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UNDERSTANDING AND REDUCING DEATHS IN CUSTODY

INTERIM SUMMARY REPORT TO CONGRESS



U.S. Department of Justice
Office of Justice Programs
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Background

The Department of Justice (DOJ) provides this report on understanding and reducing deaths in custody as a supplemental step in response to the study requirement set forth in the Death in Custody Reporting Act of 2013 (DCRA). DCRA requires states and federal law enforcement agencies 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, any State or local contract facility, or other local or State correctional facility (including any juvenile facility).”¹

In addition, DCRA requires the Attorney General to conduct a study and submit a report to Congress using the information reported by the states and federal law enforcement agencies 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

The Office of Justice Programs’ National Institute of Justice (NIJ), in coordination with its Bureau of Justice Assistance (BJA) and Bureau of Justice Statistics (BJS), commissioned two studies to collectively respond to the DCRA study requirement. These studies draw on information collected pursuant to DCRA as well as from other data sources. In September 2022 and March 2023, the Department released two reports that detailed the implementation of the DCRA statute, including challenges that have limited DOJ’s ability to collect complete and accurate information about deaths in custody.³ BJA continues to provide resources and guidance to assist states in reporting complete and accurate DCRA data.⁴ NIJ’s commissioned research also draws on other data sources that collect information about relevant issues such as facility-level management actions, policies, or practices and how these may be related to deaths in custody.

NIJ commissioned an initial study and transmitted the resulting report titled a *Literature Review and Data Analysis on Deaths in Custody* to Congress in early January 2023.⁵ The first study reviewed existing research and data focused on the prevalence, patterns, and contexts of deaths in custody. It discussed the research’s limitations and presented findings from an exploratory analysis of data on mortality in correctional institutions, linking decedent data to information about facility characteristics and practices. This first study discussed implications of the findings and opportunities for improving future data collection and analysis. The resulting report explored factors associated with deaths in correctional institutions; however, researchers needed additional information collection and other analytical approaches to more fully address the DCRA study requirements.

Interim Research Report Development

To build on the first study, NIJ contracted with RTI International in late 2021 to conduct a broader three-year study involving a national-level review and analysis of policies, practices (including management practices), and available data addressing deaths in custody, along with in-depth case studies of multiple sites and agency types. The RTI research team produced an interim report titled *Understanding and Reducing Deaths in Custody: Interim Report* which has been published and is available at: <https://www.ojp.gov/pdffiles1/nij/309441.pdf>.⁶ The report describes findings from the national-level

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review, which consisted of a comprehensive literature and policy review and secondary analyses of existing data on deaths in custody.

The secondary analyses relied on existing federal data sources and — when comprehensive federal data were unavailable — open-source data to understand the prevalence, scope, and incident characteristics associated with these deaths. Decedent data were also linked to agency and community data sources to investigate the associations between agency characteristics, policies, practices, and programs and deaths. The report is organized by the three main contexts in which deaths in custody occur: law enforcement, jails, and prisons. In each context, the data reveal unique prevalence rates, causes and manners of death, and other situational factors requiring tailored policies, practices, and strategies for preventing and reducing deaths. The findings, briefly summarized below, include what is known about arrest-related deaths and deaths that occur in jails and state prisons. RTI also provided policy and practice recommendations based on the study's findings and existing research to encourage agencies and other system stakeholders to use existing evidence to increase safety and reduce deaths. Several limitations are worth noting. The years included in the analysis were limited by the available agency data. The impact of the COVID-19 pandemic is outside the scope of the study period. Further, agency data about relevant policies, practices, and programs were not necessarily comprehensive and did not include measures about implementation or use. The findings were based primarily on descriptive and correlational analysis. For a more in-depth presentation, see the limitations sections within the full report.

Key Interim Study Findings and Recommendations

Arrest-Related Deaths

The prevalence of arrest-related deaths, as measured through available open-source data, increased 17% between 2013 and 2020, with 1,778 deaths occurring in 2013 and nearly 2,100 deaths occurring in 2020. While the overall number of arrest-related deaths was higher among white individuals, men, and adults aged 25 to 64, the highest rates relative to population size were observed among Black individuals, men, and young adults aged 20 to 34. Various causes, including officer involved shootings and vehicle incidents, contributed to the deaths, with men consistently exceeding women across different causes. The circumstances of these deaths often involved individuals brandishing or using weapons, and most decedents were armed (frequently with firearms) during these encounters. Agency characteristics, including use-of-force policies and reporting practices, were associated with the rate of arrest-related deaths.

Jail Deaths

In 2019, 1,200 individuals died in local jails, reflecting a 5% increase from the previous year and a 33% increase from 2000. The mortality rate steadily climbed from 123 per 100,000 incarcerated individuals in 2011 to a peak of 167 in 2019. The primary causes of jail deaths were illness, suicide, and intoxication, with heart disease being the predominant illness-related cause. Notably, intoxication mortality rates increased more than fourfold from 2000 to 2019, with a significant surge in the study period's last seven years. White individuals, those aged 55 or older, individuals incarcerated for violent offenses regardless of conviction status, and those who were unconvicted were at a higher risk for mortality in jails, as measured by mortality rate. Most jails did not report any deaths, but the percentage of jails reporting at least one death increased from 14.5% in 2000 to 23% in 2019. Deaths often occurred in medical units or general housing. Facility characteristics revealed that larger jails had more deaths than smaller ones, but smaller jails had higher mortality rates. Jails operating at more than their rated 100% capacity were more likely to report at least one death and to have multiple deaths in 2019.

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State Prison Deaths

The number of individuals who died while in the custody of state prisons declined 7% from 2018 to 2019. However, the mortality rate increased since 2001, reaching 347 per 100,000 incarcerated individuals in 2018. During the covered period, natural deaths attributed to illnesses like cancer and heart disease were the leading causes, while suicides, intoxication, and homicides showed significant increases in the past five years. White individuals accounted for the largest number of deaths and had a higher mortality rate compared to Black and Hispanic individuals, with differences growing over time. Males constituted approximately 96% of all prison deaths in 2019, with higher mortality rates than females. Facility-level data revealed that 54% of prisons reported at least one death in 2019. Larger prisons reported more deaths than smaller ones, but smaller prisons had higher mortality rates. Several facility characteristics were associated with higher mortality rates, including the primary facility function (e.g., geriatric care, mental health treatment, etc.), lack of educational programming, and greater security issues, but these differed by manner of death.

The findings underscore the complex landscape of arrest-related deaths and mortality in jails and state prisons as well as the need for targeted policies, practices, and strategies to address contributing factors across different demographic and situational contexts. Detailed descriptions of the data sources, analysis methods, and findings can be found in the commissioned report.

Recommendations

The interim research report proposes a set of recommendations to address deaths in custody for law enforcement, jails, and state prisons. For arrest-related deaths, these include leveraging alternative and co-response models, implementing de-escalation training, researching police accountability mechanisms, and assessing outcomes related to less-lethal force. For jails, the recommendations include identifying and mitigating facility-based and individual risks, providing adequate staffing and training, delivering mental health care, leveraging technology, and conducting continual reviews. State prison recommendations involve implementing contraband detection technologies, enhancing risk assessment and classification processes, prioritizing mental health and suicide prevention, improving staffing and protocols, supporting comprehensive healthcare access, and conducting comprehensive mortality reviews. These recommendations aim to enhance safety, reduce deaths, and advance the understanding of effective policies and practices in diverse custodial contexts. The full set of recommendations for each sector can be found in the report's Executive Summary. Recommendations are discussed in detail with supporting information at the end of each report section.

Limitations

Several limitations presented across categories impact the interpretation of the study findings and resulting recommendations. Currently, there are uneven data collection and reporting practices across state and local law enforcement and correctional agencies on deaths in custody. The variations in timeliness, quality, coverage, and consistency of available data limit the comprehensiveness and utility of the analyses. In addition, the existing scientific literature lacks rigorous evaluations for many of the identified policies and practices to prevent deaths. Further, relevant studies are affected by differences in research design, units of analysis, and outcomes of interest. The secondary data analysis findings presented in the report are primarily descriptive and cross-sectional; associations identified cannot necessarily be interpreted as causal. These limitations underscore the need for caution and careful review of the findings in context, as well as the ongoing need for improved data collection, transparency, and rigorous research methodologies in future investigations. The limitations of the study are discussed in greater detail within each report section.

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Pending Case Studies and Efforts to Advance Knowledge to Reduce Deaths in Custody

In the next phase of the study described above, NIJ’s contractor, RTI International, is conducting up to 10 case studies with law enforcement agencies, jails, and prisons across the United States. Research activities include interviews with key stakeholders, document reviews of policies and practices, and administrative data collection. Sites were selected based on volume and types of deaths in custody, innovative programs or policies, reporting practices, and region of country. Case study results will supplement the published interim research report findings in a final summary report, which the Department of Justice will provide to Congress. The final report will also include a discussion of the data quality, coverage, and completeness by sector (i.e., law enforcement, jails, prisons) of data currently collected through the DCRA program. To the extent possible, these data will be incorporated into final analyses, conclusions, and recommendations. This report will be submitted for Departmental review at the contract’s conclusion in late 2024.

¹ See 34 U.S.C. § 60105(a).

² See 34 U.S.C. § 60105 (f)(1)(A) & (B).

³ U.S. Department of Justice. (2022). *The Report of the Attorney General Pursuant to Section 6(e) of Executive Order 14074: Department of Justice Implementation of the Death in Custody Reporting Act of 2013*. Washington, DC: U.S. Department of Justice. <https://bja.ojp.gov/doc/DOJ-Implementation-of-DCRA.pdf>. U.S. Department of Justice. (2023). *FY 2023 Report to the Committees on Appropriations: Death in Custody Reporting Act Implementation*. Washington, DC: U.S. Department of Justice. <https://bja.ojp.gov/doc/fy23-dcra-implementation-report.pdf>.

⁴ Bureau of Justice Assistance. Death in Custody Reporting Act (DCRA) Data Collection. Webpage. <https://bja.ojp.gov/program/dcra/overview>.

⁵ Duwe, G. (2022). *Literature Review and Data Analysis on Deaths in Custody: Report to Congress*. Washington, DC: U.S. Department of Justice, National Institute of Justice. <https://www.ojp.gov/pdffiles1/nij/305802.pdf>

⁶ RTI International. (2024). *Understanding and Reducing Deaths in Custody: Interim Report* Research Triangle Park, NC. <https://www.ojp.gov/pdffiles1/nij/309441.pdf>.