

KANSAS SENTENCING COMMISSION

Death in Custody *Law Enforcement Custodial*

DEATH IN CUSTODY

Defining deaths “in the process of arrest”

- I. Include deaths of persons in the physical custody or under the physical restraint of law enforcement officers.
 - A. Include all deaths resulting from use of force by law enforcement officers.
 - B. Include the following, even if no criminal charges are involved.
 1. Law enforcement responses to people exhibiting mental health problems.
 2. Persons who had to be restrained by police for medical transportation.
 3. Law enforcement involvement was not specified, the record indicates that no criminal charges were involved.
 - C. Include arrest-related suicides, provided that law enforcement officers were in some type of contact with the arrest subject prior to the suicide:
 1. Include if an armed suspect was surrounded by officers and chose to take his own life rather than surrender.
 2. Exclude if an offender was actively sought by police but committed suicide before the police located him - the reason for the exclusion is that no officers were present at the time of death to attempt an arrest.
 - D. Exclude deaths of any other persons killed during an attempted arrest, but who were not subject to attempted arrest:
 1. Bystanders
 2. Law enforcement officers

- E. Exclude vehicular accident deaths not specifically related to arrest activities.
 - 1. Include vehicular accident deaths only when law enforcement officers actively took some role in causing the accident during an arrest attempt:
 - a) Shooting at the vehicle or driver
 - b) Forcing the vehicle off the road with a police vehicle or other obstructions (such as a spike strip to blow out tires or a roadblock)
- II. Disregard whether an arrest warrant had been issued.
- III. Exclude the deaths of persons who had arrest warrants issued against them that went unenforced - exclude if an offender had a bench warrant issued for their arrest, but later died before any officers attempted to enforce this arrest warrant - in such cases, the arrest warrant indicated an administrative criminal justice status and not an attempt to bring the subject into custody.
- IV. Include if death of arrestee occurred from the time police encountered the subject in the field until the time they the arrestee is booked into a local jail facility, but no longer than 72 hours:
 - A. Include deaths of arrest subjects who died at medical facilities due to injuries or medical problems.
 - B. Include any persons who died in transit from an arrest scene in a police vehicle or ambulance.
 - C. Exclude deaths in jails are reported to BJS under a separate DCRP collection with different questionnaires (CJ-9).

Please fill in Form CJ-11 and Form CJ-11A and return the completed Forms to Kansas Sentencing Commission at:

**700 SW Jackson, Suite 501
Topeka, KS 66603-3757
Phone: 785-296-0923
Fax: 785-296-0927**

Form CJ-11 and Form CJ-11A can be downloaded from KSC website:
<http://www.kansas.gov/ksc>