2.2 Deaths in Custody: The Undeclared American Epidemic
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Learning Objectives
At the end of the presentation, participants will be able to:

1. List the entities responsible for collecting data on deaths in custody
2. Cite the legal authority under which such data should be collected
3. List the impediments to data collection
4. State why the lack of government collected data is problematic
5. Describe the distribution of in-custody deaths in the population
6. List the circumstances under which these deaths are most likely to occur (where and why)
7. List in descending order the causes of deaths in custody

Abstract:
In 2015, former FBI director James Comey said in testimony before the US House Judiciary Committee, about the numbers of death in custody, “we can’t have an informed discussion, because we don’t have data”. The FBI and Bureau of Justice Statistics collect data on deaths in custody but for reasons that appear to do with funding and a reliance on the goodwill of local authorities these numbers vastly underestimate the scale of the problem. This is a sentiment shared by the American Civil Liberties Union (ACLU) whose senior legislative counsel said unequivocally “we have no idea how many people are killed by police each year”. Private entities such as Fatal Encounters, The Guardian and the Washington Post put the number at 1000 a year. Notably the rate in the US, the highest among all developed countries is said to be more than twice Australia’s and 6 times the United Kingdom, and black males are nearly 3 times as likely to be killed during police encounters as their white peers.

Using available data, this presentation will attempt to construct a forensic epidemiologic profile of deaths in custody in the United States and will examine why it has been so difficult for the Federal government to collect actionable data.