

***Last Updated July 2024***

## **Tracking (In)Justice: A Law Enforcement and Criminal Justice Data and Transparency Project**

### **Deaths in Custody Data Set Data Dictionary**

The variables associated with the Tracking (In)Justice deaths in custody data set provide specific information about every recorded case. A definition of each of the variables and associated categories is provided below. For the race category, the Tracking (In)Justice project looks towards categories adopted by Statistics Canada (2022). For the gender category, Tracking (In)Justice partner, Justice Trans has provided guidance on the category definitions.

#### **To be added, the death must meet the following criteria:**

- (1) Someone died.
- (2) Death must fit within our definition of custody.

**Definition:** We define custody as being held in a condition where the right to liberty is deprived by police after being arrested, by jail or penitentiary workers in a jail or prison facility due to criminal charges or prosecution, or in a care facility under a legal order due to mental health legislation. Custody is the detention/control of a person after being arrested by the police, charged with a criminal code offence and held in police holding or pre-trial detention, or convicted of a crime as part of the criminal legal process, or for the ‘care’ of their well-being under other legal orders (e.g., mental health act, liquor license and control act) where the right to liberty is deprived. This can include police cars or police station holding cells, provincial jails for a sentence of less than two years, federal penitentiaries for a sentence of two or more years, prisoner transportation vehicles, court holding cells, immigration detention centres, youth detention centres, psychiatric forensic facilities, police detention, forensic units, and hospitals.

- (3) The person was in custody in Canada.
- (4) Death occurred as of the year 2000.

#### **Date**

**Definition:** The date of an individual’s death, as indicated in institutional documents or credible media sources.

- If the exact date of the death is not available, the year or a date range is to be used.

#### **Full Name**

**Definition:** The first, middle, and last name of an individual, as indicated in institutional documents or credible media sources.

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- If the individual's name is not known or released, the first name will be entered as "Unknown."
- If the individual was a youth, their name will be entered as "Unnamed Youth."

### **Age**

**Definition:** The age of an individual at time of their death, as indicated in institutional documents or credible media sources.

- In rare instances, if an individual's age is referenced in a past document, our team will manually calculate the age at the date of death.
- If the individual's age at their death is not known or released, this will be entered as "Unknown."

### **Gender**

**Definition:** The individual's gender, as indicated in institutional documents or credible media sources.

- If a source notes the individual's self-identified gender, our team will default to that source, despite what other sources may state.

**Categories:** Man, Woman, Non-binary, Two Spirit, Trans Man, Trans Woman, Unknown

### **Race**

**Definition:** The individual's identified race, as indicated in institutional documents or credible media sources.

**Categories:** Arab, Black, Chinese, Filipino, Indigenous, Japanese, Korean, Latin American, South Asian, Southeast Asian, West Asian, White, Unknown

### **Province**

**Definition:** Province of the institution where the death occurred as indicated in institutional documents or credible media sources.

**Categories:** AB, BC, MB, NB, NL, NS, NT, NU, ON, PE, QC, SK, YT, Unknown

### **Institution or Police Force**

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**Definition:** Complete and official name of the institution where the death occurred or of the police department involved in the death as indicated in institutional documents or credible media sources. If the source used an outdated name, if relevant, the institution's current name will be used.

### **Type of Custody**

**Definition:** The form of custody under which the individual was placed as explicitly indicated in institutional documents or credible media sources.

#### **Categories:**

##### **1. Remand**

**Definition:** An individual who is held before a trial or hearing, “[T]he temporary detention of accused persons in provincial or territorial custody prior to trial or a finding of guilt” (Correctional Services Program, 2017).

##### **2. Sentenced**

**Definition:** An individual who has pleaded guilty or found guilty at trial and is sentenced to imprisonment, which may include jail, a provincial correctional institution, or a federal penitentiary (Department of Justice, 2021).

##### **3. Breach of conditions**

**Definition:** An individual who fails to comply with conditions attached to their release on bail. This may result in the individual being detained and/or new criminal charges (Department of Justice, 2023). May also be referred to as breach of recognizance (*Criminal Code*, 1985, s. 811). This will include individuals who breach conditions while on parole, probation, and bail.

##### **4. Community corrections**

**Definition:** An individual serves a part, or all, of their time “in the community, where they must follow certain conditions and are supervised by parole officers” (Correctional Service Canada, 2019). Specifically, this will include individuals under community corrections who are placed in community-based residential facilities (Correctional Service Canada, 2021).

##### **5. Police custody**

**Definition:** This may include an individual who was charged or arrested and brought to a police station, or an individual who was held in police custody for other reasons, such as “protective custody” or a “drunk tank.” Individuals who were being transported to a police station, or transported from a police station to a corrections facility or hospital, will be coded as police custody.

##### **6. Other**

**Definition:** This will include individuals who are held unlawfully, on immigration holds, those who have been found Not Criminally Responsible

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on account of Mental Disorder (NCRMD), those who are in custody in psychiatric hospitals, or who are in youth detention.

### **7. Unknown**

**Definition:** No available information that explicitly states the type of custody in which the individual was held.

### **Tactical Intervention**

**Broad definition:** If applicable, includes the use of force engaged in by corrections officers, police, or others tasked with custody of the individual as explicitly indicated in institutional documents or credible media sources.

**Categories** as per Correctional Service Canada (2018):

#### **1. Firearm**

#### **2. Chemical/inflammatory agent**

- **Chemical agent:** “a chemical-based agent designed to debilitate or incapacitate a person or persons. The active chemical agent currently employed is Ortho-Chlorobenzal Malononitrile (CS), a chemical tearing agent that causes a burning sensation of the eyes, nose, throat and moist skin, and with inhalation causes headache, dizziness, difficulty breathing and shortness of breath” (Correctional Service Canada, 2016).
  - i. **Also known as:** tear gas
- **Inflammatory agent:** “an agent designed to cause temporary burning sensation and inflammation of mucous membranes and eyes leading to involuntary closure. The active ingredient employed in current inflammatory agents is oleoresin capsicum (OC), an organic agent derived from hot peppers” (Correctional Service Canada, 2016).
  - i. **Also known as:** Pepper spray, oleoresin capsicum (OC) spray.

**3. Intermediary weapon:** May include batons, impact munitions; high-pressure water; and impact weapons, aerosols, Conducted Energy Weapons (CEWs, also known as Tasers or stun guns; Government of British Columbia, 2021).

**4. Physical handling:** Physical contact between the individual and police officers or other corrections staff. This may include the individual being physically restrained by another’s body, the individual being punched or shoved, or other forms of physical force.

**5. Restraint equipment:** May include handcuffs, leg cuffs, ties, chair, and spit hood/sock. These restraints need to be named in documentation surrounding the death. Can include removal of restraint in context surrounding death.

**6. Medical sedating agent:** Healthcare staff administered medication (e.g., Haloperidol and Midazolam).

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7. **K9:** Use of dogs as an apprehension tool by police and corrections.
8. **Unknown:** If it is unclear whether a tactical intervention may have been used, and there are not enough details to make a determination.
  - Police or corrections officers are described as being present when the individual died but there are no clear descriptions of whether the officers may have physically handled the individual at the time of the individual's death.
9. **None:** No tactical intervention was involved.
  - Police or corrections officers are described as being present when the individual died and there are clear descriptions that the officers did not physically handle the individual.

### **Variable: Manner of Death**

**Definition:** The manner of death as reported by the coroner's office, in government reports, or corrections news releases. If the manner of death is presumed/apparent (e.g., "presumed natural," enter as "Natural" and make note that the death was "presumed" natural.

**Categories:** (1-6 are as per the Canadian Coroner and Medical Examiner Database; Statistics Canada, 2021):

1. **Accidental**
2. **Homicide**
3. **Natural**
4. **Pending**
5. **Suicide**
6. **Undetermined**
7. **MAiD (Medical Assistance in Dying)**
8. **Unknown**
  - **Explanation:** The case has not yet been investigated or an autopsy has not yet been performed, or the information of either of these has not yet been released.

The following variables are also collected, but only for statistical purposes and are not available in the public database associated with individual cases.

### **Official Cause of Death**

**Broad Definition:** The official cause of death entered verbatim using the exact wording of an inquest document or other credible government or media source.

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### **Coded Cause of Death**

**Broad definition:** To provide a greater level of detail, we use the coroner's official cause of death (or another statement of cause of death from a reliable source) grouped into broader related categories. If there are multiple causes of death listed, we list the most acute cause first. To determine the acute cause of death, we use the first cause listed by the coroner or government document, or as determined from reading summary of events. Any related causes of death may have to be excluded but can then be collected by our team in our Other Factors Related to Death category, which is not yet available to the public.

#### **Categories:**

##### **1. Asphyxia**

- **Definition:** A cause of death of asphyxia that is not due to hanging or another form of ligature around the neck.

##### **2. Chronic condition or illness**

- **Definition:** An illness, disease, or other medical condition that an individual had [for a to be determined length of time] prior to their death, whether known or diagnosed in the autopsy. This will include acute contagious illnesses and infections, such as pneumonia, influenza, and COVID-19.

##### **3. Hanging:**

- **Definition:** A death that is classified as hanging or as asphyxia with a ligature. A ligature is an item that is used to tie or bind.

##### **4. Injury or trauma**

- **Definition:** An internal, external, and/or penetrative injury to an individual. It may be accidental, intentional, or undetermined in nature.

##### **5. Medical event**

- **Definition:** A medical event that began at the time of, or shortly before, death. The symptoms have a sudden onset with rapid development. The event occurred within approximately 24 hours of an individual's death. The event did not exist prior to an individual's death, and is not related to a disease, illness, infection, or other chronic condition.

##### **6. Overdose**

- **Definition:** A cause of death that is specifically related to substance use (i.e., an individual used or consumed a large quantity of drug[s] and/or alcohol).

##### **7. Substance withdrawal**

- **Definition:** A cause of death that is specifically related to substance withdrawal, as opposed to use or consumption of substances.

##### **8. Undetermined**

- **Explanation:** The pathologist/coroner was unable to determine the cause of death. The official manner of death will say "Undetermined" or "Unknown."

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### **9. Unknown**

- **Explanation:** The case has not yet been investigated or an autopsy has not yet been performed, or the information of either of these has not yet been released.

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