

Death in Custody Reporting Act, 2023 Annual Report



A Publication of the
North Carolina
Criminal Justice Analysis Center



Governor's Crime Commission
NC DEPARTMENT OF PUBLIC SAFETY

Executive Summary

In 2013 the United States Congress passed the Federal Death in Custody Reporting Act, which requires states to report information regarding the death of any person who is detained, arrested, en route to incarceration, or incarcerated in state or local facilities.[1] The Bureau of Justice Assistance, as part of the U.S. Department of Justice's Office of Justice Programs, mandates that state administering agencies collect data from entities including law enforcement agencies, local jails, correctional institutions, medical examiners, and other state and local agencies.

The Criminal Justice Analysis Center serves as part of North Carolina's administering agency and compiles and submits quarterly data to the Bureau. For the 2023 calendar year, 198 deaths in custody were reported in North Carolina. This includes deaths that occurred in a state correctional facility; a county jail or detention center; or the custody of a local or state law enforcement agency.

Methodology

When an individual in the custody of a North Carolina law enforcement or corrections agency dies, that agency should complete the Bureau of Justice Assistance's Death in Custody Reporting Act form and submit it to CJAC.[2] North Carolina has more than 500 reporting agencies made up of police departments; sheriff's offices (including county jails), prisons within the North Carolina Department of Adult Correction; Juvenile Justice and Delinquency Prevention facilities; State Highway Patrol and other state agencies that are asked to submit reported deaths in custody.[3]

When a death in custody is discovered and the Death in Custody Reporting Act form has not been submitted, CJAC requests information about the incident from the custodial agency. If CJAC does not receive a response, program staff gather media reports, official statements and other reference materials to ensure collection of the most accurate data possible. Records are updated when additional information, such as the manner of death, becomes available. In the case of the death of an individual who is incarcerated in a state adult correctional facility, a representative from the department electronically uploads the required information directly to a shared storage drive. That data is retrieved by CJAC and aggregated with information from other agencies across the state.

Data on deaths is submitted to the Bureau of Justice Assistance quarterly. Failure to report deaths in custody may result in a reduction of the state's Edward Byrne Justice Assistance Grant program funds. This federal funding provides grants in support of local and state law enforcement agencies.

This report includes sections describing the submitted deaths in custody representing various datasets: all reported deaths in custody, deaths in custody reported by DAC and deaths in custody reported by law enforcement agencies. In addition, CJAC used information in the submitted reports and/or descriptions of deaths to report the number of fatal officer-involved shootings. All counts used in this report are individual deaths.

All Reported Deaths in Custody

CJAC collected data for 198 deaths in custody in North Carolina that occurred in 2023. This count includes deaths that occurred in a state prison, county jail or detention center or in the custody of a law enforcement agency (local or state). Figure 1 portrays that the N. C. Department of Adult Correction reported 136 individuals who died in the custody of the state prison system. Local or state law enforcement agencies reported 62 deaths. Law enforcement agency deaths include those that occurred in a jail or detention center. Of the 62

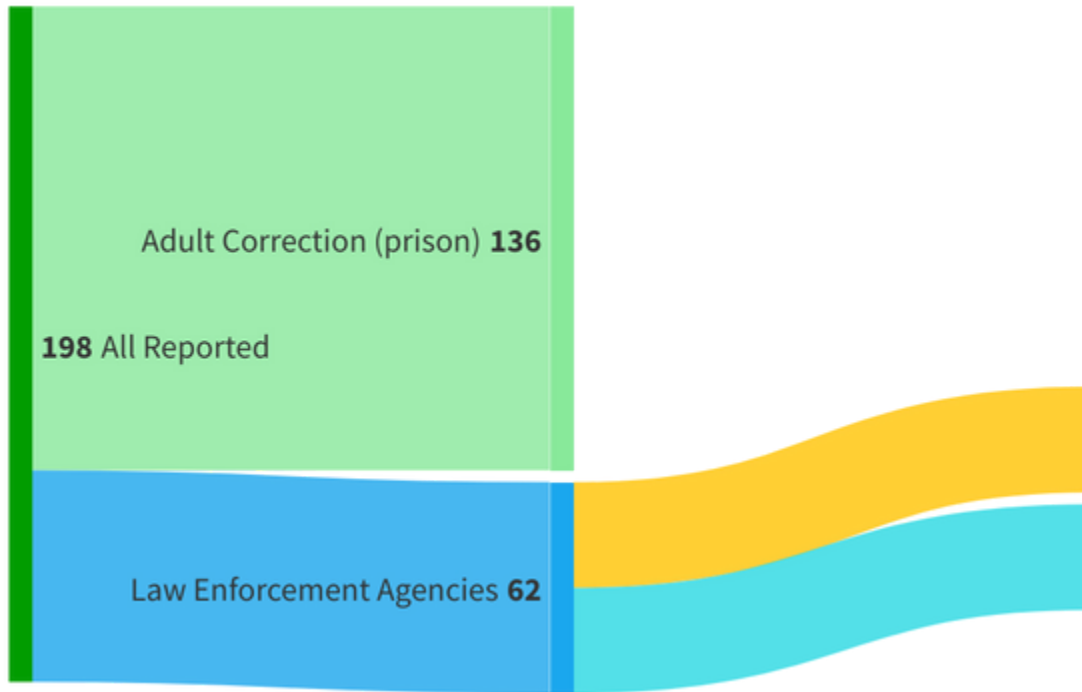
[1] Refer to Appendix A

[2] The Bureau of Justice Assistance Death in Custody Reporting Act form (Form DCR-1A is included as Appendix B)

[3] Federal agencies have a different reporting process

deaths reported by law enforcement agencies, CJAC determined that 31 individuals died following an officer-involved shooting and 31 died by some other means while in an agency's custody or in a local jail or detention center.

Figure 1: All Reported Deaths in Custody, 2023



Men accounted for 95% (189) of all in-custody deaths in 2023. The majority of decedents (119) were reported to be white, while 34% (67) were Black and 6% (12) were either American Indian, Asian, Pacific Islander or unknown. As for ethnicity, 95% (189) were reported to be non-Hispanic, while 3% (6) were Hispanic and 2% (3) were of unknown ethnicity.

The distribution of ages of all individuals who died in custody by age group is shown in Figure 2. This is calculated for all sections in this report by using the decedent's date of birth and date of death. The average age of all individuals who died in custody in 2023 was 54 years old. The youngest decedent was 16 years old and the oldest was 97. The age group with the highest count was 50-59; 41 decedents fell into that age category. Age at time of death varies by the subgroups discussed throughout this report.

Figure 2: Age at Time of Death, 2023

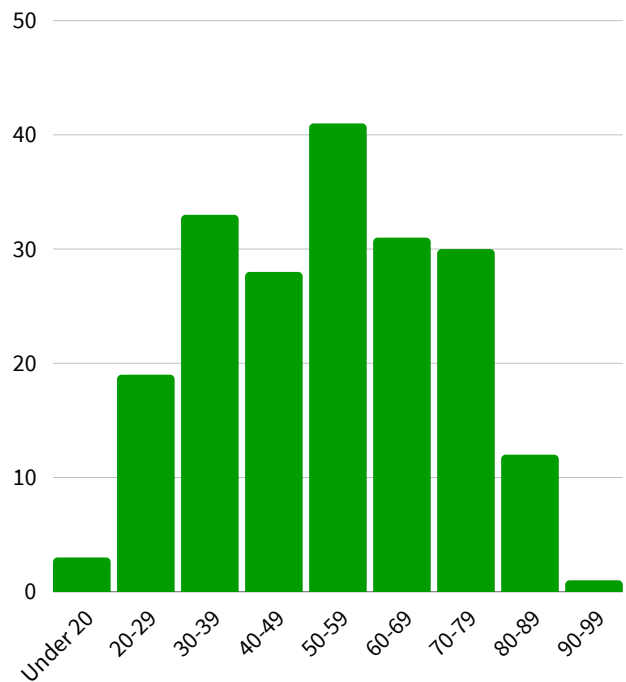
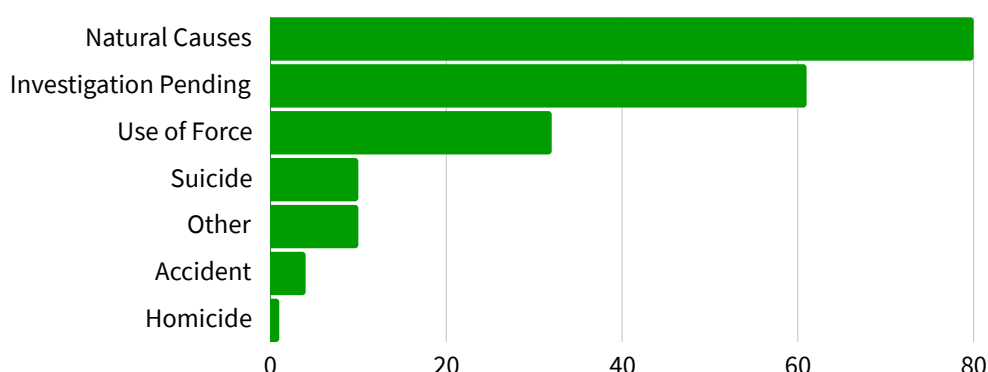


Figure 3 shows the manner of death recorded by the custodial agency on Death in Custody Act form DCR-1A for all deaths reported in 2023. Deaths attributed to natural causes made up 40% (80) of all deaths in 2023.

The DCR-1A form [4] offers options for the circumstances surrounding a death. Cases are marked as pending investigation when the definitive manner of death has not yet been determined. When initially reported, these cases are under investigation by the law enforcement agency or have been referred to the N.C. Office of the Chief Medical Examiner. The medical examiner's office provides information to update law enforcement cases initially reported as pending but can take a year or more to finalize a cause of death. Prison officials update the records when they receive final information regarding the death.

Figure 3: Manner of Death, 2023

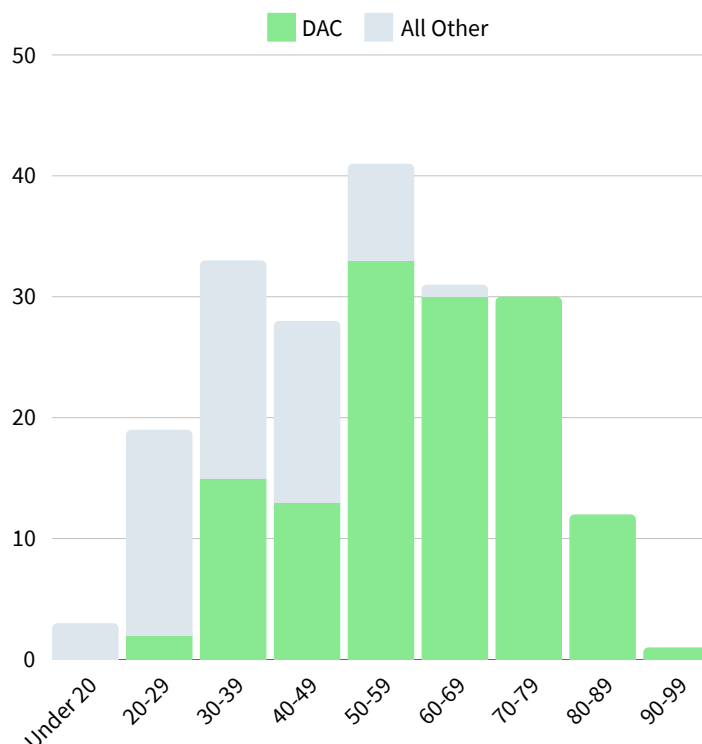


Deaths in Custody Reported by the Department of Adult Correction

The Department of Adult Correction reported 136 incarcerated offender deaths in 2023, 69% of all deaths reported in 2023. Of those, 42% (57) were reported to have occurred in a state prison facility and the remainder (79) occurred while the decedent was physically located in a medical facility but was still in DAC custody.

Figure 4 displays the distribution of age for all reported deaths in custody, with DAC deaths shown in green and all others shown in gray. The average age of a decedent in DAC custody was 61 years old, compared to the overall average of 54, and the median was 62. The age group with the highest count was 50-59, which is similar to the age distribution of all decedents in 2023.

Figure 4: Age at Time of Death, DAC

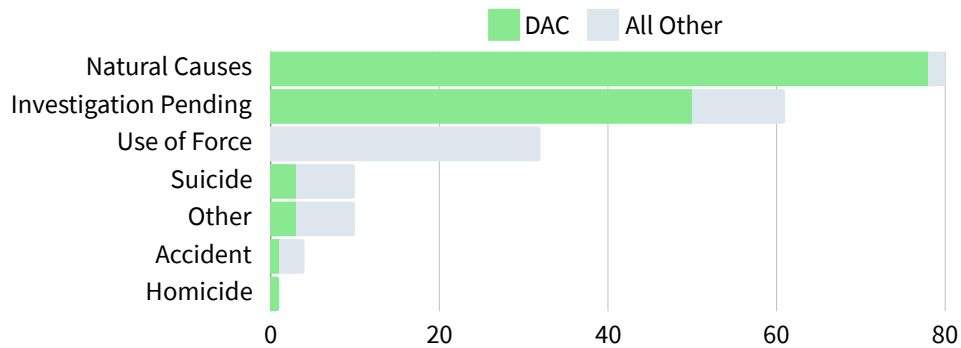


[4] See Appendix B

As for other demographics, 133 of the 136 deaths in DAC custody were male. The majority (61%) of the decedents were reported to be white, while 32% were Black and the remaining 7% were reported to be either American Indian, Pacific Islander or of unknown race. Nearly all decedents (131) were reported to be non-Hispanic, while 4 were of Hispanic origin and 1 person was reported to be of unknown ethnicity.

Reported manner of death among offenders in DAC custody is shown in Figure 5. Natural cause was the most frequently reported manner of death (78 cases) followed by 50 cases with the investigation pending. Three of the DAC deaths reported in 2023 were due to suicide, one was an accident, one homicide, and the three remaining were listed as other.

Figure 5: Reported Manner of Death, DAC



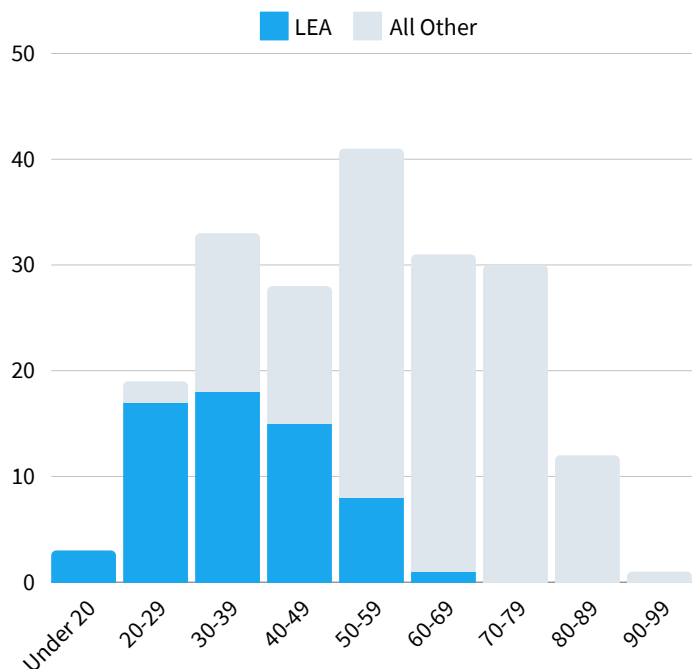
Deaths in Custody Reported by Law Enforcement Agencies

CJAC collected data for 62 in-custody deaths where a law enforcement agency was the custodial agency of the decedent. A breakdown of agency type for these deaths is as follows:

- Sheriff's Office – 31
- Local Police Department – 24
- State Law Enforcement Agency – 4
- Multiple Agencies – 3

Figure 6 shows the age at time of death. Like the previous charts, it portrays all deaths in custody, with the blue portion representing identified law enforcement agency deaths and all other deaths represented in gray. The average age of a decedent who died in the custody of law enforcement was 37 years old, compared to an overall average of 54. The age group with the highest count is 30 to 39 years of age with 18 decedents.

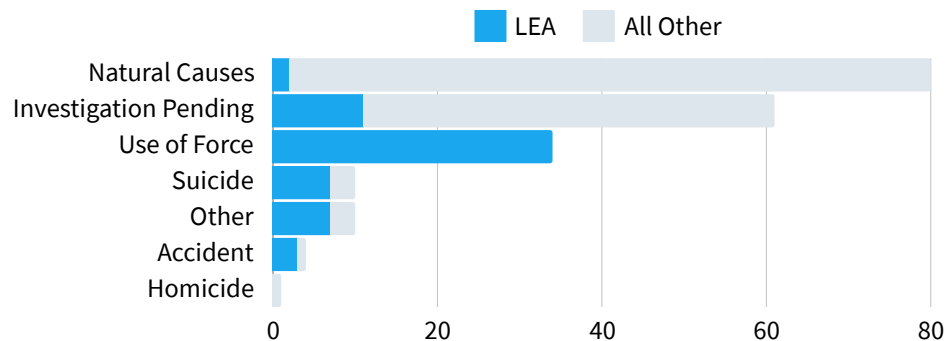
Figure 6: Age at Time of Death, Law Enforcement Agencies



Ninety percent of decedents reported by law enforcement agencies were male. More than half (58%) of decedents were reported to be white, while 37% were Black, and the remaining 5% were either American Indian or Asian. Fifty-eight of the 62 decedents were reported to be non-Hispanic, 2 were of Hispanic origin and 2 were listed as unknown ethnicity.

As shown in Figure 7, all 2023 reports of use of force (32) as manner of death were reported by law enforcement agencies and 11 deaths were pending investigation. It's important to note that deaths reported by law enforcement include decedents who died while in the custody of a local jail or detention facility.

Figure 7: Reported Manner of Death, Law Enforcement Agencies

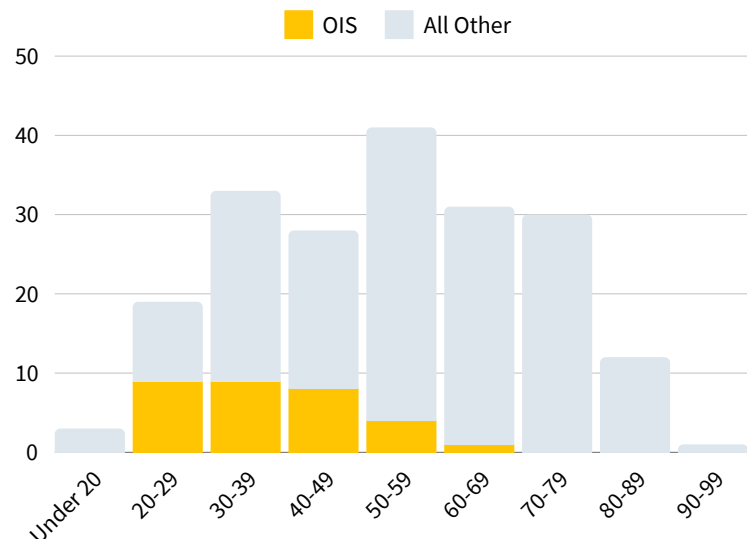


Deaths in Custody Identified as Officer-Involved Shootings

CJAC identified and collected data on 31 fatal officer-involved shootings that occurred in North Carolina in 2023. This count is a subset of the above law enforcement agency in-custody death count. The number of overall uses-of-force incidents in this dataset (32) reported above is different from the number of identified fatal officer-involved shootings. This is due to one incident involving the use of force by law enforcement that did not involve the discharge of a firearm.

Figure 8 shows the distribution of age at the time of death for all identified officer-involved shootings. The average age of an officer-involved shooting decedent was 39 years old, compared to 37 in all law enforcement agency deaths and 54 in all deaths. The categories with the highest counts included decedents in their 20s and 30s, each with 9.

Figure 8: Age at Time of Death, Officer-Involved Shootings



Demographically, this subset follows similar trends to those shown in the previous section. All but one decedent was male, about two-thirds (65%) were reported to be white, close to one-third (32%) were Black, and one decedent was reported as Asian. Most decedents were reported to be non-Hispanic (94%).

Conclusion

Out of the 198 custodial deaths that CJAC collected data for in 2023, 69% of those occurred in DAC custody. Of the remaining deaths, the counts were split evenly between Officer Involved Shootings and non-Officer Involved Shootings. The average age of all deaths was 54 years old, with 61 being the average for DAC deaths and 37 for all deaths occurring in the custody of a law enforcement agency. It should be noted that this report represents all cases that we are aware of and could collect complete data for, not necessarily every custodial death that occurred in the state.

Appendix A: Death in Custody Reporting Act

[113th Congress Public Law 242]

[From the U.S. Government Publishing Office]

[[Page 2859]]

DEATH IN CUSTODY REPORTING ACT OF 2013

[[Page 128 STAT. 2860]]

Public Law 113-242

113th Congress

An Act

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. <<NOTE: Dec. 18, 2014 - [H.R. 1447]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: Death in Custody Reporting Act of 2013. 42 USC 13701 note.>>

SECTION 1. SHORT TITLE.

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

SEC. 2. <<NOTE: 42 USC 13727.>> 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) <<NOTE: Waiver authority.>> 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.

[[Page 128 STAT. 2861]]

(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. <<NOTE: 42 USC 13727a.>> FEDERAL LAW ENFORCEMENT DEATH IN CUSTODY REPORTING REQUIREMENT.

(a) <<NOTE: Effective date.>> 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--

- (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

[[Page 128 STAT. 2862]]

(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 B: Form DCR-1A, Death in Custody Reporting Act Form



DEATH IN CUSTODY REPORTING ACT Fiscal Year 2020

FORM DCR-1A

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE ASSISTANCE
ACTING AS COLLECTION AGENT

For each reportable death identified in your Quarterly Summary, please respond to all of the following questions regarding the decedent's characteristics and the circumstances surrounding the death. Information provided on this form must have originated from official government records, documents, or personnel. You will not be able to SAVE the information unless all fields are completed.

For directions on how to complete this form, please refer to the "Instructions for Completion."

DATA SUPPLIED BY:

Name:	Email:
Title:	Telephone:
Agency:	Fax:
State:	Date:

Decedent Name (Last, First, Middle Initial)	SSN (if known)	Date of Death	Time of Death
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Location of Event Causing the Death (Street Address, City, State, Zip)

1. What was the decedent's sex?

- ☐ Male
☐ Female

2. What was the decedent's date of birth (or approximate age at death if DOB is unknown)?

☐ Unknown

3. What was the decedent's ethnic origin? (Mark only one)

- ☐ Hispanic or Latino
☐ Not Hispanic or Latino
☐ Unknown

4. What was the decedent's race? (Mark all that apply)

- ☐ American Indian or Alaska Native
☐ Asian
☐ Black or African American
☐ Native Hawaiian or Other Pacific Islander
☐ White
☐ Other
☐ Unknown

5. What location category best describes where the event causing the death occurred? (Mark only one)

- ☐ Residence/home
☐ Law enforcement facility
☐ Business – please specify type:
☐ Other – please specify:
☐ Unknown

6. Law enforcement agency that detained, arrested, or was in the process of arresting the deceased:

7. Date of facility admission/arrest:

8. Facility Type (if applicable):

- ☐ Municipal or County Jail
☐ State Prison
☐ State-Run Boot Camp Prison
☐ Contracted Boot Camp Prison
☐ Any State or Local Contract Facility
☐ Other Local or State Correctional Facility (to include any juvenile facilities)

OMB number 1121-0365, expires on 06/30/2021

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DEATH IN CUSTODY REPORTING ACT Fiscal Year 2020

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DATA SUPPLIED BY:

Name:	Email:		
Title:	Telephone:		
Agency:	Fax:		
State:	Date:		
Decedent Name (Last, First, Middle Initial)	SSN (if known)	Date of Death	Time of Death
Location of Event Causing the Death (Street Address, City, State, Zip)			

9. Brief description of the circumstances surrounding the death:

- ☐ Accident
- ☐ Death attributed to use of force by a law enforcement or corrections officer
- ☐ Homicide (e.g., an incident between two or more incarcerated individuals resulting in a death)
- ☐ Natural Causes
- ☐ Suicide
- ☐ Unavailable, investigation pending:

- 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:

☐ Other:

- If other, please explain:

☐ 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.).