



Office of the Attorney General
Washington, D. C. 20530

October 5, 2016

MEMORANDUM FOR HEADS EXECUTIVE DEPARTMENTS AND AGENCIES
THE MARSHALS OF THE UNITED STATES SUPREME COURT
CHIEF OF POLICE, U.S. CAPITOL POLICE
THE PUBLIC PRINTER OF THE UNITED STATES
CHAIR, EXECUTIVE COMMITTEE, JUDICIAL CONFERENCE OF
THE UNITED STATES

FROM: THE ATTORNEY GENERAL

SUBJECT: Death in Custody Reporting Act

When used effectively, criminal justice data can significantly improve the way law enforcement operates and simultaneously build community trust in law enforcement. The range of benefits that proper data collection and analysis provides—from increasing transparency to improving law enforcement/community relations—is vast and multi-faceted. The Death in Custody Reporting Act, which President Obama signed into law on December 18, 2014, is an important step in collecting better criminal justice data, improving law enforcement and building community trust.

The Act requires the head of each federal law enforcement agency to report certain data annually to the Attorney General regarding the death of any person occurring during interactions with law enforcement officers or in their custody.¹ Pursuant to Section 3 of the Act, this memorandum specifies the form and manner in which each federal law enforcement agency shall report the required information to the Attorney General. 42 U.S.C. § 13727a(a) (requiring the head of each Federal law enforcement agency to submit to the Attorney General a report “in such form and manner specified by the Attorney General”).

¹ The Appendix to this memorandum includes a list of many federal law enforcement agencies. If you are aware of a federal law enforcement agency that does not appear on this list, please contact the Bureau of Justice Statistics.

I. Required Information

The Act requires the head of each federal law enforcement agency to submit to the Attorney General a report 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
 - (C) any Federal correctional facility or Federal pre-trial detention facility located within the United States.

42 U.S.C. § 13727a(a).

Each report shall include the following specific information:

- (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.

Id. § 13727a(b).

II. Form and Manner of Reporting

The Act requires reporting for each fiscal year, beginning with Fiscal Year 2016, which runs from October 1, 2015, through September 30, 2016. The Bureau of Justice Statistics (BJS) of the Department of Justice has created two online survey instruments to receive each federal law enforcement agency's required report: one survey instrument for arrest-related deaths and one for deaths that occur while the person is detained or incarcerated at a facility. Federal law enforcement agencies will submit the required data for each reportable death through one of these two survey instruments, depending on whether the agencies have arrest authority, detention authority, or both.

By October 20, 2016, please submit to the U.S. Department of Justice the following information for each law enforcement agency under your purview:

- The name, phone number, and email address of an individual or office that will be responsible for submitting the required report to the Attorney General; and
- Whether each agency has arrest authority, detention authority, or both.

Please submit this information, and direct any questions about the reporting requirements, to Deputy Director Michael Planty (Michael.Planty@usdoj.gov).

Shortly after the end of the current fiscal year, the Department of Justice will e-mail a link for the relevant online survey instrument to each federal law enforcement agency's individual or office responsible for reporting the required information. Agencies must then report the required information for Fiscal Year 2016 through the BJS survey instruments. Agencies must complete the report even if no deaths occurred during the reporting period. Further guidance on the reporting procedures and what information agencies are required to report will be available from BJS.

I sincerely appreciate your partnership and that of the federal law enforcement agencies under your purview as we work to ensure our compliance with this important legislation.

Appendix

The Death in Custody Reporting Act requires the head of “each Federal law enforcement agency” to report the required information to the Attorney General. 42 U.S.C. § 13727a(a). The Department of Justice has identified the following “Federal law enforcement agencies,” all of which are subject to the Act’s reporting requirement. This list is intended to aid in the identification of federal law enforcement agencies. It is not intended to, and does not, modify any federal law enforcement *agency’s* obligations under the Act. If a federal law enforcement agency does not appear on this list, it is still obligated to comply with the Act. Please contact the Bureau of Justice Statistics if a particular federal law enforcement agency does not appear on this list.

Federal Law Enforcement Agencies

Executive Departments

Department of Agriculture

- U.S. Forest Service Law Enforcement and Investigations
- Office of the Inspector General

Department of Commerce

- Bureau of Industry & Security Office of Export Enforcement
- National Institute of Standards and Technology Police
- National Oceanic and Atmospheric Administration Office of Law Enforcement
- Office of the Inspector General

Department of Defense

- Air Force Office of Special Investigations
- Army Criminal Investigation Command
- Defense Criminal Investigative Service
- Marine Corps Criminal Investigation Division
- Marine Corps Civilian Police
- Naval Criminal Investigative Service
- Office of the Inspector General
- Pentagon Force Protection Agency

Department of Education

- Office of the Inspector General

Department of Energy

- Office of the Inspector General

Department of Health and Human Services

- Food and Drug Administration
- National Institute of Health Police

- Office of the Inspector General

Department of Homeland Security

- Federal Protective Service
- United States Coast Guard
- United States Customs and Border Protection
- United States Immigration and Customs Enforcement
- United States Secret Service
- Transportation Security Administration
- Office of the Inspector General

Department of Housing and Urban Development

- Office of the Inspector General

Department of the Interior

- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- Fish and Wildlife Service
- National Park Service United States Park Police
- Office of the Inspector General

Department of Justice

- Bureau of Alcohol, Tobacco, Firearms, and Explosives
- United States Drug Enforcement Administration
- Federal Bureau of Investigation
- Federal Bureau of Prisons
- United States Marshals Service
- Office of the Inspector General

Department of Labor

- Office of the Inspector General

Department of State

- United States Diplomatic Security Service
- Office of the Inspector General

Department of Transportation

- Federal Railroad Administration
- Federal Aviation Administration
- Merchant Marine Department of Public Safety
- Office of Odometer Fraud Investigation
- Office of the Inspector General

Department of the Treasury

- Bureau of Engraving and Printing Police
- Internal Revenue Service Criminal Investigation Division
- Treasury Inspector General for Tax Administration
- United States Mint Police
- Office of the Inspector General

Department of Veteran Affairs

- Veterans Affairs Police Office of Inspector General
- Office of the Inspector General

Other Federal Law Enforcement Agencies

Agency for International Development

- Office of the Inspector General

Amtrak

- Amtrak, Office of Inspector General
- Amtrak Office of Security Strategy and Special Operations
- Amtrak Police

Appalachian Regional Commission

- Office of the Inspector General

Architect of the Capitol

- Office of the Inspector General

Board of Governors of the Federal Reserve System/Consumer Financial Protection Bureau

- Office of the Inspector General

Central Intelligence Agency

- Central Intelligence Agency Security Protective Service
- Office of the Inspector General

Commodity Futures Trading Commission

- Office of the Inspector General

Consumer Product Safety Commission

- Office of the Inspector General

Corporation for National and Community Service

- Office of the Inspector General

Corporation for Public Broadcasting

- Office of the Inspector General

Defense Intelligence Agency

- Office of the Inspector General

Denali Commission

- Office of the Inspector General

Election Assistance Commission, U.S.

- Office of the Inspector General

Environmental Protection Agency

- Criminal Investigation Division
- Office of the Inspector General

Equal Employment Opportunity Commission

- Office of the Inspector General

Export-Import Bank of the United States

- Office of the Inspector General

Farm Credit Administration

- Office of the Inspector General

Federal Communications Commission

- Office of the Inspector General

Federal Deposit Insurance Corporation

- Office of the Inspector General

Federal Election Commission

- Office of the Inspector General

Federal Housing Finance Agency

- Office of the Inspector General

Federal Labor Relations Authority

- Office of the Inspector General

Federal Maritime Commission

- Office of the Inspector General

Federal Reserve Bank

- Federal Reserve Police

Federal Trade Commission

- Office of the Inspector General

General Services Administration

- Office of the Inspector General

Government Accountability Office

- Office of the Inspector General

Government Publishing Office

- GPO Uniformed Police
- Office of the Inspector General

Legal Services Corporation

- Office of the Inspector General

Library of Congress

- Office of the Inspector General

National Aeronautics and Space Administration

- Office of the Inspector General
- NASA Protective Services

National Archives

- Office of the Inspector General

National Credit Union Administration

- Office of the Inspector General

National Endowment for the Arts

- Office of the Inspector General

National Endowment for the Humanities

- Office of the Inspector General

National Geospatial-Intelligence Agency

- Office of the Inspector General

National Labor Relations Board

- Office of the Inspector General

National Reconnaissance Office

- Office of the Inspector General

National Science Foundation

- Office of the Inspector General

National Security Agency

- Office of the Inspector General

Nuclear Regulatory Commission

- Office of the Inspector General

Office of the Inspector General of the Intelligence Community

- Office of the Inspector General

Office of Personnel Management

- Office of the Inspector General

Peace Corps

- Office of the Inspector General

Pension Benefit Guaranty Corporation

- Office of the Inspector General

Postal Regulatory Commission

- Office of the Inspector General

Railroad Retirement Board

- Office of the Inspector General

Securities and Exchange Commission

- Office of the Inspector General

Small Business Administration

- Office of the Inspector General

Smithsonian Institute

- Office of Protection Services
- National Zoological Park Police
- Office of the Inspector General

Social Security Administration

- Office of Inspector General

Special Inspector General for Afghanistan Reconstruction

- Office of the Inspector General

Special Inspector General for the Troubled Asset Relief Program

- Office of the Inspector General

The Supreme Court of the United States Police

Tennessee Valley Authority

- TVA Police
- Office of the Inspector General

Treasury Inspector General for Tax Administration

- Office of the Inspector General

U.S. Capitol Police

U.S. International Trade Commission

- Office of the Inspector General

U.S. Postal Service

- Postal Inspection Service
- U.S. Postal Police
- Office of the Inspector General

U.S. Probation and Pretrial Services