

Death in Custody Reporting Act

North Carolina Annual Report 2022



A Publication of the Criminal Justice Analysis Center



Governor's Crime Commission
NC DEPARTMENT OF PUBLIC SAFETY

Executive Summary

In 2013, the U.S. Congress passed the Federal Death in Custody Reporting Act that requires states to report information regarding the death of any person who is detained, arrested, enroute to incarceration, or incarcerated in state or local facilities.¹

The Bureau of Justice Assistance, as part of the U.S. Department of Justice’s Office of Justice Programs, mandates that state administering agencies collect data from entities including law enforcement agencies, local jails, correctional institutions, medical examiners, and other state and local agencies.

The Criminal Justice Analysis Center serves as part of North Carolina’s administrating agency and compiles and submits quarterly data to the bureau.

For the 2022 calendar year, 186 deaths in custody were reported in North Carolina. This includes deaths that occurred in a state correctional facility, a county jail or detention center, or the custody of a local or state law enforcement agency.

Methodology

When an individual in the custody of a North Carolina law enforcement agency dies, that agency should complete the Bureau of Justice Assistance’s Death in Custody Reporting Act form and submit it to the Criminal Justice Analysis Center.²

North Carolina has more than 500 reporting agencies that include police departments, sheriff’s offices, prisons within the Department of Adult Correction, detention centers within Juvenile Justice and Delinquency Prevention, State Highway Patrol and other state agencies that are asked to submit reported deaths in custody.³

If a death in custody is discovered and the Death in Custody Reporting Act form has not been submitted, CJAC will request information about the incident from the custody agency. If the analysis center does not receive a response, program staff will gather media reports, official statements and other reference material to ensure collection of the most accurate data possible. Records will be updated when additional information, such as the manner of death, is determined.

In the case of the death of an individual who is incarcerated with the Department of Adult Correction, a representative from the department will electronically upload the required information directly to a shared storage drive. That data is retrieved by CJAC and aggregated with information from multiple agencies, including jails, across the state.

Data on deaths is submitted to the Bureau of Justice Assistance quarterly. Failure to report deaths in custody may result in a reduction of the state’s Edward Byrne Justice Assistance Grant program funds. This federal funding provides grants in support of local and state law enforcement agencies.

This report includes sections describing the submitted deaths in custody representing various groups: all reported deaths in custody, deaths in custody reported by the DAC and deaths in custody reported by law enforcement agencies. In addition, CJAC used descriptions of the death to report the number fatal officer-involved shootings.

¹ Refer to Appendix A.

² The Bureau of Justice Assistance Death in Custody Reporting Act form (Form DCR-1A) is included as Appendix B.

³ Federal agencies have a different reporting process.

SECTION 1

All North Carolina Reported Deaths in Custody for 2022

The Criminal Justice Analysis Center collected data for 186 deaths in custody for the calendar year 2022. This includes deaths that occurred in a state prison; in a county jail or detention center; or in the custody of a local or state law enforcement agency.

The North Carolina Department of Adult Correction reported that 114 individuals died in the custody of the state prison system. Local or state law enforcement agencies reported 72 deaths. Of those, CJAC determined that 31 individuals died as a result of an officer-involved shooting and 41 died by some other means while in an agency’s custody or in a local jail or detention center (see Figure 1).

When broken down by jurisdiction, 118 deaths in custody occurred while the person was in the custody of the state. Four of those deaths occurred in custody of a state law enforcement agency, and 114 occurred in the custody of state prisons.

Thirty deaths occurred while the person was in the custody of a local police department, and 37 deaths occurred while the person was in the custody of a county sheriff’s office or local jail. One death in custody was reported by multiple local law enforcement agencies.

Figure 1: All Reported Deaths in Custody for 2022

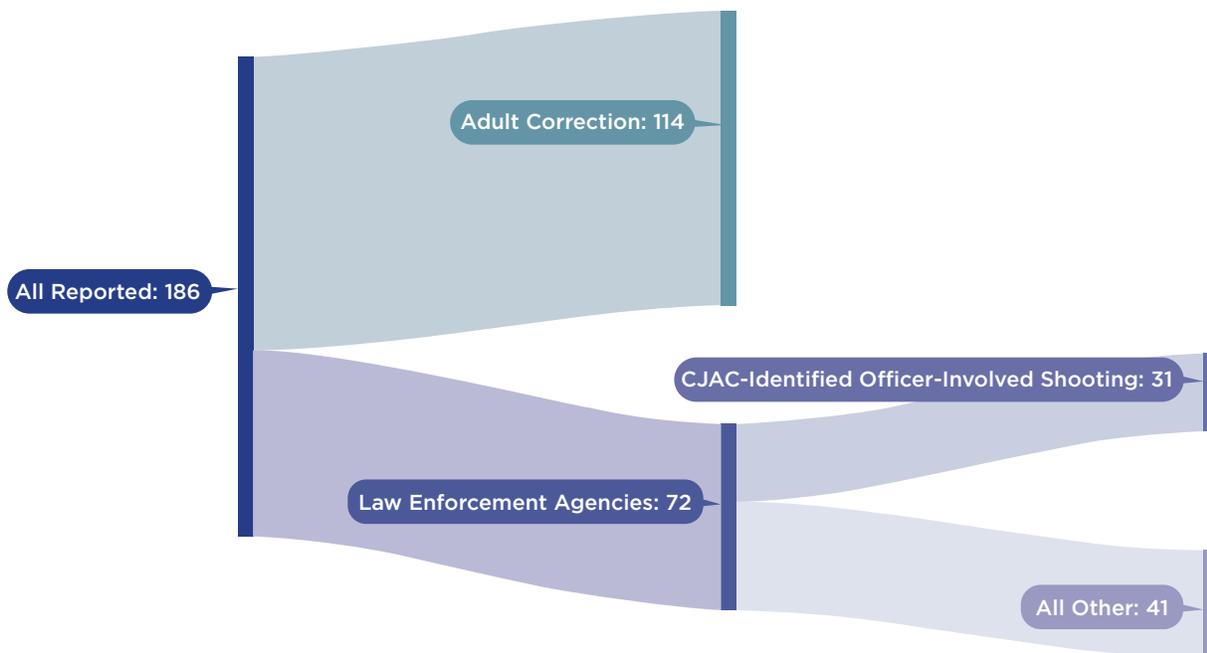
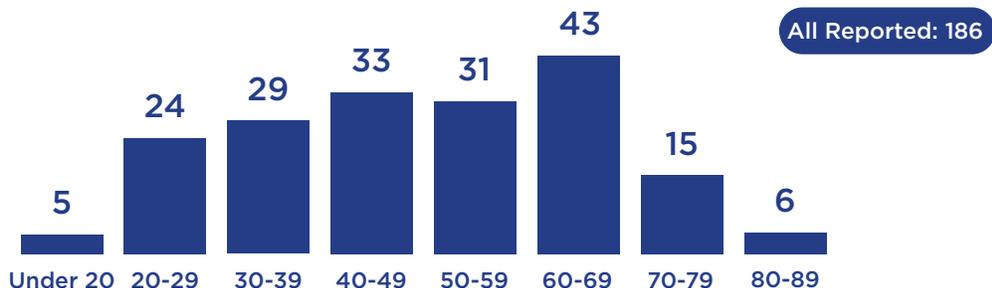


Figure 2: Age at Time of Death, 2022



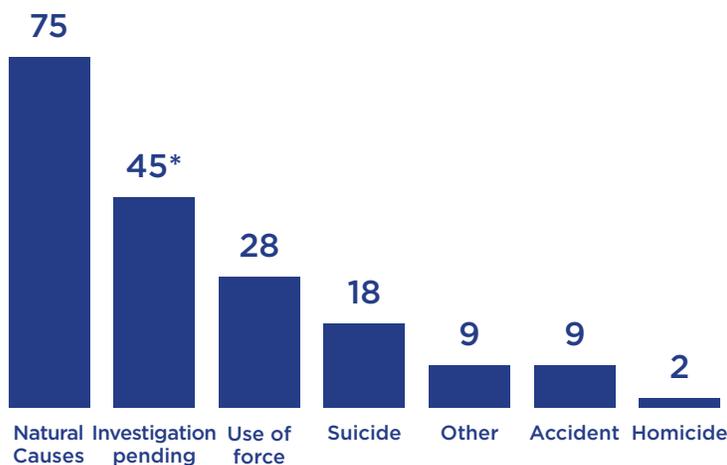
The average age of all individuals who died in custody was 50 years old. Figure 2 shows the distribution of ages of all individuals who died in custody by age group. The age at the time of death varies by the subgroups discussed in the next sections of this report.

Men comprised the majority of deaths, accounting for 165, or 89%, of deaths in 2022. More than half, or 56%, of the decedents were reported to be white, 41% were Black, and 3% were reported as race unknown. As for ethnicity, 89% were reported to be non-Hispanic, 4% were Hispanic, and 7% were reported as unknown ethnicity.

Figure 3 shows the distribution of manners of death recorded by the agency with custody of the individuals on the Bureau of Justice Assistance Death in Custody Act form for all deaths reported in 2022.

The reporting form offers seven options for the circumstances surrounding the death. Cases are marked as pending investigation when the definitive manner of death has not yet been determined. When initially reported, these cases are under investigation by the law enforcement agency or have been referred to the N.C. Office of the Chief Medical Examiner. Prison officials update the records when they receive final information regarding the death. The medical examiner’s office provides information to update law enforcement cases initially reported as pending.

Figure 3: Initial Reported Manner of Death by Custody Agency, 2022



* Figure 3 shows exactly what is recorded as manner of death on the DCR-1A form by the agencies. Cases initially reported on the form as Investigation Pending or Other may be reclassified.

SECTION 2

Deaths in Custody Reported by the Department of Adult Correction

The Department of Adult Correction reported 114 incarcerated offender deaths in 2022. Of those, 50 deaths were reported to have occurred in a state prison facility. The other 64 deaths were physically located at a medical facility, but the decedent was still in custody.

The DAC reported the majority, or 61%, of deaths in custody for the state, so the trends for manner of death in prisons are similar to that of all deaths for the year. Natural causes represent the largest portion of the total number of reported deaths as well as DAC deaths.

Figure 4: Reported Manner of Death, DAC

Figure 4 shows the distribution of recorded manners of death among offenders in DAC custody: About 60% of all reported DAC inmate deaths were due to natural causes, while 22% were still under investigation. Two homicide cases were the result of offender-on-offender violence.

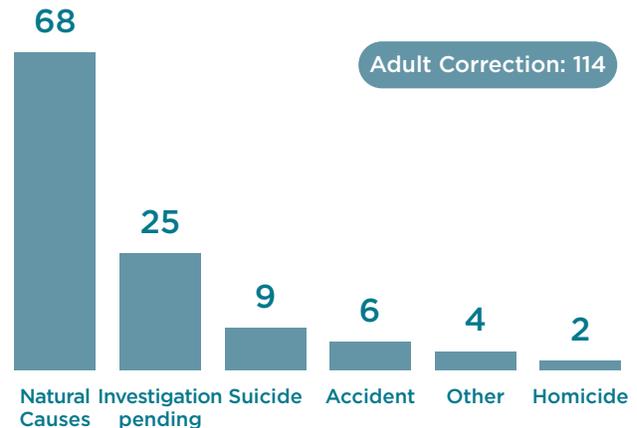
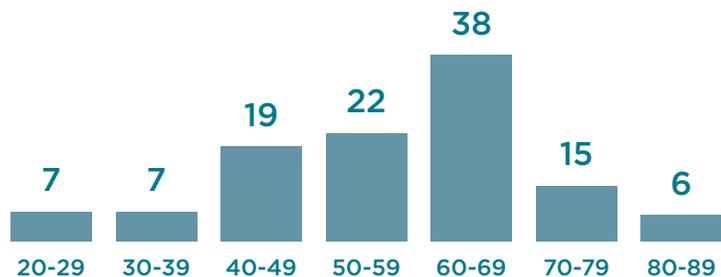


Figure 5: Age at Time of Death, DAC

Figure 5 shows the distribution of ages of individuals who died in DAC custody. A larger portion of the decedents under the custody of DAC were older than in law enforcement cases. The average age of an offender who died in DAC custody was 58 years old, compared to 50 for the average age for all deaths in custody.



As for the other demographics, 110 of the 114 DAC deaths in custody were male. More than half, or 55%, of the decedents were reported to be white, while 42% were Black and 3% were of unknown race.

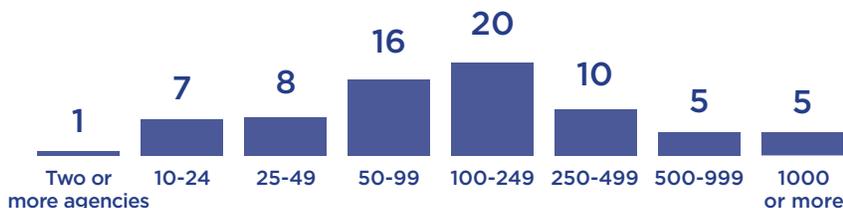
SECTION 3

Deaths in Custody Reported by Law Enforcement Agencies

Forty-six different law enforcement agencies reported 72 deaths in 2022. Based on staffing data obtained from the N.C. State Bureau of Investigation, the largest agency having recorded at least one death in custody reported having 1,668 full-time sworn personnel, while the smallest agency reported having 12 full-time sworn personnel.

Regarding agency type, 20 of the reporting agencies were police departments, 25 were sheriff’s offices and one was a state law enforcement agency.

Figure 6: Number of Deaths by Agency Size (Based on number of sworn personnel)



Law Enforcement Agencies: 72

Figure 6 shows a breakdown of all reported deaths in custody by law enforcement agencies by agency size. There were two agencies involved in one death reported in 2022.

Figure 7: Age at Time of Death, Law Enforcement Agencies

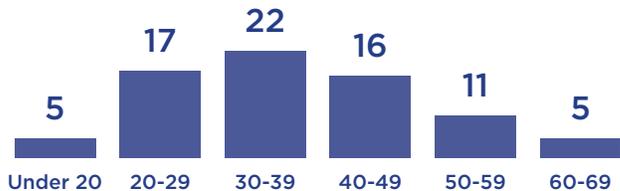


Figure 7 shows the distribution of ages of individuals who died in law enforcement agencies’ custody by age range.

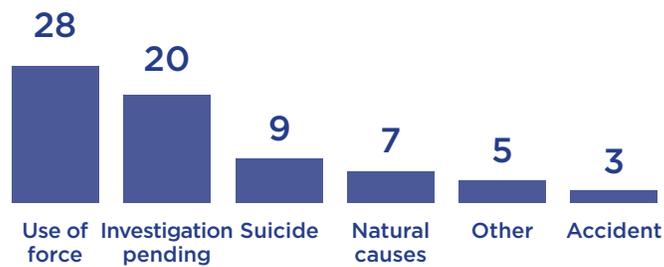
More than 75% of deaths in custody reported by law enforcement agencies were male. More than half of the individuals, or 57%, were reported to be white, 40% were reported to be Black and 3% were reported as race unknown.

The average age of a decedent in law enforcement agencies’ custody was 38 years old, significantly lower than the average age of 50 for all deaths in custody.

Of the 72 deaths that occurred while the decedent was in the custody of law enforcement agencies, 28 people were reported to be confined in jail.

Manners of death in law enforcement custody differed from trends for the Department of Adult Correction. Figure 8 shows the distribution of various manners of deaths in custody reported by law enforcement agencies.

Figure 8: Reported Manner of Death, Law Enforcement Agencies



SECTION 4

Fatal Officer-Involved Shootings

A subset of the deaths reported while in the custody of law enforcement agencies are officer-involved shootings. These are deaths caused by the discharge of a firearm by a sworn law enforcement officer. The Death in Custody Act form does not capture this circumstance of death in custody. However, CJAC identified 31 fatal officer-involved shootings in 2022 through descriptions from law enforcement agencies and media accounts.

Twenty-four different law enforcement agencies were involved in the officer-involved shootings, including 12 police departments, 11 sheriff's offices and one state law enforcement agency.

The average age of a decedent who died as a result of an officer-involved shooting was 36 years old, compared to 58 for Department of Adult Correction-reported deaths and 50 for all reported by law enforcement agencies.

Figure 9: Number of Officer-Involved Shooting Deaths in Custody by Agency Size

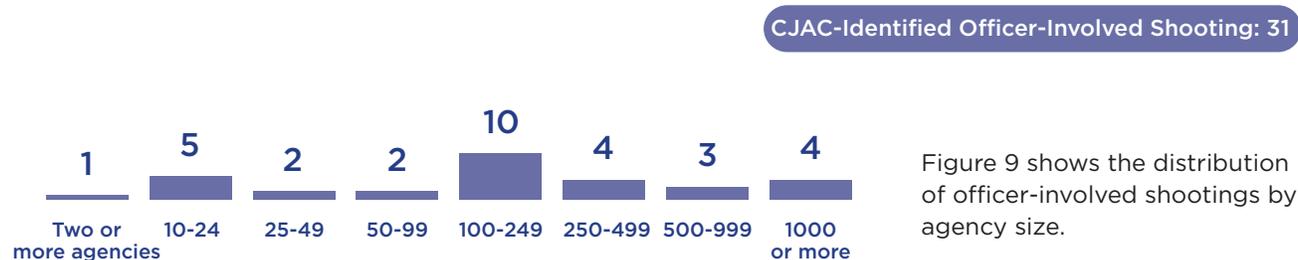


Figure 9 shows the distribution of officer-involved shootings by agency size.

Figure 10: Age at Time of Death, Officer-Involved Shooting

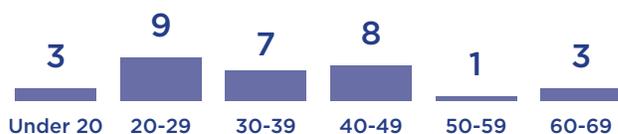


Figure 10 shows the distribution of ages of individuals who died as a result of an officer-involved shooting. The majority of decedents—84%—were male, and 52% were reported to be Black, while 45% were white and 3% were of unknown race.

Appendix A: Death in Custody Reporting Act of 2013

[113th Congress Public Law 242]
[From the U.S. Government Publishing Office]

[[Page 2859]]

DEATH IN CUSTODY REPORTING ACT OF 2013

[[Page 128 STAT. 2860]]

Public Law 113-242
113th Congress

An Act

To encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes. <<NOTE: Dec. 18, 2014 - [H.R. 1447]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, <<NOTE: Death in Custody

Reporting Act of 2013. 42 USC 13701 note.>>

SECTION 1. SHORT TITLE.

This Act may be cited as the “Death in Custody Reporting Act of 2013”.

SEC. 2. <<NOTE: 42 USC 13727.>> STATE INFORMATION REGARDING INDIVIDUALS WHO DIE IN THE CUSTODY OF LAW ENFORCEMENT.

(a) In General.--For each fiscal year after the expiration of the period specified in subsection (c)(1) in which a State receives funds for a program referred to in subsection (c)(2), the State shall report to the Attorney General, on a quarterly basis and pursuant to guidelines established by 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).

(b) Information Required.--The report required by this section shall contain information that, at a minimum, includes--

- (1) the name, gender, race, ethnicity, and age of the deceased;
- (2) the date, time, and location of death;
- (3) the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and
- (4) a brief description of the circumstances surrounding the death.

(c) Compliance and Ineligibility.--

(1) Compliance date.--Each State shall have not more than 120 days from the date of enactment of this Act to comply with subsection (a), except that--

(A) the Attorney General may grant an additional 120 days to a State that is making good faith efforts to comply with such subsection; and

(B) <<NOTE: Waiver authority.>> the Attorney General shall waive the requirements of subsection

(a) if compliance with such subsection by a State would be unconstitutional under the constitution of such State.

[[Page 128 STAT. 2861]]

(2) Ineligibility for funds.--For any fiscal year after the expiration of the period specified in paragraph (1), a State that fails to comply with subsection (a), shall, at the discretion of the Attorney General, be subject to not more than a 10-percent reduction of the funds that would otherwise be allocated for that fiscal year to the State under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Local Government Law Enforcement Block Grants Program, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(d) Reallocation.--Amounts not allocated under a program referred to in subsection (c)(2) to a State for failure to fully comply with subsection (a) shall be reallocated under that program to States that have not failed to comply with such subsection.

(e) Definitions.--In this section the terms ``boot camp prison'' and ``State'' have the meaning given those terms, respectively, in section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)).

(f) Study and Report of Information Relating to Deaths in Custody.--

(1) Study required.--The Attorney General shall carry out a study of the information reported under subsection (b) and section 3(a) 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) Report.--Not later than 2 years after the date of the enactment of this Act, the Attorney General shall prepare and submit to Congress a report that contains the findings of the study required by paragraph (1).

SEC. 3. <<NOTE: 42 USC 13727a.>> FEDERAL LAW ENFORCEMENT DEATH IN CUSTODY REPORTING REQUIREMENT.

(a) <<NOTE: Effective date.>> In General.--For each fiscal year (beginning after the date that is 120 days after the date of the enactment of this Act), the head of each Federal law enforcement agency shall submit to the Attorney General a report (in such form and manner specified by the Attorney General) that contains information regarding the death of any person who is--

(1) detained, under arrest, or is in the process of being arrested by any officer of such Federal law enforcement agency (or by any State or local law enforcement officer while participating in and for purposes of a Federal law enforcement operation, task force, or any other Federal law enforcement capacity carried out by such Federal law enforcement agency); or

(2) en route to be incarcerated or detained, or is incarcerated or detained at--

(A) any facility (including any immigration or juvenile facility) pursuant to a contract with such Federal law enforcement agency;

(B) any State or local government facility used by such Federal law enforcement agency; or

[[Page 128 STAT. 2862]]

(C) any Federal correctional facility or Federal pre-trial detention facility located within the United States.

(b) Information Required.--Each report required by this section shall include, at a minimum, the information required by section 2(b).

(c) Study and Report.--Information reported under subsection (a) shall be analyzed and included in the study and report required by section 2(f).

Approved December 18, 2014.

LEGISLATIVE HISTORY--H.R. 1447:

HOUSE REPORTS: No. 113-285 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 159 (2013):

Dec. 12, considered and passed House.

Vol. 160 (2014): Dec. 10, considered and passed Senate.

<all>

Appendix B: Form DCR-1A, Death in Custody Reporting Act Form



DEATH IN CUSTODY REPORTING ACT
Fiscal Year 2020
FORM DCR-1A

U.S. DEPARTMENT OF JUSTICE
BUREAU OF JUSTICE ASSISTANCE
ACTING AS COLLECTION AGENT

For each reportable death identified in your Quarterly Summary, please respond to all of the following questions regarding the decedent's characteristics and the circumstances surrounding the death. Information provided on this form must have originated from official government records, documents, or personnel. You will not be able to SAVE the information unless all fields are completed.

For directions on how to complete this form, please refer to the "Instructions for Completion."

DATA SUPPLIED BY:

Name:	Email:
Title:	Telephone: (____) ____ - ____
Agency:	Fax: (____) ____ - ____
State:	Date:

Decedent Name (Last, First, Middle Initial)	SSN (if known)	Date of Death	Time of Death
---	----------------	---------------	---------------

Location of Event Causing the Death (Street Address, City, State, Zip)

1. What was the decedent's sex?

Male

Female

2. What was the decedent's date of birth (or approximate age at death if DOB is unknown)?

Unknown

3. What was the decedent's ethnic origin? (Mark only one)

Hispanic or Latino

Not Hispanic or Latino

Unknown

4. What was the decedent's race? (Mark all that apply)

American Indian or Alaska Native

Asian

Black or African American

Native Hawaiian or Other Pacific Islander

White

Other

Unknown

5. What location category best describes where the event causing the death occurred? (Mark only one)

Residence/home

Law enforcement facility

Business – please specify type: _____

Other – please specify: _____

Unknown

6. Law enforcement agency that detained, arrested, or was in the process of arresting the deceased:

7. Date of facility admission/arrest: _____

8. Facility Type (if applicable):

Municipal or County Jail

State Prison

State-Run Boot Camp Prison

Contracted Boot Camp Prison

Any State or Local Contract Facility

Other Local or State Correctional Facility (to include any juvenile facilities)

OMB number 1121-0385, expires on 08/30/2021

1



DEATH IN CUSTODY REPORTING ACT
Fiscal Year 2020
FORM DCR-1A

U.S. DEPARTMENT OF JUSTICE
 BUREAU OF JUSTICE ASSISTANCE
 ACTING AS COLLECTION AGENT

For each reportable death identified in your Quarterly Summary, please respond to all of the following questions regarding the decedent's characteristics and the circumstances surrounding the death. Information provided on this form must have originated from official government records, documents, or personnel. You will not be able to SAVE the information unless all fields are completed.

For directions on how to complete this form, please refer to the "Instructions for Completion."

DATA SUPPLIED BY:

Name:		Email:	
Title:		Telephone: () - -	
Agency:		Fax: () - -	
State:		Date:	

Decedent Name (Last, First, Middle Initial)	SSN (if known)	Date of Death	Time of Death
---	----------------	---------------	---------------

Location of Event Causing the Death (Street Address, City, State, Zip)

- 1. What was the decedent's sex?**

Male

Female
- 2. What was the decedent's date of birth (or approximate age at death if DOB is unknown)?**

Unknown
- 3. What was the decedent's ethnic origin? (Mark only one)**

Hispanic or Latino

Not Hispanic or Latino

Unknown
- 4. What was the decedent's race? (Mark all that apply)**

American Indian or Alaska Native

Asian

Black or African American

Native Hawaiian or Other Pacific Islander

White

Other

Unknown
- 5. What location category best describes where the event causing the death occurred? (Mark only one)**

Residence/home

Law enforcement facility

Business – please specify type: _____

Other – please specify: _____

Unknown
- 6. Law enforcement agency that detained, arrested, or was in the process of arresting the deceased:**

- 7. Date of facility admission/arrest:** _____
- 8. Facility Type (if applicable):**

Municipal or County Jail

State Prison

State-Run Boot Camp Prison

Contracted Boot Camp Prison

Any State or Local Contract Facility

Other Local or State Correctional Facility (to include any juvenile facilities)





Governor's Crime Commission
NC DEPARTMENT OF PUBLIC SAFETY