



ARREST-RELATED DEATHS, 2010-2011 PROGRAM INSTRUCTIONS

The Arrest-Related Deaths (ARD) component of the Deaths in Custody Reporting Program (DCRP) is meant to be a census of persons who have died during, or shortly after, state or local law enforcement officers engage in an arrest process.

PLEASE NOTE:

- **The CJ-11 form is a quarterly summary of the number of Arrest-Related Deaths. Please enter the total number of reportable deaths occurring in each quarter of the calendar year. If no deaths occur during the quarter, please enter a count of zero. In order to distinguish between agencies without an arrest-related death and those with missing data, it is essential for BJS to receive a CJ-11 form for each quarter.**
- **The CJ-11A form is an incident report of individual deaths. For each identified arrest-related death, please obtain the requested information and complete a CJ-11A form. Items 1-19 should be completed for all deaths. Additionally, items 20-23 should be completed *only* if the death occurred at a police lockup or booking center.**
- **State and local law enforcement agencies, medical examiner offices, coroner offices, and all other reporting agents/agencies should submit complete, or nearly complete, CJ-11A forms to their State Reporting Coordinator (SRC). Contact information for each SRC is available on the CJ-11 form.**
- **SRCs should attempt to identify all arrest-related deaths occurring within their state. The identification of all arrest-related deaths may require SRCs to develop methods other than relying on reports from State and local law enforcement agencies, medical examiner offices, coroner offices, and other reporting agents/agencies.**
- **SRCs should obtain the detailed information regarding the deceased, the events leading to the death, and the cause of death. This information should be submitted to BJS on a CJ-11A form.**
- **SRCs should return a quarterly CJ-11 form and each associated CJ-11A form to BJS, care of the ARD Program Manager, within 60 days of the end of each quarter or submit all annual data within 60 days of the end of the calendar year.**
- **Please contact the ARD Program Manager, Andrea Burch, at 202-307-1138 or Andrea.Burch@usdoj.gov for any questions or comments.**

The CJ-11 form offers guidance on deaths reportable to the ARD program. The first page of the form describes the types of deaths that are included and excluded from the collection. These instructions seek to clarify definitions used by the ARD program. Please do not hesitate to contact BJS staff if you have questions about ARD definitions or whether a specific case is reportable to the program.

The following is a list of frequently asked questions regarding ARD program and related definitions:

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 physical custody, or under the physical 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 in the presence of a State or local law enforcement officer(s), regardless of cause of death, are subject for inclusion in the ARD program. An “arrest-related” death can occur while a person is under the physical restraint or in the custody of officers, as well as those occurring while an arrest is underway (but not yet in physical custody).

As a guiding principle, please do *not* exclude 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 the arresting officer(s).

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

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

Suicides are a common type of an arrest-related death reported to BJS. In the vast majority of these suicides, the death takes place before the arrest subject is in custody. As a result, the departments mistakenly believe the suicide shouldn't be included. If either State or local law enforcement officers are present and trying to detain an individual, he is already in the process of being arrested and is therefore reportable.

The only suicides that should be excluded are cases when a person with a warrant for their arrest commits suicide, but not in the presence of arresting officers (i.e., an offender with a bench warrant commits suicide while alone at home and police are not present).

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

Some vehicular accidents are included in the ARD program, where others are excluded. Departments should include cases where a vehicular pursuit of an arrest subject involved direct action taken by the officers against the subject, such shooting at subject's vehicle, ramming the subject's vehicle or otherwise forcing the vehicle off the road (i.e., roadblocks, spike strips to blow out tires).

If the pursuit does not involve any direct action taken against the subject or his/her vehicle, and just entails following them, exclude the death.

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

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. For example, law enforcement officers are engaged in a foot pursuit of an arrest subject when the arrest subject runs into a street and is fatally struck by oncoming traffic. This death would be considered "accidental" and included as an arrest-related death because the police were actively involved in an arrest process.

6. *Should all deaths where law enforcement officers used force be included in the ARD program?*

Please include any death of a person “killed by any use of force by law enforcement officers.” Force is often used unexpectedly (before an arrest warrant is issued, or in response to a rapid escalation of an otherwise routine activity) and as a result, departments sometimes feel these cases shouldn't be included.

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 are liable to have been arrested if they had survived.

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 reportable to the ARD program only if an officer(s) from either a State or local law enforcement agency was also present during the event causing the death.

The Arrest-Related Deaths collection was developed to measure the number of deaths occurring in the process of arrest by State and local law enforcement officers. Therefore, the ARD program excludes arrest-related deaths in which neither a State nor local law enforcement officer was present when the death occurred.

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 prisons, jails, and 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 program manager or submit a CJ-11A form. BJS 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 manager will indicate it on a status report sent to you.

9. *Where can I obtain 2010 and 2011 CJ-11 and CJ-11A forms?*

The 2010 and 2011 CJ-11 and CJ-11A forms are available through the BJS website.

2010 Forms:

The link to the 2010 CJ-11A instructions is:

http://bjs.ojp.usdoj.gov/content/pub/pdf/cj11a_10_11_instructions.pdf

The link to the 2010 CJ-11 is: http://bjs.ojp.usdoj.gov/content/pub/pdf/cj11_10.pdf

The link to the 2010 CJ-11A is: http://bjs.ojp.usdoj.gov/content/pub/pdf/cj11a_10.pdf

2011 Forms:

The link to the 2011 CJ-11A instructions is:

http://bjs.ojp.usdoj.gov/content/pub/pdf/cj11a_10_11_instructions.pdf

The link to the 2011 CJ-11 is: http://bjs.ojp.usdoj.gov/content/pub/pdf/cj11_11.pdf

The link to the 2011 CJ-11A is: http://bjs.ojp.usdoj.gov/content/pub/pdf/cj11a_11.pdf

10. *How do I submit complete, or nearly complete, CJ-11 and CJ-11A forms to BJS?*

Please submit CJ-11 and CJ-11A forms to BJS within **60 days** of the end of each quarter or submit all annual data within **60 days** of the end of the calendar year. Depending on your preferences, forms can be submitted to BJS through email, fax, or postal mail.

Email: Andrea.Burch@usdoj.gov

Fax: (202) 616-1351, Attention Andrea Burch

Mail: Bureau of Justice Statistics
c/o Andrea Burch
810 7th Street, NW
Washington, DC 20531

PLEASE NOTE: All mail sent to BJS through the U.S. Postal Service is subject to an irradiation process. This process has consistently damaged and/or destroyed records. If you plan to mail CJ-11/CJ-11A forms, please use FedEx, UPS, or another shipping agency.

11. *How are ARD data disseminated?*

Data are disseminated through web-based tables and BJS Special Reports. ARD statistical tables inclusive of the 2003-2006 collection can be found at:

<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1226>

An electronic version of, *Arrest-Related Deaths in the United States, 2003-2005* can be accessed at: <http://bjs.ojp.usdoj.gov/content/pub/pdf/ardus05.pdf>