

**Delaware Statistical Analysis Center  
Frequently Asked Questions about BJA DCRA Data Collection**

**LAW ENFORCEMENT AGENCY VERSION**

**EFFECTIVE DATE: February 6, 2024**

This version of the SAC DCRA data collection FAQ is for law enforcement agencies.

The aspect of DCRA that applies to police covers a broader array of activities and potential scenarios and situations than the portion which applies to correctional agencies.

As a result, there are more elements to consider when determining whether a death related to law enforcement activity is reportable under DCRA, and there are definite gray areas that will require consultation before a determination can be made.

This update reflects both the SAC's extensive conversations with BJA in 2019 and 2020 and the most recent version of BJA's FAQ document (<https://bja.ojp.gov/funding/performance-measures/DCRA-Reporting-Guidance-FAQs.pdf>). In the event of apparent contradictions between the SAC and BJA FAQ documents, please contact the SAC.

Some General Considerations

**Apprehension, detention, and arrest of individuals suspected of committing a crime:** Covers the time period from when an officer locates a suspect through the time the suspect is formally transferred to the custody of another agency, whether DOC, YRS, or another law enforcement agency.

**Contact with the public in other situations:** A key determining factor is whether the event leading to death occurs once the individual has been detained by law enforcement. **After consulting with BJA, two elements help determine, for DCRA purposes, whether an individual has been detained:** 1) the person has been interrupted while going about their business and delayed from conducting the same; and 2) a reasonable person would not feel free to leave that encounter with police.

So, a traffic stop would be considered a detention, even if the intent was to provide the individual with a warning, but a person flagging down an officer to ask for directions would not.

**Some situations might transition from non-detention to detention:** Generally, situations where an officer is providing assistance to an individual (e.g., for medical, injury, help with keys locked in the car) would not be qualifying situations as no detention occurs. However, in some cases, an intention to detain or actual detention may evolve on-scene.

For example, a person approaching officers to report a crime would not start out as a detention, but if the reporting person was prevented from leaving police presence until the report was complete, then

the situation would become a detention. Similarly, if, in the process of assisting a person getting their car unlocked, evidence of a crime is discovered and officers have made a decision to detain the person when they then experience a medical crisis, the situation would become qualifying.

**When and where the event that leads to the death occurs is important, not the location where the person dies** (if the two are different): BJA is interested in both where the incident that led to a person's death took place and where they ultimately died. Therefore, if a victim was alive at the time they were transported from the scene, but died some hours later at the hospital, the incident would be reportable.

**NOTE: BJA has not provided guidance on any limits on the amount of time between when an incident occurs and when the person succumbs as a result of that incident.** As a result, please report all reportable deaths to the SAC regardless of the amount of time that has passed since the original incident.

**Once a person has been detained or arrested, all deaths within any vehicle used for departmental business or on departmental property are reportable.** However, if an incident resulting in death occurs once another agency has assumed formal custody of that person, the reporting responsibility would fall to the new custodial agency, even if the incident occurred on departmental property.

#### **How to Write Brief Circumstances Acceptable to BJA**

For BJA to be able to determine whether an incident is reportable under the law, brief circumstances descriptions need to include the following details:

- **Who:** the number of individuals involved in any altercations preceding death (e.g., number of inmates or law enforcement officers on scene).
- **What:** a more specific manner of death (e.g., end-stage liver disease, stab wounds from an altercation, asphyxiation due to being placed in a prone position while restrained).
- **When:** a general time of day that the death occurred (e.g., morning, afternoon, overnight). Note: the exact time would still be reported in the appropriate field.
- **Where:** the location of the decedent (e.g., jail cell, scene of arrest, medical facility). Note: location specifics would still be reported in the appropriate fields.
- **Why:** or deaths occurring due to use of force, include why initial contact was made with the decedent, whether he or she was armed or resisting arrest, etc.

**A final note:** Please keep in mind that neither this FAQ nor the BJA FAQ reflect an exhaustive list of scenarios that are, or might be, reportable. These documents do, however, try to capture those most likely to be encountered by officers.

In deciding whether an incident not addressed in this FAQ may be reportable, the following guidance might be helpful:

1. Did the person's behavior draw the attention of police?
2. Did that attention result in a detention (as defined above) or an intention to detain?

**Scenarios for Officer Encounters in the Field**

Scenario	Reportable	Not Reportable	Needs BJA Consult
<i>Vehicle Pursuits (over land, water, or through the use of aviation)</i>			
Suspect crashes and dies as a result <b>while officers are engaged in an active vehicle pursuit (regardless of whether specific action was taken to disable the suspect's vehicle).</b>	X		
Suspect crashes and dies as a result, <b>after officers terminated a pursuit for safety reasons and no police vehicles appear to be in pursuit.</b>		X	
Chases which result in a crash which the suspect survives, but another party who is not a suspect/not the focus of the pursuit (e.g., a pedestrian, another motorist, a passenger in the suspect's vehicle) is killed.		X	
<i>Defensive/Protective Actions</i>			
A suspect produces a weapon creating a perceived or real threat to officer safety. Suspect is then shot and killed by officers without an officer ever having 'put hands on the suspect' to physically attempt an arrest prior to the shooting.	X		
A suspect produces a weapon creating a perceived or real threat to other parties (victims, witnesses, etc.) present at scene. Suspect is then shot and killed by officers.	X		
A bystander intervenes to assist an officer(s) during a violent encounter and uses deadly force to stop the encounter.	X		
<i>When Physically Attempting an Arrest</i>			
The subject experiences a medical crisis and dies either on-scene or later (e.g., at a hospital)	X		
The application of physical force (e.g., restraining holds, less-lethal mechanical or electrical devices, use of police vehicle), with or without subject efforts to resist, causes injuries that lead or contribute to subject's death.	X		
The subject escapes the arrest attempt, flees, and then, with police in pursuit, experiences injury while fleeing (e.g., struck by vehicle upon stepping onto a highway, falls from a height, flees into a water way) and dies.	X		
The subject produces a weapon during a struggle to arrest and dies from the application of lethal force in response.	X		

Scenario	Reportable	Not Reportable	Needs BJA Consult
<i>Situations Involving Persons Who Are Suicidal</i>			
Subject commits suicide while law enforcement officers are on scene and have established voice contact with subject (both of which have created functional detention—i.e., a reasonable person would not feel free to leave the contact with officers):			
a. Response is for a person with a mental disturbance or a distraught person, where result of police custody would be to transport the subject for mental health evaluation prior to determining any criminal charges.	X		
b. Response is for a person who is a suspect in a crime or a person wanted for questioning for same, whether an arrest warrant has been issued or not.	X		
c. Response is for a person who has fled from police custody or from a correctional facility, and who has committed no other crime.	X		
d. Person displays a weapon with the apparent intent to harm officers or others.	X		
<i>Deaths During Routine Police Contact (i.e., detention which results in an individual being delayed from going about his/her intended business)</i>			
a. Traffic stop	X		
b. Questioning an individual who matches a description	X		
c. Welfare check for person in motion but who appears to be in distress			X
d. Questioning a witness or victim	X		
e. Requests for public/citizen assistance where no detention occurs		X	
f. Situations where a person makes contact with officers in the field who are on patrol or attending to other police business:			
-- <b>without</b> a detention resulting		X	
-- <b>with</b> a detention resulting	X		X

Scenario	Reportable	Not Reportable	Needs BJA Consult
<i>Deaths Related to Drug Overdoses</i>			
a. Purpose of police response is to provide aid to the person in distress, and all police behavior until death is focused on providing such aid.		X	
b. Purpose of police response is to provide aid to the person in distress. However, during the process of rendering aid, evidence of a possible crime committed by the person is discovered which results in a decision to detain or arrest should that person survive.			X
c. Police response is to investigate a criminal report or suspicious person, respond to motor vehicle or other accident, or other situation that results in a detention, however brief, for reasons central to the dispatch/response reason.	X		