

United States Senate

WASHINGTON, DC 20510

March 1, 2024

The Honorable Gene L. Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street NW, Room 7100
Washington, DC 20548

Dear Comptroller General Dodaro:

I write to you to request information on how the Department of Justice (DOJ) determines and reports whether individuals that have died in DOJ custody died from natural or other causes.

Each year, thousands of individuals die while in custody in prisons and jails and during the course of arrest.¹ To help better understand this issue, Congress passed the Death in Custody Reporting Act of 2013, which requires federal law enforcement agencies to report information regarding the death of any person in their custody.² In fiscal year 2021, federal agencies reported that roughly 80 percent of deaths that occurred in their custody were from natural causes or illnesses.³

However, a recent investigation by NPR highlighted that deaths that federal officials reported as natural may have been caused by medical neglect, poor prison conditions, and a lack of resources.⁴ In one instance, an inmate's death, documented as natural, was reportedly caused by a staph infection that was not properly treated for two years in a Federal Bureau of Prisons (BOP) facility.⁵ NPR reported that "the CDC says natural deaths happen either solely or almost

¹ As GAO reported in September 2022, DOJ has collected data on the number of deaths that occurred in the custody of federal and state agencies. While DOJ has published the federal data, it has not yet published the state data and had no plans to do so as of September 2022. Therefore, the total number of deaths in custody in recent years is unknown. See GAO, *Deaths in Custody: Additional Action Needed to Help Ensure Data Collected by DOJ Are Utilized*, GAO-22-106033 (September 20, 2022).

² Pub. L. No. 113-242, 128 Stat. 2860 (December 18, 2014).

³ Bureau of Justice Statistics, NCJ-307033, *Federal Deaths in Custody and During Arrest, 2021 – Statistical Tables 1* (2023).

⁴ NPR, *There is little scrutiny of 'natural' deaths behind bars* (January 2, 2024),

<https://www.npr.org/2024/01/02/1219667393/there-is-little-scrutiny-of-natural-deaths-behind-bars>.

⁵ *Id.*

entirely because of disease or old age. Yet 70% of the inmates who died in federal prison the last 13 years were under the age of 65.”⁶

NPR’s investigation further underscored how reduced transparency about the conditions leading to a death can impact inmates’ families, for whom “natural causes” may not provide sufficient context to explain an unexpected death.⁷ According to NPR, autopsies are not required for natural deaths unless deemed necessary by a warden, and BOP does not typically make internal reviews available to members of the public.⁸ Media reports have highlighted one Georgia mother’s struggle to get clear answers about the unexpected death of her 26-year-old son at USP Atlanta after officials designated his cause of death as “natural.”⁹

DOJ is responsible for the care of individuals in its custody, whether in prisons, awaiting trial, or during the course of arrest. The vast majority of deaths in federal custody occur while individuals are under the care of DOJ components, specifically the BOP and U.S. Marshals Service (USMS).¹⁰ A comprehensive understanding of how these agencies determine manner of death is essential. It can help ensure the Department is doing everything it can to protect and care for individuals in its custody and provide accurate information to families.

Therefore, I request that GAO examine the following, with particular regard to BOP and USMS:

1. What categories does DOJ use to classify deaths in custody and how does it define each one?
2. How is the manner of death determined for individuals that have lost their lives while in DOJ custody?
3. How many individuals have died in DOJ custody, by component and by facility, due to natural causes in the last five years?
4. What are examples of deaths deemed natural by DOJ, and what information was used to make those determinations? Please review a random sample of cases nationally and in Georgia.
5. What, if any, guidelines have been established to ensure complete, consistent, and precise reports on the manner of death for individuals in DOJ custody, and to what extent has DOJ assessed its adherence to the guidelines?
6. By component and by facility, how many deaths in DOJ custody classified as natural have received autopsies in the last five years, and who conducted said autopsies?
7. What information about cause of death, including autopsy results and internal reviews, does DOJ share with the public and with family members of the deceased? How does DOJ share that information, and on what timeline?

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

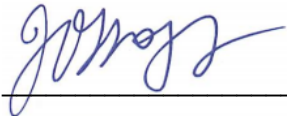
⁹ Liliana Segura, *Will a Federal Investigation Reveal the Truth about Deaths at USP Atlanta?*, THE INTERCEPT (Aug. 14, 2022 7:00 AM), <https://theintercept.com/2022/08/14/usp-atlanta-kedric-buie-death/>.

¹⁰ Bureau of Justice Statistics, NCJ-307033, *Federal Deaths in Custody and During Arrest, 2021 – Statistical Tables* 1 (2023).

Please provide our offices with regular updates as to developments in your work. Should you have any questions about this request, please contact Sara Schaumburg, Chief Counsel to Chair Jon Ossoff, U.S. Senate Subcommittee on Human Rights and the Law, at (202) 329-1349 or sara_schaumburg@ossoff.senate.gov.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon Ossoff", is written above a horizontal line.

Senator Jon Ossoff
Chairman
U.S. Senate Subcommittee on Human Rights and the Law