality rates. For example, to estimate mortality rates in state prisons, BJS uses data from its National Corrections Reporting Program (NCRP, OMB No.1121-0065) and its various surveys of prison inmates, including Survey of Inmates in State and Federal Correctional Facilities (OMB No. 1121-0152) and the National Inmate Survey (OMB No. 1121-0311). For the ARD, BJS relies on the Uniform Crime Report data on persons arrested to compute mortality rates relative to the number of arrests. Because the DCRP data identifies the agency or facility where the death occurred, BJS also describes differences in mortality rates among agencies. With the information obtained through DCRP, BJS can and has compared mortality rates in jails and in prisons to mortality rates in the general population, adjusting for age, race, and sex compositional differences.

BJS uses specific items in the DCRP to describe:

- The manner and cause of death information which are critical to studying mortality.
- The sex, race/ethnicity, and date of birth/death (age) of decedents to make comparisons across demographic subgroups.

³ Identical versions of the law enforcement annual summary forms and death records forms will be used for the 2013, 2014, and 2015 data collections.

- Facility/law enforcement agency name and location of death to make comparisons among facility types.
- Alleged or sentenced offenses to assess the relationship between criminal behavior and mortality.
- Date of admission to the facility for deaths in jail or prison is used to calculate time served before death and will be used to calculate hazard rates to address the problem of exposure time in local jails.
- The location and time of death allow BJS to describe the circumstances surrounding the death, such as the actions leading up to the arrest-related death, the transfer of jail inmates to medical facilities prior to their deaths, the distribution of suicides, accidents and homicides by location and the time of day.
- Medical treatment variables, including mental health treatment, give BJS a sense of the health care provided to inmates prior to death.
- The pre-existing medical conditions and medical examiner questions allow BJS to look at differences in the types of deaths that occur during arrest or in custody of a jail or prison, and the rate of autopsy for different causes of death.
- For arrest-related deaths, items regarding actions taken by the decedent and law enforcement personnel during the incident, the presence and type of weapons used during the incident, and injuries sustained permit BJS to accurately characterize the circumstances surrounding these deaths.
- The expanded items in the one-time 2013 CJ-9A/10A Annual Summary on Inmates Under Jail Jurisdiction form will be used to better inform the Deaths in Custody Reporting Program (DCRP) and other BJS establishment and inmate surveys, such as the Annual Survey of Jails (ASJ) and the National Inmate Survey (NIS). The DCRP currently provides a sampling frame for the NIS and will be used to update and enhance the existing sampling frame for the ASJ.

In addition to describing changes in mortality rates in custody and in the process of arrest, BJS also uses the DCRP to study specific topics. Since the program's inception, BJS has published special topic reports on medical causes of death in state prisons, deaths in the process of arrest, and mortality in local jails. In each case, BJS has analyzed several years of data to describe in depth the nature of mortality in these settings. Since producing its first mortality report from the DCRP in 2005, BJS has covered a variety of mortality-related topics including suicides and homicides in correctional facilities; natural deaths in prisons; arrest-related deaths, a mortality profile of jail inmates as well as routine statistical tables highlighting recent trends in mortality among jail and prison inmates. All of these reports are available to the public through the BJS website, at: [http://bjs.ojp.usdoj.gov/index.cfm?ty=dcdetail&iid=243#Publications and products](http://bjs.ojp.usdoj.gov/index.cfm?ty=dcdetail&iid=243#Publications%20and%20products).

Uses of the DCRP by other entities

In addition to BJS uses of the DCRP data, other entities rely on these data for research, planning, and programmatic purposes. The DCRP data and statistical reports are used by the U.S. Department of Justice, U.S. Congress, local, state, and national law enforcement and correctional administrators, public health officials and practitioners, researchers, and special interest groups.

The Office of Justice Programs (OJP), within which BJS is located, has devoted effort to coordinate the work of all of its bureaus on a suicide prevention effort. The DCRP data were used by the National Action Alliance for Suicide Prevention (NAASP)—a public-private partnership for suicide prevention—to understand the prevalence of suicide in prisons and local

jails. The Center for Disease Control and Prevention (CDC) is one of the public partners of the NAASP.

Congress continues to monitor deaths in custody and has used BJS reports as part of the justification for the reauthorization of DICRA. The legislation's main sponsor cited BJS statistics on the decline in mortality in prisons and jails, arguing that with detailed statistical data, policymakers at the local, State, and Federal levels can make informed judgments about the appropriate treatment of prisoners and develop ways to lower the prisoner death rate, and pointing out that since the enactment of the law in 2000, there have been significant declines in deaths in custody.

Additional examples of groups and individuals who have used DCRP to address policy issues related to mortality include:

Public Health, Legal and Justice Policy Researchers:

- A BJS Visiting Fellow (Dr. Ingrid Binswanger of the University of Colorado-Boulder) is using the DCRP-Prison data to examine the relationship between the introduction of smoking bans in prisons and changes in smoking-attributable deaths among inmates from 2001-2009.
- The National Institute of Justice has used the DCRP-ARD data in one of their studies on how and why injuries occur to police and citizens during use of force events.⁴
- The DCRP-ARD data were used in a 2011 journal article that discussed, among other things, ideas for improving measurement of the use of deadly force and other police actions that lead to the death of citizens.⁵
- The Treatment Advocacy Center, a national nonprofit organization dedicated to eliminating barriers to the timely and effective treatment of severe mental illness, released a report that used DCRP-ARD data to show that a statistically significant inverse association exists between lower state-hospital spending and higher rates of arrest-related deaths.⁶
- Amnesty International USA used DCRP-ARD data in their 2008 report, *Less Than Lethal? The Use of Stun Weapons in U.S. Law Enforcement*.
- The United Nations' Special Rapporteur on Extrajudicial Killings used the data for their May 27, 2009 report on deaths in custody.⁷
- The American Civil Liberties Union used DCRP data in their 'Blog of Rights' posting to lobby for the passage of the reauthorization of the Death in Custody Reporting Act, entitled, "A Step in the Right Direction: Death in Custody Reporting Act to Be Voted on in the House" in August of 2011.
- The American Psychiatric Association's *American Psychiatric Publishing Textbook of Suicide Assessment and Management, Second Edition* (2012) used DCRP data in a section on suicides in special populations.
- In the case of a class-action lawsuit against the California Department of Corrections regarding the quality of healthcare provided to inmates (*Plata, Coleman, et al. v.*

⁴ Alpert, Geoffrey P., Michael R. Smith, and Lorie Fridell. Multi-Method Evaluation of Police Use of Force Outcomes: Cities, Counties, and National, 1998-2007 [United States]. ICPSR25781-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2011-04-28. doi:10.3886/ICPSR25781.v1

⁵ On the Problems and Promise of Research on Lethal Police Violence: A Research Note *Homicide Studies February 2012 16: 78-96, first published on December 13, 2011* doi:10.1177/1088767911430861

⁶ Torrey, E.F., Fuller, D.A., Geller, J., Jacobs, C., & Ragosta, K. (2012). *No Room at the Inn: Trends and Consequences of Closing Public Psychiatric Hospitals*. Treatment Advocacy Center: Arlington, VA. Retrieved on July 20, 2012 from http://tacreports.org/storage/documents/no_room_at_the_inn-2012.pdf

⁷ United Nations, 2009, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*. <http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/A.HRC.11.2.pdf>

Schwarzenegger, et al.), both parties made extensive use of DCRP prison mortality statistics.

- Psychiatrists from several teaching hospitals, such as Bellevue, St. Vincent's and St. Luke's Hospitals in New York City, have requested data on suicides in prisons and jails.
- Staff at the Centers for Disease Control and Prevention's National Center for Health Statistics (NCHS) reported that the DCRP collection is important and useful for understanding certain types of mortality that they cannot address with their national mortality files. (See item 4 below, "Efforts to Identify Duplication.")

Law Enforcement, correctional administrators and researchers

- After experiencing high-profile deaths of inmates in their facilities, jail administrators in 10 states have used DCRP statistics to compare their own mortality rates with those of all other jails statewide. The relative frequency of these requests led BJS to begin publishing jail death counts and mortality rates by state
- The Wisconsin, Georgia, and Mississippi Departments of Corrections recently requested DCRP data regarding inmate homicides (Georgia) and suicides (Wisconsin and Mississippi) to inform annual reporting.
- The Oklahoma State Department of Health Injury Prevention Service uses DCRP tables in regular "Injury Updates" as part of its Injury Surveillance Program.
- Oklahoma State Bureau of Investigation's Statistical Analysis Center produced a report in 2010 that examined arrest-related deaths in the State in 2009.⁸
- The Center for the Analysis of Crime Statistics at the University of Nevada produced a data brief using ARD data in September 2010 presenting details related to the arrests-related deaths in custody that occurred in Nevada during 2009. The report included information on when the incidents occurred, demographic information of the suspects, the cause and manner of the reported deaths, the mental/physical condition of the suspect at the time of the incidents, the location of the death, and whether the suspects were armed.⁹
- A June 2009 report from the Massachusetts Executive Office of Public Safety and Security Research used ARD data to provide an overview of deaths that occurred during the process of arrest between 2003 and 2008.¹⁰
- The Ohio Office of Criminal Justice Services used ARD data on their 2011 report that summarized Ohio arrest-related deaths that took place from 2008 to 2010.¹¹
- Citing ARD data, a November 2011 Grits for Breakfast blog post reported that Texas accounted for nearly 15 percent of arrest-related deaths while comprising only a little over 8 percent of the U.S. population.¹²

BJS planned topical studies and enhancements

⁸ Oklahoma State Bureau of Investigations. (2010). *Oklahoma Statistical Analysis Center 2009 Deaths in Police Custody: Selected Findings*. Oklahoma State Bureau of Investigations: Oklahoma City, OK.
<https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=257647>

⁹ Hart, T.C., Kelly, B., & LaHai, C. (2010). *Arrest-Related Deaths in Nevada, 2009. (CACs 2010-0101CR)*. University of Nevada, Las Vegas: Las Vegas, NV.

¹⁰ Penman, S. (2009, June). *Analysis of Massachusetts arrest-related deaths: An overview of deaths occurring in the process of arrest between 2003 and 2008*. Boston, MA: Massachusetts Executive Office of Public Safety and Security, Research and Policy Analysis Division. <http://www.mass.gov/eopss/docs/eops/publications/070209-arrest-related-deaths.pdf>

¹¹ Ellis, M. (2011, December). *Ohio arrest-related deaths, 2008–2010*. Ohio Department of Public Safety, Office of Criminal Justice Services. http://www.publicsafety.ohio.gov/links/ocjs_arrestrelateddeaths2008-2010.pdf

¹² Henson, S. (2011, November 21). Texas reports disproportionate number of arrest-related deaths. <http://gritsforbreakfast.blogspot.com/2011/11/texas-reports-disproportionate-number.html>

Having established this framework for tracking trends in mortality, and describing in more detail the nature of mortality in each setting, BJS plans to enhance its analysis and reporting on mortality in custody of the criminal justice system by initiating several efforts to expand the substantive issues it will address with the DCRP data and enhance the scope of its coverage of mortality throughout the criminal justice system. These studies will address information gaps that will inform understanding of the operation of the criminal justice system and lead to improvements in its collection of mortality data.

- A study to assess whether the imprisonment experience adds to or diminishes years of life of persons incarcerated.
- A study to address the exposure period in local jails.
- Studies based on linking administrative record systems to expand the coverage of the DCRP to include persons supervised in the community after being released from prison.
- Infrastructure building efforts to assess the completeness of cause of death information provided by local jail respondents.
- Studies to assess coverage issues in the ARD collection.

One finding in the literature on mortality in corrections is that mortality rates in prison are lower, once adjusted for demographic compositional differences, than those in the general population and that prison adds years of life to the incarcerated, particularly for black men.¹³ These findings stem from all-cause comparisons and leave unanswered the question of whether the underlying reason for the difference is due to the protection that prisons provide from causes of death that are prevalent among young men, such as homicide. To address this issue more fully, BJS will study cause-specific mortality rates in prison as compared to the general public, again, adjusting for compositional differences in the respective populations.

In local jails, which experience extreme turnover in populations, an issue confounding comparisons of mortality in jails to prisons and to the general population, is that the exposure period for most jail inmates is so brief that even comparisons based on the average daily population of jail inmates are inadequate. The mean time served in local jails is about three weeks and almost half of all persons booked into local jails spend two or fewer days there. With such short exposure periods, it is difficult to compare annual jail mortality rates directly with the annual mortality rates of the general population, as the vast majority of persons in the general population spend an entire year exposed. To address this, BJS will use other data in its collections from large jails on the distribution of time served to estimate hazard rates conditional upon days spent in jail and compare these to similar rates for the general and prison populations. This analysis will provide guidance to jail administrators in developing policies and practices for a range of causes of death, as it suggests that understanding and preventing some types of deaths in jails requires a shift in thinking away from managing the stock population to managing the population based upon when inmates arrive in jail.

Existing research on post-prison mortality in selected jurisdictions indicates that mortality rates among former prisoners spike within the first two weeks following release, due mostly to drug overdoses.¹⁴ BJS' internal research using its NCRP data on fact of death among parole discharges finds that about half of parolee deaths occurred within about 16 months of release, and the crude mortality rate among parolees is thrice that of the in-prison mortality rate based on counts of death from BJS' Annual Parole Survey (OMB No. 1121-0064).

¹³ Patterson, Evelyn J. 2010. "Incarcerating Death: An Analysis of Mortality in United States' State Correctional Facilities, 1985-1998." *Demography* 47: 587-607.

¹⁴ Binswanger, I., Stern, M., Deyo, R., Heagerty, P., Cheadle, D., Elmore, J., and Koepsell, T. 2007. *Release from prison – a high risk of death for former inmates*. The New England Journal of Medicine, Vol. 356, pp 157-165.

These findings raise important questions about post-prison mortality that BJS does not currently address with the DCRP. Are the high mortality rates common across all states? Is there a consistent pattern across states of high levels of drug-related deaths among released prisoners? Do the causes of death represent former prisoners' return to risky lifestyles and criminal activity? Are the years of life "gained" by prisoners through lower mortality in prison lost with the high levels of post-prison mortality? The current DCRP cannot address these issues and our plan for examining them is to implement record-linkage between the NCRP records and the mortality records maintained by the National Center for Health Statistics (NCHS)' National Death Index (NDI). We plan to link NCRP with NDI using the direct and indirect identifiers currently in the NCRP, such as names, dates, and state of death. The linked dataset will enable us to study post-prison release mortality and compare it with in-prison mortality as provided by the DCRP. From the linked NCRP-NDI data, BJS will be able to determine, first, if this pattern holds across different states or whether other patterns of post-prison mortality occur; second, to make within-jurisdiction comparisons of in-prison mortality (from the currently collected DCRP data) with post-prison recidivism to examine relationships between the two; and third, to test the feasibility of an NCRP-NDI link as a relatively inexpensive means to expand the coverage of the DCRP to include community corrections populations. A data system based on an NCRP-NDI linkage would impose no additional burden on NCRP respondents and fill an important gap in BJS correctional mortality statistics.

If the NCRP-NDI linkage proves to be reliable, BJS can lengthen the post-prison release follow-up period to address questions related to how imprisonment is related to longer-run life chances of formerly incarcerated persons. Even after an individual is no longer under correctional supervision, his death is of interest because it can inform us about the incarceration experience. Specifically: Do formerly incarcerated individuals have shorter life spans than the general U.S. population, and does this differ by demographic characteristics? Are former inmates more likely to die from drug overdoses or violent means? Do differences exist between jails and prisons, or between states, that can explain the variation in death rates for those involved in the criminal justice system?

Within the DCRP, BJS has several concerns about data reliability and costs to administer the collections. BJS intends to undertake two specific studies to address these concerns. First, in collecting data on cause of death and circumstances surrounding deaths in local jails, the burden falls upon local jail officials to track down the information about causes of death; sometimes this requires follow-up after a coroner or medical examiner's inquiry. In addition through the existing DCRP, officials can report up to four causes of death, but BJS does not know the extent to which jail officials report only the leading cause when multiple causes are available on an autopsy or other medical examiner report. To address these concerns, we plan to link three years of known DCRP decedents to the NDI and analyze the completeness and accuracy of reports that we have received, as well as take advantage of the information on up to 10 causes of death on the official death certificates provided by the NDI to study underlying causes of illness deaths. Should we find reporting problems by local officials (as compared to the official records in the NDI), we will use this information to devise strategies to improve data collection. Should we find that the underlying cause of death information that comes with the NDI records provides a more complete description of mortality in local jails, we will establish as part of the future DCRP mechanisms for linking to NDI on a recurring basis to study underlying causes of mortality for both prison and jail deaths. We note that we cannot use the NDI as the main vehicle for providing timely data on cause of death in prisons and jails because of the roughly two-year lag associated with completing the collection for the NDI, but for special studies of mortality,

linking DCRP to NDI remains a low-cost option that puts no additional burden on respondents for obtaining additional information about mortality in custody.

Second, the ARD collection obtains deaths in the process of arrest primarily by relying on state-level respondents to gather and report the information on each death associated with the arrest process for all state and local law enforcement agencies in their state. Because the offices acting as SRCs vary, methods used to identify deaths also vary. BJS acknowledges that this variation could contribute to state-level variation in data quality and program coverage. As such BJS began undertaking efforts to document SRC collection and reporting strategies and to validate all data submitted by SRCs and to monitor open-sources to determine if the current ARD program methodology produces high quality data. During efforts to assess the quality of the ARD data, BJS discovered (through follow-up with SRCs and through open-source searches) that many eligible cases were not identified through the current program methodology.

Given the approach to collecting the data, BJS has concerns about the coverage and reliability of reports from year-to-year. BJS is currently undertaking an effort to complete preliminary analysis that links and compares law enforcement homicides in the DCRP-ARD (a subset of all types of death reported to ARD) with justifiable homicides in the FBI's Supplementary Homicide Reports (SHR). These two categories—law enforcement homicides in the DCRP-ARD and justifiable homicides in the SHR—are comparable in that both identify homicides perpetrated by law enforcement officers. All else being equal, BJS would expect that the DCRP-ARD counts of law enforcement homicides to exceed the number of justifiable homicides at the agency level, as not all law enforcement homicides end up being classified as justifiable homicides.

BJS first conducted an analysis between the SHR and the DCRP-ARD in the 2007 BJS report 'Arrest-Related Deaths in the United States, 2003-2005.'¹⁵ BJS found that although there were some differences at the state-level, in the aggregate, the total number of law-enforcement homicides reported to the DCRP (1,095) were a near match to those reported to the SHR (1,082). An analysis of characteristics of deaths reported to the two collections found that nearly all of the decedents were male, the average age was 33 years old, and over 80% were killed by a handgun. Despite convergence at the national level, there were considerable differences at the state-level. Four states (Maryland, Georgia, Washington, DC and Florida) reported to one collection but not the other, and in seven states that reported to both collections, the aggregate counts differed between the two collections.

But the aggregate analysis at the state level masked differences within states at the agency level. To better understand the sources of the discrepancies, BJS tasked RTI, the current national-level data collection agent, to investigate the extent of missing data and report on the coverage of the ARD program. RTI is currently conducting a capture-recapture analysis on a smaller set of eligible ARD cases, homicides by law enforcement. RTI is using a subset of cases because these cases can be compared to data collected through the FBI's Supplementary Homicide Reports. Furthermore, homicides by law enforcement have a high rate of reporting by SRCs since they are clearly within the program's scope and are relatively easy to identify since they typically have a high-level of visibility due to the nature of the death. For this assessment, RTI is examining law enforcement homicides in ARD and comparing them with justifiable homicides in SHR using data from the entire ARD program (2003-present). The assessment consists primarily of matching records from the two programs to determine the amount of overlap in reporting across the ARD and SHR programs. The case-level assessment is used to estimate the number of cases

¹⁵ Mumola, C., 2007 *Arrest-Related Deaths in the United States, 2003-2005*. U.S. Department of Justice, Bureau of Justice Statistics, NCJ 219534

captured by both programs, the number of cases uniquely reported to one of the programs, and number of cases that were not reported to either program.

BJS will use the results of the analysis of DCRP-ARD and SHR data on law enforcement homicides to improve its understanding of the coverage of ARD. Based on the findings from the on-going data collection operation and data quality investigations by the data collection agency, BJS will assess the ARD program and make recommendations to modify the current data collection process in a systematic manner to improve data quality and to understand potential sources of variation in data quality that may occur between SCRs.

None of these planned enhancements to the DCRP require major substantive changes to the collection instruments.

3. Use of Technology

BJS established an internet-based data collection tool for the DCRP in 2003; local jails were the first to use this technology and state prison respondents' access began in 2004.

During the past two years, BJS and its DCRP data collection agent, RTI International, have reviewed and analyzed the web-based collection instruments. Based on analytics and comments obtained from respondents during follow-up, the bulleted items that follow are ways in which DCRP is and/or will be using information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

- ***Real time, “always on” data collection.*** With the start of a calendar year, respondents will have access to the web collection instrument and can report information on deaths as they occur, rather than having to wait to submit incident reports on a quarterly basis.
- ***Improvements in identifying the reporting year.*** Because the DCRP-Prisons and DCRP-Jails collections are “always on,” the Web site will include buttons that allow them to select the relevant year and access multiple years if needed.
- ***Pre-filled forms.*** New forms are prepopulated with year of death and respondent contact information, eliminating the need for respondents to enter this information unless there has been an update to contact information.
- ***Improvements in survey flow.*** The online data collection tool follows the paper forms, but enhancements to the web tool facilitate navigation through the form. Respondents will be led through the items in smaller segments rather than scrolling through the items on a single screen, minimizing the possibility of them inadvertently skipping an item. This simultaneously enhances data quality while reducing the likelihood of future data quality follow-up.
- ***Enhanced capacity to add death reports.*** Respondents will be able to create new blank death records for data entry simply by choosing an “Add a Death Report” option button. We expect that this will be especially helpful for larger jails and prisons, which often submit multiple deaths at a time.

- **Enhanced capacity to review existing death reports.** Respondents will be able to easily locate existing records based on a combination of identification criteria (e.g., date of death, date of birth, etc.) or by a list of inmate names.
- **Timeout warning so that important data are not lost.** Due to data security reasons, it was necessary to program the Web site to have time-out functionality when there is no movement in a given period of time, which results in lost data. Such warnings will be sent to respondents to help to prevent this loss and eliminate subsequent rekeying of data.
- **Real-time prompts that alert respondents of potential errors.** The functionality of the Web forms will be enhanced to alert agencies of potential data problems. This will include the use of soft prompts when respondents report improbable values on the prison and jail death forms and the jail annual summary forms. This should reduce data errors and item non-response.
- **On-screen reporting capabilities.** Upon completion of each jail or prison form, respondents will receive an on-screen report that summarizes their responses. This enhancement was designed in response to respondents' interest in wanting to assess the completeness of their submission while allowing them to review and edit their entries prior to final submission.
- **Explicit confirmation of form completion following online form submission.** Upon submitting their data, respondents will receive explicit confirmation that their submission is complete for the relevant reference year.
- **Paper versions of submissions for Web respondents.** Many respondents have expressed that, while they prefer to use the Web-based tool to enter their data, they also need paper copies for documentation. An enhancement to the jail and prison data collection Web tool will allow respondents to print any needed reports following their final data submission.
- **Real-time reporting to RTI of errors encountered by respondents.** In 2009, RTI introduced an error log, which notifies RTI of errors encountered by respondents as they maneuver within the DCRP Web site. This allows RTI to identify and correct systemic issues, which in turn, has resulted in increased user satisfaction with Web reporting. (This is a behind-the-scenes enhancement that does not affect the content of the instrument.)
- **Continual additions to the frequently asked questions (FAQs) document.** The FAQ is available on the public-facing DCRP Web site (<http://bjsdcrp.rti.org>) and can be accessed without a user credentials. BJS and RTI modify the content in response to evolving needs.

The ARD collection will begin in 2013 as a paper collection. Effort is underway to develop and complete tests for a web-based collection tool that will obtain the information requested in the paper forms. At the time that the web-collection instrument for ARD is complete, BJS will submit screen shots of the web-collection tool and all relevant supplemental materials to OMB for review and approval

4. Efforts to Identify Duplication

While there are other sources of mortality data related to the topic of custodial deaths, none are as comprehensive as the DCRP. Since the beginning of the DCRP, BJS has undertaken efforts to identify other national data collections that could be duplicative of the DCRP. BJS has identified

three national collections that collect mortality data that are related to the DCRP data, but there are significant differences between these systems and the DCRP and the other systems do not duplicate the DCRP.

The Center for Disease Control and Prevention's National Violent Death Reporting System (NVDRS) tracks homicides and suicides in 18 states in the U.S. The NVDRS is a state-based surveillance system that triangulates data from death certificates, medical examiner/coroner reports and police reports to create a database on violent deaths. Like the DCRP, the program captures officer-involved homicides, but while NVDRS tracks suicides in the general U.S. population, it does not track suicides in the process of arrest. NVDRS also excludes deaths by suicide or homicide in correctional settings in its reporting. The NVDRS only collects information on violent deaths, and therefore does not duplicate the DCRP efforts to collect non-violent deaths, such as those attributed to intoxications, accidents, and natural causes or illnesses. The time period for the collection of the NVDRS is longer than the DCRP; therefore even for the deaths in states with overlap, the NVDRS cannot meet BJS' goals for timeliness.

The Supplementary Homicide Report (SHR) is part of the FBI's Uniform Crime Report. The (SHR) is a voluntary data submission that was added to the UCR to capture standardized, incident-based information about homicides. The SHR captures basic data on the type of homicide, the relationship between the deceased and the assailant including justifiable homicides by law enforcement, and demographic characteristics of the deceased. The justifiable homicides by law enforcement are similar in content to the ARD's law enforcement homicides.

While there is overlap between the SHR and ARD data with respect to the number of justifiable homicides by law enforcement officers, the two collections are not duplicative. The ARD program scope is broader than that of the SHR and includes homicides by law enforcement that were not deemed "justifiable," as well as arrest-related deaths attributed to suicide, intoxication, accidents, and natural causes. Almost half of the deaths recorded in the ARD program are outside of the SHR's restricted scope. In addition, the information collected by the SHR is limited with respect to the circumstances related to the incident. The ARD program is capable of providing additional details about the incident that are unavailable in the SHR, such as actions taken by both the decedent and law enforcement during the event that caused that the death.

The Centers for Disease Control and Prevention's National Center for Health Statistics (NCHS) also compiles mortality statistics, including a category for law enforcement homicides. In collecting death certificates for all deaths in the United States, NCHS classifies causes of death according to the International Classification of Disease, 10th revision (ICD-10). Under the ICD-10 system, deaths can be classified as "deaths by legal intervention" (code Y35). NCHS collects data on all deaths nationwide, but can only report criminal justice population deaths as "legal intervention deaths." BJS determined after an exchange with NCHS staff that this category includes only a limited number of such deaths, mostly fatal shootings by police. None of the other forms of arrest-related deaths are included. The NCHS death records are typically reported by coroners' and medical examiners' offices. These data providers may not always use the specific ICD-10 code to designate law enforcement homicides separately from other homicide cases. The respondents may also not know if the deceased was involved in an attempted arrest at the time of death.

Deaths due to causes other than homicide (illness, AIDS-related deaths, accidents, including intoxication deaths, suicides and other causes) that occur in the process of arrest or in local jails or state prisons are not measured by other national collections. Therefore, the DCRP is not duplicated by any other program or government agency. A search of the National Criminal

Justice Reference Service (NCJRS) repository did not reveal any duplication. After an extensive search for counts or description of deaths by cause, BJS has determined that the information sought is not obtainable from any other internal or external data source. All other deaths involving persons in the process of arrest or held in correctional custody are not systematically identified.

Expanded information collected in the 2013 ASF is not duplicated by any other program or government agency. BJS conducted a search of the National Archives of Criminal Justice Data (NACJD) to identify other data on jails that are archived there. The search did not reveal any duplication with information in the 2013 ASF/Jail Census.

5. Impact on Small Businesses

This statistical collection does not involve small businesses or other small entities.

6. Consequences of Less Frequent Collection

Collecting death records on a less than annual basis would compromise BJS' capacity to report in a timely manner on trends of deaths in custody; it would pose challenges for data collection due to the relatively high turnover among respondents to the DCRP-Jails collection; and it would impose additional costs associated with restarting the collection at various intervals.

Less than annual collection would delay publication of mortality data and collection on other than an annual cycle would make it difficult for BJS to maintain the high levels of participation. Respondents know that the collection is annual and over the years have developed internal procedures to facilitate responding to the DCRP. Every year since collection began, BJS has been able to collect data from all 50 state Departments of Corrections and at least 97% of all jail jurisdictions. Due to the voluntary nature of the collection and the sensitivity of the information collected, it is likely some drop in participation would take place if collection ceased and did not resume for 2 or more years.

Turnover among respondents to the collection would potentially negatively impact response rates and increase follow-up costs if the collection were fielded less frequently. With annual collection, BJS learns about pending turnover during routine data collection and verification calls (see Part B, section 2 for more information) and can plan for it. With less frequent collection, each effort to obtain data from the approximately 3,000 jail jurisdictions nationwide would require extra effort to implement the collection.

Further, were the collection done on less than an annual basis there would be a loss of information. DCRP respondents have relayed that medical records and death certificates are often shipped off site within a comparatively short period of time, usually within a year of the death. If the data were collected on less than an annual basis, some respondents would no longer be able to access this critical piece of data. Other respondents would be required to go to off-site storage to obtain records, typically at an additional cost to the respondent. This would likely result in a negative effect on participation in the voluntary collection.

Were the collection to be done every 2 years, BJS would incur additional costs associated with tracking down new respondents and in all likelihood the data would not only be delayed, but of poorer quality.

Concerning the expanded 2013 ASF: BJS typically conducts the Census of Jails every 5 to 6 years. This data collection has two primary goals: obtaining an updated sampling frame for other data collections (such as the Annual Survey of Jails) and information on jail operations such as staffing and expenditures. BJS conducted the last Census of Jails in 2006. This means that, for example, (because of limited resources and budgetary considerations) the sample panel for the Annual Survey of Jails has been the same for longer than the traditional 5 to 6 years. BJS plans to keep the current panel of jail jurisdictions in the sample until completion of the 2014 Annual Survey Jails. This new Census of Jails (2013 ASF) will be used to design and draw a new sample for ASJ. BJS expects to use the new sample for the 2015 Annual Survey of Jails.

7. Special Circumstances Influencing Collection

These data will be collected in a manner consistent with the guidelines in 5 CFR 1320.6.

8. Federal Register Publication and Outside Consultation

The research under this clearance is consistent with the guidelines in 5 CFR 1320.6. The 60- and 30-day notices for public commentary have been published in the Federal Register (Volume 77, Number 116, Page 36,010 on June 15, 2012, and Volume 77, Number 179, Page 56,863 on September 14, 2012, respectively). A revised 30 day notice was published on September 6, 2013 (Volume 78, Number 173, page 54920) In renewing the data collection procedures, BJS has consulted with various experts to obtain their views on the instruments. BJS consulted the following law enforcement officials and experts:

- John Firman, Research Director, International Association of Chiefs of Police (Alexandria, VA)
- Fred Wilson, Director of Operations, National Sheriffs' Association (Alexandria, VA)
- Bruce Kubu, Senior Research Associate, Police Executive Research Forum (Washington, DC)
- Karen Amendola, Chief Operating Officer, Police Foundation (Washington, DC)
- Darrel Stephens, Executive Director, Major Cities Chiefs Association
- Rich Stanek, President, Major County Sheriffs' Association (Alexandria, VA)
- Mora Fiedler, Senior Social Science Analyst, Community Oriented Policing Services (Washington, DC)
- Howard Williams, Chief, San Marcos Police Department (San Marcos, TX)
- Mimi Walsh, PhD. Strategic Initiatives Manager, Seattle Police Department (Seattle, WA)
- Dr. Todd Wuestewald, University of Oklahoma (Norman, OK)
- Dr. David Klinger, Associate Professor, Department of Criminology and Criminal Justice, University of Missouri – St. Louis

- Dr. Geoffrey Alpert, Professor, Department of Criminology and Criminal Justice, University of South Carolina

BJS consulted the following public health, medical examiner, and correctional health researchers about the content of the DCRP forms:

- Robert Anderson, Chief, Mortality Statistics Branch, National Center for Health Statistics, CDC
- Ingrid Binswanger, MD, MPH, University of Colorado, Denver School of Medicine
- Evelyn Patterson, Department of Sociology and Crime, Vanderbilt University
- Nick Scharff, MD, Pennsylvania Department of Corrections, Medical Director, Inmate Medical Services
- William Bozeman, MD, Wake Forest University
- Alex Crosby, MD, Centers for Disease Control
- Kurt Nolte, MD, Associate Director of Research, New Mexico Office of the Medical Investigator
- Jeri Roper-Miller, PhD, Senior Forensic Scientist, Research Triangle Institute (Research Triangle, NC)

Items in the 2013 ASF have been previously tested and are currently fielded in the Annual Survey of Jails and were part of the previous Census of Jails instruments.

BJS received no comments during the 60-day comment period following the publication of this proposed information collection in the Federal Register (Volume 77, Number 116 Page 36,010 on June 15, 2012).

9. Payment or Gift to Respondents

Participation is without direct payment or compensation.

10. Assurance of Confidentiality

BJS' pledge of confidentiality is based on its governing statutes Title 42 USC, Section 3735 and 3789g, which establish the allowable use of data collected by BJS. Under these sections (see attached), data collected by BJS shall be used only for statistical or research purposes and shall be gathered in a manner that precludes their use for law enforcement or any purpose relating to a particular individual other than statistical or research purposes (Section 3735). BJS staff, other federal employees, and RTI International staff (the DCRP data collection agent) shall not use or reveal any research or statistical information identifiable to any specific private person for any purpose other than the research and statistical purposes for which it was obtained.

Pursuant to 42 U.S.C. Sec. 3789g, BJS will not publish any data identifiable specific to a private person (including respondents and decedents). BJS does not plan to report any

data at the institution or facility level in which deaths occur. Requests for private information through the Freedom of Information Act will be forwarded to the Office of Justice Programs' General Counsel for determination of data to be released.

11. Justification for Sensitive Questions

Items regarding cause of death and circumstances surrounding each death were originally required by the *Deaths in Custody Reporting Act of 2000* (PL 106-297) and BJS continues to request these items because they are essential to understanding mortality in the criminal justice system. Such items may be considered sensitive to correctional and law enforcement administrators; however, this information is a matter of public record, as part of reports by medical examiners and coroners.

12. Estimate of Hour Burden

The DCRP will collect data from 3,102 respondents, including 52 state respondents for the ARD (50 state-level data providers, the District of Columbia, and the New York City Police Department), 3,000 local jail respondents and prison administrators in all 50 states. Estimates of annual burden on respondents are based on the number of hours required to review the instructions associated with the instruments, search existing data sources, obtain information necessary to complete data collection instruments, and provide follow-up responses and verification. Burden estimates are based on 2009 and 2010 data for arrest-related, jail, and prison respondents. A general summary of how burden estimates were calculated are provided in Table 1, with more detailed text below.

Table 1. Summary of Total Respondent Burden for DCRP Data Collection

Reporting Method	Type of Data Supplier	Number of Data Suppliers	Number of Responses	Average Reporting Time	Total Burden Hours
Mail and Online Data Entry....	Local Jails – Death Records ¹	600	902	30 minutes per death.....	451
Mail and Online Data Entry....	Local Jails – Annual Summary ^{2a}	3,000	3,000	15 minutes.....	750
Mail and Online Data Entry....	Local Jails – Annual Summary ^{2b}	3,000	3,260	80 minutes.....	4,347
Mail and Online Data Entry....	State Prison – Death Records ³	50	3,198	30 minutes per death.....	1,599
Mail and Online Data Entry....	State Prison – Annual Summary ⁴	50	50	5 minutes.....	4
Telephone.....	Local Jails– Verification Call	3,000	3,000	8 minutes.....	400
Telephone.....	State Prisons – Verification Call	50	50	8 minutes.....	7
Mail, E-mail, and Fax.....	Arrest-Related Death Record ⁵	52	900	60 minutes per death.....	900
Mail, E-mail, and Fax.....	Arrest-Related Death Summary ⁶	52	208	5 minutes.....	18
TOTAL 2012 and 2014.....	.....	3,102	11,308	.....	4,129
TOTAL 2013.....	.....	3,102	11,568	.....	7,726

¹The forms associated with local jail death records are forms CJ-9 and CJ-10.

^{2a}The forms associated with the 2012 and 2014 local jail annual summaries are forms CJ-9A and CJ-10A.

^{2b}The form associated with the expanded 2013 local jail annual summaries are forms CJ-9A/10A.

³The form associated with the state prison death records is form NPS-4A.

⁴The form associated with the state prison annual summary form is form NPS-4.

⁵The form associated with arrest-related death records is form CJ-11A.

⁶The form associated with arrest-related death summary is form CJ-11.

Arrest-related Death Respondent Burden - Based on 2009 and 2010 data, we expect to receive approximately 900 arrest-related death reports from State Reporting Coordinators (SRCs). The average response time for CJ-11 Summary Report is 5 minutes per state, per reporting period. Although some SRCs will only submit a single CJ-11 Summary Report (i.e., those selecting an

annual reporting cycle), others will submit a CJ-11 Summary Report for each quarter, totaling four reports per calendar year. As we are unsure how many SRCs will continue to submit quarterly CJ-11 Summary Reports and how many will opt to submit an annual Summary Report, we estimated the maximum burden to reflect each state as submitting four quarterly CJ-11s. The average response time for each CJ-11A Incident Report is 60 minutes per death. Given these assumptions, we expect that in any data collection year:

- 52 arrest-related death respondents (SRCs) will each submit summary forms (CJ-11), with an average response time of 5 minutes per annual summary form, for a total burden of 18 hours.
- 52 arrest-related death respondents (SRCs) will submit 900 death reports, with an average response time of 60 minutes per death report form, for a total burden of 900 hours.

Thus, the total burden of hours associated with the arrest-related deaths data collection is 918 hours.

Jail Respondent Burden. Analysis of data from past years shows that approximately 80% of jails nationwide have zero deaths in a given calendar year. For those reporting zero deaths, jail respondents only need to fill out an annual summary form (i.e., Forms CJ-9A and CJ-10A) on which only five items are requested. Based on prior years' reporting, we estimated a reporting time of 15 minutes. Thus, we expect that in a data collection year:

- For 2012 and 2014, 3,000 jail jurisdiction respondents will have an average response time of 15 minutes per annual summary form, for a total of 750 hours.
- For 2013, 3,000 jail jurisdiction respondents (central data reporters) will have an average response time of 80 minutes per annual summary form (3,260 responses/facilities), for a total of 4,347 hours.

Based on the 2010 data collection, approximately 20% of the 3,000 jails will complete death reports (i.e., Forms CJ-9 and CJ-10), resulting in 600 respondents. Based upon 2009 and 2010 data, 22% of the total 4,100 death reports received were from jails, thus we expect to receive approximately 902 death reports from jails. The average response time for the death report forms is 30 minutes per death, including follow-up time for data quality checks. Given these assumptions, we expect that in any data collection year:

- 600 jail jurisdiction respondents will submit 902 death records with an average response time of 30 minutes per death report form, for a total burden of 451 hours.

The 3,000 jail respondents will be called to participate in the verification call (with an estimated reporting time of 8 minutes). We expect that in any data collection year:

- 3,000 jail jurisdiction respondents will have an average response time of 8 minutes per verification call, for a total burden of 400 hours.

Thus, the total burden of hours associated with the jail data collection is 1,596 hours, with the majority of jail respondents (2,400 jail respondents) averaging 0.38 hours per year and the remaining 600 respondents spending an average of 1.14 hours.

State Prison Respondent Burden. Reporting time estimates from state prison authorities are also based on previous DCRP data collection cycles. Based on 2009 and 2010 data, 78% of the total 4,100 death reports received were from state prisons; thus, we expect to receive approximately 3,198 death reports from state prisons. The average response time for the death report form (i.e., NPS-4A) is 30 minutes per death, including follow-up time for data quality checks. Given these assumptions, we expect that in any data collection year:

- 50 state prison respondents will submit 3,198 death reports, with an average response time of 30 minutes per death report form, for a total burden of 1,599 hours.

Each state prison respondents will need to fill out a one-item annual summary form (i.e., NPS-4) with an estimated reporting time of 5 minutes. Thus, we expect that in any data collection year:

- 50 state prison respondents will each submit an annual summary forms, with an average response time of 5 minutes per annual summary form, for a total burden of 4 hours.

The 50 state prison respondents will be called to participate in the verification call (with an estimated reporting time of 8 minutes). We expect that in any data collection year:

- 50 state prison respondents will have an average response time of 8 minutes per verification call, for a total burden of 7 hours.

Thus, the total burden of hours associated with the prison data collection is 1,610 hours, with an average burden of 32 hours per year across the 50 state prison respondents.

13. Estimate of Respondent Cost Burden

We do not expect respondents to incur any costs other than that of their time to respond. The information requested is of the type and scope normally collected as part of their operations and no special hardware or accounting software or system is necessary to provide information for this data collection. Respondents are not expected to incur any capital, startup, or system maintenance costs in responding. Further, purchasing of outside accounting or information collection services, if performed by the respondent, is part of usual and customary business practices and not specifically required for this information.

Based on the total burden hours at an average of \$23.00 per hour (based on Bureau of Labor Statistics data), we estimate the annual cost to respondents to be \$95,795 per year.

14. Estimated Cost to Federal Government

Total cost to the federal government for all aspects of the program will be \$1,072,643 for 2012 and 2014, and \$1,140,602 for 2013.

BJS Cost Estimate Summary

These costs include \$148,500 in 2012 and 2014, and \$157,800 in 2013 for overall program management, data analysis, publication review, and dissemination by BJS:

Staff costs:

All data collections, rounded to the nearest \$100 (forms CJ-9, CJ-9A, CJ-10, CJ-10A, NPS-4, NPS-4A, CJ-11, CJ-11A) = \$148,500 in 2012 and 2014, and \$157,800 in 2013.

	2012 and 2014	2013
• 5% GS-15, Supervisory Statistician	\$6,200	\$6,600
• 30% GS-13, Statistician	\$29,400	\$31,300
• 35% GS-13, Statistician	\$32,200	\$34,200
• 35% GS-11, Statistician	\$22,600	\$24,000
• 5% GS-13, Technical Editor	\$4,900	\$5,200
• 2% GS-12, Production Editor	\$1,700	\$1,800
• 2% GS-13, Digital Information Specialist	\$2,000	\$2,100
• Benefits (subtotal @ 20%)	\$19,800	\$21,040
• Other administrative costs (subtotal @ 30%)	\$29,700	\$31,560
Total, BJS costs:	\$148,500	\$157,800

Data Collection Agent Cost Summary

RTI International is BJS' data collection agent for all three DCRP collections. The annual cost estimates are as follows (see Table 2):

Table 2. DCRP Collection Annual Estimated Cost Estimate

	2012 and 2014	2013
Personnel, benefits	\$454,944	\$489,988
Indirect costs	\$383,343	\$400,520
Computer expenses, materials, services, travel	\$26,002	\$37,391
Shipping, postage, telecommunications, reproduction, other	\$19,237	\$14,897
Subcontractor expenses	\$39,057	\$37,246
Administrative fees	\$1,560	\$2,760
Total costs	\$924,143	\$982,802

15. Reason for Change in Burden

The total respondent burden has decreased from 4,634 hours to 4,129 hours in 2012 and 2014, for a total decrease of 505 hours since the last OMB Clearance was obtained for these activities. The burden has decreased for the following reasons: the aggregate count of deaths from prisons and jails are now counted on an annual basis instead of a quarterly basis; the overall decrease in the number of deaths in jails (from an estimated 1,100 jail deaths from the last OMB submission to 902 based on 2009 and 2010 data) which accounted for a total decrease of 706 hours; and seeing efficiencies in switching from a quarterly annual summary collection to a one-time annual summary collection (from 12,000 jail jurisdiction quarterly summaries in the last OMB submission to 3,000 annual jail summaries, and from 200 prison quarterly summaries in the last OMB submission to 50 annual prison summaries). The decrease in jails and prison hours were counteracted with an increase in hours of 187 hours for arrest-related deaths. Despite these increases, the total overall respondent burden has a net decrease of 505 since the 2009 OMB clearance. For 2013 (7,726 burden hours), the increase in burden from 4,634 in the previous OMB Clearance and 4,129 hours in 2012 and 2014 is the result of the one-time expanded jail ASF that collects additional data from all known jail facilities (3,260).

16. Plans for Publication

BJs' plans for products and publications from DCRP data over the next three years fall into three categories: Technical reports, BJS bulletins, and BJS special topic reports. The products include the following (a calendar of proposed publications is located at the conclusion of this section):

Technical reports

As described in the "Needs and Uses" section (Part A, Item 2), BJS plans to undertake methodological work to address the quality of DCRP data and the DCRP's coverage of the entirety of the criminal justice system. BJS plans to produce technical reports on these issues, each of which will describe the problem, the approaches taken to analyze the problem, the results, and recommendations for improving the utility of the DCRP that will address:

- Completeness of cause of death reporting in the DCRP. This study will use linked DCRP and NDI data to analyze underlying causes of death in order to assess whether the information supplied by local jail respondents, when compared to more complete data on underlying causes, results in similar findings about causes of death in local jails.
- Using the NCRP and NDI to provide mortality statistics on persons released from state prisons and under post-prison supervision (parole). This report will discuss the effort to link NCRP and NDI data to describe mortality of persons on parole and to make recommendations about improving the NCRP's capacity to capture fact of death to use in linking with NDI.
- Coverage of the DCRP-ARD using paradata collected and by comparison to SHR. The report will address ARD coverage issues and will develop method to improve coverage.

BJS Bulletins

Annually, BJS releases statistical tables that report on trends in mortality in law enforcement related deaths, deaths in local jails, and deaths in state prisons. These data provide a "first cut" from an annual collection, and as described above, focus on the effects of changes in the composition of criminal justice populations on the overall change in mortality rates. More specifically, the bulletins/statistical tables will report, annually, on changes in the overall mortality rate and number of deaths, as well as mortality rates by characteristics such as age, sex, race, and jurisdiction in which deaths occurred. BJS will also publish a report using the data from the 2013 ASF similar to the reports originated from the prior Census of Jails. BJS will use the DCRP data in the production of annual statistical tables:

- *Mortality in state prisons and local jails, 2000-2010* (expected release November 2012)
- *Mortality in state prisons and local jails, 2000-2011* (expected release October 2013)
- *Arrest-Related Deaths, 2010-2012* (expected release October 2014)
- *Mortality in state prisons and local jails, 2000-2012* (expected release October 2014)
- *Mortality in state prisons and local jails, 2000-2013* (expected release October 2015)

The annual bulletins also serve as a vehicle for providing updates to previous years' statistics by incorporating into the reports data from delayed data submissions. These statistics are consistent

with the Committee on National Statistics (CNSTAT) recommendation to produce mortality data on a timelier schedule.¹⁶

BJS special topic reports

Periodically, BJS produces special topic reports from its data collections. These reports address a specific issue in more depth than can be addressed in the bulletins. BJS plans during the next three years for special topic reports from the DCRP data include:

- *Overall and cause-specific mortality in state prison and the U.S. resident population.* This paper will compare crude and standardized mortality rates in state prisons with the U.S. resident population on leading causes of death. It will answer questions such as: How much of the change in mortality rates in prisons over time is due to changes in the age, race, and sex composition of the prison population? How much of the difference in mortality rates is due to age, race, and sex compositional differences between the two populations? Which causes of death account for changes in mortality within prisons overtime and differences between prisons and the resident population?
- *Mortality in Immigration Control and Enforcement (ICE) facilities as compared to local jails.* Through an arrangement with the Department of Homeland Security's ICE, BJS has received data on deaths in ICE facilities and will compare mortality in them as compared to local jails, some of which also house ICE inmates. The report will also assess the opportunities for expanding the DCRP to include federal correctional facilities.
- *Homicides by Law Enforcement.* This report will focus on arrest-related deaths attributed to homicides by law enforcement personnel. It will focus on the circumstances related to the death, such as alleged offenses committed by the decedent in the events leading to death, actions taken by both the decedent and law enforcement during the incident, and weapon usage. This report will also use information from the Uniform Crime Report to characterize arrests in the United States.

Table 3. BJS Calendar for DCRP Publications/Products

Type of BJS publication	Title/topic of publication/product	Estimated publication date
Technical report	Completeness of cause of death reporting in local jails	December 2013
Technical report	Coverage of the DCRP-ARD	January 2014
Technical report	Using NCRP and NDI to cover mortality while on parole	June 2014
Annual bulletin	<i>Mortality in state prisons and local jails, 2000-2010</i>	November 2012
Annual bulletin	<i>Mortality in state prisons and local jails, 2000-2011</i>	October 2013
Annual bulletin	<i>Mortality in state prisons and local, 2000-2012</i>	October 2014
Annual bulletin	<i>Arrest-Related Deaths, 2010-2012</i>	October 2014
Annual bulletin	<i>Mortality in state prisons and local jails,</i>	October 2015

¹⁶ Panel to Review the Programs of the Bureau of Justice Statistics, National Research Council. "Abstract." *Ensuring the Quality, Credibility, and Relevance of U.S. Justice Statistics*. Washington, DC: The National Academies Press, 2009.

	<i>2000-2013</i>	
Special topic report	<i>Overall and cause-specific mortality in state prisons</i>	June 2013
Special topic report	<i>Mortality in ICE facilities as compared to local jails</i>	February 2014
Bulletin	<i>2014 Census of Jails Characteristics</i>	December 2014
Special topic report	<i>Homicide by law enforcement</i>	March 2015

BJS will archive DCRP data at the National Archive of Criminal Justice Data on an annual basis. BJS will submit the data files for a given year at the time that it publishes its statistical tables update for that year. Statistical tables for a given calendar year are published in the fall of the following calendar year, given the roughly 18-month period to collect DCRP data. (See Part B, Item 2, Procedures for Information Collection).

17. Expiration Date Approval

The OMB Control Number and the expiration date will be published on all forms given to respondents and on the web portal used for electronic submissions of prison and jail death data.

18. Exceptions to the Certification

There are no exceptions to the Certification Statement. The Collection is consistent with the guidelines in 5 CFR 1320.9.