

Opening Statement of Ranking Member Ron Johnson
“Uncounted Deaths in America’s Prisons and Jails: How the Department of Justice Failed to Implement the Death in Custody Reporting Act.”
September 20, 2022

As submitted to the record:

This hearing is a continuation of the Permanent Subcommittee on Investigations’ (“PSI”) important oversight of the Department of Justice (“DOJ”). Today’s hearing culminates PSI’s 10-month bipartisan review of DOJ’s prolonged failure to implement the Death in Custody Reporting Act (DCRA). I want to first thank the families of individuals whose lives were lost during DOJ’s failed implementation of DCRA for coming today to discuss their stories.

Congress passed DCRA with significant bipartisan support in 2000 and again in 2014. The law requires DOJ to gather annual data on the demographics and circumstances surrounding deaths of inmates in state and local jails and prisons. Proper implementation of DCRA could have provided DOJ, Congress, and the families with information on how inmates died in American prisons and jails and inform potential reforms if necessary. Since 2014, however, DOJ has repeatedly failed to properly implement and carry out its responsibilities under DCRA.

Transparency and accountability are necessary for effective congressional oversight. Unfortunately, as we experienced in our previous investigation of the U.S. Penitentiary Atlanta, PSI faced prolonged and continued obstruction by DOJ of its investigation into the Department’s compliance with DCRA. Throughout this Congress, DOJ has displayed a continued disdain for the Subcommittee’s investigatory work and congressional oversight generally. The Department’s lack of transparency is unacceptable.

As a result of DOJ’s unwillingness to fully cooperate with our investigation, the Subcommittee relied on the work of audit and investigatory agencies—namely the Government Accountability Office (GAO) and the DOJ Office of the Inspector General—to obtain basic information about DOJ’s compliance with DCRA. These agencies have uncovered troubling issues with DOJ’s DCRA compliance such as incomplete and missing death in custody data. I look forward to discussing these matters today and I thank them for their work, and I thank the witnesses for their testimony.