



# **Death in Custody Reporting Act Arkansas Implementation Plan**

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## Arkansas Death in Custody Reporting Act State Implementation Plan

### Death in Custody Reporting Act (DCRA):

The Death in Custody Reporting Act (DCRA) is a United States federal law that requires the Attorney General to collect information regarding the death of any person who is under 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). The Bureau of Justice Statistics (BJS) collects data on deaths that occur while inmates are in the custody of local jails, state prisons, or the Federal Bureau of Prisons (BOP). The data collected includes the number of deaths by year, cause of death, and decedent age, race or Hispanic origin, and sex. The DCRA was originally passed in 2000 and was reauthorized in 2014.

The DCRA is enforced by the BJS and states that receive funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program are required to report to 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, or any state or local contract facility, or other local or state correctional facility (including any juvenile facility). Public Law No: 113-242 (12/18/2014).

### Data Collection Requirement:

State Administering Agencies (SAAs) are responsible for collecting reporting data and submitting reports on a quarterly basis. All types of reportable deaths will be sought including;

- Arrest-related deaths
- Jail-based deaths (including lock-up and holding facilities)
- Prison-based deaths (including juvenile facilities)

Compiled data will include data reported from the following entities:

- State and local law enforcement
- Municipal and county jail
- State prison

- State run boot camp prison
- Contracted boot camp prison
- Any state or local contract facility
- Other state or local correctional facility (to include juvenile facility)

Reporting deadlines are as follows:

- Quarter 1: October 1 to December 31 – Report by Jan. 15th
- Quarter 2: January 1 to March 31 – Report by April 15th
- Quarter 3: April 1 to June 30 – Report by July 15th
- Quarter 4: July 1 to September 30 – Report by Oct. 15th

### [Arkansas Data Collection Infrastructure](#)

Arkansas Department of Finance and Administration (DFA) is the State Administering Agency (SAA) responsible for collecting death in custody data from relevant reporting entities for the purpose of submission to the Bureau of Justice Assistance (BJA) on a quarterly basis.

As SAA for the Byrne Justice Assistance Grant (JAG), DFA is preparing this State Implementation Plan to describe Arkansas’ plan for gathering and reporting deaths in custody, in accordance with the DCRA requirements effective 2023.

One of the SAA’s responsibilities is to conduct Death in Custody Reporting on a quarterly basis. DFA will partner with state and local entities to develop an infrastructure to collect data in compliance with DCRA requirements. Further, DFA will seek and identify the measures and means needed to encourage participation from non-reporting entities. At this time, the number of non-reporting entities is unknown.

Arkansas death-in-custody reporting law at §12-12-315(b) provides that *...with regard to any death in a correctional facility, the county coroner and the State Medical Examiner shall be notified, and when previous medical history does not exist to explain the death, the Arkansas State Police shall be notified.* The state statute applies to correctional facilities; the federal law requires reporting from law enforcement also.

The table below displays the total number of each type of agency in the state of Arkansas required to report Death in Custody incidents.

Type of Agency	Number
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Local Law Enforcement Agencies:	377
State Prisons	20
County Jails	75
Juvenile Detention Centers	12
State Crime Labs	1
Correctional Facilities	61
Juvenile Boot Camps	4

### [State of Arkansas DCRA Data Collection Methods](#)

DFA is responsible for collaborating with agencies to obtain death in custody data for the purpose of submission to the Bureau of Justice Assistance (BJA) on a quarterly basis.

DFA will coordinate with Arkansas State Crime Lab (ASCL) for facilitating the submission of death in custody data. ASCL is the most central agency as it relates to data on deaths in custody as all in-custody deaths comes to the ACSL’s Medical Examiner’s office for autopsies. However, per Arkansas Code 12-12-312, ACSL’s records, files, and information are confidential, so information will be limited accordingly.

To encourage non-reporting entities, DFA will implement an online reporting tool for entities to self-report and self-certify their data. The reporting tool is new, and agencies will be made aware of it within the next 30 days. At this time, it is not clear how many agencies will use the reporting tool. DFA will monitor data reported by the March 31 quarter end to assess agencies’ use of the tool.

DFA staff will review all data received and ensure the information meets the requirements of BJA reporting elements as necessary for quarterly reports. If a record is not complete, staff will contact the agency who submitted the form for more information or clarification.

DFA will coordinate with Arkansas Crime Lab for information, police and sheriff’s associations to push information out to state and local entities, including jail administrators.

DFA will notify all identified non-reporting entities and provide training and information as needed for their reporting.

DFA will also post the DCRA Performance Measures Questionnaire, DCRA Quarterly Report template and the DCRA Reporting Guidance on its website at [DEATH IN CUSTODY REPORTING](#)

[ACT \(DCRA\) | Department of Finance and Administration \(arkansas.gov\)](#) to educate the public on the elements required to be reported and to inform all entities who are not currently participating.

### State of Arkansas DCRA Data Reporting Methods

DFA will designate a lead staff person for the data collection and submission of death-in-custody reports. To help ensure timely reporting, DFA will request the data monthly and utilize this data to populate the reporting template that will be submitted quarterly to BJA.

DFA submits DCRA data to BJA mainly using the data import feature in the Performance Management Tool (PMT). Staff currently utilize manual data entry to update the template and to enter records that were submitted by agencies for previous reporting periods. DFA is in the process of automating some of the data entry functions for efficiency and to ensure all required reporting elements are captured in accordance with DCRA statute.

### Collaborating Agencies

#### **Arkansas State Crime Laboratory (ASCL) – Medical Examiner**

In-custody deaths come to the Medical Examiner’s office for autopsies. The ASCL will communicate with the submitting agencies regarding the necessary reporting information.

#### **Arkansas Crime Information Center (ACIC)**

ACIC does not house death in custody data but can provide a list of all the agencies’ “ORI” (originating agency identifier) in the state, that should be active municipal, police departments, county jails, and prisons. The list includes all entities that have arrest powers. ACIC can assist with mass communication to entities required to report.

#### **Arkansas Police and Sheriff’s Associations**

These associations can assist with sharing information with local entities.

#### **Arkansas Alcohol and Drug Abuse Coordinating Council (AADACC)**

AADACC can assist with reviewing the implementation plan, coordinating information and sharing information with entities.

## DCRA Reporting Challenges

We need to identify the universe of reporting entities, including entities not currently reporting and identify the measures and means needed to encourage and require participation.

Identifying the universe of reporting entities: This was a challenge initially; however, DFA has met this challenge with the ORI report from ACIC which is lists of all the agencies' "ORI" (originating agency identifier) in the state. ACIC will provided updated ORI reports as needed.

Entities not reporting: Several challenges exist in discerning the current participation in death in custody data reporting across agencies. DFA will work with stakeholders to identify their challenges and encourage their participation.

## DCRA Reporting Opportunities

Once we have determined the non-reporting entities, DFA will collaborate with them and other agencies (including those identified above) for coordination of reporting and other opportunities to scale efficiencies.

DFA will encourage participation by notifications (mass email), and by creating an online portal for entities to self-report.

## DCRA Training

DFA will utilize a survey to gather information on which entities are participating and not participating in DCRA data collection and reporting.

From this survey, DFA will determine what the training needs are and address those challenges.

If needed, DFA will reach out to the Justice Research and Statistics Association (JRSA) and BJA for assistance with the survey and for other technical and training assistance as needed.

DFA is still working to determine the training needed.

## Vision

The requirements set forth in DCRA provide an opportunity to identify deaths and develop solutions to avoid them in custody, including preventable deaths such as suicide. Knowing the circumstances and number of fatalities are crucial to developing policies and program changes that could reduce the number of in-custody fatalities. DFA will promote this vision to all participating parties.