



Legislation Text

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Res. No. 1391

Resolution calling on the United States Department of Justice to implement the Death in Custody Reporting Act of 2013 in accordance with the December 2016 implementation plan and make the data accessible to the public.

By Council Members Cabrera and Chin

Whereas, In the aftermath of the high profile police killing of Michael Brown, an African American, in 2014, Congress adopted the then pending Death in Custody Reporting Act of 2013 (DCRA), to address the lack of reliable data on custodial and arrest-related deaths; and

Whereas, DRCA requires states receiving federal “Byrne JAG” funds to provide data on custodial and arrest-related deaths under their jurisdiction to the U.S. Department of Justice (DOJ); and

Whereas, DCRA directed DOJ to prepare a report, within two years of enactment, on arrest-related death data provided by states; and

Whereas, DOJ published a near-final compliance plan and guidelines in late 2016, which required the Bureau of Justice (BJA) to use open sources to verify the accuracy of state-reported data, a technique that the Bureau of Justice Statistics (BJS) found promising in identifying more arrest-related deaths than mere reliance on state-reported data; and

Whereas, However, the DOJ abandoned its 2016 compliance plan and guidelines and has made plans to implement a data collection methodology that will not fully leverage open sources to validate state-reported data, according to DOJ’s Office of Inspector General (OIG) report on the implementation of DCRA; and

Whereas, The OIG has expressed concern that this data collection methodology, along with DOJ’s plan to collect data from state-level agencies instead of local agencies may produce unreliable data; and

Whereas, The OIG reported that DOJ delayed the implementation of DCRA until Fiscal Year 2020, a

full five years after it was signed into law and two years after DOJ published its 2016 compliance plan and guidelines; and

Whereas, The recent police killings of George Floyd, Breonna Taylor, and Tony McDade, all African Americans, have reignited calls for reliable national data on custodial and arrest-related deaths, including demographic impact, mortality rates, and circumstances of the deaths; and

Whereas, Knowing the number and circumstances of police-involved deaths is essential to developing policies to reduce the number of fatalities in police custody; and

Whereas, Police-caused fatalities data is also crucial to providing the public and DOJ with information needed to ensure law enforcement agencies are complying with civil rights laws; and, now, therefore, be it

RESOLVED, That the Council of the City of New York calls upon the Department of Justice to implement the Death in Custody Reporting Act of 2013 in accordance with the December 2016 implementation plan and make the data accessible to the public.

LS15441
7/28/20
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