

Table of Contents: Supplementary Materials

| | |
|--|----------|
| Appendix A: P.L. 106-297, Death in Custody Reporting Act of 2000 | Page 3 |
| Appendix B: 2018 MCI data collection forms | Page 5 |
| Appendix C: The Omnibus Crime Control and Safe Street Act of 1968 | Page 23 |
| Appendix D: P.L. 113-242, Death in Custody Reporting Act of 2013 | Page 31 |
| Appendix E: Report of the Attorney General to Congress Pursuant to the Death in Custody Reporting Act, December 16, 2016 | Page 36 |
| Appendix F: BJS Data Protection Guidelines | Page 49 |
| Appendix G: Bibliography of MCI use in academic publications | Page 60 |
| Appendix H: Screenshots of 2017 MCI web data collection tool | Page 63 |
| Appendix I: MCI frequently asked questions fact sheet | Page 78 |
| Appendix J: 60-day FRN comment from CURE | Page 81 |
| Appendix K: 2018 MCI facility verification call script | Page 84 |
| Appendix L: 2018 MCI email request for data submission | Page 90 |
| Appendix M: 2018 MCI postal request for data submission | Page 93 |
| Appendix N: 2018 MCI data submission first reminder email | Page 100 |
| Appendix O: 2018 MCI data submission second reminder letter | Page 104 |
| Appendix P: 2018 MCI data quality follow-up call script and email | Page 106 |

Appendix A

P.L. 106-297, Death in Custody Reporting Act of 2000

Public Law 106-297
106th Congress

An Act

To amend the Violent Crime Control and Law Enforcement Act of 1994 to ensure that certain information regarding prisoners is reported to the Attorney General.

Oct. 13, 2000
[H.R. 1800]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Death in Custody Reporting Act of 2000”.

Death in Custody
Reporting Act of
2000.
42 USC 13701
note.

SEC. 2. REPORTING OF INFORMATION.

Section 20104(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704(a)) is amended—

(1) in paragraph (1)—

(A) by inserting “(A)” after “(1)”; and

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in paragraph (2), by striking “(2)” and inserting “(B)”;

(3) in paragraph (3)—

(A) by striking “(3)” and inserting “(C)”;

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(C) by striking the period and inserting “; and”;

(4) by adding at the end the following new paragraph:

“(2) such State has provided assurances that it will follow guidelines established by the Attorney General in reporting, on a quarterly basis, information regarding the death of any person who is in the process of arrest, is en route to be incarcerated, or is incarcerated at a municipal or county jail, State prison, or other local or State correctional facility (including any juvenile facility) that, at a minimum, includes—

“(A) the name, gender, race, ethnicity, and age of the deceased;

“(B) the date, time, and location of death; and

“(C) a brief description of the circumstances surrounding the death.”.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 1800:

CONGRESSIONAL RECORD, Vol. 146 (2000):

July 24, considered and passed House.

Oct. 3, considered and passed Senate.

Appendix B

2018 MCI data collection forms

Form NPS-4



**MORTALITY IN CORRECTIONAL INSTITUTIONS
2018 ANNUAL SUMMARY OF INMATE DEATHS
IN STATE PRISONS**

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS
AND ACTING AS COLLECTION AGENT:

RTI INTERNATIONAL

FORM COMPLETED BY:

| | | | |
|------------------|----------------------|----------------------|---|
| Name | <input type="text"/> | Title | <input type="text"/> |
| Official Address | <input type="text"/> | Telephone | <input type="text"/> <input type="text"/> |
| City | <input type="text"/> | FAX | <input type="text"/> <input type="text"/> |
| State | <input type="text"/> | Zip | <input type="text"/> |
| E-mail | | <input type="text"/> | |

What deaths should be reported?

INCLUDE deaths of ALL persons...

- Confined in your correctional facilities, whether housed under your jurisdiction or that of another state
- Under your jurisdiction but housed in private correctional facilities, whether located in or out of state
- Under your jurisdiction but in special facilities (e.g., medical/ treatment/release centers, halfway houses, police/court lockups, or work farms)
- In transit to or from your facilities while under your supervision

EXCLUDE deaths of ALL persons...

- Executed in your state
- Confined in local jail facilities, whether located in or out of state
- Under your jurisdiction but housed in a state-operated correctional facility in another state or in a federal facility
- Under probation or parole supervision in your state

During 2018, how many persons died while in the custody of your state correctional facilities?

Number of deaths in 2018

You may submit this form in one of these ways:

ONLINE: Complete this form online at: <https://bjsmci.rti.org>
E-MAIL: bjsmci@rti.org
FAX (TOLL-FREE): (866) 800-9179

MAIL: RTI International, Attn: Data Capture
Project #: 0215015.001.300.117.102.100
5265 Capital Boulevard
Raleigh, NC 27690-1652

For each inmate death, please ensure that you have submitted a **STATE PRISON INMATE DEATH REPORT (NPS-4A)** form. **EVEN IF NO DEATHS OCCURRED**, please enter zero and submit this form.

If you need assistance, contact the data collection team at RTI International toll-free at (800) 344-1387 or bjsmci@rti.org.

BURDEN STATEMENT

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 5 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

Form NPS-4A
(Addendum)
**MORTALITY IN CORRECTIONAL INSTITUTIONS 2018
STATE PRISON INMATE
DEATH REPORT**

 U.S. DEPARTMENT OF JUSTICE
 BUREAU OF JUSTICE STATISTICS
 AND ACTING AS COLLECTION AGENT:
 RTI INTERNATIONAL

FORM COMPLETED BY:

| | | | | |
|------------------|----------------------|-----------|----------------------|-----------------------------|
| Name | <input type="text"/> | Title | <input type="text"/> | |
| Official Address | <input type="text"/> | Telephone | <input type="text"/> | <input type="text"/> |
| City | <input type="text"/> | FAX | <input type="text"/> | <input type="text"/> |
| State | <input type="text"/> | Zip | <input type="text"/> | E-mail <input type="text"/> |

Instructions for Completion
If no deaths occurred in 2018:

- You do not need to complete this form.

If you had more than one death in 2018:

- Make copies of this form for each additional death.
- Complete the entire form for each inmate death.
- Once your death records are complete, there are several ways to submit a death report:

ONLINE: Complete the report online at: <https://bjsmci.rti.org>

MAIL: RTI International, Attn: Data Capture
 Project #: 0215015.001.300.117.102.100
 5265 Capital Boulevard
 Raleigh, NC 27690-1652

E-MAIL: bjsmci@rti.org

FAX (TOLL-FREE): (866) 800-9179

If you need assistance, contact the data collection team at RTI International toll-free at (800) 344-1387 or bjsmci@rti.org

What deaths should be reported?
INCLUDE deaths of ALL persons...

- Confined in your correctional facilities, whether housed under your jurisdiction or that of another state
- Under your jurisdiction but housed in private correctional facilities, whether located in or out of state
- Under your jurisdiction but in special facilities (e.g., medical/treatment/release centers, halfway houses, police/court lockups, or work farms)
- In transit to or from your facilities while under your supervision

EXCLUDE deaths of ALL persons...

- Executed in your state
- Confined in local jail facilities, whether located in or out of state
- Under your jurisdiction but housed in a state-operated correctional facility in another state or in a federal facility
- Under probation or parole supervision in your state
- Under your jurisdiction but on AWOL or escape-status at the time of death

BURDEN STATEMENT

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per each reported death, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

STATE PRISON INMATE DEATH REPORT

1. What was the inmate's name?

| | | |
|------|-------|----|
| | | |
| LAST | FIRST | MI |

2. On what date did the inmate die?

| | | | | | | | |
|-------|-----|------|---|---|---|---|--|
| | | | | | | | |
| MONTH | DAY | YEAR | 2 | 0 | 1 | 8 | |

3. What was the name and location of the correctional facility involved?

Facility Name:

Facility City:

Facility State:

4. What was the inmate's date of birth?

| | | | | | | | |
|-------|-----|------|--|--|--|--|--|
| | | | | | | | |
| MONTH | DAY | YEAR | | | | | |

5. What was the inmate's sex?

- Male
- Female

6. Was the inmate of Hispanic, Latino, or Spanish origin?

- Yes
- No

7. In addition, what was the inmate's race? Please select one or more of the following racial categories:

- White
- Black or African American
- American Indian or Alaska Native
- Asian
- Native Hawaiian or Pacific Islander
- Some other race

↳

8. On what date was the inmate admitted to one of your correctional facilities?

| | | | | | | | |
|-------|-----|------|--|--|--|--|--|
| | | | | | | | |
| MONTH | DAY | YEAR | | | | | |

9. For what offense(s) was the inmate being held?

- a.
- b.
- c.
- d.
- e.

10. Since admission, did the inmate ever stay overnight in a mental health facility?

- Yes
- No
- Don't Know

11. Where did the inmate die?

- In a general housing unit in the facility or in a general housing unit on prison grounds
- In a segregation unit
- In a special medical unit/infirmery within your facility
- In a special mental health services unit within your facility
- In a medical center outside your facility
- In a mental health center outside your facility
- While in transit
- Elsewhere

↳

12. Are the results of a medical examiner's or coroner's evaluation (such as an autopsy, postmortem exam, or review of medical records) available to establish an official cause of death?

- YES → **CONTINUE TO Q13**
- Evaluation complete—results are pending
↳ **SKIP REMAINING QUESTIONS AND SUBMIT THIS FORM—YOU WILL BE CONTACTED AT A LATER TIME FOR THE CAUSE OF DEATH**
- No evaluation is planned → **CONTINUE TO Q13**

13. What was the cause of death? *** Please SPECIFY cause of death—it is critical information ***

- Illness—Exclude AIDS-related deaths [Specify] →
- Acquired Immune Deficiency Syndrome (AIDS)
- Accidental alcohol/drug intoxication [Describe] →
- Accidental injury to self [Describe] →
- Accidental injury by other (e.g., vehicular accidents during transport) [Describe] →
- Suicide (e.g., hanging, knife/cutting instrument, intentional drug overdose) [Describe] →
- Homicide [Describe] →
- Other cause(s) [Specify] →

14. Where did the incident (e.g., accident, suicide, or homicide) causing the death take place?

- NOT APPLICABLE—Cause of death was illness, intoxication, or AIDS-related
- In the prison facility or on the prison grounds
 - In the inmate's cell/room
 - In a temporary holding area/lockup
 - In a common area within the facility (e.g., yard, library, cafeteria)
 - In a special medical unit/infirmery
 - In a special mental health services unit
 - In a segregation unit
 - On death row, special unit awaiting capital punishment
 - Elsewhere within the prison facility

[PLEASE SPECIFY]

↳ Please Specify:

- Outside the prison facility (e.g., while on work release or on work detail)
- Elsewhere

↳ Please Specify:

15. When did the incident (e.g., accident, suicide, or homicide) causing the death occur?

- NOT APPLICABLE—Cause of death was illness, intoxication, or AIDS-related
- Morning (6 am to Noon)
- Afternoon (Noon to 6 pm)
- Evening (6 pm to Midnight)
- Overnight (Midnight to 6 am)

16. Excluding emergency care provided at the time of death, did the inmate receive any of the following medical services for the medical condition that caused his/her death after admission to your correctional facilities?

NOT APPLICABLE—Cause of death was accidental injury, intoxication, suicide, or homicide

| | YES | NO | DON'T KNOW | |
|--|-----------------------|-----------------------|-----------------------|--|
| a. Evaluated by physician/medical staff | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | PLEASE PROVIDE A RESPONSE FOR EACH ITEM (a-f) |
| b. Diagnostic tests (e.g., X-rays, MRI) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| c. Medications | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| d. Treatment/care other than medications | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| e. Surgery | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| f. Confinement in special medical unit | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |

17. Was the cause of death the result of a pre-existing medical condition or did the inmate develop the condition after admission? (If multiple conditions caused the death and any of the conditions were pre-existing, mark "Pre-existing medical condition.")

- NOT APPLICABLE—Cause of death was accidental injury, intoxication, suicide, or homicide
- Pre-existing medical condition
- Deceased developed condition after admission
- Could not be determined

Please add any additional notes regarding this death here:

Form CJ-9



**MORTALITY IN CORRECTIONAL INSTITUTIONS 2018
DEATH REPORT ON INMATES
UNDER JAIL JURISDICTION**

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS
AND ACTING AS COLLECTION AGENT:
RTI INTERNATIONAL

FORM COMPLETED BY:

| | | | |
|------------------|----------------------|-----------|---|
| Name | <input type="text"/> | Title | <input type="text"/> |
| Official Address | <input type="text"/> | Telephone | <input type="text"/> <input type="text"/> |
| City | <input type="text"/> | FAX | <input type="text"/> <input type="text"/> |
| State | <input type="text"/> | Zip | <input type="text"/> |
| | | E-mail | <input type="text"/> |

Instructions for Completion

If no deaths occurred in 2018:

- You do not need to complete this form.

If you had more than one death in 2018:

- Make copies of this form for each additional death.
- Complete the entire form for each inmate death.
- Once your death records are complete, there are several ways to submit a death report:

ONLINE: Complete the report online at: <https://bjsmci.rti.org>

E-MAIL: bjsmci@rti.org

FAX (TOLL-FREE): (866) 800-9179

MAIL: RTI International, Attn: Data Capture
Project #: 0215015.001.300.117.102.100
5265 Capital Boulevard
Raleigh, NC 27690-1652

If you need assistance, contact the data collection team at RTI International toll-free at (800) 344-1387 or bjsmci@rti.org.

What deaths should be reported?

INCLUDE deaths of ALL persons...

- Confined in your jail facilities, whether housed under your own or another jurisdiction
- Under your jurisdiction but housed in special jail facilities (e.g., medical/treatment/release centers, halfway houses, or work farms); or on transfer to treatment facilities
- Under your jurisdiction but out to court
- In transit to or from your facilities while under your jurisdiction

EXCLUDE deaths of ALL persons...

- Confined in facilities operated by two or more jurisdictions or those held in privately operated jails
- Under your jurisdiction but in nonresidential community-based programs run by your jails (e.g., electronic monitoring, house arrest, community service, day reporting, work programs)
- Under your jurisdiction but AWOL, escaped, or on long-term transfer to another jurisdiction
- In the process of arrest by your agency, but not yet booked into your jail facility

BURDEN STATEMENT

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per each reported death, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

LOCAL JAIL INMATE DEATH REPORT

1. What was the inmate's name?

| | | |
|------|-------|----|
| | | |
| LAST | FIRST | MI |

2. On what date did the inmate die?

| | | | | | | | |
|-------|-----|------|---|---|---|---|--|
| | | | | | | | |
| MONTH | DAY | YEAR | 2 | 0 | 1 | 8 | |

3. What was the name and location of the correctional facility involved?

Facility Name:

Facility City:

Facility State:

4. What was the inmate's date of birth?

| | | | | | | | |
|-------|-----|------|--|--|--|--|--|
| | | | | | | | |
| MONTH | DAY | YEAR | | | | | |

5. What was the inmate's sex?

- Male
- Female

6. Was the inmate of Hispanic, Latino, or Spanish origin?

- Yes
- No

7. In addition, what was the inmate's race? Please select one or more of the following racial categories:

- White
- Black or African American
- American Indian or Alaska Native
- Asian
- Native Hawaiian or Pacific Islander
- Some other race

↳ Please Specify:

8. On what date was the inmate admitted to a facility under your jurisdiction?

| | | | | | | | |
|-------|-----|------|--|--|--|--|--|
| | | | | | | | |
| MONTH | DAY | YEAR | | | | | |

9. Was the inmate being confined in your jail facility on behalf of any of the following?

PLEASE PROVIDE A RESPONSE FOR EACH ITEM (a-c)

- | | |
|---|----------------------|
| | DON'T YES NO KNOW |
| a. U.S. Immigration and Customs Enforcement..... | ○.....○.....○ |
| b. U.S. Marshals Service..... | ○.....○.....○ |
| c. State or federal prison, Bureau of Indian Affairs, or any other jail jurisdiction..... | ○.....○.....○ |

10. For what offense(s) was the inmate being held?

- a.
- b.
- c.
- d.
- e.

11. What was the inmate's legal status at time of death? (For inmates with more than one status, report the status associated with the most serious offense.)

- Convicted—new court commitment
- Convicted—returned probation/parole violator
- Unconvicted
- Other

↳ Please Specify:

12. Since admission, did the inmate ever stay overnight in a mental health observation unit or an outside mental health facility?

- Yes
- No
- Don't Know

13. Where did the inmate die?

- In a general housing unit within the jail facility or in a general housing unit on jail grounds
- In a segregation unit
- In a special medical unit/infirmery within the jail facility
- In a special mental health services unit within the jail facility
- In a medical center outside the jail facility
- In a mental health center outside the jail facility
- While in transit
- Elsewhere

↳ Please Specify:

14. Are the results of a medical examiner's or coroner's evaluation (such as an autopsy, postmortem exam, or review of medical records) available to establish an official cause of death?

- YES → **CONTINUE TO Q15**
- Evaluation complete—results are pending
↳ **SKIP REMAINING QUESTIONS AND SUBMIT THIS FORM—YOU WILL BE CONTACTED AT A LATER TIME FOR THE CAUSE OF DEATH**
- No evaluation is planned → **CONTINUE TO Q15**

15. What was the cause of death? * Please SPECIFY cause of death—it is critical information *****

- Illness—Exclude AIDS-related deaths [Specify] →
- Acquired Immune Deficiency Syndrome (AIDS)
- Accidental alcohol/drug intoxication [Describe] →
- Accidental injury to self [Describe] →
- Accidental injury by other (e.g., vehicular accidents during transport) [Describe] →
- Suicide (e.g., hanging, knife/cutting instrument, intentional drug overdose) [Describe] →
- Homicide [Describe] →
- Other cause(s) [Specify] →

16. Where did the incident (e.g., accident, suicide, or homicide) causing the death take place?

- NOT APPLICABLE—Cause of death was illness, intoxication, or AIDS-related
- In the jail facility or on the jail grounds
 - In the inmate's cell/room
 - In a temporary holding area/lockup
 - In a common area within the facility (e.g., yard, library, cafeteria)
 - In a segregation unit
 - In a special medical unit/infirmery
 - In a special mental health services unit
 - Elsewhere within the jail facility

[PLEASE SPECIFY]

↳ Please Specify:

- Outside the jail facility (e.g., while on work release or on work detail)
- Elsewhere

↳ Please Specify:

17. When did the incident (e.g., accident, suicide, or homicide) causing the death occur?

- NOT APPLICABLE—Cause of death was illness, intoxication, or AIDS-related
- Morning (6 am to Noon)
- Afternoon (Noon to 6 pm)
- Evening (6 pm to Midnight)
- Overnight (Midnight to 6 am)

18. Excluding emergency care provided at the time of death, did the inmate receive any of the following medical services for the medical condition that caused his/her death after admission to your correctional facilities?

- NOT APPLICABLE—Cause of death was accidental injury, intoxication, suicide, or homicide

| | YES | NO | DON'T KNOW | |
|--|-----------------------|-----------------------|-----------------------|--|
| a. Evaluation by physician/medical staff | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | PLEASE PROVIDE A RESPONSE FOR EACH ITEM (a-f) |
| b. Diagnostic tests (e.g., X-rays, MRI) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| c. Medications | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| d. Treatment/care other than medications | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| e. Surgery | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| f. Confinement in special medical unit. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |

19. Was the cause of death the result of a pre-existing medical condition or did the inmate develop the condition after admission? (If multiple conditions caused the death and any of the conditions were pre-existing, mark "Pre-existing medical condition.")

- NOT APPLICABLE—Cause of death was accidental injury, intoxication, suicide, or homicide
- Pre-existing medical condition
- Deceased developed condition after admission
- Could not be determined

Please add any additional notes regarding this death here:

Form CJ-9A



**MORTALITY IN CORRECTIONAL INSTITUTIONS 2018
ANNUAL SUMMARY ON INMATES
UNDER JAIL JURISDICTION**

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS
AND ACTING AS COLLECTION AGENT:
RTI INTERNATIONAL

FORM COMPLETED BY—

| | | | |
|------------------|----------------------|-----------|---|
| Name | <input type="text"/> | Title | <input type="text"/> |
| Official Address | <input type="text"/> | Telephone | <input type="text"/> <input type="text"/> |
| City | <input type="text"/> | FAX | <input type="text"/> <input type="text"/> |
| State | <input type="text"/> | Zip | <input type="text"/> |
| | | Email | <input type="text"/> |

Instructions for completion and submission

FOR EACH ITEM—

- If the answer to a question is “none” or “zero,” write “0” in the space provided.
- When exact numeric answers are not available, provide estimates and mark (**X**) in the checkbox beside each number that is estimated. For example 1,234

You may submit your annual summary in one of these ways:

ONLINE: <https://bjsmci.rti.org>

EMAIL: bjsmci@rti.org

FAX (TOLL-FREE): (866) 800-9179

MAIL: RTI International, Attn: Data Capture

Project Number: 0215015.001.300.117.102.100

5265 Capital Boulevard

Raleigh, NC 27690-1652

If you need assistance, contact the data collection team at RTI International toll-free at 1-800-344-1387 or bjsmci@rti.org.

What to include and exclude in this data collection

INCLUDE—

- ✓ Confinement facilities usually administered by a local law enforcement agency, intended for adults but sometimes holding juveniles.
- ✓ All jails and city/county correctional centers that hold inmates beyond arraignment. Report data on all inmates, including those held in separate holding or lockup areas within your facilities.
- ✓ Special jail facilities (e.g., medical/treatment/release centers, halfway houses, and work farms).
- ✓ Temporary holding or lockup facilities that are part of your combined function.
- ✓ Inmates held for other jurisdictions, including federal authorities, state prison authorities, and other local jail jurisdictions.

EXCLUDE—

- X Facilities that are exclusively used as temporary holding or lockup facilities, where inmates are generally held for less than 72 hours and not held beyond arraignment.
- X Privately operated jails and facilities operated by two or more jurisdictions (i.e., multi-jurisdictional facilities). These jails will be contacted directly for this data collection.

BURDEN STATEMENT

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 15 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

INMATE COUNTS AND DEATHS

1. On December 31, 2018, how many persons under the supervision of your jail jurisdiction were CONFINED in your jail facilities?

INCLUDE—

- ✓ Persons on transfer to treatment facilities but who remain under your jurisdiction
- ✓ Persons held for other jurisdictions
- ✓ Persons in community-based programs (e.g., work release, day release, or drug/alcohol treatment) who return to jail at night
- ✓ Persons out to court while under your jurisdiction.

EXCLUDE—

- X Persons under your jurisdiction who are housed elsewhere
- X Inmates who are AWOL, escaped, or on long-term transfer to other jurisdictions
- X Persons in community-based programs run by your jails (e.g., electronic monitoring, house arrest, community service, day reporting, or work programs) who do NOT return to jail at night.

Inmates on December 31, 2018

Males: Estimate

Females: Estimate

2. How many persons under the supervision of your jail jurisdiction were ADMITTED to your jail facilities during 2018?

INCLUDE—

- ✓ Persons officially booked into and housed in your jail facilities by formal legal document and by the authority of the courts or some other official agency
- ✓ Repeat offenders booked on new charges
- ✓ Persons serving a weekend sentence coming into the facility for the first time.

EXCLUDE—

- X Returns from escape, work release, medical appointments/treatment facilities, furloughs, bail/bond releases, and court appearances.

New ANNUAL admissions during 2018

Males: Estimate

Females: Estimate

3. On December 31, 2018, how many persons CONFINED in your jail facilities were held for—

- INCLUDE contractual, temporary, courtesy, or *ad hoc* holds for other agencies.
- Count persons with multiple holds only once with priority being federal, state, tribal, and local.

a. U.S. Immigration and Customs Enforcement: Estimate

b. U.S. Marshals Service: Estimate

c. All other holds (state and federal prison, Bureau of Indian Affairs, or any holds for other jail jurisdictions): Estimate

4. Between January 1, 2018, and December 31, 2018, what was the average daily population of your jail facilities?

- INCLUDE inmates who participated in weekend programs that allow offenders to serve their sentences of confinement only on weekends (e.g., Friday–Sunday).
- To calculate the average daily population, add the number of persons for each day between January 1, 2018, and December 31, 2018, and divide the result by 365.
- If daily counts are not available, estimate the average daily population by adding the number of persons held on the same day of each month and divide the result by 12.
- If average daily population cannot be calculated as directed above, then estimate the typical number of persons held in your jail confinement facilities each day.

Average daily population during 2018

Males: Estimate

Females: Estimate

5. Between January 1, 2018, and December 31, 2018, how many persons died while under the supervision of your jail facilities?

INCLUDE deaths of ALL persons—

- ✓ CONFINED in your jail facilities
- ✓ UNDER THE SUPERVISION of your jail facilities, but out to court or in special facilities (e.g., hospital, hospice, or nursing home; treatment facility; residential community center; residential work release or facility-based house arrest program; or release center)
- ✓ WHILE IN TRANSIT to or from your jail facilities while under your supervision.

EXCLUDE—

- X Deaths of persons in the process of arrest by your agency if they have not yet been booked into your jail facilities.

Number of inmate deaths during 2018

Males:

Females:

Form CJ-10



**MORTALITY IN CORRECTIONAL INSTITUTIONS 2018
DEATH REPORT ON INMATES IN
PRIVATE AND MULTI-JURISDICTIONAL JAILS**

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS
AND ACTING AS COLLECTION AGENT:
RTI INTERNATIONAL

FORM COMPLETED BY:

| | | | |
|------------------|----------------------|-----------|---|
| Name | <input type="text"/> | Title | <input type="text"/> |
| Official Address | <input type="text"/> | Telephone | <input type="text"/> <input type="text"/> |
| City | <input type="text"/> | FAX | <input type="text"/> <input type="text"/> |
| State | <input type="text"/> | Zip | <input type="text"/> |
| | | E-mail | <input type="text"/> |

Instructions for Completion

If no deaths occurred in 2018:

- You do not need to complete this form.

If you had more than one death in 2018:

- Make copies of this form for each additional death.
- Complete the entire form for each inmate death.
- Once your death records are complete, there are several ways to submit a death report:

ONLINE: Complete the report online at: <https://bjsmci.rti.org>

E-MAIL: bjsmci@rti.org

FAX (TOLL-FREE): (866) 800-9179

MAIL: RTI International, Attn: Data Capture
Project #: 0215015.001.300.117.102.100
5265 Capital Boulevard
Raleigh, NC 27690-1652

If you need assistance, contact the data collection team at RTI International toll-free at (800) 344-1387 or bjsmci@rti.org.

What deaths should be reported?

INCLUDE deaths of ALL persons...

- Confined in your jail facilities, even if housed for another jurisdiction
- Under your jurisdiction but housed in special jail facilities (e.g., medical/treatment/release centers, halfway houses, or work farms); or on transfer to treatment facilities
- Under your jurisdiction but out to court
- In transit to or from your facilities while under your supervision

EXCLUDE deaths of ALL persons...

- Under your jurisdiction but in nonresidential community-based programs run by your jails (e.g., electronic monitoring, house arrest, community service, day reporting, work programs)
- Under your jurisdiction but AWOL, escaped, or on long-term transfer to another jurisdiction
- In the process of arrest by your agency, but not yet booked into your jail facility

BURDEN STATEMENT

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per each reported death, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

LOCAL JAIL INMATE DEATH REPORT

1. What was the inmate's name?

| | | |
|------|-------|----|
| | | |
| LAST | FIRST | MI |

2. On what date did the inmate die?

| | | | | | | | |
|-------|-----|------|---|---|---|---|--|
| | | | | | | | |
| MONTH | DAY | YEAR | 2 | 0 | 1 | 8 | |

3. What was the name and location of the correctional facility involved?

Facility Name:

Facility City:

Facility State:

4. What was the inmate's date of birth?

| | | | | | | | |
|-------|-----|------|--|--|--|--|--|
| | | | | | | | |
| MONTH | DAY | YEAR | | | | | |

5. What was the inmate's sex?

- Male
 Female

6. Was the inmate of Hispanic, Latino, or Spanish origin?

- Yes
 No

7. In addition, what was the inmate's race? Please select one or more of the following racial categories:

- White
 Black or African American
 American Indian or Alaska Native
 Asian
 Native Hawaiian or Pacific Islander
 Some other race

↳ Please Specify:

8. On what date was the inmate admitted to your jail facility?

| | | | | | | | |
|-------|-----|------|--|--|--|--|--|
| | | | | | | | |
| MONTH | DAY | YEAR | | | | | |

9. Was the inmate being confined in your jail facility on behalf of any of the following?

PLEASE PROVIDE A RESPONSE FOR EACH ITEM (a-c)

- | | |
|---|----------------------|
| | DON'T YES NO KNOW |
| a. U.S. Immigration and Customs Enforcement..... | ○.....○.....○ |
| b. U.S. Marshals Service..... | ○.....○.....○ |
| c. State or federal prison, Bureau of Indian Affairs, or any other jail jurisdiction..... | ○.....○.....○ |

10. For what offense(s) was the inmate being held?

- a.
- b.
- c.
- d.
- e.

11. What was the inmate's legal status at time of death? (For inmates with more than one status, report the status associated with the most serious offense.)

- Convicted—new court commitment
 Convicted—returned probation/parole violator
 Unconvicted
 Other

↳ Please Specify:

12. Since admission, did the inmate ever stay overnight in a mental health observation unit or an outside mental health facility?

- Yes
 No
 Don't Know

13. Where did the inmate die?

- In a general housing unit within the jail facility or in a general housing unit on jail grounds
- In a segregation unit
- In a special medical unit/infirmiry within the jail facility
- In a special mental health services unit within the jail facility
- In a medical center outside the jail facility
- In a mental health center outside the jail facility
- While in transit
- Elsewhere

↳ Please Specify:

14. Are the results of a medical examiner's or coroner's evaluation (such as an autopsy, postmortem exam, or review of medical records) available to establish an official cause of death?

- YES → **CONTINUE TO Q15**
- Evaluation complete—results are pending
↳ **SKIP REMAINING QUESTIONS AND SUBMIT THIS FORM—YOU WILL BE CONTACTED AT A LATER TIME FOR THE CAUSE OF DEATH**
- No evaluation is planned → **CONTINUE TO Q15**

15. What was the cause of death? * Please SPECIFY cause of death—it is critical information *****

- Illness—Exclude AIDS-related deaths [Specify] →
- Acquired Immune Deficiency Syndrome (AIDS)
- Accidental alcohol/drug intoxication [Describe] →
- Accidental injury to self [Describe] →
- Accidental injury by other (e.g., vehicular accidents during transport) [Describe] →
- Suicide (e.g., hanging, knife/cutting instrument, intentional drug overdose) [Describe] →
- Homicide [Describe] →
- Other cause(s) [Specify] →

16. Where did the incident (e.g., accident, suicide, or homicide) causing the death take place?

- NOT APPLICABLE—Cause of death was illness, intoxication, or AIDS-related
- In the jail facility or on the jail grounds
 - In the inmate's cell/room
 - In a temporary holding area/lockup
 - In a common area within the facility (e.g., yard, library, cafeteria)
 - In a segregation unit
 - In a special medical unit/infirmiry
 - In a special mental health services unit
 - Elsewhere within the jail facility

[PLEASE SPECIFY]

↳ Please Specify:

- Outside the jail facility (e.g., while on work release or on work detail)
- Elsewhere

↳ Please Specify:

17. When did the incident (e.g., accident, suicide, or homicide) causing the death occur?

- NOT APPLICABLE—Cause of death was illness, intoxication, or AIDS-related
- Morning (6 am to Noon)
- Afternoon (Noon to 6 pm)
- Evening (6 pm to Midnight)
- Overnight (Midnight to 6 am)

18. Excluding emergency care provided at the time of death, did the inmate receive any of the following medical services for the medical condition that caused his/her death after admission to your correctional facilities?

- NOT APPLICABLE—Cause of death was accidental injury, intoxication, suicide, or homicide

| | YES | NO | DON'T KNOW | |
|--|-----------------------|-----------------------|-----------------------|--|
| a. Evaluation by physician/medical staff | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | PLEASE PROVIDE A RESPONSE FOR EACH ITEM (a-f) |
| b. Diagnostic tests (e.g., X-rays, MRI) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| c. Medications | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| d. Treatment/care other than medications | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| e. Surgery | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| f. Confinement in special medical unit. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |

19. Was the cause of death the result of a pre-existing medical condition or did the inmate develop the condition after admission? (If multiple conditions caused the death and any of the conditions were pre-existing, mark "Pre-existing medical condition.")

- NOT APPLICABLE—Cause of death was accidental injury, intoxication, suicide, or homicide
- Pre-existing medical condition
- Deceased developed condition after admission
- Could not be determined

Please add any additional notes regarding this death here:

Form CJ-10A



**MORTALITY IN CORRECTIONAL INSTITUTIONS 2018
ANNUAL SUMMARY ON INMATES IN
PRIVATE AND MULTIJURISDICTIONAL JAILS**

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE STATISTICS
AND ACTING AS COLLECTION AGENT:
RTI INTERNATIONAL

FORM COMPLETED BY—

| | | | |
|------------------|----------------------|-----------|---|
| Name | <input type="text"/> | Title | <input type="text"/> |
| Official Address | <input type="text"/> | Telephone | <input type="text"/> <input type="text"/> |
| City | <input type="text"/> | FAX | <input type="text"/> <input type="text"/> |
| State | <input type="text"/> | Zip | <input type="text"/> |
| | | Email | <input type="text"/> |

Instructions for completion and submission

FOR EACH ITEM—

- If the answer to a question is “none” or “zero,” write “0” in the space provided.
- When exact numeric answers are not available, provide estimates and mark (X) in the checkbox beside each number that is estimated. For example 1,234

You may submit your annual summary in one of these ways:

ONLINE: Complete this form online at: <https://bjsmci.rti.org>

EMAIL: bjsmci@rti.org

FAX (TOLL-FREE): (866) 800-9179

MAIL: RTI International, Attn: Data Capture
Project Number: 0215015.001.300.117.102.100
5265 Capital Boulevard
Raleigh, NC 27690-1652

If you need assistance, contact the data collection team at RTI International toll-free at 1-800-344-1387 or bjsmci@rti.org.

What to include and exclude in this data collection

INCLUDE—

- ✓ Confinement facilities—including detention centers, jails, and other correctional facilities—intended for adults but sometimes holding juveniles, that are either privately owned and operated or administered by two or more governments (or a board composed of representatives from two or more governments).
- ✓ All jails and city/county correctional centers that hold inmates beyond arraignment. Report data on all inmates, including those held in separate holding or lockup areas within your facilities.
- ✓ Special jail facilities (e.g., medical/treatment/release centers, halfway houses, and work farms).
- ✓ Temporary holding or lockup facilities that are part of your combined function.
- ✓ Inmates held for other jurisdictions, including federal authorities, state prison authorities, and other local jail jurisdictions.

EXCLUDE—

- X Facilities that are exclusively used as temporary holding or lockup facilities, where inmates are generally held for less than 72 hours and not held beyond arraignment.

BURDEN STATEMENT

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 15 minutes per response, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

INMATE COUNTS AND DEATHS

1. On December 31, 2018, how many persons under the supervision of your jail were CONFINED in this facility?

INCLUDE—

- ✓ Persons on transfer to treatment facilities but who remain under your jurisdiction
- ✓ Persons held for other jurisdictions
- ✓ Persons in community-based programs (e.g., work release, day release, or drug/alcohol treatment) who return to jail at night
- ✓ Persons out to court while under your jurisdiction.

EXCLUDE—

- X Persons under your jurisdiction who are housed elsewhere
- X Inmates who are AWOL, escaped, or on long-term transfer to other jurisdictions
- X Persons in community-based programs run by this facility (e.g., electronic monitoring, house arrest, community service, day reporting, or work programs) who do NOT return to jail at night.

Inmates on December 31, 2018

Males: Estimate

Females: Estimate

2. How many persons under the supervision of your jail were ADMITTED to this facility during 2018?

INCLUDE—

- ✓ Persons officially booked into and housed in this facility by formal legal document and by the authority of the courts or some other official agency
- ✓ Repeat offenders booked on new charges
- ✓ Persons serving a weekend sentence coming into the facility for the first time.

EXCLUDE—

- X Returns from escape, work release, medical appointments/treatment facilities, furloughs, bail/bond releases, and court appearances.

New ANNUAL admissions during 2018

Males: Estimate

Females: Estimate

3. On December 31, 2018, how many persons CONFINED in this facility were held for—

- INCLUDE contractual, temporary, courtesy, or *ad hoc* holds for other agencies.
- Count persons with multiple holds only once with priority being federal, state, tribal, and local.

a. U.S. Immigration and Customs Enforcement: Estimate

b. U.S. Marshals Service: Estimate

c. All other holds (state and federal prison, Bureau of Indian Affairs, or any holds for other jail jurisdictions): Estimate

4. Between January 1, 2018, and December 31, 2018, what was the average daily population of this facility?

- INCLUDE inmates who participated in weekend programs that allow offenders to serve their sentences of confinement only on weekends (e.g., Friday–Sunday).
- To calculate the average daily population, add the number of persons for each day between January 1, 2018, and December 31, 2018, and divide the result by 365.
- If daily counts are not available, estimate the average daily population by adding the number of persons held on the same day of each month and divide the result by 12.
- If average daily population cannot be calculated as directed above, then estimate the typical number of persons held in this facility each day.

Average daily population during 2018

Males: Estimate

Females: Estimate

5. Between January 1, 2018, and December 31, 2018, how many persons died while under the supervision of this facility?

INCLUDE deaths of ALL persons—

- ✓ CONFINED in this facility
- ✓ UNDER THE SUPERVISION of this facility, but out to court or in special facilities (e.g., hospital, hospice, or nursing home; treatment facility; residential community center; residential work release or facility-based house arrest program; or release center)
- ✓ WHILE IN TRANSIT to or from this facility while under your supervision.

EXCLUDE—

- X Deaths of persons in the process of arrest by your agency if they have not yet been booked into this facility.

Number of inmate deaths during 2018

Males:

Females:

Appendix C

The Omnibus Crime Control and Safe Street Act of 1968

34 USC Subtitle I, CHAPTER 101, SUBCHAPTER III: BUREAU OF JUSTICE STATISTICS**From Title 34—CRIME CONTROL AND LAW ENFORCEMENT**

Subtitle I—Comprehensive Acts

CHAPTER 101—JUSTICE SYSTEM IMPROVEMENT

SUBCHAPTER III—BUREAU OF JUSTICE STATISTICS**§10131. Statement of purpose**

It is the purpose of this subchapter to provide for and encourage the collection and analysis of statistical information concerning crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system and to support the development of information and statistical systems at the Federal, State, and local levels to improve the efforts of these levels of government to measure and understand the levels of crime, juvenile delinquency, and the operation of the criminal justice system and related aspects of the civil justice system. The Bureau shall utilize to the maximum extent feasible State governmental organizations and facilities responsible for the collection and analysis of criminal justice data and statistics. In carrying out the provisions of this subchapter, the Bureau shall give primary emphasis to the problems of State and local justice systems.

(Pub. L. 90–351, title I, §301, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1176; amended Pub. L. 98–473, title II, §605(a), Oct. 12, 1984, 98 Stat. 2079.)

CODIFICATION

Section was formerly classified to section 3731 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 301 of Pub. L. 90–351, title I, June 19, 1968, 82 Stat. 199; Pub. L. 91–644, title I, §4(1)–(4), Jan. 2, 1971, 84 Stat. 1882; Pub. L. 93–83, §2, Aug. 6, 1973, 87 Stat. 199; Pub. L. 94–503, title I, §§109, 128(b), Oct. 15, 1976, 90 Stat. 2411, 2424, related to purposes and categories of grants for law enforcement and criminal justice purposes, prior to the general amendment of this chapter by Pub. L. 96–157.

AMENDMENTS

1984—Pub. L. 98–473 struck out "(including white-collar crime and public corruption)" after "information concerning crime" and "(including crimes against the elderly, white-collar crime, and public corruption)" after "levels of crime".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–473 effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98–473, set out as an Effective Date note under section 10101 of this title.

§10132. Bureau of Justice Statistics**(a) Establishment**

There is established within the Department of Justice, under the general authority of the Attorney General, a Bureau of Justice Statistics (hereinafter referred to in this subchapter as "Bureau").

(b) Appointment of Director; experience; authority; restrictions

The Bureau shall be headed by a Director appointed by the President. The Director shall have had experience in statistical programs. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Bureau. The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure. The Director shall report to the Attorney General through the Assistant Attorney General. The Director shall not engage in any other employment than that of serving as Director; nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Bureau makes any contract or other arrangement under this Act.

(c) Duties and functions of Bureau

The Bureau is authorized to—

(1) make grants to, or enter into cooperative agreements or contracts with public agencies, institutions of higher education, private organizations, or private individuals for purposes related to this subchapter; grants shall be made subject to continuing compliance with standards for gathering justice statistics set forth in rules and regulations promulgated by the Director;

(2) collect and analyze information concerning criminal victimization, including crimes against the elderly, and civil disputes;

(3) collect and analyze data that will serve as a continuous and comparable national social indication of the prevalence, incidence, rates, extent, distribution, and attributes of crime, juvenile delinquency, civil disputes, and other statistical factors related to crime, civil disputes, and juvenile delinquency, in support of national, State, tribal, and local justice policy and decisionmaking;

(4) collect and analyze statistical information, concerning the operations of the criminal justice system at the Federal, State, tribal, and local levels;

(5) collect and analyze statistical information concerning the prevalence, incidence, rates, extent, distribution, and attributes of crime, and juvenile delinquency, at the Federal, State, tribal, and local levels;

(6) analyze the correlates of crime, civil disputes and juvenile delinquency, by the use of statistical information, about criminal and civil justice systems at the Federal, State, tribal, and local levels, and about the extent, distribution and attributes of crime, and juvenile delinquency, in the Nation and at the Federal, State, tribal, and local levels;

(7) compile, collate, analyze, publish, and disseminate uniform national statistics concerning all aspects of criminal justice and related aspects of civil justice, crime, including crimes against the elderly, juvenile delinquency, criminal offenders, juvenile delinquents, and civil disputes in the various States and in Indian country;

(8) recommend national standards for justice statistics and for insuring the reliability and validity of justice statistics supplied pursuant to this chapter;

(9) maintain liaison with the judicial branches of the Federal Government and State and tribal governments in matters relating to justice statistics, and cooperate with the judicial branch in assuring as much uniformity as feasible in statistical systems of the executive and judicial branches;

(10) provide information to the President, the Congress, the judiciary, State, tribal, and local governments, and the general public on justice statistics;

(11) establish or assist in the establishment of a system to provide State, tribal, and local governments with access to Federal informational resources useful in the planning, implementation, and evaluation of programs under this Act;

(12) conduct or support research relating to methods of gathering or analyzing justice statistics;

(13) provide for the development of justice information systems programs and assistance to the States, Indian tribes, and units of local government relating to collection, analysis, or dissemination of justice statistics;

(14) develop and maintain a data processing capability to support the collection, aggregation, analysis and dissemination of information on the incidence of crime and the operation of the criminal justice system;

(15) collect, analyze and disseminate comprehensive Federal justice transaction statistics (including statistics on issues of Federal justice interest such as public fraud and high technology crime) and to provide technical assistance to and work jointly with other Federal agencies to improve the availability and quality of Federal justice data;

(16) provide for the collection, compilation, analysis, publication and dissemination of information and statistics about the prevalence, incidence, rates, extent, distribution and attributes of drug offenses, drug related offenses and drug dependent offenders and further provide for the establishment of a national clearinghouse to maintain and update a comprehensive and timely data base on all criminal justice aspects of the drug crisis and to disseminate such information;

(17) provide for the collection, analysis, dissemination and publication of statistics on the condition and progress of drug control activities at the Federal, State, tribal, and local levels with particular attention to programs and intervention efforts demonstrated to be of value in the overall national anti-drug strategy and to provide for the establishment of a national clearinghouse for the gathering of data generated by Federal, State, tribal, and local criminal justice agencies on their drug enforcement activities;

(18) provide for the development and enhancement of State, tribal, and local criminal justice information systems, and the standardization of data reporting relating to the collection, analysis or dissemination of data and statistics about drug offenses, drug related offenses, or drug dependent offenders;

(19) provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of State and tribal criminal history and related records, support the development and enhancement of national systems of criminal history and related records including the National Instant Criminal Background Check System, the National Incident-Based Reporting System, and the records of the National Crime Information Center, facilitate State and tribal participation in national records and information systems, and support statistical research for critical analysis of the improvement and utilization of criminal history records;

(20) maintain liaison with State, tribal, and local governments and governments of other nations concerning justice statistics;

(21) cooperate in and participate with national and international organizations in the development of uniform justice statistics;

(22) ensure conformance with security and privacy requirement of section 10231 of this title and identify, analyze, and participate in the development and implementation of privacy, security and information policies which impact on Federal, tribal, and State criminal justice operations and related statistical activities; and

(23) exercise the powers and functions set out in subchapter VII.

(d) Justice statistical collection, analysis, and dissemination

(1) In general

To ensure that all justice statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director is authorized to—

(A) utilize, with their consent, the services, equipment, records, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor, and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis;

(B) confer and cooperate with State, municipal, and other local agencies;

(C) request such information, data, and reports from any Federal agency as may be required to carry out the purposes of this chapter;

(D) seek the cooperation of the judicial branch of the Federal Government in gathering data from criminal justice records;

(E) encourage replication, coordination and sharing among justice agencies regarding information systems, information policy, and data; and

(F) confer and cooperate with Federal statistical agencies as needed to carry out the purposes of this subchapter, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.

(2) Consultation with Indian tribes

The Director, acting jointly with the Assistant Secretary for Indian Affairs (acting through the Office of Justice Services) and the Director of the Federal Bureau of Investigation, shall work with Indian tribes and tribal law enforcement agencies to establish and implement such tribal data collection systems as the Director determines to be necessary to achieve the purposes of this section.

(e) Furnishing of information, data, or reports by Federal agencies

Federal agencies requested to furnish information, data, or reports pursuant to subsection (d)(1)(C) shall provide such information to the Bureau as is required to carry out the purposes of this section.

(f) Consultation with representatives of State, tribal, and local government and judiciary

In recommending standards for gathering justice statistics under this section, the Director shall consult with representatives of State, tribal, and local government, including, where appropriate, representatives of the judiciary.

(g) Reports

Not later than 1 year after July 29, 2010, and annually thereafter, the Director shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.

(Pub. L. 90–351, title I, §302, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1176; amended Pub. L. 98–473, title II, §605(b), Oct. 12, 1984, 98 Stat. 2079; Pub. L. 100–690, title VI, §6092(a), Nov. 18, 1988, 102 Stat. 4339; Pub. L. 103–322, title XXXIII, §330001(h)(2), Sept. 13, 1994, 108 Stat. 2139; Pub. L. 109–162, title XI, §1115(a), Jan. 5, 2006, 119 Stat. 3103; Pub. L. 111–211, title II, §251(b), July 29, 2010, 124 Stat. 2297; Pub. L. 112–166, §2(h)(1), Aug. 10, 2012, 126 Stat. 1285.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b) and (c)(11), is Pub. L. 90–351, [June 19, 1968](#), 82 Stat. 197, known as the Omnibus Crime Control and Safe Streets Act of 1968. For complete classification of this Act to the Code, see Short Title of 1968 Act note set out under section 10101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 3732 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 302 of Pub. L. 90–351, [title I, June 19, 1968](#), 82 Stat. 200; Pub. L. 93–83, [§2, Aug. 6, 1973](#), 87 Stat. 201; Pub. L. 94–503, [title I, §110, Oct. 15, 1976](#), 90 Stat. 2412, related to establishment of State planning agencies to develop comprehensive State plans for grants for law enforcement and criminal justice purposes, prior to the general amendment of this chapter by Pub. L. 96–157.

AMENDMENTS

2012—Subsec. (b). Pub. L. 112–166 struck out ", by and with the advice and consent of the Senate" before period at end of first sentence.

2010—Subsec. (c)(3) to (6). Pub. L. 111–211, §251(b)(1)(A), inserted "tribal," after "State," wherever appearing.

Subsec. (c)(7). Pub. L. 111–211, §251(b)(1)(B), inserted "and in Indian country" after "States".

Subsec. (c)(9). Pub. L. 111–211, §251(b)(1)(C), substituted "Federal Government and State and tribal governments" for "Federal and State Governments".

Subsec. (c)(10), (11). Pub. L. 111–211, §251(b)(1)(D), inserted ", tribal," after "State".

Subsec. (c)(13). Pub. L. 111–211, §251(b)(1)(E), inserted ", Indian tribes," after "States".

Subsec. (c)(17). Pub. L. 111–211, §251(b)(1)(F), substituted "activities at the Federal, State, tribal, and local" for "activities at the Federal, State and local" and "generated by Federal, State, tribal, and local" for "generated by Federal, State, and local".

Subsec. (c)(18). Pub. L. 111–211, §251(b)(1)(G), substituted "State, tribal, and local" for "State and local".

Subsec. (c)(19). Pub. L. 111–211, §251(b)(1)(H), inserted "and tribal" after "State" in two places.

Subsec. (c)(20). Pub. L. 111–211, §251(b)(1)(I), inserted ", tribal," after "State".

Subsec. (c)(22). Pub. L. 111–211, §251(b)(1)(J), inserted ", tribal," after "Federal".

Subsec. (d). Pub. L. 111–211, §251(b)(2), designated existing provisions as par. (1), inserted par. (1) heading, substituted "To ensure" for "To insure", redesignated former pars. (1) to (6) as subpars. (A) to (F), respectively, of par. (1), realigned margins, and added par. (2).

Subsec. (e). Pub. L. 111–211, §251(b)(3), substituted "subsection (d)(1)(C)" for "subsection (d)(3)".

Subsec. (f). Pub. L. 111–211, §251(b)(4)(B), inserted ", tribal," after "State".

Pub. L. 111–211, §251(b)(4)(A), which directed insertion of ", tribal," after "State" in heading, was executed editorially but could not be executed in original because heading had been editorially supplied.

Subsec. (g). Pub. L. 111–211, §251(b)(5), added subsec. (g).

2006—Subsec. (b). Pub. L. 109–162, §1115(a)(1), inserted after third sentence "The Director shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure."

Subsec. (c)(19). Pub. L. 109–162, §1115(a)(2), amended par. (19) generally. Prior to amendment, par. (19) read as follows: "provide for research and improvements in the accuracy, completeness, and inclusiveness of criminal history record information, information systems, arrest warrant, and stolen vehicle record information and information systems and support research concerning the accuracy, completeness, and inclusiveness of other criminal justice record information;"

Subsec. (d)(6). Pub. L. 109–162, §1115(a)(3), added par. (6).

1994—Subsec. (c)(19). Pub. L. 103–322 substituted a semicolon for period at end.

1988—Subsec. (c)(16) to (23). Pub. L. 100–690 added pars. (16) to (19) and redesignated former pars. (16) to (19) as (20) to (23), respectively.

1984—Subsec. (b). Pub. L. 98–473, §605(b)(1), inserted provision requiring Director to report to Attorney General through Assistant Attorney General.

Subsec. (c)(13). Pub. L. 98–473, §605(b)(2)(A), (C), added par. (13) and struck out former par. (13) relating to provision of financial and technical assistance to States and units of local government relating to collection, analysis, or dissemination of justice statistics.

Subsec. (c)(14), (15). Pub. L. 98–473, §605(b)(2)(C), added pars. (14) and (15). Former pars. (14) and (15) redesignated (16) and (17), respectively.

Subsec. (c)(16). Pub. L. 98–473, §605(b)(2)(A), (B), redesignated par. (14) as (16) and struck out former par. (16) relating to insuring conformance with security and privacy regulations issued under section 10231 of this title.

Subsec. (c)(17). Pub. L. 98–473, §605(b)(2)(B), redesignated par. (15) as (17). Former par. (17) redesignated (19).

Subsec. (c)(18). Pub. L. 98–473, §605(b)(2)(D), added par. (18).

Subsec. (c)(19). Pub. L. 98–473, §605(b)(2)(B), redesignated former par. (17) as (19).

Subsec. (d)(1). Pub. L. 98–473, §605(b)(3)(A), inserted ", and to enter into agreements with such agencies and instrumentalities for purposes of data collection and analysis".

Subsec. (d)(5). Pub. L. 98–473, §605(b)(3)(B)–(D), added par. (5).

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112–166, set out as a note under section 113 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–473 effective Oct. 12, 1984, see section 609AA(a) of Pub. L. 98–473, set out as an Effective Date note under section 10101 of this title.

CONSTRUCTION OF 2010 AMENDMENT

Pub. L. 111–211, [title II, §251\(c\)](#), [July 29, 2010](#), 124 Stat. 2298, provided that: "Nothing in this section [amending this section and section 41507 of this title] or any amendment made by this section—

"(1) allows the grant to be made to, or used by, an entity for law enforcement activities that the entity lacks jurisdiction to perform; or

"(2) has any effect other than to authorize, award, or deny a grant of funds to a federally recognized Indian tribe for the purposes described in the relevant grant program."

[For definition of "Indian tribe" as used in section 251(c) of Pub. L. 111–211, set out above, see section 203(a) of Pub. L. 111–211, set out as a note under section 2801 of Title 25, Indians.]

INCLUSION OF HONOR VIOLENCE IN NATIONAL CRIME VICTIMIZATION SURVEY

Pub. L. 113–235, [div. B, title II, Dec. 16, 2014](#), 128 Stat. 2191, provided in part: "That beginning not later than 2 years after the date of enactment of this Act [div. B of Pub. L. 113–235, Dec. 16, 2014], as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to honor violence".

STUDY OF CRIMES AGAINST SENIORS

Pub. L. 106–534, [§5, Nov. 22, 2000](#), 114 Stat. 2557, provided that:

"(a) **IN GENERAL.**—The Attorney General shall conduct a study relating to crimes against seniors, in order to assist in developing new strategies to prevent and otherwise reduce the incidence of those crimes.

"(b) **ISSUES ADDRESSED.**—The study conducted under this section shall include an analysis of—

"(1) the nature and type of crimes perpetrated against seniors, with special focus on—

"(A) the most common types of crimes that affect seniors;

"(B) the nature and extent of telemarketing, sweepstakes, and repair fraud against seniors;

and

"(C) the nature and extent of financial and material fraud targeted at seniors;

"(2) the risk factors associated with seniors who have been victimized;

"(3) the manner in which the Federal and State criminal justice systems respond to crimes against seniors;

"(4) the feasibility of States establishing and maintaining a centralized computer database on the incidence of crimes against seniors that will promote the uniform identification and reporting of such crimes;

"(5) the effectiveness of damage awards in court actions and other means by which seniors receive reimbursement and other damages after fraud has been established; and

"(6) other effective ways to prevent or reduce the occurrence of crimes against seniors."

INCLUSION OF SENIORS IN NATIONAL CRIME VICTIMIZATION SURVEY

Pub. L. 106–534, [§6, Nov. 22, 2000](#), 114 Stat. 2557, provided that: "Beginning not later than 2 years after the date of enactment of this Act [Nov. 22, 2000], as part of each National Crime Victimization Survey, the Attorney General shall include statistics relating to—

"(1) crimes targeting or disproportionately affecting seniors;

"(2) crime risk factors for seniors, including the times and locations at which crimes victimizing seniors are most likely to occur; and

"(3) specific characteristics of the victims of crimes who are seniors, including age, gender, race or ethnicity, and socioeconomic status."

CRIME VICTIMS WITH DISABILITIES AWARENESS

Pub. L. 105–301, [Oct. 27, 1998](#), 112 Stat. 2838, as amended by Pub. L. 106–402, [title IV, §401\(b\)\(10\)](#), [Oct. 30, 2000](#), 114 Stat. 1739, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Crime Victims With Disabilities Awareness Act'.

"SEC. 2. FINDINGS; PURPOSES.

"(a) **FINDINGS.**—Congress finds that—

"(1) although research conducted abroad demonstrates that individuals with developmental disabilities are at a 4 to 10 times higher risk of becoming crime victims than those without disabilities, there have been no significant studies on this subject conducted in the United States;

"(2) in fact, the National Crime Victim's Survey, conducted annually by the Bureau of Justice Statistics of the Department of Justice, does not specifically collect data relating to crimes against individuals with developmental disabilities;

"(3) studies in Canada, Australia, and Great Britain consistently show that victims with developmental disabilities suffer repeated victimization because so few of the crimes against them are reported, and even when they are, there is sometimes a reluctance by police, prosecutors, and judges to rely on the testimony of a disabled individual, making individuals with developmental disabilities a target for criminal predators;

"(4) research in the United States needs to be done to—

"(A) understand the nature and extent of crimes against individuals with developmental disabilities;

"(B) describe the manner in which the justice system responds to crimes against individuals with developmental disabilities; and

"(C) identify programs, policies, or laws that hold promises for making the justice system more responsive to crimes against individuals with developmental disabilities; and

"(5) the National Academy of Science Committee on Law and Justice of the National Research Council is a premier research institution with unique experience in developing seminal, multidisciplinary studies to establish a strong research base from which to make public policy.

"(b) PURPOSES.—The purposes of this Act are—

"(1) to increase public awareness of the plight of victims of crime who are individuals with developmental disabilities;

"(2) to collect data to measure the extent of the problem of crimes against individuals with developmental disabilities; and

"(3) to develop a basis to find new strategies to address the safety and justice needs of victims of crime who are individuals with developmental disabilities.

"SEC. 3. DEFINITION OF DEVELOPMENTAL DISABILITY.

"In this Act, the term 'developmental disability' has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C. 15002].

"SEC. 4. STUDY.

"(a) IN GENERAL.—The Attorney General shall conduct a study to increase knowledge and information about crimes against individuals with developmental disabilities that will be useful in developing new strategies to reduce the incidence of crimes against those individuals.

"(b) ISSUES ADDRESSED.—The study conducted under this section shall address such issues as—

"(1) the nature and extent of crimes against individuals with developmental disabilities;

"(2) the risk factors associated with victimization of individuals with developmental disabilities;

"(3) the manner in which the justice system responds to crimes against individuals with developmental disabilities; and

"(4) the means by which States may establish and maintain a centralized computer database on the incidence of crimes against individuals with disabilities within a State.

"(c) NATIONAL ACADEMY OF SCIENCES.—In carrying out this section, the Attorney General shall consider contracting with the Committee on Law and Justice of the National Research Council of the National Academy of Sciences to provide research for the study conducted under this section.

"(d) REPORT.—Not later than 18 months after the date of enactment of this Act [Oct. 27, 1998], the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report describing the results of the study conducted under this section.

"SEC. 5. NATIONAL CRIME VICTIM'S SURVEY.

"Not later than 2 years after the date of enactment of this Act, as part of each National Crime Victim's Survey, the Attorney General shall include statistics relating to—

"(1) the nature of crimes against individuals with developmental disabilities; and

"(2) the specific characteristics of the victims of those crimes."

§10133. Authority for 100 per centum grants

A grant authorized under this subchapter may be up to 100 per centum of the total cost of each project for which such grant is made. The Bureau shall require, whenever feasible as a condition of approval of a grant under this subchapter, that the recipient contribute money, facilities, or services to carry out the purposes for which the grant is sought.

(Pub. L. 90–351, title I, §303, as added Pub. L. 96–157, §2, Dec. 27, 1979, 93 Stat. 1178.)

CODIFICATION

Section was formerly classified to section 3733 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 303 of Pub. L. 90–351, [title I, June 19, 1968](#), 82 Stat. 201; Pub. L. 91–644, [title I, §4\(5\), \(6\), Jan. 2, 1971](#), 84 Stat. 1883; Pub. L. 93–83, [§2, Aug. 6, 1973](#), 87 Stat. 201; Pub. L. 93–415, [title V, §543, Sept. 7, 1974](#), 88 Stat. 1142; Pub. L. 94–503, [title I, §111, Oct. 15, 1976](#), 90 Stat. 2413; Pub. L. 96–181, [§15\(b\), Jan. 2, 1980](#), 93 Stat. 1316, set out requirements of State plans in order to qualify for grants for law enforcement and criminal justice purposes, prior to the general amendment of this chapter by Pub. L. 96–157.

§10134. Use of data

Data collected by the Bureau 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 private person or public agency other than statistical or research purposes.

(Pub. L. 90–351, title I, §304, formerly §305, as added Pub. L. 96–157, [§2, Dec. 27, 1979](#), 93 Stat. 1179; renumbered §304, Pub. L. 98–473, [title II, §605\(d\), Oct. 12, 1984](#), 98 Stat. 2080; amended Pub. L. 109–162, [title XI, §1115\(b\), Jan. 5, 2006](#), 119 Stat. 3104.)

CODIFICATION

Section was formerly classified to section 3735 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 304 of Pub. L. 90–351, as added by Pub. L. 96–157, was classified to section 3734 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 98–473, [title II, §605\(c\), Oct. 12, 1984](#), 98 Stat. 2080.

AMENDMENTS

2006—Pub. L. 109–162 substituted "private person or public agency" for "particular individual".

Appendix D

P.L. 113-242, Death in Custody Reporting Act of 2013

PUBLIC LAW 113-242—DEC. 18, 2014

DEATH IN CUSTODY REPORTING ACT OF 2013

Public Law 113–242
113th Congress

An Act

Dec. 18, 2014
[H.R. 1447]

To encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

Death in Custody
Reporting Act
of 2013.
42 USC 13701
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Death in Custody Reporting Act of 2013”.

42 USC 13727.

SEC. 2. STATE INFORMATION REGARDING INDIVIDUALS WHO DIE IN THE CUSTODY OF LAW ENFORCEMENT.

(a) **IN GENERAL.**—For each fiscal year after the expiration of the period specified in subsection (c)(1) in which a State receives funds for a program referred to in subsection (c)(2), the State shall report to the Attorney General, on a quarterly basis and pursuant to guidelines established by the Attorney General, 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).

(b) **INFORMATION REQUIRED.**—The report required by this section shall contain information that, at a minimum, includes—

- (1) the name, gender, race, ethnicity, and age of the deceased;
- (2) the date, time, and location of death;
- (3) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and
- (4) a brief description of the circumstances surrounding the death.

(c) **COMPLIANCE AND INELIGIBILITY.**—

(1) **COMPLIANCE DATE.**—Each State shall have not more than 120 days from the date of enactment of this Act to comply with subsection (a), except that—

(A) the Attorney General may grant an additional 120 days to a State that is making good faith efforts to comply with such subsection; and

(B) the Attorney General shall waive the requirements of subsection (a) if compliance with such subsection by a State would be unconstitutional under the constitution of such State.

Waiver authority.

(2) **INELIGIBILITY FOR FUNDS.**—For any fiscal year after the expiration of the period specified in paragraph (1), a State that fails to comply with subsection (a), shall, at the discretion of the Attorney General, be subject to not more than a 10-percent reduction of the funds that would otherwise be allocated for that fiscal year to the State under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(d) **REALLOCATION.**—Amounts not allocated under a program referred to in subsection (c)(2) to a State for failure to fully comply with subsection (a) shall be reallocated under that program to States that have not failed to comply with such subsection.

(e) **DEFINITIONS.**—In this section the terms “boot camp prison” and “State” have the meaning given those terms, respectively, in section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)).

(f) **STUDY AND REPORT OF INFORMATION RELATING TO DEATHS IN CUSTODY.**—

(1) **STUDY REQUIRED.**—The Attorney General shall carry out a study of the information reported under subsection (b) and section 3(a) to—

(A) determine means by which such information can be used to reduce the number of such deaths; and

(B) examine the relationship, if any, between the number of such deaths and the actions of management of such jails, prisons, and other specified facilities relating to such deaths.

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Attorney General shall prepare and submit to Congress a report that contains the findings of the study required by paragraph (1).

SEC. 3. FEDERAL LAW ENFORCEMENT DEATH IN CUSTODY REPORTING REQUIREMENT.

42 USC 13727a.

(a) **IN GENERAL.**—For each fiscal year (beginning after the date that is 120 days after the date of the enactment of this Act), the head of each Federal law enforcement agency shall submit to the Attorney General a report (in such form and manner specified by the Attorney General) that contains information regarding the death of any person who is—

Effective date.

(1) detained, under arrest, or is in the process of being arrested by any officer of such Federal law enforcement agency (or by any State or local law enforcement officer while participating in and for purposes of a Federal law enforcement operation, task force, or any other Federal law enforcement capacity carried out by such Federal law enforcement agency); or

(2) en route to be incarcerated or detained, or is incarcerated or detained at—

(A) any facility (including any immigration or juvenile facility) pursuant to a contract with such Federal law enforcement agency;

(B) any State or local government facility used by such Federal law enforcement agency; or

(C) any Federal correctional facility or Federal pre-trial detention facility located within the United States.

(b) INFORMATION REQUIRED.—Each report required by this section shall include, at a minimum, the information required by section 2(b).

(c) STUDY AND REPORT.—Information reported under subsection (a) shall be analyzed and included in the study and report required by section 2(f).

Approved December 18, 2014.

LEGISLATIVE HISTORY—H.R. 1447:

HOUSE REPORTS: No. 113-285 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 159 (2013): Dec. 12, considered and passed House.

Vol. 160 (2014): Dec. 10, considered and passed Senate.



Appendix E

**Report of the Attorney General to Congress Pursuant to the
Death in Custody Reporting Act, December 16, 2016**



**Report of the Attorney General to Congress Pursuant to
The Death in Custody Reporting Act**

December 16, 2016

I. Introduction

The Death in Custody Reporting Act enacted in December 2014 (DCRA) requires states and federal law enforcement agencies to report certain information to the Attorney General regarding the death of any person occurring during interactions with law enforcement officers or while in custody. *See* 42 U.S.C. §§ 13727(a) & (b), 13727a(a) & (b). It further requires the Attorney General and the Department of Justice (Department) to collect the information, establish guidelines on how it should be reported, annually determine whether each state has complied with the reporting requirements, and address any state's noncompliance. In addition, the Act requires the Department to conduct a study of the information reported and to report to Congress the findings of that study.

The DCRA addresses a profoundly important issue, and the Department is pleased to have made significant progress in the implementation of this statute. The collection of this information is of immense value to state, local, and federal law enforcement agencies, to the communities they serve, and to the country as a whole. This report provides Congress with the information it needs to understand how the Department is implementing the Act, some of the challenges involved, and how the Department will facilitate improved data collection in the years ahead.

II. Requirements of the Act

The Act provides that states must report to the Attorney General certain 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).” 42 U.S.C. § 13727(a). The information required to be reported for each such death comprises the name, gender, race, ethnicity, and age of the deceased; the date, time, and location of death; the law enforcement agency involved; and a brief description of the circumstances surrounding the death. *Id.* §13727(b). Federal law enforcement agencies must report the same information regarding deaths occurring under similar circumstances. *Id.* § 13727a(a) & (b).

The Act requires states to report the required information “on a quarterly basis and pursuant to guidelines established by the Attorney General.” *Id.* § 13727(a). It further provides that, beginning with Fiscal Year (FY) 2016 and for each fiscal year thereafter, “a State that fails to comply with [the reporting requirements], shall, at the discretion of the Attorney General, be subject to not more than a 10-percent reduction of the funds that would otherwise be allocated for that fiscal year to the State under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.)” *Id.* § 13727(c)(2). The referenced subpart of the Omnibus Crime Control and Safe Streets Act of 1968 establishes the Edward Byrne Memorial Justice Assistance Grant Program (the Byrne JAG grant program), *see* 42 U.S.C. § 3750(a), which the Department of Justice administers, *see id.* 3751(a).

Finally, the Act requires the Attorney General to carry out a study of the information reported by the states and federal law enforcement agencies to “(A) determine means by which

such information can be used to reduce the number of such deaths; and (B) examine the relationship, if any, between the number of such deaths and the actions of management of such jails, prisons, and other specified facilities relating to such deaths.” 42 U.S.C. § 13727(f)(1). The Act further requires the Attorney General to submit to Congress, not later than two years after the enactment of the Act, a report that contains the findings of that study. *Id.* § 13727(f)(2).

III. Implementation of the DCRA Data Collection Requirements

The DCRA enacted in December 2014 requires the Attorney General to collect data from federal law enforcement agencies and from states.

A. Federal Data

For each fiscal year beginning with FY 2016, the DCRA requires the head of each federal law enforcement agency to report to the Attorney General information regarding the death of any person occurring during interactions with federal law enforcement officers (or with state or local law enforcement officers participating in a federal operation or otherwise acting in a federal law enforcement capacity) or while in federal custody. *See* 42 U.S.C. § 13727a(a). The information must be reported “in such form and manner specified by the Attorney General” *Id.*

On October 5, 2016, the Attorney General issued a memorandum to each federal department, agency, or office that includes a law enforcement agency within its organization, notifying it of the DCRA requirements. Since then, as requested in the memorandum, the approximately 155 federal law enforcement agencies have been coordinating with the Department’s Bureau of Justice Statistics (BJS) by providing points of contact to begin the collection of FY 2016 DCRA data. BJS expects to conduct the collection of FY 2016 data from December 2016 through March 2017 and to issue a statistical report in 2017.

B. State Data

The Act requires states to report DCRA data to the Department of Justice on a quarterly basis pursuant to guidelines established by the Attorney General. *See* 42 U.S.C. § 13727(a). In conjunction with this Report, the Department is issuing its proposed guidelines for publication in a Federal Register Notice.¹ The Notice includes the Department’s proposed plans for collecting the DCRA data for FYs 2016 and beyond. Pursuant to the Paperwork Reduction Act (PRA), the Department’s DCRA data collection plans will remain open for public comment for 60 days. The Department will then develop its final guidelines and data collection plans, considering any comments and other feedback it has received. The PRA requires the publication of those final plans for another 30-day period and approval of the plans by the Office of Management and Budget before the plans may be implemented.

The Department’s proposed data collection plan will call for states to report each quarter’s data within one month following the close of the quarter. The Department also will

¹ The Department submitted an initial Notice in August 2016 and received several thousand valuable comments. Based on those comments, the Department revised its approach and is submitting a new Notice.

conduct its own open source review to identify deaths potentially covered by the DCRA.² After the states submit their initial quarterly reports, the Department will notify each state of the results of the Department's open source review. If that open source review identifies any deaths not reported in a state's initial quarterly report, the state will have to report the required information regarding those previously unreported deaths at the time it submits its next quarterly report (that is, at one month following the close of the subsequent quarter), or indicate why the death does not fall within the categories of reportable deaths under the DCRA. Thus, for deaths occurring during the 2nd Quarter of a fiscal year, the state will submit its initial quarterly report by April 30. For any 2nd Quarter deaths identified by the Department's open source review and that the state did not include in its initial 2nd Quarter report, the state will report the required data by July 31.

Considering the two notice-and-comment periods required by the PRA, the Department anticipates that states will be asked to make their first DCRA reports by July 31, 2017, which will include data pertaining to the 3rd Quarter of FY 2017. Data from the 4th Quarter of FY 2017 will be due October 31, 2017. Quarterly reporting for FY 2018 will continue thereafter. For data pertaining to FY 2016 and the first two quarters of FY 2017, the Department will identify potential reportable deaths via an open source review by May 31, 2017, and then follow up with states to request that states provide the relevant information pertaining to each death by November 30, 2017.

As explained in the subsection below regarding the Department's compliance plans, because the guidelines for reporting data pursuant to the DCRA will not be finalized before the 2nd Quarter of FY 2017, States' reporting for FY 2016 and FY 2017 will not be subject to a compliance determination. Additionally, reporting of FY 2016 and FY 2017 data pursuant to DOJ's new DCRA data collection guidelines will include only information on arrest-related deaths³—it will not include data on deaths occurring in prisons or jails. Data from 2016 and 2017 on deaths in prisons and jails will be collected via BJS's existing jails and prisons data collection program, that is, BJS's Death in Custody Reporting Program, described in subsection III.C., below. Beginning with data for FY 2018, all reportable deaths—including arrest-related deaths and deaths occurring in prisons or jails—will be collected quarterly pursuant to the DCRA data reporting guidelines.⁴ Thus, state reporting will proceed according to the following schedule.

² The review of open information sources is the process of harvesting information related to such events from publicly available information on the internet. This includes news or media outlets, official agency documents and websites, and other publicly available information.

³ The term "arrest-related deaths," as used herein, refers to deaths occurring outside the institutional context during interactions with law enforcement personnel or while in their custody, as opposed to deaths occurring in the prison or jail settings.

⁴ BJS's existing Death in Custody Reporting Program collection of prisons and jails data is an annual, calendar year collection. Thus, there will be a three-month overlap (from October through December 2017) between the FY 2018 DCRA collection of prisons and jails data and BJS's calendar year 2017 DCRP collection.

| DCRA Data Reporting Schedule for States | |
|---|---|
| 2016 prison or jail deaths | To be collected pursuant to BJS’s existing DCRP, based on the calendar year. |
| FY 2016 arrest-related deaths | To be collected through DOJ’s open source review and follow up with states to obtain relevant information by November 30, 2017. |
| 2017 prison or jail deaths | To be collected pursuant to BJS’s existing DCRP, based on the calendar year. |
| FY 2017, 1st and 2nd Quarter arrest-related deaths | To be collected through DOJ’s open source review and follow up with states to obtain relevant information by November 30, 2017. |
| FY 2017, 3rd and 4th Quarter arrest related deaths | To be collected pursuant to DOJ’s new DCRA reporting guidelines. Data for 3rd Quarter FY 2017 will be due July 31. Data for 4th Quarter FY 2017 will be due October 31. |
| FY 2018 – all reportable data, including arrest-related deaths and deaths in prisons or jails | To be collected pursuant to DOJ’s new DCRA reporting guidelines. Data for 1st Quarter FY 2018 will be due January 31, 2018. |
| State Data Collection Plans ⁵ | Due at the beginning of each fiscal year, beginning FY 2018. Plans for FY 2018 will be due October 1, 2017. |

1. Compliance Plans for Collection of State Data

Under the DCRA, a state that fails to comply with the Act’s reporting requirements “shall, at the discretion of the Attorney General, be subject to not more than a 10-percent reduction of the funds that would otherwise be allocated for that fiscal year to the State under [the Byrne JAG program].” 42 U.S.C. § 13727(c)(2).

The Department’s forthcoming proposed data collection plan will include a description of the Department’s proposed plans for determining each state’s compliance and addressing non-compliance. The compliance plans will include the following principal features.

- *Complete and timely reporting will be required.* Consistent with the language and structure of the Act, the Department will determine compliance based on whether each state has timely reported all of the information that the Act requires. For each fiscal year quarter, states will be required to report whether or not any deaths covered by the Act have occurred in the arrest, jail, and prison contexts. If a death has occurred, the state will be required to report all of the information specified in the Act. If a state’s initial quarterly report does not include any death identified by the Department’s independent open source review, the state will be required to report all information related to that previously unreported death in the state’s supplemental quarterly report. A state’s failure to timely submit any initial

⁵ See the following subsection of this Report, “Compliance Plans for Collection of State Data.”

or supplemental quarterly report, or any of the required information relating to any individual death, will constitute a failure to comply with the Act.

- *State data collection plans.* Each state will be required to report to the Department its plan for collecting and reporting DCRA data. Information on each state's data collection plan will aid the Department in assisting states that are seeking to improve their collection plans, and help the Department evaluate the reliability of all data collected. States will be required to report their plans at the beginning of each fiscal year, beginning with Fiscal Year 2018. A state's failure to report its data collection plan will constitute a failure to comply with the Act.
- *Compliance to be assessed on a fiscal year basis.* The Department will assess each state's compliance for a fiscal year after the final quarterly reports for that year have been collected. Under the forthcoming proposed data collection plan, a state's final report for a fiscal year will be due January 31 of the following year.⁶
- *Grace period for FY 2017.* Due to the notice-and-comment periods required by the PRA, discussed above, the Department's data collection plans cannot be finalized before the 2nd Quarter of FY 2017. Thereafter, states will need to develop and implement their own data collection and reporting systems. For these reasons, though the Department anticipates reporting to begin in FY 2017, the Department will not reduce any state's grant award for failure to comply with the reporting requirements during FY 2017. States' FY 2017 reporting will play an important role, however, not only in collecting FY 2017 data, but in allowing states to test their data collection and reporting processes, identify any necessary improvements, and develop the data collection plans that they will use for FY 2018. As noted above, states will be required to report those plans at the beginning of FY 2018.
- *Addressing noncompliance.* The Act does not require a state's Byrne JAG award to be reduced for the state's failure to comply, but makes such an award reduction subject to the discretion of the Attorney General. The Department proposes to provide each noncomplying state the opportunity to dedicate up to 10% of its Byrne JAG award for the following fiscal year to take measures necessary to achieve compliance. Noncomplying states that refuse that opportunity will be subject to a 10% reduction of their Byrne JAG award, which will be factored into the calculation of each state's award announced in the spring of each year. Thus, in February 2019, for example, DOJ will determine whether each state has complied with the DCRA requirements during FY 2018 reporting. States that

⁶ A state's initial 4th Quarter data will be due one month after the close of the quarter, that is, on October 31. The Department will then inform each state about the results of the Department's open source review, and each state will have to submit a supplemental report—with information related to any previously unreported deaths—when the state's initial report for the following quarter is due, that is, on January 31.

refuse the opportunity to dedicate up to 10% of their forthcoming Byrne JAG funding towards compliance efforts will be subject to a 10% reduction of the Byrne JAG awards announced in the Spring of 2019. The total amount by which the awards of noncomplying states are reduced will be reallocated among the states that have complied with the Act.

C. Currently Available Information

The Department has been collecting and studying death-in-custody information—including information on arrest-related deaths and deaths in prisons and jails—since 2001. The DCRA enacted in December 2014 builds on the Death in Custody Reporting Act of 2000, Pub. L. No. 106-297, 114 Stat. 1045 (codified in 42 U.S.C. § 13701 note & § 13704(a)(2)), which required states to report information to the Attorney General on deaths occurring in the process of arrest or while in the custody of prison or jail authorities. *Id.* In response to the 2000 law, BJS created the Deaths in Custody Reporting Program (DCRP).⁷ That program collected information on deaths occurring in three different contexts: deaths in jails, deaths in prisons, and arrest-related deaths.

BJS began its data collection on deaths in jails in 2000 and its collection on deaths in prisons in 2001. Since then, BJS has annually collected data from 100% of the fifty state prison systems and more than 94% of the country's 2,870 jail jurisdictions, which represent 3,170 jail facilities.⁸ BJS collects the jails and prisons data on a calendar year basis. The DCRP remains the only national statistical collection to obtain comprehensive information about deaths in adult correctional facilities.⁹ BJS uses DCRP data to track national trends in the number and causes (or manners) of deaths occurring in state prison or local jail custody.

In conjunction with this Report to Congress, BJS has released its latest reports on *Mortality in Local Jails, 2000-2014* and *Mortality in State Prisons, 2001-2014*. The reports are available on its website at www.bjs.gov. As related in those reports, 3,927 inmates died in state (3,483) and federal (444) prisons in 2014, up slightly from 3,879 in 2013. These numbers are the highest since the collection of inmate deaths in state and federal prisons began in 2001. Nearly nine in ten (87%) deaths were illness-related, with cancer (30%) and heart disease (26%) accounting for more than half. Almost all (96%) of the inmates who died in state prisons in 2014 were male. And more than half (55%) of the state prisoners who died in 2014 were non-Hispanic white.¹⁰ In local jails, 1,053 inmates died in 2014, up from 971 in 2013. This was the largest number of jail inmate deaths reported by the DCRP since 2007. Suicide, the leading cause of death in local jails, accounted for more than a third (35%) of deaths in local jails. The jail suicide rate increased 8% between 2013 and 2014 to 50 suicides per 100,000 local jail

⁷ See Bureau of Justice Statistics, *Data Collection: Deaths in Custody Reporting Program (DCRP)*, <http://www.bjs.gov/index.cfm?ty=dcdetail&iid=243>.

⁸ Margaret Noonan, et al., Bureau of Justice Statistics, *Mortality in Local Jails and State Prisons, 2000–2013 - Statistical Tables 29* (Aug. 2015), <http://www.bjs.gov/content/pub/pdf/mljsp0013st.pdf>.

⁹ *Id.*

¹⁰ Margaret Noonan, Bureau of Justice Statistics, *Mortality in State Prisons, 2001-2014 – Statistical Tables* (Dec. 2016).

inmates. This is the highest suicide rate observed in local jails since the DCRP began in 2000. More than a third (425 of 1,053) of inmate deaths in jails in 2014 occurred within the first 7 days of admission.¹¹

Apart from its collection of data on deaths in prisons and jails, BJS initiated its Arrest-Related Deaths (ARD) data collection program in 2003.¹² The program relied on state reporting coordinators in each of the 50 states and the District of Columbia to identify and report on all eligible cases of arrest-related deaths.¹³ BJS ultimately determined, however, that the data collected did not meet BJS data quality standards as the program identified only about half of the arrest-related deaths that occurred each year.¹⁴ BJS therefore suspended the program in 2014.¹⁵ BJS then tested a new methodology. Instead of relying solely on States to affirmatively submit information on reportable arrest-related deaths, BJS piloted a mixed method, hybrid approach that used open sources to identify eligible cases, followed by data requests to law enforcement, medical examiners, and/or coroner offices for incident-specific information about the decedent and circumstances surrounding the event. During the follow-up, BJS also would request information on other arrest-related deaths that had not been identified through open sources. The results of the redesigned “open source review” approach showed substantial improvements in data coverage and quality.

In conjunction with this Report to Congress, BJS has released its report on its revised ARD study. The BJS report, *Arrest-Related Deaths Program Redesign Study, 2015-2016*, is available at www.bjs.gov. As that report indicates, media reviews and agency surveys together identified a total of 425 arrest-related deaths that occurred during the test phase from June through August 2015. Twelve percent of the 425 deaths during that test phase were reported by agency respondents and not initially identified through media searches. Of all deaths occurring in June, July, and August 2015, 64% were homicides, 18% were suicides, and 11% were accidents. BJS continued to identify deaths using open source information after August 2015, although those data were not subject to follow-up verification as were the June-August 2015 data. Based on deaths identified from the open source review from June 2015 through May 2016, and assuming an additional 12% identified by agencies (consistent with the percentage of additional deaths identified by the agencies during BJS’s test phase), BJS estimates that approximately 1,900 arrest-related deaths occurred during that period.¹⁶

¹¹ Margaret Noonan, Bureau of Justice Statistics, *Mortality in Local Jails, 2000–2014 - Statistical Tables* (Dec. 2016).

¹² See Bureau of Justice Statistics, *Arrest-Related Deaths*, <http://www.bjs.gov/index.cfm?ty=tp&tid=82>.

¹³ See Michael Planty, et al., Bureau of Justice Statistics, *Arrest-Related Deaths Program: Data Quality Profile 5 n.5* (March 2015), <http://www.bjs.gov/content/pub/pdf/ardpdqp.pdf>.

¹⁴ See Bureau of Justice Statistics, *Arrest-Related Deaths*, *supra* note 12; Planty, et al., *supra* note 13, at 15, 17.

¹⁵ See Bureau of Justice Statistics, *Arrest-Related Deaths*, *supra* note 12.

¹⁶ Duren Banks, et al., Bureau of Justice Statistics, *Arrest-Related Deaths Program Redesign Study, 2015-2016: Preliminary Findings 7-8* (Dec. 2016).

As noted above, BJS will collect 2016 and 2017 data on deaths in prisons and jails pursuant to the DCRP. Once the Department’s mandatory collection of such data pursuant to the DCRA begins with FY 2018, however, in order to minimize duplication of effort, BJS will suspend its DCRP collection of data on arrest-related deaths and deaths in prisons and jails. The Department will publicly release data collected pursuant to the DCRA, including the State plans, the number of deaths reported for each agency and facility, and data on the circumstances surrounding those deaths. The release will exclude personally identifiable information and will be consistent with any applicable Department policies and federal laws, including federal privacy laws. The data will also be available for Department use, consistent with the Department’s missions, policies, and legal authorities.

IV. Assessment of DCRA Reporting and Data Quality

The Department will assess FY 2017 and 2018 reporting and data quality to determine whether the DCRA data reporting program is producing reliable data and what changes may be necessary to improve data quality. The plan proposed by the Department blends the DCRA statutory requirements with elements of other data collection efforts that have shown promise to improve data quality, accuracy, and reliability. However, some significant challenges in establishing a comprehensive, reliable data collection program already are apparent, and legislative changes may be necessary.

Among the more significant challenges, the Act requires states to report information that the states do not necessarily possess. In general, of the three kinds of deaths covered by the Act—arrest-related deaths, deaths in jails, and deaths in prisons—states have firsthand knowledge primarily of deaths in state prison systems; they will not be the best source of data for deaths encountered by local law enforcement agencies or jails. BJS’s experience with its Death in Custody Reporting Program, discussed above, has shown that where it collects the information directly from the agencies that have it, from prisons and jails, it can achieve a reasonably comprehensive and reliable data collection. But where BJS must go through states to collect information that the states do not independently possess, as in BJS’s suspended Arrest-Related Deaths program, the data quality is likely to suffer without significant proactive oversight by the Department.¹⁷

The possible shortcomings of a state-centered arrest-related deaths collection program may be mitigated in a number of ways. First, implementation of the compliance determination

¹⁷ Please note that, unlike the Department’s collection of data pursuant to BJS’s DCRP, the collection of data pursuant to the DCRA will be managed by the Department’s Bureau of Justice Assistance (BJA). BJA administers the Byrne JAG Program and the compliance and penalty determinations that program requires. BJS will not administer the DCRA collection because its compliance is tied to the administration of the Byrne JAG Program, and BJS’s statistical directives make clear that it “must function in an environment that is clearly separate and autonomous from the other administrative, regulatory, law enforcement, or policy-making activities” of the Department. Office of Management and Budget, *Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units*, 79 Fed. Reg. 71610, 71615 (Dec. 2, 2014).

and possible assessment of penalties on noncompliant states may have the effect of increasing reporting quality, as Congress has envisioned.

Second, the Department will use an independent open source review to identify deaths that states may miss in their initial quarterly reporting. Though promising in the short term, however, the Department's use of an open source review to independently identify deaths is not a sustainable long term solution. The cost of conducting the quarterly open source review and the follow up with the states—and, indeed, for administering the DCRA data collection program as a whole—will be significant. The open source review is effective at identifying almost only arrest-related deaths and misses the majority of deaths that occur in jails and prisons. Additionally, there are data-quality limitations inherent in an open source review. BJS has found, for example, that the media sources reviewed often cover only “newsworthy” deaths and higher profile cases; there may be considerable regional and local variation in media coverage for arrest-related deaths; information on web-based news platforms may be available for a limited time; and, most importantly, the quality of information from open sources is unknown and is likely to vary over time, by source, and in comparison to official records.¹⁸ Some of these shortcomings can be addressed as states follow up with the law enforcement agencies involved in the deaths identified by the open source review, but that follow-up will not identify deaths that the open source did not discover and that involved different law enforcement agencies.

Finally, reliable data likely can be obtained through affirmative efforts by states to implement a comprehensive state data collection plan to reach out to and coordinate with the local authorities in possession of the data. However, these affirmative efforts may require concerted, sustained outreach, new data management and reporting systems, and significant resource investment by states.

Cost presents significant challenges in other ways as well. The federal government must be mindful that any collection of information from local law enforcement or detention authorities, whether by the states or the federal government, will impose some burden on the local authorities to collect and report the data. The federal government already asks state and local law enforcement to report crime data through the Uniform Crime Reporting program administered by the Federal Bureau of Investigation (FBI). The FBI, with the support and cooperation of state, local, and tribal law enforcement partners, also is establishing the National Use of Force Data Collection program, which will ask federal, state, local, and tribal law enforcement agencies to report information on law enforcement uses of force. The Department will examine ways to improve the data quality of these collections and reduce the associated reporting burdens on state and local authorities. In doing so, the Department will look not only to reduce duplicative reporting, but to examine what infrastructure improvements, such as new records management systems, will be needed by states and local authorities to efficiently collect and report the data.

¹⁸ Duren Banks, et al., RTI International, *Arrest-Related Deaths Program Assessment, Technical Report 34* (Mar. 2015), <http://www.bjs.gov/content/pub/pdf/ardpatr.pdf>.

V. Study of Data Collected

A. Status of DCRA Study

The Act requires the Department of Justice to conduct a study of data collected and to report on that study by December 18, 2016. The first period for which the Act requires collection is FY 2016, *see* 42 U.S.C. § 13727(a), which ended September 30, 2016. The Department has not yet collected all FY 2016 data. Section III of this Report addresses the methods and timetables for collecting FY 2016, FY 2017, and FY 2018 data, and the study will be conducted once the data are available.

B. Parameters of the Study

The Department intends to hire an external consultant or team of consultants with appropriate expertise, such as expertise in statistical methods, criminal justice policing practices, institutional corrections, emergency and long-term medical care, and mental health care, to analyze the data collected. Using an external consultant is preferable because of the unique combination of skills this study requires and to avoid a potential conflict of interest that could arise from analyzing data and making recommendations concerning federal law enforcement agencies. While the consultant shall have discretion in determining precisely how to execute the study, the Department will provide specific direction on aspects of the study required by the Act.

For part (A) of the study, the Act requires the Department to determine the means by which the data collected can be used to reduce the number of in-custody deaths. 42 U.S.C. § 13727(f)(1). The Department will confer with the consultant on the best means of addressing this question, bearing in mind the differences among the different categories of agencies (law enforcement agencies, jails, and prisons) and within each category of agency.¹⁹ The consultant will assess the number of deaths and the causes of death by agency, compare the number of deaths among agencies with similar characteristics, and identify agencies that substantially deviated from the norm both in quantity and cause of death. The consultant also will determine the most common manners and causes of death and develop specific recommendations for how to reduce such deaths, with such recommendations addressing necessary policies, procedures, staffing levels, officer training, supervision, accountability measures, and the provision of timely medical and mental health care, among other recommendations. The consultant will consider all relevant available information, including best practices from industry experts, provisions of settlement agreements aimed at reducing the number of in-custody deaths, recommendations from professional law enforcement organizations and community advocates, and other relevant research materials.

For part (B) of the study, the Act requires the Department to examine the relationship between the number of deaths and the actions of management of such jails, prisons, and other specified facilities relating to such deaths. 42 U.S.C. § 13727(f)(1). The data the Department is

¹⁹ Relevant factors will include agency size, the various characteristics of the community served, the local crime rate, the criminal history of the decedent, and others. These factors will vary in examining law enforcement agencies, prisons, or jails.

authorized to collect under the Act does not, however, include information about management practices. The consultant will need to collect data and other relevant information from criminal justice agencies to obtain more information about their managerial practices, in addition to consulting other available and relevant information. The consultant will focus on comparing the managerial practices of similar agencies where the number of deaths deviates significantly from the norm.

Although Congress has authorized the Department to collect data on deaths in custody for the foreseeable future, the Act requires the Attorney General to carry out a study of the data and submit a report that contains the findings of the study only once. *See* 42 U.S.C. § 13727(f). Because the Department believes there is significant merit in studying the trends of in-custody deaths over time, the Department intends to conduct this study periodically and to submit subsequent reports to Congress. This study and any study thereafter will require funding to obtain a consultant or team of consultants with the requisite expertise to review and analyze the data and draft a report of recommendations. Once the Department has examined the funding necessary to complete the study, the Department will work with Congress to ensure that the study can be completed.

Conclusion

The DCRA represents an important step in the collection of information that is of tremendous value to all stakeholders in the criminal justice system. The Department has made significant progress in developing a collection method that is consistent with the statute, while sensitive to the costs and challenges that collecting and reporting the data will entail for states and for the Department. The Department looks forward to partnering with states, law enforcement, community groups, and other stakeholders as we continue to implement the DCRA data collection program. To that end, the Department encourages public comment and feedback on the data collection guidelines published this month in the Federal Register Notice and will closely review those comments and feedback in developing the Department's final data collection plans.

Appendix F

BJS Data Protection Guidelines



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, D.C. 20531

BUREAU OF JUSTICE STATISTICS DATA PROTECTION GUIDELINES

OVERVIEW

The Bureau of Justice Statistics (BJS) is a federal statistical agency¹ and the nation’s primary source for criminal justice data.² BJS is a component of the Office of Justice Programs (OJP) in the U.S. Department of Justice (DOJ). BJS’s mission is to collect, analyze, publish, and disseminate statistical information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. These data are critical to federal, state, and local policymakers in combating crime and ensuring that justice is both efficient and evenhanded.

The BJS Data Protection Guidelines, developed in coordination with OJP’s Office of the General Counsel and Office of the Chief Information Officer, are intended to provide a summary of the many federal statutes, regulations, and other authorities that govern BJS.³ As discussed in greater detail below, the guidelines require BJS to: adhere to strict confidentiality requirements regarding data collected at BJS’s direction; ensure that the collected data be used only for statistical purposes; commit to wide dissemination of BJS data for public benefit; and strive to maximize the utility, objectivity, and integrity of the information BJS disseminates and archives for public use.

I. DATA PROTECTIONS IN FEDERAL STATUTES

Pursuant to its statutory responsibilities, BJS must maintain the confidentiality of all personally identifiable information it collects. Specifically, in accordance with BJS’s authorizing statute, the Director of BJS “shall be responsible for the integrity of data and statistics and shall protect against improper or illegal use or disclosure.” [34 U.S.C. § 10132\(b\)](#).

¹The Office of Management and Budget (OMB) recognizes BJS as one of thirteen principal federal statistical agencies that have statistical work as their principal mission.

² For the purpose of this document, “information” and “data” are used synonymously.

³ This document is intended to provide a general overview of the statutory, regulatory, and policy framework under which the employees and contractors of BJS operate. Nothing herein is intended to, or does, create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. Any specific questions regarding the application of these statutes, regulations, policies, and guidelines should be addressed in writing to BJS directly. The BJS Data Protection Guidelines will be updated to reflect changes to current or newly implemented statutes, regulations, and other authorities and the most current version will be available on the BJS website - https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf.

Further, under 34 U.S.C. § 10231(a), no officer or employee of the federal government, including BJS employees or its data collection agents,⁴ may use or reveal any research or statistical information furnished in connection with a BJS data collection, including data identifiable to any specific private person, by any person for any purpose other than the purpose for which it was furnished.

Additionally, under that statute, statistical information provided to BJS that is identifiable to a private person is immune from legal process, and may not, without the consent of the person furnishing such information, be admitted as evidence or be used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings. Any person violating these confidentiality provisions may be punished by a fine not to exceed \$10,000 in addition to any other penalty imposed by law.

Further confidentiality protections for statistical data are contained in 18 U.S.C § 1905. Penalties for violating this statute include mandatory termination from employment, as well as a fine, term of imprisonment of not more than one year, or both.

II. DATA USE RESTRICTIONS IN FEDERAL STATUTES AND REGULATIONS

BJS operates under a statute which specifically states that it may only use the data it collects for statistical or research purposes. Title [34 U.S.C. § 10134](#), states that “[d]ata collected by the Bureau 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 private person⁵ or public agency other than statistical or research purposes.” The term “*statistical purpose*,” as defined in Section 502(9)(A) of the E-Government Act of 2002, means “the description, estimation, or analysis of the characteristics of groups, without identifying the individuals or organizations that comprise such groups.”⁶ Statistical purposes exclude “any administrative, regulatory, law enforcement, adjudicatory, or other purpose that affects the rights, privileges, or benefits of a particular identifiable respondent.” *Id.* at 502(5)(A).

All BJS data collection agents working with identifiable information collected or maintained at BJS’s direction are required to comply with all confidentiality requirements of 34 U.S.C. § 10231, the privacy certification requirements of 28 C.F.R. § 22.23, and the requirement to destroy identifiable data as set forth in 28 C.F.R. § 22.25.

⁴ For the purpose of these guidelines, the term “data collection agent” refers to an individual who works under BJS’s authority through a cooperative agreement, grant, contract, subaward, or subcontract to perform exclusively research or statistical activities (e.g., collecting, receiving, handling, maintaining, transferring, processing, storing, or disseminating data).

⁵ The term “*private person*” means “any individual (including an individual acting in his official capacity) and any private partnership, corporation, association, organization, or entity (or any combination thereof).” 34 U.S.C. § 10251(a)(27).

⁶ Section V of the E-Government Act of 2002 is also known as the “Confidential Information Protection and Statistical Efficiency Act of 2002,” (CIPSEA). *See*, [44 U.S.C. § 3501](#) note.

III. FOIA REQUESTS AND FEDERAL CONFIDENTIALITY PROTECTIONS

BJS data collections also have protections under a broader federal statute that affects the confidentiality of information in the Privacy Act of 1974 and the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Although FOIA is generally cited as establishing the public’s right of access to federal records and information, there are nine established FOIA exemptions which permit executive branch agencies to withhold certain types of information from release. For example, one such exemption may allow BJS to withhold information when public release would reveal information accusing a person of a crime.⁷ Another example may allow BJS to refuse to disclose information if the information sought would “disclose investigatory records compiled for law enforcement purposes, or if the disclosure might have similar implications.”⁸

IV. FEDERAL REGULATIONS ON THE CONFIDENTIALITY OF IDENTIFIABLE DATA

Data collected by BJS and BJS data collection agents are maintained under the confidentiality provisions outlined in [28 C.F.R. Part 22](#).⁹ Relevant provisions include –

- Data identifiable to a private person may be used or revealed only for research or statistical purposes, or where prior consent is obtained from an individual
- Identifiable information will be used or revealed only to employees on a need-to-know basis, and only if the recipient is legally bound to use it solely for research and statistical purposes and to take adequate administrative and physical precautions to ensure confidentiality
- BJS award recipients are required by federal law, as a condition of funding, to submit a Privacy Certificate that describes the precautions in place to adequately safeguard the administrative and physical security of identifiable data, as applicable
- Individuals, including BJS data collection agents, with access to data on a need-to-know basis are advised in writing of the confidentiality requirements and must certify in writing to abide by these requirements.

V. INFORMATION SYSTEM SECURITY AND PRIVACY REQUIREMENTS

BJS/OJP maintains a robust IT security program in compliance with the DOJ Cybersecurity

⁷ 5 U.S.C. § 552b(b)(5).

⁸ 5 U.S.C. § 552b(b)(7).

⁹ While the confidentiality provisions of Part 22 discussed herein are extensive, these regulations do not apply to any records from which identifiable research or statistical information was originally obtained; or to any records which are designated under existing statutes as public; or to any information extracted from any records designated as public.

Program¹⁰ and the [DOJ IT Security Rules of Behavior \(ROB\) for General Users](#)¹¹ to facilitate the privacy, security, confidentiality, integrity, and availability of BJS/OJP's computer systems, networks, and data in accordance with applicable federal and Department policies, procedures, and guidelines. BJS award recipients are similarly required to maintain the appropriate administrative, physical, and technical safeguards to protect identifiable data and ensure that information systems are adequately secured and protected against unauthorized disclosure.

Specifically, BJS and its award recipients are required to, where applicable –

- Assess and secure information systems in accordance with the [Federal Information Security Modernization Act](#) (FISMA), which appears as Title III of the [E-Government Act of 2002](#) (Pub. L. No. 107-347)
- Adhere to [National Institute of Standards and Technology](#) (NIST) guidelines to categorize the sensitivity of all information collected or maintained on behalf of BJS
- Once the system has been categorized, secure data in accordance with the Risk Management Framework specified in [NIST SP 800-37 rev. 1](#)
- Employ adequate controls to ensure data are not comingled with any other dataset or product without the express written consent of BJS (applicable to BJS data collection agents)
- Reduce the volume of personally identifiable information collected, used, or retained to the minimum necessary
- Limit access to identifiable data to only those individuals who must have such access, including requisite IT security administrators
- Limit the use of identifiable data to only the purposes for which its use was approved
- Ensure all cooperative agreements and contracts involving the processing and storage of personally identifiable information comply with DOJ policies on remote access and security incident reporting
- Employ formal sanctions for anyone failing to comply with DOJ policies and procedures, in accordance with applicable laws and regulations

¹⁰ The provisions of DOJ Order 0904, *Cybersecurity Program*, apply to all DOJ components, personnel, and IT systems used to process, store, or transmit Departmental information, as well as to contractors and other users of IT systems supporting the operations and assets of DOJ. The provisions discussed herein provide a summary of DOJ's information technology security requirements and policies.

¹¹ The DOJ IT Security ROB for General Users apply to all DOJ components, personnel, and contractors and pertain to the use, security, and acceptable level of risk for DOJ systems and applications. The provisions discussed herein provide an overview of DOJ's information technology security requirements and policies. For a more extensive description of specific DOJ policies, requirements, roles, and responsibilities, consult the DOJ IT Security ROB for General Users in full.

- Complete data security and confidentiality trainings.

All on-site BJS data are stored in a secure building in Washington, D.C. which houses only OJP (including BJS) and is staffed by armed guards 24 hours a day, 7 days a week. Federal employees and contractors must pass through an electronic badge swipe to verify their identity, and non-federal visitors must be sponsored by DOJ employees, pass through a metal detector, record information in a central log book, and wear a visitor's badge. Onsite servers containing BJS data are stored in a locked room with access limited only to OJP IT personnel, and require a badge swipe to enter. Data stored on CD-ROMs reside in a locked office with limited key access to authorized individuals, and all data use in this room is logged.

Technical control of BJS data is maintained through a system of firewalls and encryption. OJP employs an Intrusion Detection System at the perimeter of the network to supplement its defense-in-depth approach to security. BJS maintains data on a secure hard drive behind the DOJ firewall, and the data are encrypted to meet Federal Information Process Standard (FIPS) Publication 140-2 requirements. Access to this drive and its files require username and password verification. Access to individual files is restricted to the BJS statisticians who work on the project, their direct supervisors, and the requisite OJP IT security administrators.

Furthermore, OJP is required to periodically assess its security controls to determine their effectiveness, monitor and correct deficiencies, reduce or eliminate vulnerabilities in IT systems, and monitor IT system security controls.

BJS award recipients must employ similar administrative, physical, and technical controls to adequately secure their FISMA-defined information systems from unauthorized disclosure. OJP also reserves the right to audit during the project period any FISMA-defined information system used by BJS data collection agents to collect, receive, handle, maintain, transfer, process, store, or disseminate data products in support of the project to assess compliance with federal laws and regulations related to data management and security.

The Cybersecurity Enhancement Act of 2015 (codified in relevant part at [6 U.S.C. § 151](#)) requires the Department of Homeland Security (DHS) to provide cybersecurity protection for federal civilian agency information technology systems and to conduct cybersecurity screening of the Internet traffic going in and out of these systems to look for viruses, malware, and other cybersecurity threats. DHS has implemented this requirement by instituting procedures such that, if a potentially malicious malware signature were found, the Internet packets that contain the malware signature would be further inspected, pursuant to any required legal process, to identify and mitigate the cybersecurity threat. In accordance with the Act's provisions, DHS conducts these cybersecurity screening activities solely to protect federal information and information systems from cybersecurity risks. To comply with the Act's requirements and to increase the protection of information from cybersecurity threats, OJP facilitates, through the DOJ Trusted Internet Connection and DHS's EINSTEIN 3A system, the inspection of all information transmitted to and from OJP systems including, but not limited to, respondent data collected and maintained at BJS's direction.

VI. DISSEMINATION OF DATA

The BJS authorizing statute reads, in relevant part, that BJS is authorized to “provide information to the President, the Congress, the judiciary, state, tribal, and local governments, and the general public on justice statistics.”¹² A robust dissemination program is essential to the execution of this statutory mandate. BJS uses its website for data dissemination, including public access to data releases of aggregate statistics in the form of updated time series, cross-tabulations of aggregated characteristics of respondents, analytic reports, briefs of key findings, and technical reports. Aggregated data are typically made available in spreadsheet format and through online tabulation tools.¹³

All micro (raw) data published under BJS’s authority and the related study documentation are made available to external parties at the University of Michigan’s National Archive of Criminal Justice Data (NACJD) for statistical and research purposes, though the level and format of access depends on the type of data being requested (see Section VII).

BJS follows established information dissemination practices, including those outlined in OMB’s *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies*¹⁴ as well as those outlined in [BJS’s Data Quality Guidelines](#).

BJS also adheres to OMB’s *Statistical Policy Directive No. 4, Release and Dissemination of Statistical Products Produced by Federal Statistical Agencies*, and standards on dissemination of information products set forth in OMB’s *Statistical Policy Directive No. 2, Standards and Guidelines for Statistical Surveys*.

VII. DATA ARCHIVAL PRACTICES

To encourage and support the facilitation of research in the field of criminal justice, BJS archives data at the NACJD. To the extent practical, BJS removes, masks, or collapses direct and indirect identifiers prior to sending data to NACJD to protect respondent confidentiality. In consultation with BJS, NACJD takes additional precautions to mitigate compromising the confidentiality of data, including conducting a comprehensive disclosure risk review to determine the appropriate level of security that should be applied to the data. In addition to the NACJD disclosure risk review, BJS may also request to suppress additional variables due to the sensitive nature of the data and/or to further protect confidentiality, if appropriate. Data that do not contain personally identifiable information are available for public access download. Prior to public release, NACJD routinely checks all data collections for conditions that could violate the confidentiality of data. NACJD protects respondent confidentiality by removing, masking, blanking, or collapsing direct or indirect variables and records within public-use versions of the dataset.

¹² 34 U.S.C. § 10132(c)(10).

¹³ Some older publications that are not machine readable may only be available on the BJS website via scanned pdf files.

¹⁴ 67 Fed. Reg. 8,452 (February 22, 2002).

NACJD applies stringent security to restricted data where some risk of respondents' identity disclosure remains (e.g., variables used in conjunction with one another or linking to other data files) and provides four access options for these types of data: restricted access; physical data enclave; online analysis; virtual data enclave.¹⁵ Prospective users of such data must follow NACJD's application and approval processes, including the submission of a research proposal and additional measures as required such as IRB approval or waiver, information about users of the data, a restricted data use agreement, and a data security plan. Additionally, users of data in the physical enclave must travel to the University of Michigan to analyze data on a NACJD computer in a secure room without internet and printer capabilities, and output is screened to ensure results are aggregated to a level that prevents individual identification.

BJS datasets stored at OJP and archived at the NACJD are periodically audited to determine if their security profiles have changed and protections need to be updated based on changes in policy, updates to OJP systems, or the availability of other linked data.

VIII. DATA DESTRUCTION PRACTICES

BJS and its data collection agents follow federal regulations requiring the destruction of data containing identifiable information.¹⁶ Where applicable, BJS complies with all federal government data destruction guidelines regarding the technical and physical wiping of data from servers and destruction of existing CD-ROMs or paper documents. BJS data collection agents are required to return or completely destroy any identifiable data collected on behalf of BJS upon delivery of the data to BJS and project completion.

IX. INCIDENT RESPONSE PROCEDURES

DOJ has established incident response plans and notification procedures in the event of an actual or suspected data breach involving known loss of sensitive data and/or loss of any devices containing these data. These procedures apply to all BJS employees and its data collection agents, and all personally identifiable information PII regardless of format (e.g., paper, electronic, etc.).

In the event of a real or suspected data security incident by BJS or its data collection agents, BJS shall be required to –

- Notify, within one hour of discovery, the Justice Security Operations Center (JSOC) and appropriate DOJ officials.¹⁷ The JSOC shall then report confirmed major incidents within one hour to the United States Computer Emergency Readiness Team (US-CERT)

¹⁵ The [NACJD website](#) provides specific details about its processes and requirements related to receiving and handling restricted data, including types of access and application requirements.

¹⁶ 28 C.F.R. § 22.25.

¹⁷ BJS contractors would be required to notify BJS within one hour of any security incidents that impact the FISMA-defined information systems that are used to collect, receive, handle, maintain, transfer, process, store, or disseminate data products in support of the project, including data files, reports, or working papers.

- Provide DOJ forensics and law enforcement personnel, including the DOJ Inspector General, access to media and devices required for investigation, as appropriate
- Assist with digital forensic and other investigations on electronic devices and/or associated media, as required
- Record the handling and transfer of media and devices to support forensic and other investigations.

In addition to establishing internal and external notification processes, the DOJ incident response procedures outline steps that BJS and its data collection agents can take to mitigate the potential risk from loss of personally identifiable information and actions individuals can routinely take to mitigate their risk. In the event of an incident by BJS involving such information, BJS may consult with the DOJ Core Management Team in developing appropriate mitigation options, including assessing the need to provide two additional measures of protection: an analysis to determine whether a particular data loss appears to be resulting in identify theft; and the provision of credit monitoring services to those impacted by the data incident.

The DOJ incident response procedures follow the requirements set forth in applicable federal statutes, policies, and regulations and DOJ orders, including: DOJ Order 0904, *Cybersecurity Program*; DOJ Order 2880.1C, *Information Resources Management Program*; DOJ Order 0900.00.01, *Incident Response Procedures for Data Breaches*; and OMB Memorandum M-07-16 *Safeguarding Against and Responding to the Breach of Personally Identifiable Information*. These procedures supplement the security and privacy requirements contained in the: DOJ Security Program Operating Manual; the DOJ Computer System Incident Response Plan; the Privacy Act of 1974; DOJ Order 3011.1A, *Compliance with the Privacy Requirements of the Privacy Act*, the E-Government Act of 2002; and the FISMA. DOJ is currently working to implement the requirements of [OMB Memorandum M-17-12, *Preparing for and Responding to a Breach of Personally Identifiable Information*](#).

X. INDEMNIFICATION

Any person who unlawfully discloses personally identifiable information collected or maintained under BJS’s authority shall be in violation of, and punished under the provisions of, the confidentiality statutes referenced above in Section I. “Data Protections in Federal Statutes.”

BJS will not agree to insure, defend, or indemnify the data provider. BJS will, consistent with DOJ authorities, cooperate with the other party in the investigation and resolution of administrative claims and/or litigation arising from conduct related to the provisions of the separate data use agreement.

XI. BJS STATISTICAL STANDARDS AND PRACTICES

Among BJS’s fundamental responsibilities as a statistical agency is its duty to protect the trust of information providers by ensuring the confidentiality and exclusive statistical use of their

responses.¹⁸ As the nation’s premier source of reliable criminal justice data, BJS is committed to employing robust data security protocols and data stewardship practices to protect the privacy and confidentiality of the data collected and maintained.

To uphold public trust in the integrity of the data and ensure continued cooperation from data providers, BJS adheres to a set of statistical principles and practices¹⁹ that guide its mission to compile, analyze, and disseminate information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government, including the –

- Commitment to quality and professional standards of practice
- Timely and wide dissemination of data
- Transparency about the sources of data and their limitations
- Coordination and cooperation with other statistical agencies
- Cooperation with data users
- Fair treatment of individuals, businesses, and institutions providing the data.

XI. BJS DATA QUALITY GUIDELINES

BJS has implemented and published the [BJS Data Quality Guidelines](#) that govern all justice data that BJS produces and disseminates for the general public in accordance with the provisions of the [DOJ Information Quality Guidelines](#) and OMB government-wide guidance for information dissemination, including the Paperwork Reduction Act (44 U.S.C. § 3501 *et seq.*). The BJS Data Quality Guidelines apply to a wide variety of substantive information and dissemination activities and topics, including –

- Privacy and maintaining confidentiality of data
- Initiating surveys, censuses, and other data collections
- Survey design and data collections
- Data transparency, analysis, and processing
- Content and verification of BJS data

¹⁸ See, also, OMB M-15-03 *Statistical Policy Directive No. 1: Fundamental Responsibilities of Federal Statistical Agencies and Recognized Statistical Units*.

¹⁹ The *BJS Statistical Principles and Practices* were informed by *Principles and Practices for a Federal Statistical Agency*, 5th edition, National Research Council (2013), issued by the National Research Council of the National Academy of Sciences, which has guided managerial and technical decisions made by national and international statistical agencies for decades.

- Dissemination.

The BJS Data Quality Guidelines were established to ensure and maximize the utility, objectivity, and integrity of the information BJS disseminates and to provide a framework under which BJS will provide persons an opportunity to seek and obtain correction of information maintained and disseminated by BJS that does not comply with these guidelines.

Issue Date: May 20, 2016

Updated: April 26, 2018

Appendix G

Bibliography of MCI use in academic publications


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Appendix H

Screenshots of 2017 MCI web data collection tool

Landing and Login Screens



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[2017 Forms](#)

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MCI

Mortality in Correctional Institutions

The U.S. Department of Justice Bureau of Justice Statistics' (BJS) Mortality in Correctional Institutions has been a great success since its inception in 2000. We appreciate your continued support of this important program.

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[2016 Forms](#)

[2015 Forms](#)

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Username:

Password:

LOGIN

If you need assistance or have any questions, please contact a member of the data collection team at 1-800-344-1387 or bjsmci@rlj.org

Logged-in Landing Page



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[2018 Forms](#)

[2017 Forms](#)

[2016 Forms](#)

[2015 Forms](#)

[2014 Forms](#)

[2013 Forms](#)

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For which year would you like to enter, review, or make changes to data?



Submit or review data for:

Review data submission only for:

View Comparison for Your Jail


If you need assistance or have any questions, please contact a member of the data collection team at 1-800-344-1387 or bismci@rti.org

Data Supplier Data Response Page

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| | OMB No. 1121-0249 Exp. 03/31/2019 | |
| | <i>You are logged in as: Maine Department of Corrections - Maine (10955019)</i> | |
| | 2018 Data Submission Maine Department of Corrections - Maine | |
| | Enter the contact information for the primary person responsible for submitting data to the Mortality in Correctional Institutions. We may use this information to follow up on your reports. | |
| | FORMS COMPLETED BY: | |
| | NAME | <input type="text"/> <input type="text"/> |
| | OFFICIAL ADDRESS | Number and street address <input type="text"/> |
| | | City <input type="text"/> State <input type="text"/> ZIP Code <input type="text"/> |
| TELEPHONE | Area Code <input type="text"/> Number <input type="text"/> FAX NUMBER <input type="text"/> Area Code <input type="text"/> Number <input type="text"/> | |
| E-MAIL ADDRESS | <input type="text"/> Save 'Forms Completed By' Information | |
| Click Here to Complete/Edit/View 2018 Death Reports | | |
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Annual Summary Form (CJ-9A) Instructions Page 1



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What to include and exclude in this data collection

INCLUDE


- Confinement facilities usually administered by a local law enforcement agency, intended for adults but sometimes holding juveniles.
- All jails and city/county correctional centers that hold inmates beyond arraignment. Report data on all inmates, including those held in separate holding or lockup areas within your facilities.
- Special jail facilities (e.g., medical/treatment/release centers, halfway houses, and work farms).
- Temporary holding or lockup facilities if they are part of your combined function.
- Inmates held for other jurisdictions, including federal authorities, state prison authorities, and other local jail jurisdictions.

EXCLUDE

- Facilities that are exclusively used as temporary holding or lockup facilities, where inmates are generally held for less than 72 hours and not held beyond arraignment.
- Privately operated jails and facilities operated by two or more jurisdictions (i.e., multi-jurisdictional facilities). These jails will be contacted directly for this data collection.

You may want to review a PDF version of the form prior to entering data online. A PDF of the form is available [here](#).


| Agency Name | Actions | Submitted? |
|-----------------------------------|---|------------|
| San Mateo County Sheriff's Office | Edit ASF View/Print ASF | Submitted |

 [Reference Form Annual Summary Form](#)

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| Frequently Asked Questions | Instructions for Completion |
| Bureau of Justice Statistics Home Page | Please note: |
| Home | <ul style="list-style-type: none">Each page of the form will time out after 20 minutes of inactivity. Please complete each page and click on "Save and Continue" to prevent possible loss of data. |
| 2018 Forms | For each item: |
| 2017 Forms | <ul style="list-style-type: none">If an answer to a question is "none" or "zero," enter "0" in the space provided.When exact numeric answers are not available, provide an estimate and click the estimate box.An answer such as one thousand should be typed as 1000. |
| 2016 Forms | <div style="border: 1px solid black; padding: 5px;"><p style="text-align: center;">BURDEN STATEMENT</p><p><small>Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per each reported death, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.</small></p></div> |
| 2015 Forms | <input type="button" value="Cancel"/> <input type="button" value="Begin"/> |
| 2014 Forms | |
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[Bureau of Justice Statistics Home Page](#)

[Home](#)
[2018 Forms](#)
[2017 Forms](#)
[2016 Forms](#)
[2015 Forms](#)
[2014 Forms](#)
[2013 Forms](#)
[2012 Forms](#)
[2011 Forms](#)
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1. On December 31, 2017, how many persons under the supervision of your jail jurisdiction were **CONFINED** in your jail facilities?

INCLUDE—

- Persons on transfer to treatment facilities but who remain under your jurisdiction
- Persons held for other jurisdictions
- Persons in community-based programs (e.g., work release, day release, or drug/alcohol treatment) who return to jail at night
- Persons out to court while under your jurisdiction

EXCLUDE—


- Persons under your jurisdiction who are housed elsewhere
- Inmates who are AWOL, escaped, or on long-term transfer to other jurisdictions
- Persons in community-based programs run by your jails (e.g., electronic monitoring, house arrest, community service, day reporting, or work programs) who do NOT return to jail at night.

Males Estimate

Females Estimate

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[Bureau of Justice Statistics Home Page](#)

[Home](#)

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[2017 Forms](#)

[2016 Forms](#)

[2015 Forms](#)

[2014 Forms](#)

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[2012 Forms](#)

[2011 Forms](#)

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2. How many persons under the supervision of your jail jurisdiction were ADMITTED to your jail facilities during 2017?

INCLUDE—

- Persons officially booked into and housed in your jail facilities by formal legal document and by the authority of the courts or some other official agency
- Repeat offenders booked on new charges
- Persons serving a weekend sentence coming into the facility for the first time.

EXCLUDE—


- Returns from escape, work release, medical appointments/treatment facilities, furloughs, bail/bond releases, and court appearances.

Males Estimate

Females Estimate

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[2017 Forms](#)
[2016 Forms](#)
[2015 Forms](#)
[2014 Forms](#)
[2013 Forms](#)
[2012 Forms](#)
[2011 Forms](#)
[2010 Forms](#)
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3. On December 31, 2017, how many persons CONFINED in your jail facilities were held for—

- INCLUDE contractual, temporary, courtesy, or *ad hoc* holds for other agencies.
- Count persons with multiple holds only once with priority being federal, state, tribal, and local.


a. U.S. Immigration and Customs Enforcement Estimate

b. U.S. Marshals Service Estimate

c. All other holds (state and federal prison, Bureau of Indian Affairs, or any holds for other jail jurisdictions) Estimate

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Annual Summary Form (NPS-4) Response Page (example 1)



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You are logged in as: Maine Department of Corrections - Maine (10955019)

Mortality in Correctional Institutions 2017
Annual Summary of Inmate Deaths in State Prisons Form NPS-4

What deaths should be reported?

| INCLUDE deaths of ALL persons - | EXCLUDE deaths of ALL persons... |
|---|--|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Confined in your correctional facilities, whether housed under your jurisdiction or that of another state <input checked="" type="checkbox"/> Under your jurisdiction but housed in private correctional facilities, whether located in or out of state <input checked="" type="checkbox"/> Under your jurisdiction but in special facilities (e.g., medical/treatment/release centers, halfway houses, police/court lockups, and work farms) <input checked="" type="checkbox"/> In transit to or from your facilities while under your supervision | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Executed in your state <input checked="" type="checkbox"/> Confined in local jail facilities, whether located in or out of state <input checked="" type="checkbox"/> Under your jurisdiction but housed in a state-operated correctional facility in another state or in a federal facility <input checked="" type="checkbox"/> Under probation or parole supervision in your state |

During 2017, how many persons died while in the custody of your state correctional facilities?

Number of deaths in 2017

If you are satisfied with your response to this form, please select "Submit" below. If you are planning on coming back to edit your answer, select "Save and Return."

BURDEN STATEMENT

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per each reported death, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

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[Bureau of Justice Statistics Home Page](#)


- [Home](#)
- [2018 Forms](#)
- [2017 Forms](#)
- [2016 Forms](#)
- [2015 Forms](#)
- [2014 Forms](#)
- [2013 Forms](#)
- [2012 Forms](#)
- [2011 Forms](#)
- [2010 Forms](#)
- [2009 Forms](#)

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Having technical problems?

Contact us at: bjsmci@ri.org

Death Report Form (NPS-4A) Instructions Page



Bureau of Justice Statistics
U.S. DEPARTMENT OF JUSTICE

MORTALITY IN CORRECTIONAL INSTITUTIONS

OMB No. 1121-0249 Exp. 03/31/2019

You are logged in as: Maine Department of Corrections - Maine (10955019)

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[Bureau of Justice Statistics Home Page](#)

[Home](#)

[2018 Forms](#)

[2017 Forms](#)

[2016 Forms](#)

[2015 Forms](#)

[2014 Forms](#)

[2013 Forms](#)

[2012 Forms](#)

[2011 Forms](#)

[2010 Forms](#)

[2009 Forms](#)

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Having technical problems?

Contact us at: bismci@rti.org

What deaths should be reported?

| <u>INCLUDE</u> deaths of ALL persons... | <u>EXCLUDE</u> deaths of ALL persons... |
|--|--|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Confined in your correctional facilities, whether housed under your jurisdiction or that of another state <input checked="" type="checkbox"/> Under your jurisdiction but housed in private correctional facilities, whether located in or out of state <input checked="" type="checkbox"/> Under your jurisdiction but in special facilities (e.g., medical/treatment/release centers, halfway houses, police/court lockups, or work farms) <input checked="" type="checkbox"/> In transit to or from your facilities while under your supervision | <ul style="list-style-type: none"> <input type="checkbox"/> Executed in your state <input type="checkbox"/> Confined in local jail facilities, whether located in or out of state <input type="checkbox"/> Under your jurisdiction but housed in a state-operated correctional facility in another state or in a federal facility <input type="checkbox"/> Under probation or parole supervision in your state <input type="checkbox"/> Under your jurisdiction but on AWOL or escape-status at the time of death |

[Click Here to add a 2018 Death Report](#)

You may want to review the form prior to entering data. A PDF form is available [here](#).


Existing Death Records

| Name | Date of Death | Gender | Actions | Submitted? |
|--|---------------|--------|---------|------------|
| We currently have no Death Report forms for your agency. If you have not had an inmate death in 2018, you do not have to complete a Death Report form. | | | | |
| Count=0 | | | | |

BURDEN STATEMENT

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per each reported death, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

Death Report Form (NPS-4A) Response Page



Bureau of Justice Statistics
U.S. DEPARTMENT OF JUSTICE

MORTALITY IN CORRECTIONAL INSTITUTIONS

OMB No. 1121-0249 Exp. 03/31/2019

You are logged in as: *Maine Department of Corrections - Maine (10955019)*

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[Bureau of Justice Statistics Home Page](#)

[Home](#)

[2018 Forms](#)

[2017 Forms](#)

[2016 Forms](#)

[2015 Forms](#)

[2014 Forms](#)

[2013 Forms](#)

[2012 Forms](#)

[2011 Forms](#)

[2010 Forms](#)

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Having technical problems?
Contact us at: bjismci@rti.org

Inmate Name: Not Specified

1. What was the inmate's name?

Last First MI


2. On what date did the inmate die?

Month Day Year

3. What was the name and location of the correctional facility involved?
*Please specify the correctional facility to which the inmate was assigned at the time of death.
Scroll or start typing any part of the facility name in the field below. If the facility is not listed, select Other at the bottom of the list.*

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Death Report Form (CJ-9) Instruction Page



Bureau of Justice Statistics
U.S. DEPARTMENT OF JUSTICE

MORTALITY IN CORRECTIONAL INSTITUTIONS

OMB No. 1121-0249 Exp. 03/31/2019

You are logged in as: Mobile County Sheriff's Office Metro Jail - Alabama (10950049)

Frequently Asked Questions

Bureau of Justice Statistics Home Page

Home

[2018 Forms](#)

[2017 Forms](#)

[2016 Forms](#)

[2015 Forms](#)

[2014 Forms](#)

[2013 Forms](#)

[2012 Forms](#)

[2011 Forms](#)

[2010 Forms](#)

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Having technical problems?

Contact us at: bjsmci@rti.org

What deaths should be reported?

| <u>INCLUDE</u> deaths of ALL persons... | <u>EXCLUDE</u> deaths of ALL persons... |
|--|---|
| <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Confined in your jail facilities, whether housed under your own or another jurisdiction <input checked="" type="checkbox"/> Under your jurisdiction but housed in special jail facilities (e.g., medical/treatment/release centers, halfway houses, or work farms); or on transfer to treatment facilities <input checked="" type="checkbox"/> Under your jurisdiction but out to court <input checked="" type="checkbox"/> In transit to or from your facilities while under your jurisdiction | <ul style="list-style-type: none"> <input type="checkbox"/> Confined in facilities operated by two or more jurisdictions or those held in privately operated jails <input type="checkbox"/> Under your jurisdiction but in nonresidential community-based programs run by your jails (e.g., electronic monitoring, house arrest, community service, day reporting, work programs) <input type="checkbox"/> Under your jurisdiction but AWOL, escaped, or on long-term transfer to another jurisdiction <input type="checkbox"/> In the process of arrest by your agency, but not yet booked into your jail facility |

[Click Here to Add a 2018 Death Report](#)

You may want to review the form prior to entering data. A PDF form is available [here](#).


Existing Death Records

| Name | Date of Death | Gender | Actions | | Submitted? |
|--|---------------|--------|---------|--|------------|
| We currently have no Death Report forms for your agency. If you have not had an inmate death in 2018, you do not have to complete a Death Report form. | | | | | |
| Count=0 | | | | | |

BURDEN STATEMENT

Under the Paperwork Reduction Act, we cannot ask you to respond to a collection of information unless it displays a currently valid OMB control number. The burden of this collection is estimated to average 30 minutes per each reported death, including reviewing instructions, searching existing data sources, gathering necessary data, and completing and reviewing this form. Send comments regarding this burden estimate or any aspect of this survey, including suggestions for reducing this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531. Do not send your completed form to this address.

Death Report Form (CJ-9) Response Page



Bureau of Justice Statistics
U.S. DEPARTMENT OF JUSTICE

MORTALITY IN CORRECTIONAL INSTITUTIONS

OMB No. 1121-0249 Exp. 03/31/2019

You are logged in as: *Mobile County Sheriff's Office Metro Jail - Alabama (10950049)*

[Frequently Asked Questions](#)

[Bureau of Justice Statistics Home Page](#)

[Home](#)

[2018 Forms](#)

[2017 Forms](#)

[2016 Forms](#)

[2015 Forms](#)

[2014 Forms](#)

[2013 Forms](#)

[2012 Forms](#)

[2011 Forms](#)

[2010 Forms](#)

[2009 Forms](#)

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Having technical problems?
Contact us at:
bismc@ri.org

Inmate Name: Not Specified

1. What was the inmate's name?

Last First MI

2. On what date did the inmate die?

Month Day Year

3. What was the name and location of the correctional facility involved?
Please specify the correctional facility to which the inmate was assigned at the time of death.

Mobile County Metro Jail - Mobile, AL

Elsewhere, please specify below


Facility Name:

Facility City: Facility State:

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Appendix I

MCI frequently asked questions fact sheet



Bureau of Justice Statistics
U.S. DEPARTMENT OF JUSTICE

MORTALITY IN CORRECTIONAL INSTITUTIONS

OMB No. 1121-0249 Exp. 03/31/2019

Frequently Asked Questions

[Bureau of Justice Statistics Home Page](#)

[Home](#)

[2018 Forms](#)

[2017 Forms](#)

[2016 Forms](#)

[2015 Forms](#)

[2014 Forms](#)

[2013 Forms](#)

[2012 Forms](#)

[2011 Forms](#)

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Having technical problems?

Contact us at: bjismci@rti.org

Please select the appropriate FAQ for your agency:

MORTALITY IN CORRECTIONAL INSTITUTIONS (formerly known as DCRP)

FREQUENTLY ASKED QUESTIONS

Listed below are questions that are frequently asked by Mortality in Correctional Institutions (MCI) respondents. Please click on the desired category to see the questions and answers related to that topic.


- + DATA SUBMISSION
- + INFORMATION ABOUT THE MCI (formerly DCRP)
- + 2017 ANNUAL SUMMARY FORM
- + TECHNICAL QUESTIONS ABOUT ONLINE SUBMISSIONS
- + DATA SECURITY

How does BJS use and protect your information?

The Bureau of Justice Statistics (BJS) is authorized to conduct this data collection under 34 U.S.C. § 10132. BJS will protect and maintain the confidentiality of your personally identifiable information (PII) to the fullest extent under federal law. BJS, its employees, and its contractors will only use the information you provide for statistical or research purposes pursuant to 34 U.S.C. § 10134, and will not disclose your information in identifiable form to anyone outside of the BJS project team without your consent. All PII collected under BJS's authority is protected under the confidentiality provisions of 34 U.S.C. § 10231. Any person who violates these provisions may be punished for a fine up to \$10,000, in addition to any other penalties imposed by law. Further, per the Cybersecurity Enhancement Act of 2015 (6 U.S.C. § 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. For more information on how BJS and its contractors will use and protect your information, go to https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf.

- + DEATH REPORT FORMS AND ELIGIBILITY
- + MISCELLANEOUS

FAQ for State Departments of Corrections



Bureau of Justice Statistics
U.S. DEPARTMENT OF JUSTICE

MORTALITY IN CORRECTIONAL INSTITUTIONS

OMB No. 1121-0249 Exp. 03/31/2019

Please select the appropriate FAQ for your agency:

MORTALITY IN CORRECTIONAL INSTITUTIONS (formerly known as DCRP)

FREQUENTLY ASKED QUESTIONS

Listed below are questions that are frequently asked by Mortality in Correctional Institutions (MCI) respondents. Please click on the desired category to see the questions and answers related to that topic.

- + DATA SUBMISSION
- + INFORMATION ABOUT THE MCI (formerly known as DCRP)
- + DATA SECURITY

How does BJS and its contractors use and protect your information?

The Bureau of Justice Statistics (BJS) is authorized to conduct this data collection under 34 U.S.C. § 10132. BJS will protect and maintain the confidentiality of your personally identifiable information (PII) to the fullest extent under federal law. BJS, its employees, and its contractors will only use the information you provide for statistical or research purposes pursuant to 34 U.S.C. § 10134, and will not disclose your information in identifiable form to anyone outside of the BJS project team without your consent. All PII collected under BJS's authority is protected under the confidentiality provisions of 34 U.S.C. § 10231. Any person who violates these provisions may be punished for a fine up to \$10,000, in addition to any other penalties imposed by law. Further, per the Cybersecurity Enhancement Act of 2015 (6 U.S.C. § 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. For more information on how BJS and its contractors will use and protect your information, go to https://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf.

- + DEATH REPORT FORMS AND ELIGIBILITY
- + MISCELLANEOUS

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[Bureau of Justice Statistics Home Page](#)

[Home](#)

[2018 Forms](#)

[2017 Forms](#)

[2016 Forms](#)

[2015 Forms](#)

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[2013 Forms](#)

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[2011 Forms](#)

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Contact us at: bjsmci@rti.org

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Appendix J

60-day FRN comment from CURE

From: Charlie Sullivan
To: [Cowhig, Mary \(OJP\)](#)
Subject: Re: Deaths in Custody comment
Date: Wednesday, September 26, 2018 8:44:17 AM

Ms. Cowhig, thank you for allowing me to email my comment to you. I think the reporting of deaths in custody should be broadened to include those who are under CRIPA (Civil Rights of Institutionalized Persons Act). CRIPA is a United States Federal law intended to protect the rights of people in state and local correctional facilities, nursing homes, mental health facilities and institutions for people with intellectual and developmental disabilities.

CRIPA is enforced by the Special Litigation Section in the United States Department of Justice Civil Rights Division. Deaths in Custody then would be an indicator for CRIPA investigation.

Charles Sullivan, President, International CURE, POB 2310, Washington, DC 20013

On Fri, Sep 14, 2018 at 8:08 AM Cowhig, Mary (OJP) <Mary.Cowhig@usdoj.gov> wrote:

Hi,

Yes, sending your comments through email directly to me is fine.

Thanks,

Mary

Mary Cowhig

Statistician, Bureau of Justice Statistics

U.S. Department of Justice

810 Seventh Street NW

Washington DC 20531

202-353-4982

mary.cowhig@usdoj.gov

From: Charlie Sullivan [mailto:cure@curenational.org]
Sent: Friday, September 14, 2018 3:23 AM
To: Cowhig, Mary (OJP) <Mary.Cowhig@ojp.usdoj.gov>
Subject: Deaths in Custody comment

Ms. Cowhig, can I just email you my comment? All of the formal comment is very confusing. Charles Sullivan,



Virus-free. www.avg.com

Appendix K

2018 MCI facility verification call script

RY2018 MCI Verification – Questions and Answers

Interviewer Questions

Data Fields Captured

Hello. My name is _____. I am calling on behalf of the U.S. Department of Justice. I am trying to reach **[FILL POC]** about Mortality in Correctional Institutions (formerly the Deaths in Custody Reporting Program).

IF YOU LEARN PERSON WE HAVE ON FILE AS THE POC IS NO LONGER THE POC, SAY

I am trying to reach the person who is responsible for reporting your agency's data to Mortality in Correctional Institutions. Last year, our primary contact was **[FILL POC]**.

IF YOU'VE REACHED POC, CONTINUE

We appreciate your participation in the Mortality in Correctional Institutions.

We would like to make sure that the information we have on file for your agency is still correct. We also have a few questions about the inmates you hold. This should only take a few minutes.

IF "NO," FIND A GOOD TIME TO CALL BACK

IF "YES", PRESS CONTINUE

Agency Name

First, I'd like to confirm that we have the correct name for your agency. We have...

[Interviewer reads **agency name**]

Is your agency name accurate? [Interviewer updates if needed]

Agency Physical Address

We have the following as the physical address for your agency...

[Interviewer reads Physical Address on Record: **street, city, state, zip**]

Is this the *physical* address for your agency? [Interviewer updates if needed]

Point of Contact (POC)

I'd now like to go over contact information so we can let your agency know when it's time to submit the next report for the Bureau of Justice Statistics' Mortality in Correctional Institutions. Is it okay to list you as the point of contact to receive these notices?

-IF PERSON IS ON THE LIST, REVIEW CONTACT INFO

I would like to review the contact information we have on file for the point of contact.

-IF PERSON NOT ON LIST, ADD NEW CONTACT

[Interviewer reads POC Contact Info on Record and updates if needed, or requests contact info for new POC identified during call: salutation, title, first name, last name, mailing address1, mailing address2, city, state, zip code, phone number, email address, additional notes]

Agency Head (AH)

Our files indicate that {FILL CURRENT AGENCY HEAD} is the head of your agency. Is this correct?

I would like to review the contact information we have.

[Interviewer reads AH Contact Info on Record and updates if needed, or requests contact info for new AH identified during call: salutation, title, first name, last name, mailing address1, mailing address2, city, state, zip code, phone number, email address, additional notes]

Agency Head Election

Is/Was the agency head position up for re-election in November 2018?

(Is/Was selection based on if we conduct the interview prior or after election day)

[Response: Yes, 'Yes, but running unopposed', No, Don't know, Not an elected position]

(If after election day and response=Yes)

Was [agency head] elected? [Response: Yes, No, Don't Know]

(If response = No)

Who is the newly elected agency head? [name]

When will the newly elected agency head take office? [date]

Do you have a telephone number and/or email address for the newly elected agency head? [phone number] [email address]

Facilities

I'd now like to verify the facilities that are operating within your jurisdiction. Before I do, let me share some eligibility and definitional information from BJS. First, BJS considers a facility to be separate if it has its own administrator, its own staff, and its own budget. Second, when it comes to the Mortality in Correctional Institutions (or M-C-I), an eligible facility meets the following criteria:

- It is not a temporary holding or lockup facility from which inmates are transferred within 72 hours and not held beyond arraignment.
- It does not exclusively hold inmates aged 17 or younger.

Given what I just read, we've got you as having the following facility(ies) open and operational in your jurisdiction:

[Interviewer reads Facility(ies) Info: Name(s), Physical Address(es)]

Is this true?

[Response: Yes, No]

Do you include data for this facility when you report to MCI?

[Response: Yes, No, Don't Know]

(If response to 'Is this true' = No)

What kind of changes do we need to make to our records for [agency name]?

(If facility closed part of all of the year)

When did this facility close? [month, date, year]

Do you expect the facility to re-open? [Response: Yes, No, Don't Know]

Where are inmates from this facility being sent? [Response Text Field]

(If facility now in a different jurisdiction)

What is the name of the agency that supervises [agency name] now? [Response Text Field]

Do you happen to know the name and telephone number of the person we should contact about the facility now? [Response Text Field]

(If consolidated with another facility)

Please tell me the names of the facilities that have consolidated. [Response Text Field]

(If name or address change needed)

[Facility Name, Address for Facility, City, State, Zipcode]

(If other)

Please tell us about the other changes that we should make to ensure that the information that we have for [agency name] is complete and accurate. [Response Text Field]

(If response to 'Do you include data for this facility when you report to MCI' = No)

Are you the best person to provide us information about [agency name]?

(If no)

Would you please provide a name and telephone number for the person who could provide us with information on [agency name]? [Response Text Field]

(If point of contact indicates a new facility has opened)

Is this facility exclusively used as a temporary holding or a lockup facility from which inmates are usually transferred within 72 hours and not held beyond arraignment? [Response: Yes, No, Don't Know]

(If Yes, we tell them that this facility would not be eligible for MCI data collection.)

(If No)

Does this facility exclusively hold inmates age 17 or younger? [Response: Yes, No, Don't Know]

(if Yes, we tell them that this facility would not be eligible for MCI data collection.)

(If No or Don't Know, proceed to 'If Don't Know' outcome listed on next line)

(If Don't Know) [Response Text Field]

I would like to collect the name and address for this facility. [facility name, address for facility, city, state, zip code, date facility opened]

Does this facility exclusively hold inmates for the state Department of Corrections? [Response options: Yes, No, Don't Know]

Additional comments? [Response Text Field]

Population Information

Next, we'd like to know a little bit about the populations that are held with your facility.

As a practice, do you hold juveniles overnight? [Answer choices are: Yes, No, Don't Know]

IF YES AND THERE IS MORE THAN ONE FACILITY LISTED Which facilities?

Other than courtesy holds, does your agency hold any inmates for Immigration and Customs Enforcement (ICE)? [Answer choices are: Yes, No, Don't Know]

IF YES AND THERE IS MORE THAN ONE FACILITY LISTED Which facilities?

Other than courtesy holds, does your agency hold any U.S. Marshal inmates? [Answer choices are: Yes, No, Don't Know]

IF YES AND THERE IS MORE THAN ONE FACILITY LISTED Which facilities?

Other than courtesy holds, does your agency hold inmates for state or federal prisons, Bureau of Indian Affairs, or any other counties or jurisdictions? [Answer choices are: Yes, No, Don't Know]

IF YES AND THERE IS MORE THAN ONE FACILITY LISTED Which facilities?

Other facilities in county

We'd like to find out about **other** jail facilities in your county that might be eligible for MCI. Remember these are any facilities that are not temporary holding or lockup facilities and don't exclusively hold inmates 17 or younger.

Are you aware of any jail facilities in your county that are **not** operated by your agency (for example, a locally or privately operated jail)?

[Response: Yes, No, Don't Know]

(if Yes)

Can you please provide the name for this jail facility?

Do you know the address for this facility? (*If necessary*: Even just the city is helpful?)

Are there any other potentially eligible facilities in your county?

{CHECK ALL THAT APPLY}

- FILL Existing Agency, Facility, Address 1 {CONFIRM NAME AND CITY WITH RESPONDENT}
- FILL Existing Agency, Facility, Address 2 {CONFIRM NAME AND CITY WITH RESPONDENT}
- FILL Existing Agency, Facility, Address 3 {CONFIRM NAME AND CITY WITH RESPONDENT}
- FILL Existing Agency, Facility, Address 4...{CONFIRM NAME AND CITY WITH RESPONDENT}
- New Facility 1 (NAME _____) (FILL OTHER INFO _____)
- New Facility 2 (NAME _____) (FILL OTHER INFO _____)
- New Facility 3 (NAME _____) (FILL OTHER INFO _____)
- New Facility 4 (NAME _____) (FILL OTHER INFO _____)
- New Facility 5 (NAME _____) (FILL OTHER INFO _____)

END

Thank you verifying this information. We'll reach out to you in January to let you know when it is time to submit for the Mortality in Correctional Institutions. Do you have any questions about anything we've gone over today?

IF YOU CAN'T ANSWER A QUESTION SAY: Our data collection team would be able to answer that question better than I can. I'll let them know that they should contact you.

Thank you for your help today. Goodbye.

MCI DATA COLLECTION HOTLINE: 800-344-1384

MCI DATA COLLECTION EMAIL: bjsmci@rti.org

Thank you for your help today. Goodbye.

Appendix L

2018 MCI email request for data submission

From: bjsmci
To: xxxx@xxxx.gov
Subject: Please submit DCRP (now MCI) 2018 Annual Summary form and any 2018 Death Report forms |
Date: Tuesday, January 15, 2019 12:41:03 PM
Attachments: [sigMC.png](#)
[sigEAC.png](#)
[MCIlogo.png](#)

Dear Captain xxxx:

Thanks to the efforts of jail administrators like you, the Bureau of Justice Statistics' (BJS) Mortality in Correctional Institutions (formerly known as Deaths in Custody Reporting Program) continues to be a great success. Started in 2000, Mortality in Correctional Institutions (MCI) is the only nationwide data collection that enumerates and reports on the absence or occurrence of jail inmate deaths.

With 2018 now behind us, we ask you to submit the MCI 2018 Annual Summary form, regardless of whether an inmate died. We also ask you to submit individual Death Report Forms if you had one or more inmate deaths in 2018. Your participation is voluntary, but we need your assistance to make the MCI data complete and accurate.

Please submit online at:

Website: <https://bjsmci.rti.org>

Username: #####

Password: xxxxxxxxx

Submit by: February 28, 2019

If needed, you can view the FAQs and view/print the survey forms at the website above. For assistance with completing this survey, contact RTI International at bjsmci@rti.org or **(800) 344-1387**, Monday through Friday, 9 AM to 5 PM, EST. RTI is again the BJS data collection agent for the MCI.

Thank you very much for your continued participation in BJS's statistical programs.



Ann Carson, Program Manager
Mortality in Correctional Institutions
(formerly Deaths in Custody Reporting
Program)
(202) 3616-3496
elizabeth.carson@usdoj.gov

Additional information: (1) [Reporting guidance](#) (2) [MCI Factsheet/Quiz](#)



The Bureau of Justice Statistics (BJS) is authorized to conduct this data collection under 34 U.S.C. § 10132. BJS will protect and maintain the confidentiality of your personally identifiable information (PII) to the fullest extent under federal law. BJS, its employees, and its contractors will only use the information you provide for statistical or research purposes pursuant to 34 U.S.C. § 10134, and will not disclose your information in identifiable form to anyone outside of the BJS project team without your consent. All PII collected under BJS's authority is protected under the confidentiality provisions of 34 U.S.C. § 10231. Any person who violates these provisions may be punished for a fine up to \$10,000, in addition to any other penalties imposed by law. Further, per the Cybersecurity Enhancement Act of 2015 (6 U.S.C. § 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. For more information on how BJS and its contractors will use and protect your information, go to

<http://www.bjs.gov/content/pub/pdf/BJSDataProtectionGuidelines.pdf>

Appendix M

2018 MCI postal request for data submission

January 15, 2019

«Salutation» «FirstName» «LastName»
«AgencyName»
«Address1»
«Address2»
«City», «State» «Zip»

Dear «Salutation» «LastName»:

Thanks to the efforts of jail administrators like you, the Bureau of Justice Statistics' (BJS) Mortality in Correctional Institutions (formerly known as Deaths in Custody Reporting Program) continues to be a great success. Started in 2000, Mortality in Correctional Institutions (MCI) is the only nationwide data collection that enumerates and reports on the absence or occurrence of jail inmate deaths.

With 2018 now behind us, we ask you to submit the MCI 2018 Annual Summary form, regardless of whether an inmate died. We also ask you to submit individual Death Report Forms if you had one or more inmate deaths in 2018. Your participation is voluntary, but we need your assistance to make the MCI data complete and accurate.

Please submit online at:

Website: <https://bjsmci.rti.org>
Username: <username>
Password: <password>
Submit by: February 28, 2019

If needed, you can view the FAQs and view/print the survey forms at the website above. For assistance with completing this survey, contact RTI at bjsmci@rti.org or (800) 344-1387, Monday through Friday, 9 AM to 5 PM, EST. RTI International is again the BJS data collection agent for the MCI.

Thank you very much for your continued participation in BJS's statistical programs.

Sincerely,



E. Ann Carson, Acting Chief
Corrections Unit
Bureau of Justice Statistics
(202) 616-3496
elizabeth.carson@usdoj.gov

Enclosures: Reporting Instructions, MCI factsheet/quiz

The Bureau of Justice Statistics (BJS) is authorized to conduct this data collection under 34 U.S.C. § 10132. BJS will protect and maintain the confidentiality of your personally identifiable information (PII) to the fullest extent under federal law. BJS, its employees, and its contractors will only use the information you provide for statistical or research purposes pursuant to 34 U.S.C. § 10134, and will not disclose your information in identifiable form to anyone outside of the BJS project team without your consent. All PII collected under BJS's authority is protected under the confidentiality provisions of 34 U.S.C. § 10231. Any person who violates these provisions may be punished for a fine up to \$10,000, in addition to any other penalties imposed by law. Further, per the Cybersecurity Enhancement Act of 2015 (6 U.S.C. § 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. For more information on how BJS and its contractors will use and protect your information, go to http://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf

January 15, 2019

«Salutation» «FirstName» «LastName»
«AgencyName»
«Address1»
«Address2»
«City», «State» «Zip»

Dear «Salutation» «LastName»:

Thanks to the efforts of state prison officials nationwide, the Bureau of Justice Statistics' (BJS) Mortality in Correctional Institutions (formerly known as Deaths in Custody Reporting Program) continues to be a great success. Started in 2000, Mortality in Correctional Institutions (MCI) is the only nationwide data collection that enumerates and reports on prisoner deaths.

With 2018 now behind us, we ask that you submit the MCI 2018 Annual Summary form and 2018 Death Report forms, one per decedent. Your participation is voluntary, but we need your assistance to make the MCI data complete and accurate.

Please submit online at:

Website: <https://bjsmci.rti.org>
Username: «username»
Password: «password»
Submit by: February 28, 2018

If needed, you can view the FAQs and view/print the survey forms at the website above. For assistance with completing this survey, contact RTI at bjsmci@rti.org or (800) 344-1387, Monday through Friday, 9 AM to 5 PM, EST. RTI International is again the BJS data collection agent for the MCI.

Thank you very much for your continued participation in BJS's statistical programs.

Sincerely,



E. Ann Carson, Acting Chief
Corrections Unit
Bureau of Justice Statistics
(202) 616-3496
elizabeth.carson@usdoj.gov

Enclosures: Reporting Instructions, MCI factsheet/quiz

MCI Mortality in
Correctional Institutions

See Page 2 for BJS confidentiality and data use information.

The Bureau of Justice Statistics (BJS) is authorized to conduct this data collection under 34 U.S.C. § 10132. BJS will protect and maintain the confidentiality of your personally identifiable information (PII) to the fullest extent under federal law. BJS, its employees, and its contractors will only use the information you provide for statistical or research purposes pursuant to 34 U.S.C. § 10134, and will not disclose your information in identifiable form to anyone outside of the BJS project team without your consent. All PII collected under BJS's authority is protected under the confidentiality provisions of 34 U.S.C. § 10231. Any person who violates these provisions may be punished for a fine up to \$10,000, in addition to any other penalties imposed by law. Further, per the Cybersecurity Enhancement Act of 2015 (6 U.S.C. § 151), federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. For more information on how BJS and its contractors will use and protect your information, go to http://www.bjs.gov/content/pub/pdf/BJS_Data_Protection_Guidelines.pdf

MORTALITY IN CORRECTIONAL INSTITUTIONS

(formerly known as Deaths in Custody Reporting Program)

ACTION REQUESTED

Reporting Instructions:

- **Complete the 2018 <fill1> Annual Summary form**, even if no deaths occurred in your agency's custody during 2018.
- **Submit a 2018 <fill 2> Death Report form** for each death that occurred in your agency's custody during 2018.

Please submit data online as follows:

Website: <https://bjsmci.rti.org>
Username: <username>
Password: <password>
Submit by: February 28, 2019

- Paper versions of the forms can be downloaded on the website if you prefer to mail or fax in your reports.
- Please refer to the Frequently Asked Questions section of the website for additional information.
- Please also submit 2019 Death Report forms, if applicable, using the website and web credentials listed above.

Need help?

MCI hotline: 800-344-1387

MCI email: bjsmci@rti.org

MCI

Mortality in Correctional Institutions



Conducted by the U.S. Department of Justice - Bureau of Justice Statistics (BJS) and RTI International (RTI)

For more than a decade, BJS has collaborated with local jails and state departments of corrections to collect and disseminate statistics on mortality data. Data are collected under Mortality in Correctional Institutions (MCI), formerly known as the Deaths in Custody Reporting Program (DCRP).

Want to test your knowledge about MCI? Take the following quiz!

(Answers are available further below.)

1. What percentage of suicides occurred in general housing within jails between 2000 and 2014?
a. 36% b. 47% c. 60%
2. True or False. The mortality rate for male state prisoners was twice the rate for female state prisoners in 2014, specifically for cancer, heart disease, and liver disease.
3. What percentage of deaths in state prisons in 2014 were illness-related?
a. 43% b. 65% c. 87%
4. True or False. Female jail inmate deaths increased 22% between 2013 and 2014.

Sources: *Mortality in Local Jails, 2000-2014 - Statistical Tables*, BJS Web, December 2016, NCJ 250169 and *Mortality in State Prisons, 2001-2014 - Statistical Tables*, BJS Web, December 2016, NCJ 250150.

(1) **47%**. Also, suicide has been the leading cause of death in jails every year since 2000. In 2014, suicide accounted for 35.3% of deaths. Heart disease was second, accounting for 22.7% of deaths in 2014.

(2) **True**. Also, in order, cancer, heart disease, and liver disease are the leading causes of illness-related deaths for state prisoners.

(3) **87%**. Also, between 2005 and 2014, the percentage of illness-related state prisoner deaths was stable, ranging between 87% and 90% annually.

(4) **True**. Also, while male inmate deaths account for the vast majority of deaths (900 deaths), the number of female deaths (152 deaths) did rise in 2014.

How are the Mortality in Correctional Institutions (MCI) data used?

Over the years, BJS has published several reports on corrections-related mortality, providing the corrections community with important statistics that help policy-makers and jail administrators address key public health issues facing jails and prisons. Some examples include:

- HIV in Prisons, 2015 – Statistical Tables, August 2017, NCJ 250641*
- Mortality in Local Jails, 2000-2014 - Statistical Tables, December 2016, NCJ 250169*
- Mortality in State Prisons, 2001-2014 - Statistical Tables, December 2016, NCJ 250150*
- Assessing Inmate Cause of Death: Deaths in Custody Reporting Program and National Death Index, April 2016, NCJ 249568*

Please visit the BJS website at <http://www.bjs.gov> to access these and other statistical reports.

For more information about BJS or MCI, please contact—

Ann Carson
U.S. Department of Justice
Bureau of Justice Statistics
810 7th Street, NW
Washington, DC 20531 (202)
616-3496
elizabeth.carson@usdoj.gov

For more information about MCI or data collection, please contact—

Bryan Rhodes
MCI Data Collection Task Leader
RTI International
3040 Cornwallis Road
Research Triangle Park, NC 27709
(800)344-1387
bjsmci@rti.org

Appendix N

2018 MCI data submission first reminder email

SUBJECT: Please complete the 2018 MCI Annual Summary Form (<<ID>>)

Dear <<Salutation>> <<LastName>>:

Our records show that as of <<DATE>>, your agency has <<ASF Status>> your 2018 Annual Summary form (ASF) for the U.S. Department of Justice's Mortality in Correctional Institutions (formerly known as Deaths in Custody Reporting Program). We have received at least one Death Report form for 2018 and thank you for this.

Please submit your 2018 ASF as soon as possible. Completing this form is critical for calculating mortality rates across all <<Facility Type>> in the U.S. <<and for producing national estimates on jail inmates and populations.>>

Please logon to the Mortality in Correctional Institutions (MCI) website (<https://bismci.rti.org>) to complete the ASF using these credentials:

USERNAME: <<Username>>

PASSWORD: <<Password>>

After submitting your ASF, please ensure that you have also submitted one Death Report form for *each* death you reported on the ASF.

<<If you prefer to submit your ASF by paper, please print and complete the <<Form Code>> found on the MCI website. Return the forms as outlined in the instructions on the first page of the forms.>>

If you have any questions, please contact a member of the data collection team at (800) 344-1387 or bismci@rti.org.

Thank you in advance for your continued participation in the MCI.

Bryan Rhodes
RTI MCI Data Collection Task Leader

SUBJECT: Please complete the 2018 MCI Annual Summary Form (<<ID>>)

Dear <<Salutation>> <<LastName>>:

Our records show that as of <<Date>>, your agency has <<ASF Status>> your 2018 Annual Summary form (ASF) for the U.S. Department of Justice's Mortality in Correctional Institutions (formerly known as Deaths in Custody Reporting Program). All agencies should complete an ASF, regardless of whether they experienced any in-custody deaths in 2018.

Please submit your 2018 ASF as soon as possible. Completing this form is critical for calculating mortality rates across all <<Facility Type>> in the U.S. <<and>> for producing national estimates on jail inmates and populations.>

Please logon to the Mortality in Correctional Institutions (MCI) website (<https://bismci.rti.org>) to complete the ASF using these credentials:

USERNAME: <<Username>>

PASSWORD: <<Password>>

After submitting your ASF, please ensure that you have also submitted one Death Report form for *each* death you reported on the ASF.

If you prefer to submit by paper, please print and complete the 2018 << ASF Form Code>> ASF, and, if appropriate, 2018 <<DR Form Code>> Death Report form (one per death) found on the website. Please return the forms as outlined in the instructions on the first page of the forms.

If you have any questions, please contact a member of the data collection team at (800) 344-1387 or bismci@rti.org.

Thank you in advance for your continued participation in the MCI.

Bryan Rhodes
RTI MCI Data Collection Task Leader

Dear <<Salutation>> <<LastName>>:

Our records show that as of March 2, 2019 your agency has not submitted your 2018 Annual Summary form (ASF) for the U.S. Department of Justice's Mortality in Correctional Institutions (formerly known as Deaths in Custody Reporting Program). <<fill1>>

Please submit your 2018 ASF as soon as possible. Completing this form is critical for calculating mortality rates across all jails in the U.S.

Please logon to the Mortality in Correctional Institutions (MCI) website (<https://bismci.rti.org>) to complete the ASF using these credentials:

USERNAME: <<Username>>

PASSWORD: <<Password>>

After submitting your ASF, please ensure that you have also submitted one Death Report form for *each* death you reported on the ASF.

If you prefer to submit your ASF by paper, please print and complete the 2018 <<Form Code>> found on the MCI website. Return the forms as outlined in the instructions on the first page of the forms.

If you have any questions, please contact a member of the data collection team at (800) 344-1387 or bismci@rti.org.

Thank you in advance for your continued participation in the MCI.

Bryan Rhodes
RTI MCI Data Collection Task Leader

Appendix O

2018 MCI data submission second reminder letter

August 20, 2019

«POC_Salutation» «POC_FirstName» «POC_LastName»
«Organization_name»
«POC_Address1»
«POC_Address2»
«POC_City», «POC_State» «POC_ZipCode»

Dear «POC_Salutation» «POC_LastName»:

I write to request that you complete the Bureau of Justice Statistics' (BJS) 2018 Mortality in Correctional Institutions (MCI) Annual Summary Form. All jails, including those with no deaths to report, are asked to complete the annual summary form. The MCI is the only nationwide, comprehensive collection of jail inmate death data. **Although the collection is voluntary, we rely on your data to make accurate national estimates of jail deaths, populations, and admissions.**

If there were no deaths in your jurisdiction, you can simply call us at (800) 344-1387 to confirm, and we will request just a few other items by phone. If you have one or more deaths to report, you may submit your data online—

Website: <https://bjsmci.rti.org>
Username: <username>
Password: <password>

Please provide whatever information you can on the MCI form as soon as possible—even partial information or estimates are acceptable. We can also receive your submission by mail, e-mail, fax, or phone.

We would greatly appreciate if you would submit your 2018 Annual Summary Form by **August 30, 2019**. If you have any questions about this survey or would like to provide your information over the phone or via email please contact our hotline at (800) 344-1387 Monday through Friday, 9 AM to 5 PM, EDT, or email bjsmci@rti.org.

Thank you very much for your participation and continued support for BJS's statistical programs.

Sincerely,



E. Ann Carson, Ph.D., Acting Chief
Corrections Unit
(202) 616-3496
elizabeth.carson@usdoj.gov

Appendix P

2018 MCI data quality follow-up call script and email

RY2018 DQFU Automated Email Text

Errors to DRs (ASF fine)

SUBJECT: Following up on MCI Death Report form Data Quality Issues | <<Agency ID>>

Dear <<Salutation>> <<POC Last Name>>:

Thank you for submitting 2018 Mortality in Correctional Institutions (MCI) information for your agency. We have reviewed your submission, and request that you attend to the following items concerning your Death Report form(s).

- <<Inmate Name 1>>
 - <<DR Error 1>>
 - <<DR Error 2>>
 - ...etc.
- <<Inmate Name 2>>
 - <<DR Error 1>>
 - <<DR Error 2>>
 - ...etc.
- ..etc.

Please add or edit data online:

Website: <https://bismci.rti.org>

Username: <<Username>>

Password: <<Password>>

Once logged in:

1. Select 2018.
2. Select *Complete/Edit/View 2017 Death Report Form*
3. Navigate to the appropriate decedent's form
4. Update the information.

I'd also be happy to take this information via a reply to this e-mail or over the phone at (800) 334-8571 ext. <<AL Extension>>.

We appreciate your cooperation and look forward to our continued work together! If you have any questions or if there is anything else I can do to assist you, please let me know.

Sincerely,

<<AL Name>>

Agency Liaison

RTI International

MCI Data Collection Agent for the Bureau of Justice Statistics

Errors to ASF (DR fine)

SUBJECT: MCI: Following up on Annual Summary form Data Quality Issues | <<Agency ID>>

Dear <<Salutation>> <<POC Last Name>>:

Thank you for submitting 2018 Mortality in Correctional Institutions (MCI) information for your agency. We have reviewed your submission and request that you attend to the following items concerning your Annual Summary form (ASF):

- <<ASF Error 1>>
- <<ASF Error 2>>
- ..etc.

Please add or edit data online:

Website: <https://bjsmci.rti.org>

Username: <<Username>>

Password: <<Password>>

Once online, choose *2018*, then *Complete/Edit/View 2017 Annual Summary Form*, then *Edit ASF*, and then navigate to the question(s) requiring attention.

I'd also be happy to take this information as a reply to this e-mail or over the phone at (800) 334-8571 ext. <<AL Extension>>.

We appreciate your cooperation and look forward to our continued work together! If you have any questions or if there is anything else I can do to assist you, please let me know.

Sincerely,

<<AL Name>>

Agency Liaison

RTI International

MCI Data Collection Agent for the Bureau of Justice Statistics

Errors to ASF and DRs that need follow-up

SUBJECT: Following up on MCI Data Quality Issues | <<Agency ID>>

Dear <<Salutation>> <<POC Last Name>>:

Thank you for submitting 2018 Mortality in Correctional Institutions (MCI) information for your agency. We have reviewed your submission and request that you attend to the following items concerning your Annual Summary form (ASF) and Death Report form(s). Regarding your ASF:

- <<ASF Error 1>>
- <<ASF Error 2>>
- ...etc.

Regarding your Death Report form(s):

- <<Inmate Name 1>>
 - <<DR Error 1>>
 - <<DR Error 2>>
 - ...etc.
- <<Inmate Name 2>>
 - <<DR Error 1>>
 - <<DR Error 2>>
 - ...etc.
- ...etc.

Please review and enter information by visiting the MCI website at <https://bjsmci.rti.org>. Please use the following log-in information:

Username: <<Username>>

Password: <<Password>>

Once logged in, choose 2018, navigate to the appropriate form, and make updates as appropriate.

I'd also be happy to take this information as a reply to this e-mail or over the phone at (800) 334-8571 ext. <<AL Extension>>.

We appreciate your cooperation and look forward to our continued work together! If you have any questions or if there is anything else I can do to assist you, please let me know.

Sincerely,

<<AL Name>>

Agency Liaison

RTI International

MCI Data Collection Agent for the Bureau of Justice Statistics

DQFU Call Scripts

Instructions:

Your calls need to be flexible and conversational, so there will be no script to read verbatim. However, each conversation should contain some basic elements.

- Identify yourself (reference DCRP as needed)
- Identify reason for calling
 - Explain errors if DS is open to it
 - Offer to email errors unless it doesn't feel right to do so/it's unnecessary
- Thank respondent

We have provided an example for each basic conversational element below.

Live Call with Agency

IDENTIFY YOURSELF

Hello, this is [FIRST NAME] [LAST NAME] calling on behalf of the U.S. Department of Justice regarding the Mortality in Correctional Institutions survey. May I speak to _____?

IDENTIFY REASON FOR CALL

Thank you for providing 2018 data. We have a few questions regarding your submission. I sent you a list of the questions last week over email. Did you get a chance to review those?

If you have time, we can go over them on the phone now. (Describe errors over phone if applicable)

(Agency may request you resend the errors – send the email again).

THANK RESPONDENT

We really appreciate your participation in Mortality in Correctional Institutions. You can reach me via telephone toll-free at 1-800-334-8571 extension _____ or via e-mail at bjsmci@rti.org.

Voicemail Messages

General Mailbox

Good {morning/ afternoon}. My name is _____ and I'm calling on behalf of the U.S. Department of Justice regarding the Mortality in Correctional Institutions survey. I have a few questions regarding the 2018 data submitted by _____. Please have them call me back at 1-800-334-8571 extension _____. Thank you.

DS Mailbox

Good {morning/ afternoon}. My name is _____ and I'm calling on behalf of the U.S. Department of Justice regarding the Mortality in Correctional Institutions survey. I have a few questions regarding your 2018 data. I sent you an email on [insert date] listing out these questions we have. Please call me back at 1-800-334-8571 extension _____. If we aren't able to touch base sometime soon, I'll give you another call next week. Thank you.

Final DS Attempt Voicemail

DS Mailbox

Good {morning/ afternoon}. My name is _____ and I'm calling on behalf of the U.S. Department of Justice regarding the Mortality in Correctional Institutions survey. I've been trying to reach you so that we can resolve a few questions about your 2018 data. I sent you an email on [insert date] with this information and will resend it to you today so that it is readily available. Please email me, or call me back at 1-800-334-8571 extension _____. I apologize if I've caught you at a bad time. If we aren't able to touch base, I'll reach out to [insert POC name] to see if they can assist. Thank you.