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).

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 goodwing@gao.gov.