



Death in Police Custody:

An Overview of Arrest-Related Deaths

Andrea M. Burch
Bureau of Justice Statistics

Portland, ME
October 28, 2010



Overview: Arrest-Related Deaths (ARD) Program

- Prior to passage of *DICRA* 2000, there was no national system of counting all arrest-related deaths; most states did not conduct counts
- FBI Supplementary Homicide Reports identified justifiable police homicides, but limited information was available and there were coverage issues



The Death in Custody Reporting Act of 2000

- H.R. 1800, *The Death in Custody Reporting Act of 2000* (DICRA), Public Law 106-297

“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, sex, race, ethnicity, and age of deceased;

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

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



Deaths in Custody Reporting Program (DCRP)

- Intended to facilitate uniform national reporting of all deaths in law enforcement and correctional custody
 - ◆ 2000 – Local Jails
 - ◆ 2001 – State Prisons
 - ◆ 2003 – Arrest-Related Deaths



Purpose of the ARD Program

Purposes:

1. Identify all deaths occurring in the “process of arrest”
2. Collect information about the deceased and the circumstances surrounding the death
3. Analyze and disseminate information about the nature and frequency of arrest-related deaths



ARD Scope:

“Arrest-Related” deaths included all persons:

- In the physical custody, or under the physical restraint of law enforcement officers, even if the person was not formally under arrest at the time of death
- Whose deaths are the result of any use of force by law enforcement officers as well as those whose deaths are not directly related to either police action or negligence, such as deaths attributed to:
 - Intoxication
 - Suicide
 - Accidental injury
 - Illness/natural causes



Arrest-Related Death Form (CJ-11A)

- Deceased Demographics
 - ◆ Name, DOB, sex, race/ethnic origin
- Characteristics of the Death
 - ◆ Time/date, location, manner, and cause
- Circumstances surrounding the event
 - ◆ Law enforcement agency involved, deceased behavior, action taken by officers, weapon usage



Challenges to Collecting ARD data

- Roughly 18,000 State and local law enforcement agencies
- Agencies differ in how they define, “in the process of arrest”



Methodology

State Criminal Justice Commission	22
State Attorney General	8
State Police/Highway Patrol	8
State Department of Correction	5
State Medical Examiner	3
State Department of Public Safety	1
State Office of Financial Management	1
All Data Providers	48



Sources of Data

Local Law Enforcement Agency	43
Media	30
County Coroner/Medical Examiner	23
State Police Investigators	19
UCR/SHR	9
Internal Affairs Division	6
Prosecutorial Offices	6
Other	7



Number of Arrest-Related Deaths, by Manner of Death, 2003-2006

Manner of Death	2003-2006	2003	2004	2005	2006
All manners	2,686	627	670	679	710
Homicide					
By law enforcement	1,540	366	367	368	439
By others	13	3	4	4	2
Intoxication	317	83	79	85	70
Suicide	289	59	84	79	67
Accidental Injury	182	52	41	47	42
Illness/Natural Causes	139	27	46	32	34
Other/Unknown	206	37	49	64	56



Arrest-Related Deaths, by Type of Law Enforcement Agency, 2003-2005

	Number	Percent
Local Police Departments	1,432	71.9
Sheriff's Offices	426	21.4
State Police	110	5.5
Special Jurisdiction Police	18	0.9
Constables	5	0.3
Total	2,002	100%



Future Analyses using LEMAS data

Law Enforcement Management and Administrative Statistics

- Nationally representative sample of LE agencies (2003 N = 2,859)
- Topics include:
 - size of agency, personnel demographics, functions/duties, expenditures, resource allocations, equipment, information systems, data processing, policies, and programs
- 509 (18%) of surveyed agencies reported an arrest-related death
- 392 (14%) of surveyed agencies reported a police-involved homicide



Current Status of ARD

	2007	2008	2009	2010
States* with Submitted Data *N = 52	46	42	34	4



2009 Submitted Cases

- 63% - complete upon submission
- 15% - need follow-up on items other than manner and/or cause of death
- 14% - need follow-up on manner and/or cause of death
- 5% - need follow-up on manner and/or cause of death as well as additional items
- 3% - need follow-up due to inconsistencies within CJ-11A



CJ-11A ADDENDUM

OMB No. 1121-0249 Approval Expires 12/31/2012

RETURN TO: State reporting coordinator
(See form CJ-11 for a national listing, or call the Bureau of Justice Statistics at 202.307.0765.)

Form CJ-11A ARREST-RELATED DEATH REPORT 2010



State

Reporting period (Mark only one)

- Quarter 1 (January 1–March 31) Quarter 2 (April 1–June 30) Quarter 3 (July 1–September 30) Quarter 4 (October 1–December 31)

1. What was the name of the deceased?

Last First Middle initial

2. What was the time and date of death?

: AM PM Month Day , 2010

3. Where did the event causing the death occur?

Street address

City, State, Zip

4. What law enforcement agency was involved?

Name

ORI#

5. What was the deceased's date of birth?

Month Day Year or Age

6. What was the deceased's sex?

- 01 Male
02 Female

7. What was the deceased's race/ethnic origin?

- 01 White (not of Hispanic origin)
02 Black, or African American (not of Hispanic origin)
03 Hispanic or Latino
04 American Indian/Alaska Native (not of Hispanic origin)
05 Asian (not of Hispanic origin)
06 Native Hawaiian or Other Pacific Islander (not of Hispanic origin)
07 Two or more races (not of Hispanic origin)
08 Additional categories in your information system
Specify
98 Don't know

8. What was the manner of death?

- 01 Homicide by law enforcement officer(s)
02 Other homicide
03 Suicide
04 Accidental injury to self
05 Accidental injury caused by others
06 Accidental alcohol/drug intoxication

Specify

07 Illness—Specify

08 Other—Specify

9. What was the cause of death?

10. Was the cause of death listed above determined from information in a death certificate?

- 01 Yes
02 No—other—Specify

11. Did the deceased commit or allegedly commit any criminal offenses in the events leading up to the death?

- 01 Yes
02 No—medical/mental health assistance call
03 No—other—Specify

12. What were the most serious reported offenses committed by the deceased?

- 01
02
03

13. Did the deceased die from a medical condition, injuries sustained during the arrest process, or alcohol/drug intoxication?—Mark (x) all that apply

- 01 Medical condition (e.g., heart attack)
02 Injuries
03 Alcohol/drug intoxication
98 Don't know

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 60 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, N.W., Washington, DC 20531.



Name of deceased _____

14. If the deceased died from arrest-related injuries, how were these injuries sustained?—Mark (x) all that apply

- 01 Inflicted by law enforcement officers at crime/arrest scene
- 02 Inflicted by others at crime/arrest scene
- 03 Inflicted by law enforcement officers during transit/booking
- 04 Self-inflicted—Accidental
- 05 Self-inflicted—Suicide
- 98 Don't know
- 99 Not applicable

15. Were any of the following used by law enforcement officers during the arrest process?

- 01 Yes—Mark (x) all that apply
 - 01 Handcuffs
 - 02 Leg shackles
 - 03 Pepper spray, mace
 - 04 Conducted energy device (e.g., taser, stun-gun)
 - 05 Firearm discharge
 - 06 Other device (e.g., tire deflation device)

Specify _____

- 02 No
- 98 Don't know

16. At any time during the arrest process, did the deceased—Mark (x) all that apply

- 01 Appear intoxicated (either alcohol or drugs)?
- 02 Exhibit any mental health problems?
- 03 Verbally threaten the officer(s) involved?
- 04 Resist being handcuffed or arrested?
- 05 Attempt to escape/flee from custody?
- 06 Attempt to grab, hit or fight with the officer(s) involved?
- 97 None of the above
- 98 Don't know

17. During the arrest process, did the deceased do any of the following—Mark (x) all that apply

- 01 Carry or possess a weapon?—Specify weapons _____
- 02 Use a weapon to threaten the officer(s)?—Specify _____
- 03 Use a weapon to threaten other persons?—Specify _____
- 04 Use a weapon to assault the officer(s)?—Specify _____
- 05 Use a weapon to assault other persons?—Specify _____
- 97 None of the above

18. If a weapon caused the death, what types of weapons were used?—Mark (x) all that apply

- 01 Handgun
- 02 Rifle/shotgun
- 03 Firearm, unspecified
- 04 Nightstick or baton
- 05 Conducted energy device
- 06 Other weapon

Specify _____

- 98 Don't know
- 99 Not applicable

19. Where did the death occur?

- 01 At booking center/police lockup—Complete items 20–23
- 02 At crime/arrest scene
- 03 At medical facility following clinical intervention
- 04 Dead on arrival at medical facility
- 05 En route to booking center/police lockup
- 06 Elsewhere

Specify location _____

Form complete, stop here

Complete the rest of this form only if the death occurred at a booking center.

20. What was the time and date of the deceased's entry into the law enforcement facility where the death occurred?

____ : ____ AM PM Month _____ Day _____, 2010

21. At the time of entry into the law enforcement facility, did the deceased—Mark (x) all that apply

- 01 Appear intoxicated (either alcohol or drugs)?
- 02 Exhibit any mental health problems?
- 03 Exhibit any medical problems?
- 97 None of the above
- 98 Don't know

22. If death was an accident or homicide, who caused the death?

- 01 Deceased
- 02 Other detainees
- 03 Law enforcement/correctional staff
- 04 Other persons

Specify _____

- 98 Don't know
- 99 Not applicable; cause of death was suicide, intoxication, or illness

23. If death was an accident, homicide or suicide, what was the means of death?—Mark (x) all that apply

- 01 Firearm
- 02 Blunt instrument
- 03 Knife, cutting instrument
- 04 Hanging, strangulation
- 05 Drug overdose
- 06 Other

Specify _____

- 99 Not applicable; cause of death was intoxication or illness

Notes

