



# Department of Justice

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**STATEMENT OF**

**JEFFREY SEDGWICK  
DIRECTOR  
BUREAU OF JUSTICE STATISTICS  
DEPARTMENT OF JUSTICE**

**BEFORE THE**

**SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY  
COMMITTEE ON THE JUDICIARY  
UNITED STATES HOUSE OF REPRESENTATIVES**

**CONCERNING**

**H.R. 2908, THE DEATH IN CUSTODY REPORTING ACT OF 2007**

**PRESENTED**

**JULY 24, 2007**

**WRITTEN TESTIMONY FOR JEFFREY SEDGWICK  
DIRECTOR, BUREAU OF JUSTICE STATISTICS  
DEATH IN CUSTODY REPORTING ACT OF 2007  
HOUSE JUDICIARY COMMITTEE  
SUBCOMMITTEE ON CRIME, TERRORISM AND HOMELAND SECURITY  
JULY 24, 2007**

Chairman Scott, Ranking Member Forbes, and distinguished Members of the Committee, I am Jeffrey Sedgwick, Director of the Bureau of Justice Statistics (BJS). BJS is the official statistical agency of the U.S. Department of Justice (DOJ), and a component of the Office of Justice Programs (OJP). As with other statistical agencies across government, our “principal function is the compilation and analysis of data and the dissemination of information for statistical purposes....Statistical purposes relate to descriptions of groups and exclude any interest in or identification of any individual person or economic unit.” They do “not do so for administrative, regulatory, or law enforcement purposes.”<sup>1</sup> These distinctions help us to meet our mission of collecting, analyzing, publishing and disseminating information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. I am pleased to be here today to discuss the Deaths in Custody Reporting Act (DICRA).

**The Importance of the Death in Custody Reporting Act**

The health and well-being of persons subject to the custody of law enforcement and correctional authorities is an important issue in criminal justice. Collecting and reporting data on deaths in custody is also an important part of the Office of Justice Programs’ mission “... to improve the fair administration of justice across America” and of the

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<sup>1</sup> National Research Council (2005). Principles and Practices for a Federal Statistical Agency, Third Edition. Committee on National Statistics. Margaret E. Martin, et al, editors.

Bureau of Justice Statistics' mission "to collect, process, analyze and disseminate accurate and timely information on crime and the administration of justice ..."

### **Successes in Collection**

The Death in Custody Reporting Act of 2000 tasked BJS with collecting data on deaths that occur in two primary stages of the criminal justice system: first, deaths occurring "in the process of arrest" or during transfer after arrest; and, second, deaths in jails and prisons.

Mr. Chairman, BJS is committed to fulfilling the data collection and reporting provisions of DICRA. I am pleased to report that the Bureau has been successful in initiating the statistical activities. As a result of BJS's comprehensive collection effort, there is 100 percent coverage for State prisons and over 99 percent coverage for local jails and State-operated juvenile systems. Further, BJS developed a data collection covering State and local law enforcement agencies in more than 40 States. Between 2000 and 2005, the latest year for which complete data are available, BJS has collected and processed records on more than 15,000 deaths in State prisons, nearly 6,000 deaths in local jails, and 2,000 deaths in the process of arrest or transfer to detention.

Since the Act was passed, BJS has released two groundbreaking reports on deaths in custody: a special report on suicide and homicide in state prisons and local jails; and a report on medical causes of death in State prisons. These reports offered the first opportunity to analyze the personal characteristics, current offenses, and environmental

factors surrounding inmate deaths on a national scale. While the first report highlighted sharp declines in suicide and homicide rates, it also provided important insights into the characteristics of persons most at risk of death, as well as knowledge of variations in death rates among systems and facilities. The second report concerned medical causes of death in state prisons, giving Congress and the public the first detailed look into the physical health and characteristics of inmates whose death in custody was medically-related (a category that accounts for 89 percent of deaths in state prisons).

In addition, BJS has recently released a comprehensive web-based update, providing detailed information on deaths in jails, prisons, and state operated juvenile facilities. Though it often takes months to finalize information on the cause of death, these web-based updates allow BJS to release data on deaths in custody in the timeliest manner possible.

BJS has also had remarkable success in implementing web-based technologies for collecting data required under DICRA. In 2005, approximately 60 percent of state prison systems and 40 percent of local jail reporters submitted data using a secure web site, resulting in an enormous savings to the data providers as well as to the Federal government.

A further achievement has been BJS' coding of deaths using the World Health Organization's International Statistical Classification of Diseases. While this has been a labor-intensive effort, involving the processing of more than 4,000 death records every

year with up to five different causes per decedent, it has provided BJS and researchers nationwide the unique capacity to compare inmate death rates with rates experienced by U.S. residents in the general population, by cause of death. This is invaluable information for understanding the medical causes of death and, ultimately, for assessing the quality of health care in correctional facilities.

### **The Ongoing Challenges**

Though BJS has had tremendous success thus far in implementing the data collection provisions of DICRA, we face difficulties in obtaining information on deaths that occur “in the process of arrest” or in transit after arrest. To fully measure such deaths, it is necessary to gather data from approximately 18,000 law enforcement agencies. While the sheer number of local law enforcement agencies is challenging, BJS has nevertheless instituted a collection plan that employs the help of various state respondents to obtain this information.

This plan largely relies on State Statistical Analysis Centers (SACs) acting as intermediaries to gather information from law enforcement agencies in their individual states, though other state reporters are also involved, ranging from universities to state attorneys general offices. The result is a collection of law enforcement deaths that currently covers 42 states. BJS plans to continue building partnerships with state respondents to ensure continued cooperation and will continue efforts to obtain participation from states presently not cooperating.

Given the level of effort required to establish and maintain these partnerships, and the need to work within ever-present fiscal constraints, BJS has identified a way to economize. We have examined the payoff from quarterly versus annual reporting and have concluded that annual reporting would produce both more complete data and a more efficient collection. Most jails and law enforcement agencies report no deaths in custody during a given year, so quarterly reports produce no new data. When deaths occur, it is unlikely that their full investigation will conclude in any given quarter; thus quarterly reports in these instances simply revisit the same deaths with no conclusion.

### **Commitment to Continued Data Collection Efforts**

BJS is committed to providing the best possible data to Congress and the public when reporting on deaths in custody. As evidence of this commitment, we have continued our DICRA statistical collections beyond the expiration of the Death in Custody Reporting Act of 2000.

Last week, BJS launched a Deaths in Custody section on our web site. This section provides a series of detailed tables and downloadable spreadsheets for data users, including several years of data from the state prison, local jail and state juvenile correctional facility collections. Detailed descriptions of our data collection methodology are also provided for each collection in this series. Furthermore, BJS is working with the National Archive of Criminal Justice Data at the University of Michigan to provide public-use versions of these data files to external users.

In the fall of 2007, BJS plans to issue its first report on arrest-related deaths. The report will be the first national study of all forms of arrest-related deaths, such as suicides during arrest attempts, accidental injury deaths at arrest scenes and deaths of arrestees held in police stations and short-term booking facilities. Drawing on roughly 2,000 records of deaths submitted by over 40 States during a three-year period, this study will provide a detailed analysis of circumstances surrounding these deaths, including the use of weapons or force against arresting officers, attempts to flee or resist arrest, and influence of alcohol or drugs at the time of arrest. The use of various weapons and restraint devices by law enforcement officers will also be studied.

In the future, BJS also plans to release a report analyzing the medical causes related to deaths in local jails, where over half of all inmate deaths are caused by medical problems. BJS also looks forward to updating our published report on suicide and homicide trends in correctional facilities, to look for changing patterns in these violent deaths.

Mr. Chairman, BJS remains the most respected source for criminal justice statistics in our nation and serves as a centerpiece of the nation's "crime radar," producing the benchmarks and measures necessary for good criminal justice policy. BJS currently employs 58 full-time employees and available funding in FY 2007 for its criminal justice statistics program was approximately \$34.5 million. Each year BJS publishes approximately 50 in-depth reports, describes the characteristics of approximately 23 million criminal victimizations, analyzes the operations of the approximately 50,000 agencies, offices, courts, and institutions that comprise the justice system, and maintains

nearly four dozen major data collection series. These efforts allow BJS to accurately identify for the nation the salient characteristics of nearly every stage of the justice process, from victimization to court processes, sentencing to corrections.

This concludes my statement Mr. Chairman. Thank you for the opportunity to speak with you today. I would be pleased to answer any questions you may have.