

INSTRUCTIONS FOR COMPLETION

OF FORM CJ-11A

DEATHS IN CUSTODY

Whenever there is a death in custody, federal law requires that you complete the CJ-11A form. This form is to be forwarded to the Division of Criminal Justice, Research and Evaluation Section, Attention Stacy Kutner, Fax Number (609) 984-2995. It will be included in the Statewide Quarterly Report to the Bureau of Justice Statistics.

Deaths that should be reported on the CJ-11A form INCLUDE deaths of ALL persons in the process of arrest:

Include:

- 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;
- Killed by any use of force by law enforcement officers;
- At crime/arrest scene or medical facility prior to booking;
- While in transit to or from law enforcement facilities;
- While confined in lockups or booking centers (facilities from which arrestees are usually transferred within 72 hours and not held beyond arraignment).

Exclude: deaths of ALL persons

- Confined in local jails (facilities which typically house inmates for periods beyond 72 hours and after arraignment);
- Confined in State prisons, state juvenile correctional facilities or private correctional facilities;
- Killed in the course of law enforcement activities against whom no charges were intended (e.g., innocent bystanders, hostages, law enforcement personnel).
- Dying while not in the physical custody, or under the physical restraint of law enforcement officers (e.g., pre-arrest suicides, vehicular accident deaths during pursuit).

A hard copy of the form may be completed and faxed to the Division of Criminal Justice, Research and Evaluation Section, Attention: Stacy Kutner, Fax Number (609) 984-2995.

The form is also available on-line and may be obtained at:

<http://www.state.nj.us/lps/dcj/policy.htm>

“Forms available for downloading” will be at bottom of web page.”

Note: There are two forms of CJ-11A Addendum -- One may be printed and then filled out and faxed to the Division; the other may be completed on-line and then forwarded to Stacy Kutner (email address: Kutners@njdcj.org at the Division. However, please note that this form cannot be saved.

CJ-11A Reporting Instructions As Follows:

Item 1. What was the name of the deceased?

While the Division of Criminal Justice is legally prevented from releasing the names associated with any of these death records, the collection of this item is still required by the Death in Custody Reporting Act of 2000 (DICRA) statute. Names will simply be used to sort and identify these records internally, and when discussing them with the persons involved.

Item 2. What was the time and date of the death?

If an exact time of death is not available, please provide the nearest house estimate.

Item 3. Where did the event causing the death occur:

Note that this item does not ask for where the deceased was pronounced dead, which is often different from the scene of the fatal event. If the deceased was injured or developed a medical problem in the course of arrest, but died later at a medical facility, please list the location of the arrest scene (not the medical facility) in item 3. If the fatal event occurred while in transit, please give the best approximate location (intersection, part of town, neighborhood).

Item 4. What law enforcement agency was involved?

List the ORI Number (Originating agency Identification) and name of the law enforcement agency involved. (If officers from multiple law enforcement agencies are directly involved in the fatal event, please list all relevant ORI numbers and names here in this item.) The ORI number is a 9-character alpha-numeric identification code used by law enforcement agencies when reporting crime statistics to the FBI's Uniform Crime Reporting program. If you do not have an ORI number for the relevant law enforcement agency, leave it blank and enter only the agency name.

Item 5. What was the deceased's date of birth?

If the date of birth is not known, give the age of the deceased (estimate, if necessary).

Item 6. What was the deceased's gender?

Item 7. What was the deceased's race/ethnic origin?

Use the "Hispanic or Latino" category for all decedents of Hispanic origin. Therefore, all "black Hispanics" or "white Hispanics" should be recorded as "Hispanics", rather than checking both "Hispanic" and a racial category.

Item 8. Has a medical examiner or coroner conducted an evaluation to determine a cause of death?

DCJ understands that a final determination of death causes and other circumstantial data can sometimes take months, due to delays in processing forensic evidence or producing autopsy reports. If you are currently waiting for such an evaluation to take place (or awaiting the results), indicate the status of these records in item 8. At that point, you could leave blank any items that are depending upon the final results. DCJ will follow up on these records several months later, in order to get complete information.

Item 9. What was the manner of death?

This item asks for a description of the circumstances of the death, rather than the strict medical cause of death. For instance, a medical cause of death of "gunshot wound-massive blood loss" could be the result of many different circumstances. The "manner" of such a death could be any of the following:

- justifiable homicide (police return fire on a suspect, shooting and killing him)
- other homicide (police respond to robbery call, find a suspect already shot by a store owner, he later dies)
- suicide (the suspect is surrounded by police and takes his own life to avoid capture)
- accidental injury caused by other (police officers attempt to manually restrain an armed suspect, and the gun accidentally discharges, killing the suspect).

While there is a separate category "6=alcohol/drug intoxication", record any deaths attributed to intentional overdoses as "3=Suicide."

Item 10. What was the medical cause of death?

This item only requests the medical cause of death, regardless of how it occurred. In the case of the example given above in item 9, the medical cause "gunshot wound-massive blood loss" would suffice, regardless of the circumstances surrounding the death.

Item 11. Had charges been filed against the deceased at the time of death?

Because DICRA covers only the deaths of persons "in the process of arrest", it is assumed that all death records will involve persons against whom charges were either filed or intended. If the arrest process did not stem from any new charges, but only involved a technical violation of

community supervision (e.g., the failure to meet with a probation officer, failure to complete a court-ordered drug abuse program), then please check “3=No, probation/parole revocation”.

Item 12. What were the most serious offenses with which the deceased was being charged at the time of death?

If the deceased was formally booked prior to death, please select the three most serious charges entered at booking. If the deceased was not formally booked, these charges should reflect both the offenses which brought the arrestee into contact with the police, as well as those with which the deceased would have been charged, had he/she lived. For example, law enforcement officers respond to the scene of an assault and chase a suspect on foot. Before the officers can detain and question the suspect, he fires a gun at the pursuing officer and is then shot and killed. While the deceased had not been formally charged, the offenses listed in item 12 would be the initial assault incident, as well as resisting arrest and the attempted murder of a law enforcement officer (due to the shots he fired at police during pursuit).

Item 13. What were the circumstances surrounding the death?

This item determines how the remainder of the CJ-11A form should be completed. Because deaths that occur out in the field involve different circumstances than those of booked offenders in custody, BJS developed specific follow-up questions for each circumstance.

Deaths of booked arrestees that result from fatal events prior to booking should be marked “1”, with Section A completed next, rather than Section B. This is done so that fatal events occurring out in the field do not get grouped with those occurring in law enforcement facilities. For example, assume that in the course of restraining a suspect, a law enforcement officer uses a tazer. The tazer temporarily disables the suspect, but he recovers as he is brought into custody and booked. Later that night, the suspect has a heart attack that is found to be related to the tazer use, and dies. In this case, despite being a booked suspect, the deceased died from fatal events which occurred prior to booking (the tazer use), so Section A should be completed. If the same inmate’s heart attack was found not to be related to the tazer use, then Section B should be completed, rather than Section A (no pre-booking fatal event involved).

Section A: Deaths Prior to Booking

Item A1: Did the deceased die from a medical condition or from injuries sustained at the crime/arrest scene?

For the purposes of this item, how the fatal injuries were sustained (accidental self-injuries, inflicted by law enforcement officers, inflicted by others at the scene) is not important. Regardless of how they occurred, if any injuries contributed to the death, then please check either “2=injuries only” or “3=both medical condition and injuries”.

Item A2: If injured at the crime/arrest scene, how were these injuries sustained?

Multiple responses can be checked on this item, to allow for cases where the deceased may have been injured by multiple parties. If the deceased suffered no injuries, and died solely from medical problems, simply check “9=Not applicable.”

Item A3: Was the deceased under restraint in the time leading up to the death or the events causing the death?

Any use of restraint devices, even if they were not a cause or contributing factor in the death, should be reported here. If multiple types of restraints were used on the deceased, please mark all that apply.

Item A4: At any time during the arrest/incident, did the deceased...appear intoxicated?...threaten the officer(s) involved? ...resist being handcuffed or arrested? ...try to escape/flee from custody? grab, hit or fight with the officer(s) involved? ...use a weapon to threaten or assault the officer(s)?

To better describe the full range of circumstances surrounding the fatal events, this item measures the deceased’s behavior during the course of the arrest process. Note that multiple responses can be provided to this item. If “7=Other” is marked describe any other actions or behavior on the part of the deceased that played a role in the fatal events.

Item A5: What type of weapon(s) caused the death?

Please complete this item regardless of the manner of death (see item 9); if weapons played no role in causing the death, please check “8=None of the above.” If a weapon involved in causing the death does not appear in item A5, enter it in “5=Other weapon and then specify weapon type.

Item A6: Where did the inmate die?

As opposed to item 3, this item asks where the deceased officially expired. While this may sometimes be the same response as in item 3, they will differ in many cases, such as a hospital pronouncing a suspect dead following a fatal event at a crime scene.

At this point, the form is complete for all pre-booking deaths.

Section B: Deaths After Booking

Item B1: What was the time and date of the deceased’s entry into the law enforcement facility where the death occurred?

If an exact time of entry is not available, please provide the nearest estimate.

Item B2: At the time of entry into the facility, did the deceased ...appear intoxicated? ...exhibit any mental health problems? ...exhibit any medical problems?

As with item A4, this item attempts to describe the arrestee's behavior and health status within the context of the fatal events. Note that multiple responses can be provided to this item.

Item B3: If the death was an accident or homicide, who caused the death?

In cases of suicide or intoxication (self), and illness/natural causes (nobody), the party causing the death is already known, so check "9=Not applicable" in such cases.

Item B4: If the death was an accident, homicide or suicide, what was the means of death?

This item is not related to the manner (item 9) or medical cause of death (item 10), but rather to the physical means by which the death was caused.

At this point, the form is complete for all post-booking deaths.