

GAO Highlights

Highlights of [GAO-22-106033](#), a testimony before the Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs, U.S. Senate

Why GAO Did This Study

According to DOJ, individuals incarcerated in prisons and jails are at higher risk of dying by suicide and homicide while in custody. DCRA was enacted in 2014 to encourage the study and reporting of deaths in custody. The act requires states receiving certain federal grants—as well as federal law enforcement agencies—to report information on deaths in custody to the DOJ. The act also requires DOJ to study these data and report its findings to Congress.

This statement discusses (1) actions DOJ has taken to address the data collection and reporting requirements in DCRA, and (2) the extent to which DOJ has studied and used data collected from states to help reduce deaths in custody.

This statement is based on GAO's December 2021 report on DOJ's efforts to collect and publish data on law enforcement's use of force ([GAO-22-104456](#)) as well as additional audit work conducted from May 2022 through September 2022. To conduct the prior work, GAO reviewed laws and relevant DOJ documents, and interviewed DOJ officials. For the additional audit work, GAO reviewed DOJ documentation, interviewed DOJ officials, and assessed the reliability of data that DOJ collected from states.

What GAO Recommends

GAO recommends Congress consider requiring DOJ to utilize any future state data for recurring study and reporting to Congress and the public. In addition, GAO is making one recommendation to DOJ to develop an implementation plan to determine state compliance with DCRA.

View [GAO-22-106033](#). For more information, contact Gretta L. Goodwin at (202) 512-8777 or goodwin@gao.gov.

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DEATHS IN CUSTODY

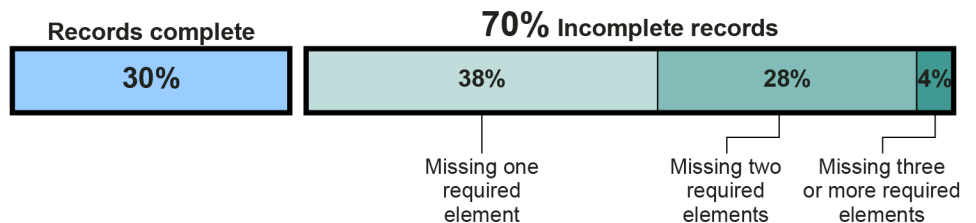
Additional Action Needed to Help Ensure Data Collected by DOJ Are Utilized

What GAO Found

The Department of Justice (DOJ) has taken some actions to address the data collection and reporting requirements in the Death in Custody Reporting Act of 2013 (DCRA). For example, DOJ has collected and published data on deaths in federal law enforcement custody and collected similar data from states.

While states across the U.S. and DOJ have undertaken multi-year efforts to collect death in custody data, DOJ told us it has not studied these data for the purposes of addressing the study and reporting requirement in DCRA. Specifically, DOJ officials told GAO in September 2022 that they had not studied the state data, in part, because the data were incomplete. GAO compared fiscal year 2021 records that states submitted to DOJ to publicly available data and identified nearly 1,000 deaths that potentially should have been reported to DOJ but were not. Also, GAO found that 70 percent of the records provided by states were missing at least one element required by DCRA, such as a description of the circumstances surrounding the individual's death or the age of the individual (see figure).

Percentage of State Death in Custody Records That Were Complete or Missing Required Elements, Fiscal Year 2021



Source: GAO analysis of state death in custody data collected by the Department of Justice. | [GAO-22-106033](#)

DOJ has taken some steps to assess the quality of the data states submitted. However, as of August 2022, DOJ had not finished assessing the quality of the data collected from states, and had not determined whether states complied with DCRA. Further, DOJ has not developed a detailed implementation plan that includes metrics and corresponding performance targets for determining state compliance, or roles and responsibilities for taking corrective action. DOJ has previously acknowledged that determining compliance could help improve the quality of state death in custody data. Developing an implementation plan would better position DOJ to meet this goal, or take corrective actions if its current approach does not fully succeed.

Finally, even if these data were of sufficient quality, DOJ is not required by DCRA to publish state death in custody data and, as of September 2022, had no plans to do so. Absent congressional direction to help ensure that any future state data collected are utilized beyond the required study, DOJ and states may continue to use resources to compile a national dataset that may not be used to help inform practices to reduce deaths in custody.