
**JOHN HOWARD ASSOCIATION
STATEMENT ON IMPLEMENTATION OF THE 2021 ILLINOIS DEATH IN CUSTODY ACT
FEBRUARY 3, 2022**

The [Illinois Reporting of Deaths in Custody Act \(DCRA\), 730 ILCS 210/Art. 3](#), which brings the State into compliance with the [federal Death in Custody Reporting Act of 2013 \(FDCRA\)](#), was included in the SAFE-T Act passed by the Illinois Legislature in 2021 and signed into law by Governor Pritzker shortly after passage. The DCRA mandates increased information collection and public reporting of all deaths of persons in the custody of Illinois law enforcement and correctional agencies, as well as arrest-related deaths.

The DCRA designates the Illinois Criminal Justice Information Authority (ICJIA) to collect and share publicly death in custody data. **This data is to be submitted to ICJIA by every law enforcement agency that has a person or persons die in their custody.** Pursuant to federal law, ICJIA is also required to report information about deaths in custody and arrest-related deaths to the federal government via the United States Department of Justice, Bureau of Justice Assistance. The information required to be reported includes reporting agency contact information; decedent demographic information (e.g., full name, birthdate, gender, race, ethnicity, sexual orientation); death information (e.g., date, time, location address, location type, manner of death); if the death investigation is ongoing; the investigating agency and approximate investigation end date; and death circumstances (e.g., emergency care provided, narrative description of events leading to the death).

Article 3 of the new Illinois law defines “law enforcement agencies” as any Illinois law enforcement entity with the authority to arrest or detain persons suspected of or charged with a criminal offense, as well as any Illinois law enforcement agency that operates a lock up, jail, prison, or other detention facility.

Per the new Illinois statute, every criminal justice agency that keeps people in custody has a responsibility to report the mandated information to ICJIA, which is in turn responsible for publicly reporting this data. **It is not enough for this law to be added to the statute books; it must be implemented, and there must be ongoing monitoring to ensure that all agencies that hold people in custody comply with the articulated reporting requirements.**

Although the law is already in effect, thus far no data is publicly available. However, [ICJIA has shared information and FAQs to assist with compliance, and is setting up forms on the Agency's webpage](#) in order to create a clear and accessible way for agencies to provide the information they are obligated to report. The law requires that deaths of people in criminal justice agency custody be reported to ICJIA within 30 days following the death, regardless of whether there is an ongoing investigation or if the investigation into the death has concluded. Subsequent updated reports can be submitted to ICJIA after the initial 30 days once an investigation has concluded.

JHA will continue to monitor ICJIA's website for updated reporting to ensure that both this agency as well as all of those required to adhere to these reporting mandates are complying with state and federal law. ICJIA is required by law to publish Individual reports of deaths in custody as well as an annual report on trends and issues related to Illinois deaths in custody.

For many years the only information publicly available on the type or cause of death of someone in the custody of the Illinois Department of Corrections (IDOC) has been [via Operation and Management Reports](#) (OMRs) which designate deaths within the state prisons into one of two categories ("expected" or "unexpected") and identify suicides. IDOC began sharing this limited OMR information on their webpage in 2018 at JHA's repeated request. That same year, IDOC began publicly reporting additional information about deaths in annual Adult Population [fact sheets](#), which are published for both the calendar and fiscal years. As first reflected in the Fiscal Year 2019 (FY19) IDOC Adult Inmate Population Fact Sheet, IDOC reported 84 deaths (for the period July 1, 2018-June 30, 2019), which were classified by type as natural, suicide, homicide, justifiable homicide, accidental, pending, or undetermined. IDOC also provides in that and subsequent fact sheets information on race and average age for those who died.

The annual report detailing trends in in-custody deaths over the previous year is critically important to monitor how people in custody were treated and what assistance, interventions, and safety precautions were or were not in place to protect them. This information will provide insight into the safety precautions and responses that are present, and importantly, absent in custodial settings.

While the federal government (via the Department of Justice Bureau of Justice Statistics) [also publishes reports](#) from collected data on mortality in custody for correctional facilities, this public reporting often lags and contains limited details, making it difficult to use in contemporaneous policy advocacy. For example, during the COVID pandemic there has been no governmental locus for information about the number of COVID deaths within correctional facilities. While JHA continues to urge IDOC to publicly acknowledge and share information about COVID fatalities in prisons, this information is not readily available. In August of 2021, JHA published [a report](#) with the information about the deaths we could obtain at that time. Since then, another two men in custody have died of COVID-19, bringing the total reported count by IDOC of COVID deaths to 90, but again, public information about their deaths is limited to non-existent. Likewise, in Illinois we do not yet know how many people have died of COVID in our county jails' custody. Cook County jail reports [10 deaths](#) as of February 2, 2022.

The existing publicly available reports and type of death designations for deaths in custody provide insufficient public information and offer little insight into how someone died or details of what treatment or care was provided to the person. It is critical that this information be collected and shared publicly so that we are aware of how people in custody die, can ask important questions about their safety, care, and treatment, and can advocate for needed changes to better protect others' lives. This information will improve transparency to better hold criminal justice agencies and actors accountable for the health, safety, and well-being of people in their custody.



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