



ARREST-RELATED DEATHS, 2012

Frequently Asked Questions – State Reporting Coordinators

1. What does an “arrest-related” death mean?

An “arrest-related” death is one where an arrest subject either died *in the presence of a State or local law enforcement officer* or died as a result of actions taken by a State or local law enforcement officer.

Deaths reportable to the ARD program include all persons in the custody, or under the restraint of law enforcement officers, even if the person was not formally under arrest at the time of death.

This definition includes those killed by any use of force by law enforcement officers as well as those whose deaths are not directly related to either police action or negligence, such as deaths attributed to intoxication, suicide, accidental injury, and illness or natural causes.

2. Under what circumstances are deaths reportable to the ARD program?

With the exception of innocent bystanders, hostages, and law enforcement personnel, all persons who die while their freedom to leave is restricted by state or local law enforcement personnel are subject for inclusion in the ARD program.

As a guiding principle, please do *not* exclude a case on the basis that physical custody had not been established. This point is highlighted through ARD cases involving officer-involved shootings. Virtually none of these cases involve subjects who were already in the *physical custody* of law enforcement personnel.

Alternatively, there are instances where a person dies in the physical custody of law enforcement although an arrest process had not been initiated. Typically these cases involve the transport of individuals in need of medical or mental health care. Officers may restrain a person for their own safety, or for the safety of medical personnel on the scene. Even though these persons do not face any criminal charges, they are still under the restraint of law enforcement officers and should be reported to the ARD program.

Please note that if such persons die at medical/mental health facilities *following* police transport, they are reportable to the ARD program *only if* the final determination of cause of death is directly linked to the period of law enforcement custody.

3. *Are instances where the deceased commits suicide included in the ARD program?*

Yes.

Suicide is a common type of arrest-related death. Arrest-related suicides can occur before or after law enforcement personnel establish physical custody of the deceased. Suicides occurring during the process of apprehension are reportable to the ARD program if law enforcement personnel are present during the incident and attempted to detain the deceased.

All suicides occurring in the custody of law enforcement personnel are reportable to the ARD program. This includes arrest-related suicides occurring at booking centers and lockup facilities.

Suicides of persons with warrants for their arrest should be reported to the ARD program if law enforcement personnel were present during the event that caused the death. If law enforcement personnel were not present when a person with active arrest warrants committed suicide, the death should not be reported to the ARD program.

If you are unsure whether a death is reportable to the ARD program, please contact the ARD Help Desk (1-877-475-7039; ARDHelpDesk@rti.org) or submit a CJ-11A form.

4. *Are vehicular accidental deaths included in the ARD program?*

Deaths resulting from vehicular accidents are included in the ARD program if law enforcement personnel engage in direct action against the deceased or the deceased's vehicle during the process of apprehension. Examples of "direct action" include, shooting at, ramming, or otherwise forcing the deceased's vehicle off the road (i.e., roadblocks, spike strips to blow out tires).

Deaths resulting from vehicular accidents are excluded from the ARD program if law enforcement personnel did not take direct action against the deceased or the deceased's vehicle. For the purposes of the ARD program, a police pursuit, no matter the speed, does not meet the "direct action" criteria. Fatal vehicular accidents occurring during a pursuit by law enforcement personnel should be excluded from the ARD program if that was the only action taken against the deceased.

5. *Are deaths caused by civilians, during an arrest process, included in the ARD program?*

Yes.

Arrest subjects who die from injuries sustained by non-law enforcement personnel are included in the ARD program if the injuries were sustained during an arrest process. Arrest-related deaths caused by civilians may be accidental or intentional.

Example 1: Accidental civilian homicide:

Law enforcement personnel are attempting to arrest a fleeing suspect when the suspect collides with a civilian operated vehicle and sustains fatal injuries as a result. This death is considered “arrest-related” because law enforcement personnel were attempting to apprehend the suspect at the time the fatal injuries were sustained. In this instance, the manner of death should be recorded as, “Accidental injuries caused by others” on the CJ-11A form.

Example 2: Intentional civilian homicide:

Law enforcement personnel are dispatched to robbery in progress at a convenience store. Upon arrival at the scene, law enforcement personnel discover a struggle between the arrest suspect and store clerk. The store clerk fatally wounds the arrest suspect in the presence of law enforcement personnel. In this instance, the manner of death should be recorded as, “Other homicide” on the CJ-11A form.

6. *Should all deaths resulting from any use of force by state or local law enforcement personnel be included in the ARD program?*

Yes.

Deaths attributed to **ANY** use of force by law enforcement personnel are reportable to the ARD program.

Officers are trained to only use lethal force when their own safety or that of other persons is gravely threatened. The presence of such a threat is a crime. Therefore, subjects killed by police use of lethal force would more than likely have faced criminal charges had they survived.

Deaths attributed to “less-than-lethal” tactics (i.e., positional asphyxia due to restraint) and weapons (i.e., conducted energy devices, chemical agents) are also included in the ARD program.

7. *Are deaths that occur while the arrest subject was in the custody of Federal law enforcement officers included in the ARD program?*

Deaths occurring in the presence of officers from Federal law enforcement agencies (i.e., FBI, DEA, Marshals Service) are only reportable to the ARD program if personnel from a State or local law enforcement agency was also present during the event causing the death.

The ARD program was developed to measure the number of deaths occurring in the process of arrest by state and local law enforcement personnel. Therefore, arrest-related deaths occurring outside the presence of state or local law enforcement personnel are excluded from the ARD program.

If you are unsure whether a death is reportable to the ARD program, please contact the ARD Help Desk (1-877-475-7039; ARDHelpDesk@rti.org) or submit a CJ-11A form.

8. *Why are some cases submitted to the ARD program transferred to other BJS collections?*

BJS' *Deaths in Custody Reporting Program* (DCRP) is currently comprised of three components, deaths occurring in (1) prisons, (2) jails, and (3) during the process of arrest.

The deaths of any persons held in police stations (i.e., for interrogation) or in a short-term booking facility are included in records of "arrest-related" deaths. Once an arrestee is booked into a jail, (i.e., a facility that typically holds offenders after arraignment, during adjudication and for sentences of less than a year) their death is excluded from the ARD collection and captured in BJS' *Jails* collection.

If you are unsure whether the death occurred in a police booking center, police lockup, or a local jail please either contact the ARD Help Desk (1-877-475-7039; ARDHelpDesk@rti.org) or submit a CJ-11A form.

ARD program staff reconciles all submitted cases to ensure each record is recorded in the appropriate collection and that cases are not duplicated in the ARD and *Jails* programs. If cases submitted to the ARD program are transferred to either the *Jails* or *Prisons* collections, the ARD program staff will indicate it on a status report sent to you.

9. *Where can I obtain 2012 CJ-11 and CJ-11A forms?*

The 2012 CJ-11 and CJ-11A forms are available through the BJS website:

<http://bjs.ojp.usdoj.gov/index.cfm?ty=dcdetail&iid=428>

Forms can also be obtained by contacting the ARD Help Desk:

Phone: 1-877-475-7039

Email: ARDHelpDesk@rti.org)

10. *How do I submit CJ-11 and CJ-11A forms to ARD program staff?*

Please submit CJ-11 and CJ-11A forms to ARD program staff within **60 days** of the end of each quarter or submit all annual data within **60 days** of the end of the calendar year. Forms can be submitted through email, fax, or postal mail.

Email: ARDHelpDesk@rti.org

Fax: 1-877-262-7654

Mail: RTI International
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