

Mr. SCOTT of Virginia: Madam Speaker, H.R. 3971 is entitled the Death in Custody Reporting Act of 2008. It will reauthorize the Death in Custody Reporting Act of 2000 which actually expired on December 31, 2006.

This is a bipartisan effort which I introduced with my colleague from Virginia, Representative *Randy Forbes*, and who was, at that time, the ranking member of the Subcommittee on Crime. Its purpose is to provide continued and improved oversight over the conduct of law enforcement officials during arrest and imprisonment of fellow citizens.

Before the enactment of the Death in Custody Act of 2000, States and localities had no uniform requirements for reporting the circumstances surrounding the deaths of persons in their custody, and some had no system for requiring such reports. The lack of uniform reporting requirements made it impossible to ascertain how many people were dying in custody and from what causes, although estimates by those concerned suggested that there were more than 1,000 deaths in custody each year, some under very suspicious circumstances.

Consequently, an environment of suspicion and concern arose surrounding many of those deaths. Some that were ruled suicides or deaths from natural causes were suspected of being homicides committed by officers, fellow prisoners or others. Indifference to prisoner rights and the safety of those in custody made scrutiny of suspected deaths a low priority, so such questionable causes were rarely investigated.

In the mid-1980s, researchers, reporters, prison and jail accreditation organizations, prison reformers, activists, and others began to give more scrutiny to the death rate in our Nation's jails and prisons and to the fact that such deaths were not being routinely reported to anybody.

In fact, by 1986, only 25 States and the District of Columbia even had jail inspection units. Moreover, even the States that did report deaths did it on the basis of different reporting standards. The insufficient data and the lack of uniformity of the data collected made oversight of prisoner safety woefully inadequate.

However, the interest in oversight that emerged shed light on the conditions in State and local jails, which began a rising tide of wrongful death litigation. The increasing litigation forced some measure of accountability, and conditions somewhat improved. Moreover, activism and news of the litigation spurred by media interests, and that shed further light on the conditions in our present jails and prisons.

The watershed moment for bringing the death in custody rate to national attention occurred in 1995. After a 1-year investigation by journalist Mike Masterson into prison conditions and the death rate of persons in custody, the Asbury Park Press of New Jersey ran a series of award-winning editorials that brought the seriousness of the lack of reporting to the Nation's attention. The editorials went on to detail abuses, including racially motivated violence, overzealous police investigations, cover-ups and general law enforcement incompetence, which prompted Congress to take action.

Following successive introduction of bills in several Congresses by my colleagues from Arkansas, first Representative Tim Hutchinson, then later Representative Asa Hutchinson, the Death in Custody Reporting Act of 2000 was passed. The law required States receiving certain Federal grants to comply with reporting requirements established by the Attorney General.

Since the enactment in 2000, the Bureau of Justice Statistics has compiled a number of statistics detailing the circumstances of prisoner deaths, the rate of deaths in prison and jails, and the rate of deaths based on the size of various facilities and so forth. But the most astounding statistic reported since the enactment of the bill before is the latest Bureau of Justice statistics report dated August 2005, which shows a 64 percent decline in suicides and a 93 percent decline in homicides in custody since 1980. Those statistics showing a significant decline in the death rate in our Nation's prisons and jails since stricter oversight has been in place suggest that the oversight measures, such as the Death in Custody Reporting Act, play an important role in ensuring the safety and security of prisoners who are in the custody of State facilities.

In considering the reauthorization of the bill, the Subcommittee on Crime, Terrorism and Homeland Security examined the statistics and heard testimony from witnesses whose testimony also supported the suggestion that oversight has actually improved conditions. Convinced of the effectiveness of the Death in Custody Act, we resolved to not only reauthorize it but also improve it.

To ascertain the most effective use of the statistical data, H.R. 3971 differs from the original bill in that it authorizes \$500,000 for a study to determine which policies and procedures have, in fact, led to or at least assisted the decreasing death rate among prisoners.

Madam Speaker, I would like to thank my good friend, Mr. *Forbes*, for his support of the bill. I encourage my colleagues to support it.