COMPARING FBI'S USE-OF-FORCE AND BJA'S DEATH IN CUSTODY REPORTING ACT (DCRA) PROGRAMS

PURPOSE

This document describes the similarities and differences between two DOJ data collection efforts related to law enforcement use of force and deaths in custody: the FBI National Use-of-Force Data Collection and BJA Death in Custody Reporting Act.

FBI USE-OF-FORCE PROGRAM BACKGROUND

In 2015, the FBI created the National Use-of-Force Data Collection in partnership with law enforcement agencies to provide a national record of instances of use of force by law enforcement officers. Data collection began in 2019 through a **voluntary system** in which federal, state, local, college/university, and tribal law enforcement agencies may report law enforcement use-of-force incidents which result in the death or serious bodily injury of a person and incidents in which law enforcement discharges a firearm at, or in the direction of, a person. The FBI Use-of-Force program is intended to provide national-level statistics on law enforcement use-of-force and basic information about the circumstances, subjects, and officers involved. Reporting use of force data to the FBI is optional.

DEATH IN CUSTODY REPORTING ACT PROGRAM BACKGROUND

The Death in Custody Reporting Act (DCRA) program is a **congressionally-mandated program that requires states to report** information regarding the death of any person who is detained, under arrest, in the process of being arrested, en route to incarceration, or incarcerated in state or local facilities. In 2019, the Bureau of Justice Assistance (BJA) began collecting death in custody data from State Administering Agencies (SAAs) through the BJA Performance Measurement Tool (PMT). The SAAs are responsible for collecting specific information about each reportable death in their state and submitting the data to BJA. This reporting is not optional and states must comply with the federal DCRA statute.

COMPARISON OF DCRA AND USE-OF-FORCE

The Use-of-Force and DCRA programs are unique programs, each requiring agencies to submit different data. **Only use-of-force cases that result in the death of the subject are reportable to both the FBI and BJA** and DCRA also requires reporting of deaths that occur in manners other than use-of-force.
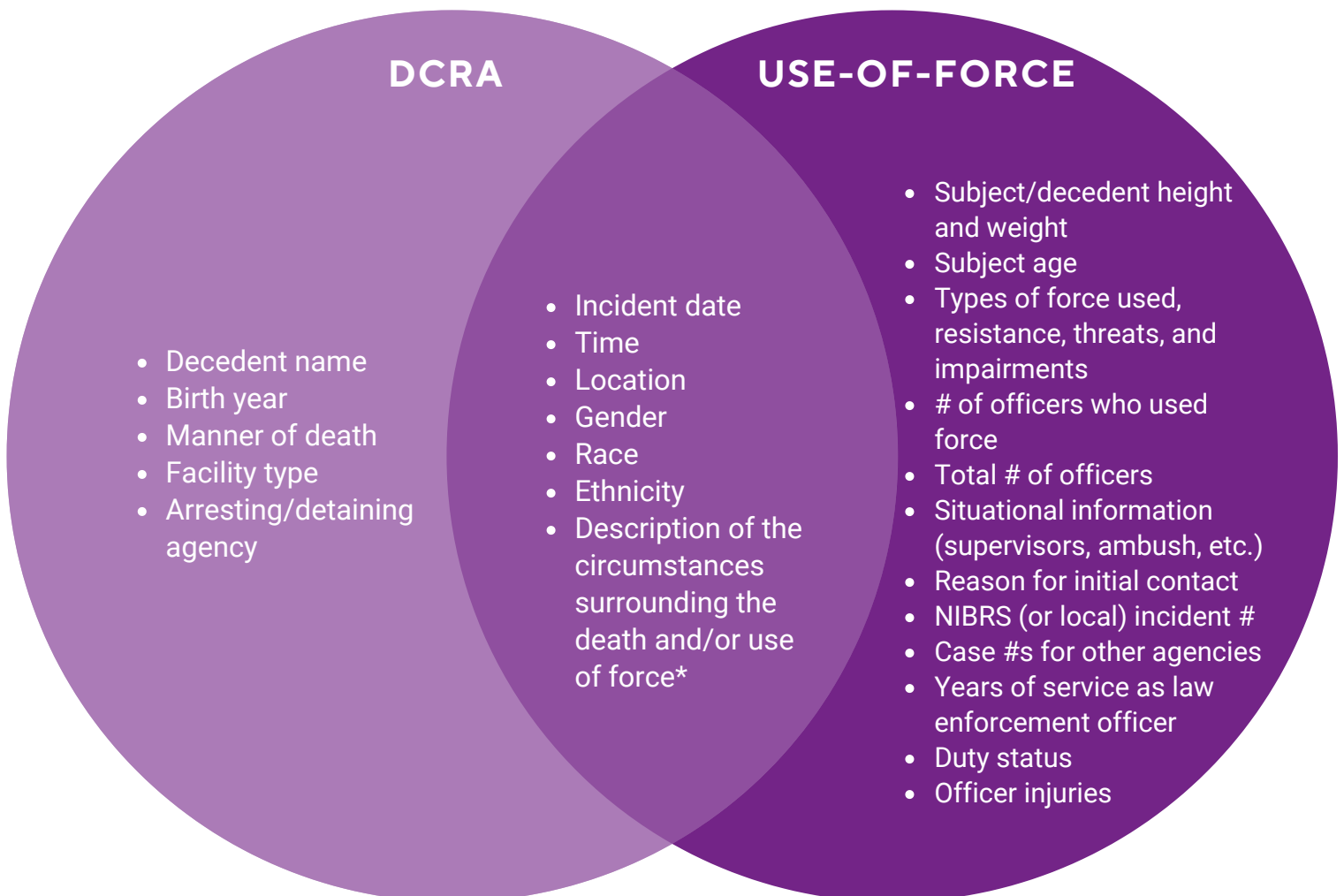
DCRA

- Decedent name
- Birth year
- Manner of death
- Facility type
- Arresting/detaining agency

- Incident date
- Time
- Location
- Gender
- Race
- Ethnicity
- Description of the circumstances surrounding the death and/or use of force*

USE-OF-FORCE

- Subject/decedent height and weight
- Subject age
- Types of force used, resistance, threats, and impairments
- # of officers who used force
- Total # of officers
- Situational information (supervisors, ambush, etc.)
- Reason for initial contact
- NIBRS (or local) incident #
- Case #s for other agencies
- Years of service as law enforcement officer
- Duty status
- Officer injuries

Figure 1. Comparison of data reported for DCRA and data collected for the Use-of-Force Database

*Certain situational information (e.g., type of force) may be applicable for both DCRA and the FBI's Use-of-Force and should be reported in the brief description of circumstances for DCRA in BJA's Performance Management Tool (PMT).

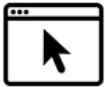## KEY FEATURES OF DCRA AND THE FBI NATIONAL USE-OF-FORCE PROGRAMS

The major distinctions between DCRA and the Use-of-Force data base relate to the frequency at which the data is collected, whether the reporting is mandatory or voluntary, the type of authority that reports the data, and the scope of the data collection. Table 1 summarizes the important differences between the programs.

Table 1. Key Features of DCRA Reporting and the FBI National Use-of-Force Data Collection

	BJA DCRA State Reporting	FBI National Use-of-Force Data Collection
Frequency of Collection	Quarterly	Within 48-72 hours; affirmative zero reports are submitted monthly
Nature of Collection	Congressionally-mandated	Voluntary
Reporting Agencies	The SAAs collect and report death in custody data from each of the following: • Law enforcement agencies • County or municipal jails • State or contract prisons • Juvenile detention facilities	Use-of-force data is collected from: • Law enforcement agencies
Scope of Collection	The death of any person who is: • Under arrest or in the process of being arrested • Is en route to be incarcerated • Is incarcerated at a municipal or county jail, state prison, or other local or state correctional facility (including any juvenile facility)	• Deaths from law enforcement's use-of-force • Serious bodily injury from law enforcement's use-of-force • Incidents in which law enforcement discharge firearms at, or in the direction of, a person

WHERE TO LEARN MORE

FBI Website

https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr/use-of-force

BJA Website

https://bja.ojp.gov/program/dcra/overview

JRSA Training and Technical Assistance

Schedule a meeting with the JRSA DCRA Training and Technical Assistance Team:

✉ dcra@jirn.org