



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

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SUBJECT: Report comparing Bureau of Justice Statistics and Bureau of Justice Assistance mortality death collections, to fulfill Terms of Clearance for OMB Control Number 1121-0249

DATE: May 11, 2021

In June 2019, the Bureau of Justice Statistics (BJS) received clearance from the Office of Management and Budget (OMB) to conduct its Mortality in Correctional Institutions (MCI) data collection for an additional two years, through June 2021 (OMB Control Number 1121-0249). The Terms of Clearance (TOC) for the MCI, issued June 30, 2019, required BJS to assess the overlap and quality of data collected by the Bureau of Justice Assistance (BJA) when it began collecting data of deaths in prisons and jails in response to the Deaths in Custody Reporting Act of 2013. The attached report fulfills the TOC condition for BJS's 2019 MCI collection.

There are three overarching factors that contextualize the findings in the attached report. First, the period of comparisons of the BJS and BJA data collections covers three months: October, November, and December of 2019. These are the only three months when both agencies concurrently administered the two data collections on deaths in the custody of state prisons and local jails. Secondly, the comparison months represent the first three months of BJA's data collection effort, while BJS has 20 years of experience collecting these data. Thirdly, the two agencies have very distinct functions. BJS is a principal federal statistical agency with a more than 40-year history of collecting, analyzing and disseminating reliable statistics on crime and justice. BJA provides leadership and services in grant administration and criminal justice policy development to support local, state, and tribal law enforcement in achieving safer communities.

While BJA continues to develop and enhance its data collection to produce complete and accurate statistics over time, this report provides a snapshot of the initial efforts in comparison to the long-term MCI collection.

Key findings for October through December 2019:

- States reported 1,246 deaths in state prisons and local jails to BJS and 744 deaths to BJA during the three-month period, or 59.7% of the deaths reported to BJS.
- Six states, including California and New Jersey, did not report in-custody deaths to BJA because they did not accept Justice Assistance Grants (JAG) for Fiscal Year (FY) 2020. These six states reported 169 deaths to BJS's MCI collection, or 13.6% of the MCI total number of deaths.
- When compared to MCI, BJA's data collection did not capture any state prison deaths in 11 states or any local jail deaths in 12 states and the District of Columbia, which were reported to BJS.
- BJA's data collection included only 38.9% of local jail deaths and 66.3% of state prison deaths that occurred during the three-month period when compared to MCI.
- Fifty-six of the deaths reported to BJA as having occurred in the process of arrest had actually occurred in local jails and state prisons when compared to MCI.
- BJA's collection did not obtain full date of birth and had high rates of missing data on key elements: date of facility admission (41.8%), description of death (23.8%), Hispanic origin (19.7%), cause of death (13.8%), name of reporting agency/facility (8.9%), and year of birth (5.5%).
- The high rate of missing data limits statistical analysis of age of decedent, cause of death, and time from admission to death, and it limits the use of the data to obtain death certificates through the National Death Index.
- BJS was able to match 87 of the 117 local jail deaths (74.4%) and 601 of the 627 state prison deaths (95.5%) in the BJA collection to records in the MCI collection following additional data processing, including reconciling misspelled names, dates of death, and years of birth.
- When considered as a portion of all MCI records, the overall match rate of BJA's data was 34.5% for local jails and 72.8% for state prisons. For cause of death, the two collections had a higher match rate: 76.4% of state prison deaths and 74.7% of local jail records.

An Assessment of the Overlap and Quality of Mortality Data Collected by the Bureau of Justice Statistics and Bureau of Justice Assistance

May 2021

Bureau of Justice Statistics

In June 2019, the Bureau of Justice Statistics (BJS) received clearance from the Office of Management and Budget (OMB) to conduct BJS's Mortality in Correctional Institutions (MCI) data collection for an additional two years, through June 2021 (OMB Control Number 1121-0249). This permitted BJS to collect data on deaths in state prisons and local jails that occurred during calendar years 2018 and 2019.

As part of the MCI clearance, OMB imposed the following terms of clearance (TOC) on BJS:

Clearance for the Mortality in Correctional Institutions collection is granted for 2 years from approval date. BJS will assess the overlap and quality of the data once BJA begins its collection of prison and jail deaths in 2020, and the need for BJS to continue MCI, revise the collection, or discontinue it in its entirety. This decision will be based on an assessment of the quality and completeness of the data collected by BJA, including whether BJA central state respondents are able to obtain sufficient participation from local jails on a quarterly basis.

The following assessment fulfills this TOC condition.

Background

BJS is a principal federal statistical agency that was established in 1979 to collect, analyze and report reliable statistics on crime and justice. BJS began collecting data on deaths occurring in local jails in 2000 and on deaths in state prisons in 2001, in response to the Death in Custody Reporting Act of 2000 (DICRA; P.L. 106-297). BJS has continued to collect these data for the last 20 years, including when the law expired in 2006 and was reauthorized in 2014 (P.L. 113-242). Throughout the 20-year period, BJS has maintained an average annual 98% response rate for local jails and a 100% response rate for state departments of corrections. These response rates are impressive, given the voluntary nature of participation in the MCI collection.

In 2016, the Department of Justice (DOJ) decided to place more emphasis on the section of P.L. 113-242 that concerned non-compliance with the data collection. Per the law, states that did not report on a quarterly basis individual-level data on deaths occurring in local jails, in state prisons, or in the process of arrest, could be penalized up to 10% of the DOJ-administered Justice Assistance Grants (JAG) awards. The DOJ determined that the Bureau of Justice Assistance (BJA) should manage collection of the data pursuant to

the law because BJS, as a federal statistical agency, may not collect data for law enforcement purposes. BJA is not under similar requirements to collect data for statistical purposes only. (The Report of the Attorney General to Congress Pursuant to The Death in Custody Reporting Act, December 16, 2016, is located at <https://www.justice.gov/archives/page/file/918846/download>).

OMB determined that, since the overlap in BJS's MCI and BJA's Deaths in Custody Reporting Act data collection (DCRA) was significant, only one agency should burden the public with its request for data. OMB encouraged BJS to work with BJA to ensure that all necessary data elements were collected by BJA to allow BJS to publish annual statistical reports describing deaths in local jails and state prisons. Because BJA required time to develop and implement the DCRA protocol and web-based data entry system, BJS agreed to collect MCI data through the end of calendar year 2019. BJA would begin collecting the data in the first quarter of fiscal year 2020 (starting October 1, 2019). This schedule resulted in an overlap of data collection by the two agencies of three months (October through December 2019).

This assessment compares BJS's collection of mortality data from prisons and jails, which has been administered for 20 years, to BJA's new data collection covering three months. While BJS is a statistical agency, BJA provides leadership and services in grant administration and criminal justice policy development to support local, state, and tribal law enforcement in achieving safer communities.

BJA has made a concerted effort over the past year to improve its collection of mortality data. BJS assisted in this effort by mailing information regarding the new reporting agency to all of BJS's respondents, explaining the new process individually via email or over the phone, and discussing issues with the data-collection elements and the processes by which BJA collects data and follows up on non-response and data quality. BJA is undertaking enhancements to its data collection (see attached Appendix A), and anticipates significant improvements in response rates and quality of data over time.

Quality and Completeness of the Data Collected by BJA

Per P.L. 113-242, BJA must collect death data from states on a quarterly basis, to include deaths that occurred in state prison, in local jails, and in the process of arrest (also known as arrest-related deaths, or ARD). If individual states do not comply, the law allows the Attorney General to withhold up to 10% of the states' JAG awards. JAG grants awarded directly to local agencies are not subject to any penalties for non-compliance under P.L. 113-242. During the development of the MCI data collection, BJS observed the difficulties with states assembling data from individual law enforcement agencies, local jails, and state department of corrections. Few of the individual law enforcement agencies would be directly affected by the law's penalties on the state grant awards. Additionally, the linkage of death reporting to JAG funding means that states that do not apply for or accept JAG awards are under no obligation to provide death data to BJA.

When comparing the data collections, BJS found that states that did not accept JAG awards did not report deaths to BJA that were reported to BJS.

During the implementation of the MCI data collection, BJS concluded that quarterly reporting could lead to survey fatigue, diminished unit response rates, and, particularly in the case of deaths that require autopsies, poor response rates on items such as cause of death. Since autopsies can take months to complete, quarterly reporting requirements may force states to leave the cause of death field blank. BJA has instructed states to submit a system helpdesk ticket to update cause of death when that information becomes available; however, BJS found a higher percentage of unknown causes of death in BJA's data than in BJS's data, which BJS attributes to the incomplete reporting due to the quarterly reporting requirement.

During the initial implementation of its data collection, BJA incorporated the DCRA reporting into its existing Performance Measurement Tool (PMT) tracking system. BJS recommended that BJA adopt a data collection platform that allowed for the uploading of multiple records in a single database. Based on BJS's 20-year data collections, some states have tens of deaths per quarter while other states have hundreds of in-custody deaths per quarter. While this option was not available for the first quarter of BJA's data collection, BJA enacted this change in the second quarter of FY 2020.

The PMT does not have an internal data error identification tool. As a result, BJS did extensive cleaning of the BJA data prior to analyzing the data, including removing more than 200 duplicate death records. BJS found that multiple decedents' first and last names were recorded in the wrong columns and determined that the PMT system did not generate automatic missing data prompts to respondents for key data elements, such as year of birth, location of death, and date of facility admission.

BJA is actively working to improve their cleaning and validation processes; however, these efforts were not undertaken on the first quarter of FY 2019 data. Many of the data entry errors could have been caught with systematic data checks. For example, Florida reported execution as the cause of death for 110 of its 114 submitted records for the second quarter of FY 2020. This is clearly incorrect, given that 25 persons were executed across all states in 2018 and 22 executions in 2019 (advance count), based on BJS's capital punishment data collection which has been ongoing since 1930.

The BJA data collection form

BJA designed its data collection form (Appendix B) to obtain the information specified in section 2 of P.L. 113-242 (<https://www.congress.gov/113/plaws/publ242/PLAW-113publ242.htm>):

(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.*

Many of the items overlap those collected in MCI, although BJS did not have a free-text description of the circumstances of the death. Instead, BJS designed questions to standardize the reporting on topics such as whether the decedent was undergoing an autopsy, where in the facility a person died (general housing unit, segregation unit, in transit, etc.), and whether the decedent had received specific medical care since admission, including medication and overnight stays in a mental health unit. BJS also asked respondents to indicate whether illness-related deaths were due to pre-existing medical conditions or conditions that developed after admission to prison or jail.

While the BJA free-text descriptions of the circumstances surrounding a death can yield additional information not captured in the MCI questions, the free-text fields are difficult to analyze and can have high rates of item missingness. Of the 892 unique death records reported to BJA from October to December 2019, 212 records (almost 24%) had some form of “Unknown,” “N/A,” or other missing value in the text description field. Also, while BJA collected structured data on the name, address, and type of the facility where the person died, the location within the facility where the death occurred was collected only in the free-text field.

In this report, table 1 presents the number of missing records for key data elements in the BJA collection. These include all responses of “Don’t know,” “Unknown,” “N/A,” and any other indication of no response. Except for the text description of death, the count of missing records does not include those labelled as “unknown pending autopsy.” The high rates of missing data on date of arrest and date of admission to the facility where the death occurred are of particular concern. These variables are important for calculating the time served in prison or jail before death, and provide key data for understanding risk of death by cause. Dates of arrest or admission were missing for more than 40% of BJA death records submitted from October to December 2019.

Table 1. Number and percent of BJA DCRA death records with missing values for key data elements, October 1 to December 31, 2019

Data element	Number of records	Percent of total records (n=892)	%
Sex	0	0.0	%
Race	85	9.5	
Hispanic origin	176	19.7	
Unknown race AND unknown Hispanic origin	32	3.6	
Decedent's first name	5	0.6	
Decedent's last name	5	0.6	
Year of birth	49	5.5	
Date of death	0	0.0	
Date of arrest or facility admission	373	41.8	
Time of death	2	0.2	
Location of death	75	8.4	
Name of facility/agency	79	8.9	
Cause of death/a	123	13.8	
Text description of death circumstances/b	212	23.8	

Note: Analysis based on records reported to BJA for unique deaths that occurred between October 1 and December 31, 2019.

a/Includes all records for which the cause of death was reported as unknown or pending autopsy.

b/Includes all records for which the text description of death field contained "N/A," "Unknown," "None provided," "*", "No information to report," or a description of other missing data elements (e.g., "Time of death not reported"). This does not include records for which the death description was reported as "unknown pending results from a medical examiner or autopsy."

BJS's MCI data collection separates accidental cause of death into three separate categories: accidental alcohol or drug intoxication, accidental injury to self, and accidental injury by other. In contrast, BJA's collection combines all accidental deaths, so intoxication deaths cannot be disaggregated. BJS found that in 2016 intoxication deaths accounted for 10% of all deaths in local jails, compared to less than 2% for other accidents. The number of intoxication deaths in local jails is of special interest to jail administrators and policymakers. Intoxication deaths have more than tripled since 2000. Because inmates who die from intoxication spend a median of one day in jail before death, this statistic informs jail administrators of the need to rapidly recognize and intervene in situations where an inmate is intoxicated upon admission to jail. Such intervention could significantly reduce the number of deaths.

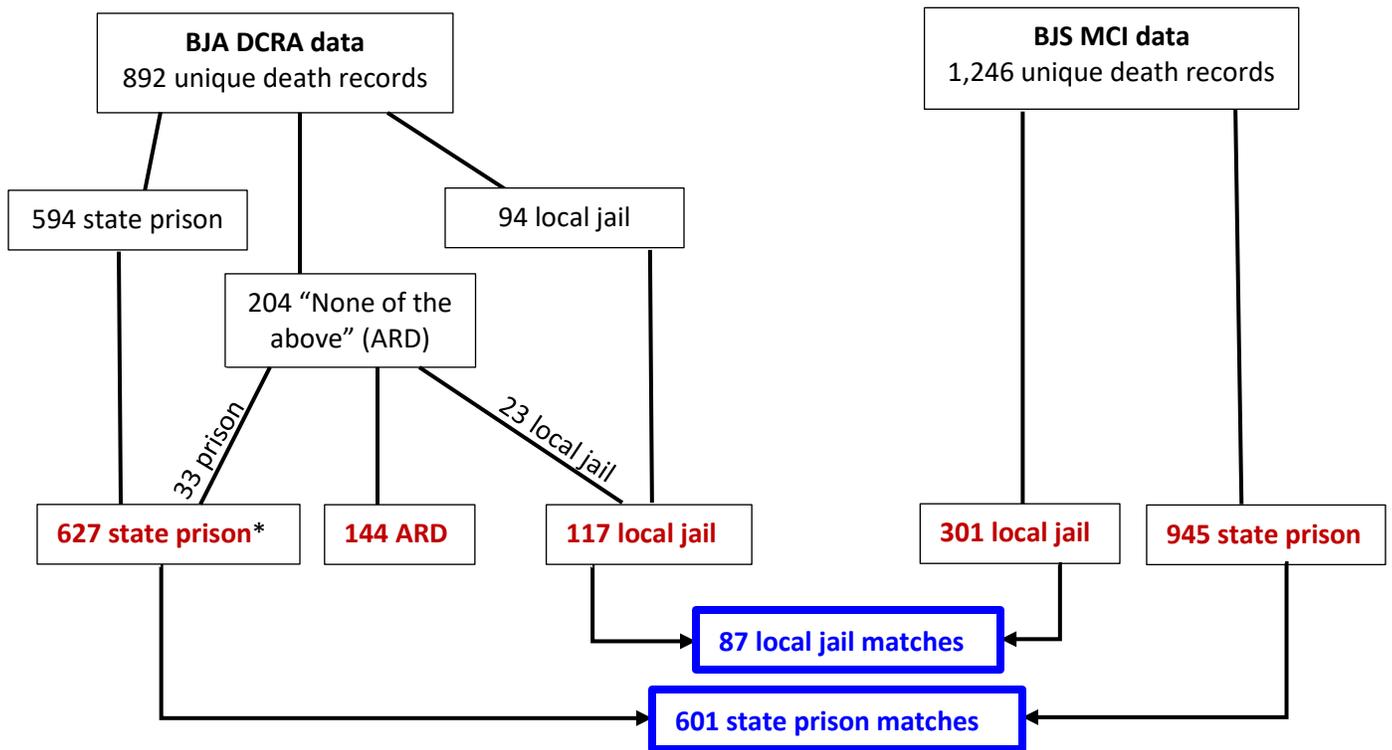
BJA did not request full date of birth (only year of birth) or social security number (SSN) on each decedent, but in the future, should collect these data elements to improve data quality and enhance the utility of the data. During BJA's development of the DCRA collection form, BJS requested these data elements be added, in order to submit the records to the Centers for Disease Control and Prevention (CDC) to match to the National Death Index (NDI). The NDI includes all causes of death on a decedent's death

certificate and can provide multiple medical conditions that contributed to the death. The NDI uses the SSN for matching records, but in lieu of SSN, it requires full name and date of birth. If the BJA death data could be linked to NDI, data with unknown or unreported causes of death can be reconciled for the BJS comparison and assessment of the data collection.

Direct comparison of BJS and BJA data

BJA provided a file of all reported deaths in the PMT as of mid-September 2020. After limiting the data to those deaths occurring between October 1 and December 31, 2019, there were 1,102 records. Of these records, 210 were duplicates. Of the remaining 892 unique death records, 204 had been classified by BJA as not having occurred in one of the correctional facilities named on the form. (See figure 1). BJS initially interpreted these as ARD reported by local law enforcement agencies. Upon further investigation, BJS found that 56 of these deaths matched individual decedents in state prisons or local jails in BJS's MCI collection. They were reclassified to match the MCI location of death. Since MCI does not include ARD deaths, the remaining 144 BJA ARD deaths were removed from the subsequent analysis. In addition, MCI does not include state-sanctioned executions in its counts of deaths in custody, so these records were also removed from the BJA comparison file.

Figure 1. BJA and BJS death records, October 1 to December 31, 2019



*Executions deleted.

Sources: Bureau of Justice Statistics, Mortality in Correctional Institutions 2019; Bureau of Justice Assistance, Deaths in Custody Reporting Act 2019.

The 744 deaths reported to BJA as having occurred in state prisons, local jails, external hospitals, and other or unknown locations were included in the comparison with BJS data on state prison and jail deaths. Using the reporting agency and details in the text field that allowed for a description of the death, BJS categorized as many unknown and other deaths into jail or arrest-related deaths as possible.

Six states (California, Connecticut, Delaware, New Jersey, Utah, and West Virginia) had not accepted their JAG awards as of September 2020, and therefore were not required to report mortality data to BJA. These states contributed 169 deaths (13.6%) to the BJS total count of deaths in state prisons and local jails between October 1 and December 31, 2019. California is one of a few states with a centralized reporting system for law enforcement agencies, local jails, and state prisons, which would make reporting to DCRA relatively straightforward.

State departments of corrections (DOCs) and local jails reported 1,246 deaths between October and December 2019, to BJS’s MCI collection. At the time of this analysis, BJS was still collecting data on deaths that occurred in calendar year 2019 from a few local jails.

Table 2 summarizes the state-specific count of records submitted to BJA and BJS, disaggregated by type of facility. For the deaths reported to BJA, inmates who died in external hospitals or other or unknown locations were combined with those who died in local jails. Note that this is a comparison of the raw count of records, not a count of individuals matched between the BJA and BJS collections.

Table 2. Number of deaths reported by state, facility type, and data collection agency, October to December 2019

State	Total		Local jails		State prisons	
	BJA	BJS	BJA	BJS	BJA	BJS
Total	744	1,246	117	301	627	945
<i>Total without 6 non-reporting BJA states</i>	<i>744</i>	<i>1,077</i>	<i>117</i>	<i>252</i>	<i>627</i>	<i>825</i>
Alabama	30	42	3	8	27	34
Alaska/a	0	1	0	~	0	1
Arizona	0	32	0	9	0	23
Arkansas	17	19	1	3	16	16
California/b	/	138	/	43	/	95
Colorado	0	23	0	8	0	15
Connecticut/a,b	/	2	/	~	/	2
Delaware/a,b	/	3	/	~	/	3
District of Columbia	0	1	0	1	~	~
Florida	83	116	0	33	83	83
Georgia	44	52	9	13	35	39
Hawaii/a	5	1	0	~	5	1
Idaho	10	9	4	3	6	6
Illinois	26	47	7	15	19	32
Indiana	19	20	5	5	14	15
Iowa	3	4	0	1	3	3
Kansas	0	10	0	1	0	9
Kentucky	18	23	6	6	12	17
Louisiana	0	42	0	10	0	32
Maine	5	5	1	1	4	4
Maryland	2	13	2	3	0	10
Massachusetts	13	14	2	3	11	11
Michigan	1	32	1	6	0	26
Minnesota	1	1	1	1	0	0
Mississippi	5	23	1	4	4	19
Missouri	23	24	4	5	19	19
Montana	0	5	0	1	0	4
Nebraska	4	3	1	0	3	3
Nevada	12	9	2	2	10	7
New Hampshire	0	1	0	1	0	0

State	Total		Local jails		State prisons	
	BJA	BJS	BJA	BJS	BJA	BJS
New Jersey/b	/	12	/	2	/	10
New Mexico	0	9	0	4	0	5
New York	28	31	0	4	28	27
North Carolina	31	33	4	6	27	27
Ohio	37	44	4	10	33	34
Oklahoma	23	28	1	4	22	24
Oregon	12	12	1	4	11	8
Pennsylvania	45	54	8	18	37	36
Rhode Island/a	1	1	0	~	1	1
South Carolina	15	27	4	6	11	21
South Dakota	4	4	0	0	4	4
Tennessee	29	40	0	11	29	29
Texas	157	152	28	23	129	129
Utah/b	/	6	/	1	/	5
Vermont/a	2	2	0	~	2	2
Virginia	33	28	13	8	20	20
Washington	3	17	3	7	0	10
West Virginia/b	/	8	/	3	/	5
Wisconsin	0	20	0	3	0	17
Wyoming	3	3	1	1	2	2

~ Not applicable.

/Data not reported.

a/BJS defines state as a combined prison/jail system, and reports all deaths as having occurred in prison.

b/State did not provide data because it had not accepted a JAG award as of November 1, 2020.

Sources: Bureau of Justice Statistics, Mortality in Correctional Institutions 2019; Bureau of Justice Assistance, Deaths in Custody Reporting Act 2019.

In total, states reported 744 deaths from October to December 2019 to BJA, 59.7% of the 1,246 deaths reported to BJS in the same timeframe. When the six states not reporting to BJA because they have not accepted their JAG awards are removed from the BJS total, the BJA records represent 69.1% of those received by BJS.

From October to December 2019, a total 117 deaths in local jails were reported to BJA, which overall represent 38.9% of the 301 reported to BJS (and 46.4% when the six non-reporting states are removed). State prison deaths are better represented in BJA's DCRA data collection: 627 deaths in state prisons were reported to BJA in the first quarter of FY 2020, representing 66.3% of the 945 reported to BJS and 76.0% when the six non-reporting states are removed.

In addition to the six states that had not accepted JAG grants, nine states and the District of Columbia reported zero deaths in state prisons and local jails to BJA from

October to December 2019. The states included Alaska, Arizona, Colorado, Kansas, Louisiana, Montana, New Hampshire, New Mexico, and Wisconsin. Each of these nine states reported at least one death in state prison and/or local jail to MCI. Overall, they represented 144 of the 1,246 deaths reported to BJS during this period.

Considering jail and prison deaths separately, twelve states and the District of Columbia reported zero local jail deaths to BJA, while reporting at least one jail death to BJS from October to December 2019. There were no reported prison deaths in the BJA data from 11 state departments of corrections over the same three months, while only 2 of these departments of corrections (Minnesota and New Hampshire) also reported zero deaths to BJS. Together, these jurisdictions reported 87 jail deaths and 152 state prison deaths to MCI.

In the first quarter of FY 2020, BJA records from four states included a greater number of deaths in local jails than were reported to MCI. Idaho and Nebraska each had one more death in the BJA collection than in the MCI, while Texas and Virginia each had five additional deaths. BJS attempted to reconcile these deaths, but the BJA records for each lacked entries for location of death, name of the agency reporting the death, and any additional information in the text description of the death that would allow BJS to follow up with the agencies for more details. There is no way to confirm whether individuals could have been released from jail prior to their death. However, if that were the case, those deaths would not fit under BJS's definition of a death in custody.

Similarly, five states reported more prison deaths to BJA than to BJS. These records contained more contextual information than the jail records, including the facility name and address. Pennsylvania and New York each had one more reported death in BJA's DCRA data than in MCI. Nevada and Oregon each had three more state prison deaths reported to BJA than to BJS, and Hawaii had four additional deaths. BJS is contacting the DOCs to obtain additional information on these deaths. It appears that several of these individuals died in community medical facilities; however, it is unknown whether they had been officially released from prison prior to their death.

Table 3 shows the distribution of sex, race and Hispanic origin, and cause of death for decedents in local jails and state prisons for each data collection. With the exception of Hispanic decedents in local jails, the sex and race/Hispanic origin distributions are similar between the collections. The BJA collection, however, shows a lower percentage of illness and drug or alcohol intoxication deaths in both state prisons and local jails than those reported to BJS, and a far higher percentage of deaths with unknown or unresolved causes of death. While BJA state respondents are expected to update the causes of death in the PMT system once autopsy findings are complete, this had not occurred for a large number of deaths from the first quarter of FY 2020, even after nine months. BJA is working to implement a data cleaning system and provide more technical assistance to the state respondents, which may ameliorate some of these issues.

Table 3. Characteristics of deaths by facility type and data collection agency, October 1 to December 31, 2019

Characteristic	Local jail deaths		State prison deaths	
	BJA	BJS	BJA	BJS
Total deaths, Q1, FY 2020	117	301	627	945
Sex	100 %	100 %	100 %	100 %
Male	81.2 %	82.7 %	96.2 %	96.3 %
Female	18.8	17.3	3.8	3.7
Race/Hispanic origin	100 %	100 %	100 %	100 %
White/a	58.1 %	58.1 %	57.3 %	56.1 %
Black/a	29.1	27.9	30.0	30.1
Hispanic	5.1	11.0	10.0	11.6
American Indian/Alaska Native/a	1.7	1.0	0.8	1.4
Asian/a,b	0.9	1.3	1.3	0.7
Two or more races/a	0.0	0.0	0.3	0.1
Unknown/c	5.1	0.3	1.0	0.0
Cause of death	100 %	100 %	100 %	100 %
Illness	35.0 %	45.8 %	65.1 %	75.7 %
Drug/alcohol intoxication/d	6.8	15.3	2.2	6.5
Other accidents	6.0	2.3	1.1	0.7
Suicide	29.1	26.6	7.7	8.3
Homicide	2.6	2.0	3.2	4.1
Unknown/e	17.1	3.3	14.0	3.8
Other	3.4	4.7	6.7	1.0

Note: Comparisons are of unmatched records from BJA and BJS mortality collections for deaths occurring between October 1 and December 31, 2019.

a/Not of Hispanic origin.

b/Includes Asians, Other Pacific Islanders, and Native Hawaiians.

c/Includes other races and missing race responses.

d/BJA does not disaggregate intoxication deaths from other accidental deaths. BJS examined the accidental deaths reported to BJA and recoded those that suggested intoxication deaths. Since not all deaths included additional contextual details, the BJA percentages may be an underestimate.

e/Includes unknown and missing causes of death due to incomplete autopsy results.

Sources: Bureau of Justice Statistics, Mortality in Correctional Institutions 2019; Bureau of Justice Assistance, Deaths in Custody Reporting Act 2019.

Matching individual BJA and BJS death records

BJS performed three rounds of matches for state prison deaths and local jail deaths, each with slightly less stringent variable requirements, as summarized in Table 4.

After the initial rounds of matching, all remaining unmatched local jail and state prison BJA death records were combined with the BJA ARD death records and visually

compared to the remaining unmatched BJS records for each state. A number of decedents in the two data collections were clearly the same individuals, but their death records contained misspelled names, inverted first and last names, or mismatched facility types, dates of death, or years of birth. In the case of mismatched dates of death, dates were usually off by one or two days. In the case of mismatched years of birth, the most common difference was a missing value in DCRA. A number of deaths coded in DCRA as having occurred in the process of arrest had occurred in a state prison or local jail as reported in the MCI collection.

Because the MCI is the existing collection with a 20-year history, it was considered the data collection of record in terms of correcting misspelled names, dates, and facility types. In all, BJS was able to reconcile mismatches between the two collections in 20 last names, 7 first names, 28 dates of death, 4 years of birth, and 70 facility types.

Table 4. BJA-BJS matching process for local jail and state prison deaths, October 1 to December 31, 2019

Match	Variables used in match	Local jail matches		State prison matches	
		Before record reconciliation	After record reconciliation	Before record reconciliation	After record reconciliation
1	State, last name, first name, date of death, year of birth	54	77	383	470
2	State, last name, first initial of first name, date of death, year of birth	2	2	98	101
3	State, last name, date of death	8	8	24	30
TOTAL MATCHES		64	87	505	601

Note: Reconciliation involved visual comparison of all BJA and BJS records unmatched after the initial three rounds of matching. Arrest-related deaths were included in the BJA unmatched group to capture any misclassified state prison or local jail deaths. See Figure 1.

Sources: Bureau of Justice Statistics, Mortality in Correctional Institutions 2019; Bureau of Justice Assistance, Deaths in Custody Reporting Act 2019.

BJS matched 87 of the 117 local jail deaths (74.4%) and 601 of the 627 state prison deaths (95.5%) to records in the MCI collection. When considered as a portion of MCI records, the match rates drop to 34.5% for local jails and 72.8% for state prisons, even when records from the six states that had not accepted JAG grants were removed from the BJS collection.

The match rates varied by state. Table 5 shows the rate of BJA and BJS matched death records by type of facility as a percentage of the BJS record totals. Eighteen states matched 100% of the state prison death records between the BJA and BJS collections, including Texas, which reported 129 state prison deaths to both BJA and BJS for the first

quarter of FY 2020. Florida had 82 of 83 state prison deaths match between the BJA and BJS collections, but did not submit any deaths from local jails to BJA.

Table 5. Death record matches by facility type and data collection agency, October 1 to December 31, 2019

State	Local jails				State prisons			
	BJA	BJS	Matched	Percent matched	BJA	BJS	Matched	Percent matched
Total	117	301	87	28.9 %	627	945	601	63.6 %
<i>Total w/out 6 states</i>	<i>117</i>	<i>252</i>	<i>87</i>	<i>34.5</i>	<i>627</i>	<i>825</i>	<i>601</i>	<i>72.8</i>
Alabama	3	8	3	37.5 %	27	34	27	79.4 %
Alaska/a	0	~	~	:	0	1	0	0.0
Arizona	0	9	0	0.0	0	23	0	0.0
Arkansas	1	3	1	33.3	16	16	16	100.0
California/b	/	43	/	/	/	95	/	/
Colorado	0	8	0	0	0	15	0	0.0
Connecticut/a,b	/	~	/	/	/	2	/	/
Delaware/a,b	/	~	/	/	/	3	/	/
District of Columbia	0	1	0	0.0	0	0	0	:
Florida	0	33	0	0.0	83	83	82	98.8
Georgia	9	13	4	30.8	35	39	32	82.1
Hawaii/a	0	~	~	:	5	1	1	100.0
Idaho	4	3	3	100.0	6	6	6	100.0
Illinois	7	15	4	26.7	19	32	16	50.0
Indiana	5	5	4	80.0	14	15	13	86.7
Iowa	0	1	0	0.0	3	3	2	66.7
Kansas	0	1	0	0.0	0	9	0	0.0
Kentucky	6	6	5	83.3	12	17	11	64.7
Louisiana	0	10	0	0.0	0	32	0	0.0
Maine	1	1	1	100.0	4	4	4	100.0
Maryland	2	3	1	33.3	0	10	0	0.0
Massachusetts	2	3	2	66.7	11	11	11	100.0
Michigan	1	6	1	16.7	0	26	0	0.0
Minnesota	1	1	0	0.0	0	0	0	:
Mississippi	1	4	1	25.0	4	19	4	21.1
Missouri	4	5	4	80.0	19	19	19	100.0
Montana	0	1	0	0.0	0	4	0	0.0
Nebraska	1	0	0	:	3	3	3	100.0
Nevada	2	2	2	100.0	10	7	7	100.0
New Hampshire	0	1	0	0.0	0	0	0	:
New Jersey/b	/	2	/	/	/	10	/	/
New Mexico	0	4	0	0.0	0	5	0	0.0
New York	0	4	0	0.0	28	27	27	100.0
North Carolina	4	6	3	50.0	27	27	27	100.0
Ohio	4	10	1	10.0	33	34	31	91.2
Oklahoma	1	4	0	0.0	22	24	21	87.5

State	Local jails				State prisons			
	BJA	BJS	Matched	Percent matched	BJA	BJS	Matched	Percent matched
Oregon	1	4	1	25.0	11	8	7	87.5
Pennsylvania	8	18	8	44.4	37	36	36	100.0
Rhode Island/a	0	~	~	:	1	1	1	100.0
South Carolina	4	6	3	50.0	11	21	11	52.4
South Dakota	0	0	0	:	4	4	4	100.0
Tennessee	0	11	0	0.0	29	29	29	100.0
Texas	28	23	23	100.0	129	129	129	100.0
Utah/b	/	1	/	/	/	5	/	/
Vermont/a	0	~	~	:	2	2	2	100.0
Virginia	13	8	8	100.0	20	20	20	100.0
Washington	3	7	3	42.9	0	10	0	0.0
West Virginia/b	/	3	/	/	/	5	/	/
Wisconsin	0	3	0	0.0	0	17	0	0.0
Wyoming	1	1	1	100.0	2	2	2	100.0

: Not calculated.

~ Not applicable.

/Data not reported.

a/BJS defines state as a combined prison/jail system, and reports all deaths as having occurred in prison.

b/State did not provide data because it had not accepted JAG award as of November 1, 2020.

Sources: Bureau of Justice Statistics, Mortality in Correctional Institutions 2019; Bureau of Justice Assistance, Deaths in Custody Reporting Act 2019.

For the most part, the demographic variables that were common between the two collections agreed. For race and Hispanic origin, the values on matched BJA and BJS death records agreed for 94.3% of deaths in local jails and 96.2% for deaths in state prisons. A single state prison death record had a mismatch on sex between BJA and BJS collections. Cause of death, however, had a slightly lower percent of agreement between the two death collections, 76.4% for matched state prison deaths and 74.7% for matched local jail records.

Tables 6 and 7 show the collection-specific assigned causes of death for matched records between the BJA and BJS collections. Frequencies on the diagonal of the table represent deaths for which the cause of death was the same on the BJA and BJS records. Using BJS's cause of death for comparison purposes, suicide had the highest percent agreement in state prisons (85.7%, or 42 of the 49 BJS suicide deaths) and in local jails (96.3%, or 26 of the 27 BJS suicide deaths). In cases in which BJS determined illness as the cause of death, the collections were consistent in 80.6% of the matched state prison records and 82.8% of local jail records.

The unresolved causes of death in the BJA collection were responsible for much of the disagreement on matched records. On 81 of the 601 matched state prison death records, the decedent was assigned an "unknown pending autopsy" cause of death in

the BJA data collection, while BJS records showed a known cause of death. The majority of these deaths (55 of 81) were illness-related deaths; however, four of these records were suicides and four were homicides. The utility of a mortality dataset is limited when the cause of death is missing for a significant number of records. BJA will need to invest in non-response follow-up to obtain causes for deaths in previous quarters to improve its data collection.

Table 6. Comparison of matched state prison death records by cause and data collection agency, October 1 to December 31, 2019

BJS cause of death	BJA cause of death							Total
	Illness	Drug/alcohol intoxication/a	Other accidents	Suicide	Homicide	Unknown/b	Other	
Illness	378	0	0	2	0	55	34	469
Drug/alcohol intoxication	1	14	4	1	0	7	2	29
Other accidents	0	0	2	0	0	2	0	4
Suicide	0	0	0	42	0	4	3	49
Homicide	0	0	0	0	18	4	0	22
Unknown/b	0	0	0	0	0	4	1	5
Other	11	0	1	1	0	9	1	23
Total	390	14	7	46	18	85	41	601

Note: Comparisons are of matched records from BJA and BJS mortality collections for deaths occurring in state prisons between October 1 and December 31, 2019.

a/BJA does not disaggregate intoxication deaths from other accidental deaths. BJS examined the accidental deaths reported to BJA and recoded those that suggested intoxication deaths. Since not all deaths included additional contextual details, the BJA counts may be an underestimate.

b/Includes unknown and missing causes of death due to incomplete autopsy results.

Sources: Bureau of Justice Statistics, Mortality in Correctional Institutions 2019; Bureau of Justice Assistance, Deaths in Custody Reporting Act 2019.

Table 7. Comparison of matched local jail death records by cause and data collection agency, October 1 to December 31, 2019

BJS cause of death	BJA cause of death							Total
	Illness	Drug/alcohol intoxication/a	Other accidents	Suicide	Homicide	Unknown/b	Other	
Illness	29	0	2	0	0	3	1	35
Drug/alcohol intoxication	0	4	1	0	0	4	2	11
Other accidents	0	0	3	0	0	0	0	3
Suicide	0	0	0	26	0	1	0	27
Homicide	0	0	0	0	1	1	0	2
Unknown/b	2	2	0	0	0	2	0	6
Other	0	1	0	0	0	2	0	3
Total	31	7	6	26	1	13	3	87

Note: Comparisons are of matched records from BJA and BJS mortality collections for deaths occurring in local jails between October 1 and December 31, 2019.

a/BJA does not disaggregate intoxication deaths from other accidental deaths. BJS examined the accidental deaths reported to BJA and recoded those that suggested intoxication deaths. Since not all deaths included additional contextual details, the BJA counts may be an underestimate.

b/Includes unknown and missing causes of death due to incomplete autopsy results.

Sources: Bureau of Justice Statistics, Mortality in Correctional Institutions 2019; Bureau of Justice Assistance, Deaths in Custody Reporting Act 2019.

Conclusion

Given BJS's more than 40-year history as a federal statistical agency and 20-year history collecting data on deaths occurring in the custody of state prisons and local jails, BJS anticipated that the first-time BJA deaths in custody data collection would require enhancements over time. Based on the assessment of the first three months of BJA's DCRA data collection, BJS concludes that it could not be used to calculate accurate mortality statistics for state prisons and local jails. Overall, when compared to BJS's MCI, BJA's DCRA data collection included only 38.9% of local jail deaths and 66.3% of state prison deaths that occurred between October and December 2019. BJA did not collect any data from the six states that did not accept their JAG awards, including California, and did not capture any state prison deaths in 11 states or any local jail deaths in 12 states and the District of Columbia. In comparison, MCI had at least one local jail or state prison death in these jurisdictions during this time period.

The low data quality and incomplete coverage will need to be addressed to make available accurate in-custody mortality rates in the United States for 2020 and future years. BJS will close-out the MCI at the end of calendar year 2019, which will eliminate the independent source to which DCRA data can be compared. The absence of high-quality data and lack of national coverage will be especially missed when researchers and policymakers try to determine the increased numbers of deaths in 2020 of prisoners and jail inmates due to the coronavirus pandemic. As shown in the data from October to December 2019, illness deaths reported to BJS are more likely to be reported to BJA as having an unknown cause of death.

In addition to not meeting requirements for national coverage of local jail and state prison deaths, DCRA data do not capture the same level of detail as MCI for location of death, date of facility admission, and offenses for which the decedent was incarcerated. The DCRA text description field is incomplete, inconsistent, and difficult to parse and standardize for analytical purposes.

BJS concludes that it is difficult to draw definitive conclusions about the efficacy of a first-time data collection with three months of data when compared to a 20-year data collection. In the coming months, BJS will have additional aggregate death data from 2020 for jails and prisons which can be used to further assess the BJA collection. More importantly, OJP, BJS, and BJA plan to explore alternative data collection protocols that would provide more complete data on mortality in state prisons and local jails. Meanwhile, BJS and BJA will continue to collaborate on implementing improvements to the current BJA data collection.

Appendix A. An assessment of DCRA collection improvements, provided by the Bureau of Justice Assistance

Improving Bureau of Justice Assistance's Death in Custody Reporting Act Data Collection¹

As of February 2021, BJA has been assessing its Death in Custody Reporting Procedures and addressing known issues. BJA has learned a lot during its first full year of Death in Custody Reporting Act (DCRA) data collection. BJA is taking the following actions to improve its DCRA data collection program to ensure it complies with the law, does not increase undue burden on reporting states, and returns reasonable and actionable information on death occurring in jails, prisons, and during the process of arrest.

Compliance—are state's meeting the basic requirements of the Death in Custody Reporting Act as reauthorized in 2014 (P.L. 113-242)?

- ✓ **Developing state profiles.** Based on data reported in FY 2020 and updated on a regular basis (semiannual or annual) BJA is developing state profiles of each state describing its current reporting status, existing capacity to act as a conduit for all entities (e.g. jails, prison, and law enforcement), and any known issues.
- ✓ **Training and Technical Assistance.** BJA is working with the National Criminal Justice Association (NCJA) to conduct outreach to State Administering Agencies about DCRA and to develop training and technical assistance plans. Model states will be identified and used as examples for other states to follow.

Data Accuracy—is the data that has been reported accurate and does not miss critical information?

- ✓ **Data cleaning.** BJA is cleaning the FY 2020 data and conducting outreach to states to address issues that are found. The data cleaning is intended to identify outliers, unknown values, illogical values, and duplicate records. The data cleaning process also identifies records that are left in an “investigation pending” status that will need to be updated.

Data Validity—is the data complete?

- ✓ **Collaboration with FBI's Use-of-Force Program.** BJA is working with the Federal Bureau of Investigation's Use-of-Force reporting program to identify reportable incidents that overlap the purview of each program. Policies are under consideration to contact states when reportable incidents are identified, but not reported in BJA's DCRA program.
- ✓ **Open source searches.** In FY 2020, BJA piloted an open source records search on five states. This resulted in the identification of unreported records, but more importantly, helped BJA learn some of the barriers to reporting from a states perspective. These lessons have been considered (see TTA above). The Bureau of Justice Statistics (BJS) learned many lessons from conducting open source (e.g., web-searches) to identify reportable incidents that a state/locality did not report. BJA is learning from the former BJS programs to take the lessons learned to implemented a new open source records search. Again, policies are under consideration to contact states when reportable incidents are identified, but not reported in BJA's DCRA program.

¹ Last updated April 9, 2021

Appendix B: Bureau of Justice Assistance Deaths in Custody Reporting Act data collection form

DEATH IN CUSTODY REPORTING ACT

The Death in Custody Reporting Act of 2013 requires states that receive allocations under specified provisions of the Omnibus Crime Control and Safe Streets Act of 1968 to report certain information regarding the death of any person in law enforcement custody. This may include individuals who are detained, arrested, en route to incarceration, or incarcerated in state or local facilities or a boot camp prison.

1. Was there at least one reportable death in your state during the reporting period? A reportable death refers to the death of an individual who was detained, arrested, en route to incarceration, or incarcerated in state or local facilities or a boot camp prison.
 - A. Yes
 - B. No (If No, this marks the conclusion of the module)
 - C. If yes, please provide the number of reportable deaths in your state during the reporting period _____

2. Please provide the following decedent information. If you have multiple deaths in custody, you will report one at a time.
 - A. Name: _____
 - B. Gender
 1. Male
 2. Female
 3. Other gender identity: _____
 - C. Race (Select all that apply)
 1. American Indian or Alaska Native
 2. Asian
 3. Black or African American
 4. Native Hawaiian or Other Pacific Islander
 5. White
 6. Unknown
 - D. Ethnicity
 1. Hispanic, Latino, or Spanish origin
 2. Not of Hispanic, Latino, or Spanish origin
 3. Unknown
 - E. Birth Year (YYYY). If unknown, please enter "9999": _____

3. Please list the following information regarding the decedent's death.
 - A. Date of Facility Admission/Arrest (MM-DD-YYYY): _____
 - B. Date of Death (MM-DD-YYYY): _____
 - C. Time of Death (24-hour clock): _____
 - D. Location of Death
 1. Location Name (if applicable). This could be the name of a facility, place of business, or other designation for the location of death: _____
 2. Street Address: _____
 3. City: _____
 4. State (postal abbreviation): _____
 5. Zip: _____

Revised July 2019

This questionnaire is to be used only for data collection purposes.
Data must be entered in the PMT at <https://bjapmt.ojp.gov>.

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- E. If the event causing the death occurred in any of the following facilities, please indicate the appropriate facility below. If the event causing the death did not occur in one of the facilities listed below, please use the "None of the above" answer choice.
1. Municipal or county jail
 2. State prison
 3. State-run boot camp prison
 4. Contracted boot camp prison
 5. Any state or local contract facility
 6. Other local or state correctional facility (to include any juvenile facilities)
 7. None of the above
4. Please list the name of the department or agency that detained, arrested, or was in the process of arresting the deceased.
- A. Agency Name: _____
5. Please indicate the manner of death (Mark only one).
- A. Accident
 - B. Death attributed to use of force by a law enforcement or corrections officer
 - C. Homicide (e.g., an incident between two or more incarcerated individuals resulting in a death)
 - D. Natural causes
 - E. Suicide
 - F. Unavailable, investigation pending
 1. If yes, please report the agency conducting the investigation and an approximate end date. When the investigation has concluded, please contact the PMT Help Desk to update this report: _____
 - G. Other
 1. If other, please explain: _____
6. Please provide a brief description of the circumstances leading to the death (e.g., details surrounding an event that may have led to the death, the number and affiliation of any parties involved in an incident, the location and characteristics of an incident, other context related to the death, etc.). _____