

## Union Calendar No. 127

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2189

[Report No. 112-198]

To encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2011

Mr. SCOTT of Virginia introduced the following bill; which was referred to the Committee on the Judiciary

SEPTEMBER 7, 2011

Additional sponsor: Mr. CONYERS

SEPTEMBER 7, 2011

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

# **A BILL**

To encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Death in Custody Re-

5 porting Act of 2011”.

6 **SEC. 2. STATE INFORMATION REGARDING INDIVIDUALS**

7                   **WHO DIE IN THE CUSTODY OF LAW ENFORCE-**  
8                   **MENT.**

9       (a) IN GENERAL.—For each fiscal year after the ex-

10 piration of the period specified in subsection (c)(1) in

11 which a State receives funds for a program referred to

12 in subsection (c)(2), the State shall report to the Attorney

13 General, on a quarterly basis and pursuant to guidelines

14 established by the Attorney General, information regard-

15 ing the death of any person who is detained, under arrest,

16 or is in the process of being arrested, is en route to be

17 incarcerated, or is incarcerated at a municipal or county

18 jail, State prison, State-run boot camp prison, boot camp

19 prison that is contracted out by the State, any State or

20 local contract facility, or other local or State correctional

21 facility (including any juvenile facility).

22       (b) INFORMATION REQUIRED.—The report required

23 by this section shall contain information that, at a min-

24 imum, includes—

1           (1) the name, gender, race, ethnicity, and age  
2 of the deceased;

3           (2) the date, time, and location of death;

4           (3) the law enforcement agency that detained,  
5 arrested, or was in the process of arresting the de-  
6 ceased; and

7           (4) a brief description of the circumstances sur-  
8 rounding the death.

9           (c) COMPLIANCE AND INELIGIBILITY.—

10           (1) COMPLIANCE DATE.—Each State shall have  
11 not more than 120 days from the date of enactment  
12 of this Act to comply with subsection (a), except  
13 that—

14                   (A) the Attorney General may grant an ad-  
15 ditional 120 days to a State that is making  
16 good faith efforts to comply with such sub-  
17 section; and

18                   (B) the Attorney General shall waive the  
19 requirements of subsection (a) if compliance  
20 with such subsection by a State would be un-  
21 constitutional under the constitution of such  
22 State.

23           (2) INELIGIBILITY FOR FUNDS.—For any fiscal  
24 year after the expiration of the period specified in  
25 paragraph (1), a State that fails to comply with sub-

1 section (a), shall, at the discretion of the Attorney  
2 General, be subject to not more than a 10 percent  
3 reduction of the funds that would otherwise be allo-  
4 cated for that fiscal year to the State under subpart  
5 1 of part E of title I of the Omnibus Crime Control  
6 and Safe Streets Act of 1968 (42 U.S.C. 3750 et  
7 seq.), whether characterized as the Edward Byrne  
8 Memorial State and Local Law Enforcement Assist-  
9 ance Programs, the Local Government Law Enforce-  
10 ment Block Grants Program, the Edward Byrne Me-  
11 morial Justice Assistance Grant Program, or other-  
12 wise.

13 (d) REALLOCATION.—Amounts not allocated under a  
14 program referred to in subsection (c)(2) to a State for fail-  
15 ure to fully comply with subsection (a) shall be reallocated  
16 under that program to States that have not failed to com-  
17 ply with such subsection.

18 (e) DEFINITIONS.—In this section the terms “boot  
19 camp prison” and “State” have the meaning given those  
20 terms, respectively, in section 901(a) of the Omnibus  
21 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
22 3791(a)).

23 (f) STUDY AND REPORT OF INFORMATION RELATING  
24 TO DEATHS IN CUSTODY.—

1           (1) STUDY REQUIRED.—The Attorney General  
2 shall carry out a study of the information reported  
3 under subsection (b) and section 3(a) to—

4                   (A) determine means by which such infor-  
5 mation can be used to reduce the number of  
6 such deaths; and

7                   (B) examine the relationship, if any, be-  
8 tween the number of such deaths and the ac-  
9 tions of management of such jails, prisons, and  
10 other specified facilities relating to such deaths.

11           (2) REPORT.—Not later than 2 years after the  
12 date of the enactment of this Act, the Attorney Gen-  
13 eral shall prepare and submit to Congress a report  
14 that contains the findings of the study required by  
15 paragraph (1).

16 **SEC. 3. FEDERAL LAW ENFORCEMENT DEATH IN CUSTODY**  
17 **REPORTING REQUIREMENT.**

18           (a) IN GENERAL.—For each fiscal year (beginning  
19 after the date that is 120 days after the date of the enact-  
20 ment of this Act), the head of each Federal law enforce-  
21 ment agency shall submit to the Attorney General a report  
22 (in such form and manner specified by the Attorney Gen-  
23 eral) that contains information regarding the death of any  
24 person who is—

1           (1) detained, under arrest, or is in the process  
2 of being arrested by any officer of such Federal law  
3 enforcement agency (or by any State or local law en-  
4 forcement officer while participating in and for pur-  
5 poses of a Federal law enforcement operation, task  
6 force, or any other Federal law enforcement capacity  
7 carried out by such Federal law enforcement agen-  
8 cy); or

9           (2) en route to be incarcerated or detained, or  
10 is incarcerated or detained at—

11           (A) any facility (including any immigration  
12 or juvenile facility) pursuant to a contract with  
13 such Federal law enforcement agency;

14           (B) any State or local government facility  
15 used by such Federal law enforcement agency;

16 or

17           (C) any Federal correctional facility or  
18 Federal pre-trial detention facility located with-  
19 in the United States.

20           (b) INFORMATION REQUIRED.—Each report required  
21 by this section shall include, at a minimum, the informa-  
22 tion required by section 2(b).

23           (c) STUDY AND REPORT.—Information reported  
24 under subsection (a) shall be analyzed and included in the  
25 study and report required by section 2(f).

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