



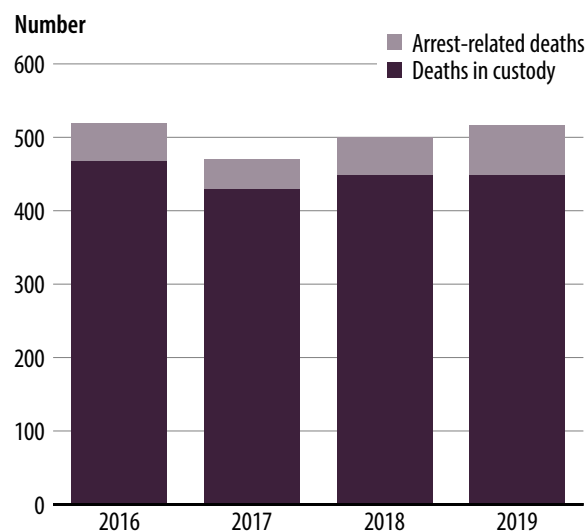
# Federal Deaths in Custody and During Arrest, 2018–2019 – Statistical Tables

Connor Brooks and Kevin M. Scott, Ph.D., *BJS Statisticians*

Federal law enforcement agencies reported 53 arrest-related deaths and 448 deaths in custody in fiscal year (FY) 2018 and 68 arrest-related deaths and 449 deaths in custody in FY 2019 (figure 1). During the 4-year period from FY 2016 to FY 2019, an average of 53 arrest-related deaths and 449 deaths in custody occurred each year. The manner of these deaths included homicide, suicide, illness, accident, and other or unknown means.

Findings in this report are based on the Bureau of Justice Statistics' (BJS) Federal Law Enforcement Agency Deaths in Custody Reporting Program (FDCRP), which began collecting data in FY 2016 in response to the Death in Custody Reporting Act (DICRA) of 2013 (P.L. 113-242). The law requires federal law enforcement agencies to report information about the death of any person who dies while detained, under arrest, being arrested, or in the custody of federal law enforcement officers.

**FIGURE 1**  
Number of arrest-related deaths and deaths in custody, FY 2016–2019



Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2016–2019.

## Highlights

- Homicides accounted for more than half (56%) of arrest-related deaths during FY 2018-19, and suicides made up about one-fifth (22%).
- During FY 2018-19, about 93% of arrest-related decedents were male, 75% were white, and 78% were ages 25 to 54.
- In more than half (51%) of arrest-related deaths during FY 2018-19, the most serious offense the decedent allegedly committed leading up to the incident was a violent offense.
- Persons sought for immigration violations accounted for 8% of arrest-related deaths in FY 2018 and 33% in FY 2019.
- In about half of arrest-related deaths during FY 2018-19, decedents attempted to injure law enforcement officers (50%) or discharged a firearm (45%).
- Law enforcement officers discharged their firearms in more than half of arrest-related deaths (57%).
- The majority (81%) of deaths in custody during FY 2018-19 were due to natural causes (including HIV/AIDS and other illnesses), followed by suicide (11%).
- During FY 2018-19, almost all persons who died in custody were male (97%), about two-thirds were white (65%), and more than one-quarter were black (28%) or age 65 or older (30%).
- The most serious offenses most commonly reported for persons who died in custody during FY 2018-19 were drug violations (34%), followed by sex offenses (18%).

## List of tables

**TABLE 1.** Number of deaths, by type of death and federal agency, FY 2018–2019

**TABLE 2.** Arrest-related deaths, by manner of death and weapon causing death, FY 2018–2019

**TABLE 3.** Arrest-related deaths, by decedent characteristics, FY 2018–2019

**TABLE 4.** Arrest-related deaths, by reason for law enforcement contact and alleged decedent offense, FY 2018–2019

**TABLE 5.** Arrest-related deaths, by decedent state and actions during the incident, FY 2018–19

**TABLE 6.** Arrest-related deaths, by law enforcement actions, FY 2018–19

**TABLE 7.** Arrest-related deaths, by law enforcement weapon use, FY 2018–19

**TABLE 8.** Deaths in custody, by manner and location of death, FY 2018–2019

**TABLE 9.** Deaths in custody, by decedent characteristics, FY 2018–2019

**TABLE 10.** Deaths in custody, by decedent offense, legal status, and time served, FY 2018–2019

**TABLE 11.** Responses to the Federal Law Enforcement Agency Deaths in Custody Reporting Program, FY 2018–19

## List of figures

**FIGURE 1.** Number of arrest-related deaths and deaths in custody, FY 2016–2019

## List of appendix tables

**APPENDIX TABLE 1.** Counts for figure 1: Number of arrest-related deaths and deaths in custody, FY 2016–2019

## Terms and definitions

**Cause of death**—A description of the specific factors leading to the termination of the biological functions that sustain life.

**Decedent**—A person who died.

**Federal arrest-related death**—A death that occurs when the event causing the death (e.g., gunshot wound, self-inflicted injury, cardiac arrest, fall from a height, or drowning) occurs while the decedent's freedom to leave is restricted by federal law enforcement personnel acting in an official capacity. Arrest-related deaths include—

- any death attributed to any use of force by federal law enforcement personnel
- any death that occurred while the decedent's freedom to leave was restricted by federal law enforcement prior to, during, or following an arrest—
  - while detained for questioning or investigation (e.g., Terry stop)
  - during the process of apprehension (e.g., pursuit of criminal suspect or standoff with law enforcement)
  - while in the custody of, or shortly after restraint by, law enforcement (even if the decedent was not formally under arrest)
  - during transport to or from law enforcement, detention, incarceration, or medical facilities
- any death while the decedent was confined in a temporary holding facility designed to hold detainees for no longer than 72 hours (e.g. booking center, holding area, or staging location)
- any death that occurred during an interaction with federal law enforcement personnel during response to medical or mental health assistance (e.g., response to suicidal persons).

**Federal death in custody**—A death that occurs while the decedent is detained or incarcerated for violating federal criminal or administrative law and housed in any facility designed to detain or incarcerate such individuals for longer than 72 hours. This includes all detainee or inmate deaths that occur in any federal corrections, pretrial, or administrative detention facility, or any other facility under federal contract to criminally hold, detain, imprison, or administratively hold or detain individuals.

**Federal detention agency**—An organizational unit or subunit of the federal government with the principal function of detention or incarceration of alleged or convicted offenders.

**Federal law enforcement agency**—An organizational unit or subunit of the federal government with the principal functions of prevention, detection, and investigation of crime and the apprehension of alleged offenders.

**Federal Law Enforcement Agency Deaths in Custody Reporting Program**—A data collection of all federal agencies with arrest or detention functions.

**Homicide**—The willful killing of one person by another. This includes killing in performance of an official duty or in circumstances defined by law as legally justified.

**Manner of death**—An explanation of how a person died, typically illustrated by a one-word description of the intentions and circumstances that led to the stated medical cause of death (e.g., accident, homicide, natural, suicide, or undetermined).

**TABLE 1**  
**Number of deaths, by type of death and federal agency, FY 2018–2019**

	2018		2019	
	Arrest-related deaths	Deaths in custody	Arrest-related deaths	Deaths in custody
<b>Total deaths</b>	53	448	68	449
<b>Department of Defense</b>				
Army Criminal Investigation Command	0	0	0	1
Navy Corrections	0	1	0	0
<b>Department of Homeland Security</b>				
Customs and Border Protection	8	2	25	0
Immigration and Customs Enforcement	0	9	0	8
<b>Department of Housing and Urban Development</b>				
Office of the Inspector General	1	0	0	0
<b>Department of the Interior</b>				
Bureau of Indian Affairs	1	2	1	4
National Park Service, Ranger Division	0	0	1	0
National Park Service, U.S. Park Police	1	0	0	0
<b>Department of Justice</b>				
Bureau of Alcohol, Tobacco, Firearms and Explosives	2	0	2	0
Federal Bureau of Investigation	5	0	6	0
Federal Bureau of Prisons	~	393	~	372
U.S. Marshals Service	34	41	33	64
<b>Department of Veterans Affairs</b>				
Department of Veterans Affairs Police	1	0	0	0

~Not applicable. Agency did not report having any arrest functions.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2018–2019.

**TABLE 2**  
**Arrest-related deaths, by manner of death and weapon causing death, FY 2018–2019**

	Total		2018		2019	
	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>
<b>Total arrest-related deaths</b>	121	100%	53	100%	68	100%
<b>Manner of death</b>						
Homicide <sup>b</sup>	65	55.6%	40	78.4%	25	37.9%
Suicide	26	22.2	7	13.7	19	28.8
Natural	16	13.7	4	7.8	12	18.2
Accident	10	8.5	0	0.0	10	15.2
Unknown/missing <sup>c</sup>	4	~	2	~	2	~
<b>Weapon causing death</b>						
Total deaths caused by weapons	91	100%	47	100%	44	100%
Handgun	27	29.7	9	19.1	18	40.9
Rifle/shotgun	5	5.5	1	2.1	4	9.1
Unspecified firearm	58	63.7	36	76.6	22	50.0
Other	1	1.1	1	2.1	0	0.0
Unknown/missing <sup>c</sup>	3	~	1	~	2	~

~Excluded from percentage calculations.

<sup>a</sup>Percentages are calculated using deaths for which respondents provided an answer other than “unknown” or “unavailable, investigation pending.” Respondents provided manner of death and the type of weapon that caused the death for 97% of cases in fiscal years 2018 and 2019. Percentages may not sum to 100% due to rounding.

<sup>b</sup>Homicide is the willful killing of one person by another and includes justifiable homicide by a law enforcement officer.

<sup>c</sup>Includes deaths where the investigation was pending at the time of the data collection.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2018–2019.

**TABLE 3**  
**Arrest-related deaths, by decedent characteristics, FY 2018–2019**

	Total		2018		2019	
	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>
Total arrest-related deaths	121	100%	53	100%	68	100%
<b>Sex</b>						
Male	113	93.4%	50	94.3%	63	92.6%
Female	8	6.6	3	5.7	5	7.4
<b>Race</b>						
White	90	75.0%	35	67.3%	55	80.9%
Black	21	17.5	13	25.0	8	11.8
American Indian/Alaska Native	4	3.3	1	1.9	3	4.4
Asian	1	0.8	0	0.0	1	1.5
Native Hawaiian/ Other Pacific Islander	2	1.7	1	1.9	1	1.5
Other <sup>b</sup>	2	1.7	2	3.8	0	0.0
Unknown/missing <sup>c</sup>	1	~	1	~	0	~
<b>Ethnicity</b>						
Hispanic	38	32.2%	10	19.6%	28	41.8%
Non-Hispanic	80	67.8	41	80.4	39	58.2
Unknown/missing <sup>c</sup>	3	~	2	~	1	~
<b>Age</b>						
17 or younger	4	3.3%	0	0.0%	4	5.9%
18–24	12	9.9	7	13.2	5	7.4
25–34	33	27.3	16	30.2	17	25.0
35–44	40	33.1	17	32.1	23	33.8
45–54	21	17.4	8	15.1	13	19.1
55–64	8	6.6	3	5.7	5	7.4
65 or older	3	2.5	2	3.8	1	1.5

~Excluded from percentage calculations.

<sup>a</sup>Percentages are calculated using deaths for which respondents provided an answer other than “unknown” or “unavailable, investigation pending.” Respondents provided data on the decedent’s race for 99% of cases and the decedent’s ethnicity for 98% of cases in fiscal years 2018 and 2019. Percentages may not sum to 100% due to rounding.

<sup>b</sup>A race other than white, black, American Indian, Alaska Native, Asian, Native Hawaiian, or Other Pacific Islander.

<sup>c</sup>Includes deaths where the investigation was pending at the time of the data collection.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2018–2019.

**TABLE 4****Arrest-related deaths, by reason for law enforcement contact and alleged decedent offense, FY 2018–2019**

	Total		2018		2019	
	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>
<b>Total arrest-related deaths</b>	121	100%	53	100%	68	100%
<b>Reason for initial officer contact with decedent</b>						
Service of warrant	76	63.3%	38	71.7%	38	56.7%
General law enforcement response/patrol	33	27.5	9	17.0	24	35.8
Criminal investigation	5	4.2	3	5.7	2	3.0
Other	6	5.0	3	5.7	3	4.5
Unknown/missing <sup>b</sup>	1	~	0	~	1	~
<b>Decedent's most serious alleged offense<sup>c</sup></b>						
Violent <sup>d</sup>	58	50.9%	34	66.7%	24	38.1%
Property <sup>e</sup>	6	5.3	5	9.8	1	1.6
Drugs	2	1.8	2	3.9	0	0.0
Weapons	11	9.6	2	3.9	9	14.3
Immigration violation	25	21.9	4	7.8	21	33.3
Probation/parole violation	3	2.6	0	0.0	3	4.8
Other	9	7.9	4	7.8	5	7.9
Unknown/missing <sup>b</sup>	7	~	2	~	5	~

Note: No respondents reported court operations, detention, transportation to detention, inspections, medical or mental health service calls, or security and protection as a reason for initial officer contact with the decedent.

~Excluded from percentage calculations.

<sup>a</sup>Percentages are calculated using deaths for which respondents provided an answer other than “unknown” or “unavailable, investigation pending.” Respondents provided the reason for initial officer contact with the decedent for 99% of cases and the decedent’s most serious alleged offense for 94% of cases in fiscal years 2018 and 2019. Percentages may not sum to 100% due to rounding.

<sup>b</sup>Includes deaths where the investigation was pending at the time of the data collection.

<sup>c</sup>Percentages are based on the number of decedents who allegedly committed an offense in the events leading up to their death.

<sup>d</sup>Includes homicide, attempted homicide, sex offenses, robbery, and aggravated assault.

<sup>e</sup>Includes burglary, larceny, fraud, and other property offenses.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2018–2019.

**TABLE 5****Arrest-related deaths, by decedent state and actions during the incident, FY 2018–19**

	Yes		No		Unknown/missing <sup>a</sup>
	Number	Percent	Number	Percent	
<b>Decedent state</b>					
Appeared intoxicated	3	7.7%	36	92.3%	82
Exhibited mental health issues	0	0.0	38	100	83
Exhibited physical disability	1	2.4	40	97.6	80
Had trouble understanding instructions	13	21.7	47	78.3	61
<b>Decedent weapon use</b>					
Discharged firearm	46	44.7%	57	55.3%	18
Displayed firearm	26	25.2	77	74.8	18
Used other weapon <sup>b</sup>	7	7.1	92	92.9	22
Displayed other weapon <sup>b</sup>	10	10.4	86	89.6	25
Indicated possession of a weapon	19	18.3	85	81.7	17
Used vehicle as weapon	10	9.3	98	90.7	13
Used bodily force as weapon	8	7.4	100	92.6	13
<b>Decedent action</b>					
Caused fatal injury to law enforcement officer(s)	0	0.0%	109	100%	12
Caused nonfatal injury to law enforcement officer(s)	14	13.0	94	87.0	13
Attempted to injure law enforcement officer(s)	48	50.0	48	50.0	25
Caused fatal injury to civilian(s)	0	0.0	108	100	13
Caused nonfatal injury to civilian(s)	3	2.9	102	97.1	16
Attempted to injure civilian(s)	6	5.7	99	94.3	16
Attempted to escape/flee from custody	35	33.0	71	67.0	15
Barricaded self	31	29.2	75	70.8	15
Gained/attempted to gain possession of officer's weapon	3	2.8	104	97.2	14
Resisted arrest	17	16.3	87	83.7	17
Threatened others	12	12.5	84	87.5	25

Note: Respondents were able to indicate more than one decedent state, use of weapon, or action for each case.

<sup>a</sup>Includes deaths where the investigation was pending at the time of the data collection. These were excluded from the percentage calculations. The percentage of cases where respondents answered “unknown,” “unavailable, investigation pending,” or did not answer ranged from 10% to 69% for this table.

<sup>b</sup>Includes sharp objects, blunt instruments, toy weapons, or other objects that appeared to be a weapon.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2018–19.

**TABLE 6****Arrest-related deaths, by law enforcement actions, FY 2018–19**

Law enforcement action	Yes		No		Unknown/missing*
	Number	Percent	Number	Percent	
Arrested/attempted to arrest decedent	82	75.2%	27	24.8%	12
Engaged in motor vehicle pursuit	22	20.8	84	79.2	15
Restrained decedent with equipment	21	26.9	57	73.1	43
Engaged in foot pursuit	13	12.1	94	87.9	14
Fought/struggled with decedent	11	10.6	93	89.4	17
Placed decedent in prone position	3	4.1	71	95.9	47
Physically restrained decedent	2	2.0	99	98.0	20

Note: Respondents were able to indicate more than one law enforcement action for each case.

\*Includes deaths where the investigation was pending at the time of the data collection. These were excluded from the percentage calculations. The percentage of cases where respondents answered “unknown,” “unavailable, investigation pending,” or did not answer ranged from 10% to 39% for this table.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2018–19.

**TABLE 7**  
**Arrest-related deaths, by law enforcement weapon use, FY 2018–19**

Law enforcement officers used—	Yes		No		Unknown/missing <sup>a</sup>
	Number	Percent	Number	Percent	
Any weapon <sup>b</sup>	66	60.6%	43	39.4%	12
Firearm	62	57.4	46	42.6	13
Baton	1	0.9	107	99.1	13
Bodily force	7	6.5	101	93.5	13
Conducted energy device	5	4.6	103	95.4	13
Explosive	0	0.0	106	100	15
Pepper/OC spray	3	2.8	104	97.2	14

Note: Respondents were able to indicate multiple weapons used by law enforcement.

<sup>a</sup>Includes deaths where the investigation was pending at the time of the data collection. These were excluded from the percentage calculations. The percentage of cases where respondents answered “unknown,” “unavailable, investigation pending,” or did not answer ranged from 10% to 12% for this table.

<sup>b</sup>Percentages are calculated based on number of agencies that reported officers used a weapon. Details may not sum to totals because respondents could report more than one type of weapon.

<sup>c</sup>Thirty-seven agencies reported that officers displayed but did not use a firearm. These may have been in the same incidents where other officers did discharge a firearm.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2018–19.

**TABLE 8**  
**Deaths in custody, by manner and location of death, FY 2018–2019**

	Total		2018		2019	
	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>
<b>Total deaths in custody</b>	897	100%	448	100%	449	100%
<b>Manner of death</b>						
Illness/natural <sup>b</sup>	676	81.0%	335	82.3%	341	79.7%
Suicide	92	11.0	48	11.8	44	10.3
Accident <sup>c</sup>	36	4.3	12	2.9	24	5.6
Homicide <sup>d</sup>	23	2.8	10	2.5	13	3.0
Other	8	1.0	2	0.5	6	1.4
Unknown/missing <sup>e</sup>	62	~	41	~	21	~
<b>Location of death</b>						
Medical center outside of facility	472	53.1%	233	53.0%	239	53.2%
Special medical unit/infirmarium within facility	244	27.4	138	31.4	106	23.6
General housing unit	75	8.4	28	6.4	47	10.5
Segregation/special housing unit	15	1.7	8	1.8	7	1.6
Special mental health services unit within facility	3	0.3	1	0.2	2	0.4
During transit	2	0.2	0	0.0	2	0.4
Elsewhere	78	8.8	32	7.3	46	10.2
Unknown/missing <sup>e</sup>	8	~	8	~	0	~

~Excluded from percentage calculations.

<sup>a</sup>Percentages are calculated using deaths for which respondents provided an answer other than “unknown” or “unavailable, investigation pending.” Respondents provided a manner of death for 93% of cases and the location of the death for 99% of cases in fiscal years 2018 and 2019. Percentages may not sum to 100% due to rounding.

<sup>b</sup>Includes deaths due to HIV/AIDS.

<sup>c</sup>Includes accidental alcohol or drug overdoses, injuries to self, and other accidental causes of death.

<sup>d</sup>Homicide is the willful killing of one person by another and includes justifiable homicide by a law enforcement officer.

<sup>e</sup>Includes deaths where the investigation was pending at the time of the data collection.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2018–2019.



**TABLE 9**  
**Deaths in custody, by decedent characteristics, FY 2018–2019**

	Total		2018		2019	
	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>
Total deaths in custody	897	100%	448	100%	449	100%
<b>Sex<sup>b</sup></b>						
Male	866	96.7%	435	97.3%	431	96.0%
Female	30	3.3	12	2.7	18	4.0
<b>Race</b>						
White	579	64.6%	283	63.3%	296	65.9%
Black	252	28.1	138	30.9	114	25.4
American Indian/Alaska Native	41	4.6	16	3.6	25	5.6
Asian/Native Hawaiian/ Other Pacific Islander <sup>c</sup>	14	1.6	5	1.1	9	2.0
Other <sup>d</sup>	10	1.1	5	1.1	5	1.1
Unknown/missing <sup>e</sup>	1	~	1	~	0	~
<b>Ethnicity</b>						
Hispanic	137	17.3%	75	18.5%	62	16.1%
Non-Hispanic	654	82.7	331	81.5	323	83.9
Unknown/missing <sup>e</sup>	106	~	42	~	64	~
<b>Age</b>						
17 or younger	1	0.1%	0	0.0%	1	0.2%
18–24	7	0.8	3	0.7	4	0.9
25–34	67	7.5	36	8.1	31	6.9
35–44	134	15.0	73	16.3	61	13.6
45–54	196	21.9	91	20.4	105	23.4
55–64	224	25.0	118	26.4	106	23.6
65 or older	267	29.8	126	28.2	141	31.4
Unknown/missing <sup>e</sup>	1	~	1	~	0	~

~Excluded from percentage calculations.

<sup>a</sup>Percentages calculated using deaths for which respondents provided an answer other than “unknown” or “unavailable, investigation pending.” Respondents provided decedent race and age for 99% of cases and ethnicity for 88% of cases in fiscal years 2018 and 2019. Percentages may not sum to 100% due to rounding.

<sup>b</sup>For one case in fiscal year 2018, the sex of the decedent was not reported.

<sup>c</sup>Race data on deaths in custody provided by the Federal Bureau of Prisons and U.S. Marshals Service are based on National Crime Information Center classifications. (See <https://www.fbi.gov/services/cjis/ncic>.) This system includes four races: American Indian/Alaska Native, Asian/Pacific Islander, black, and white. Because the majority of deaths in custody come from these two agencies, BJS is unable to report Native Hawaiian and Other Pacific Islander separately from Asian.

<sup>d</sup>A race other than white, black, American Indian, Alaska Native, Asian, Native Hawaiian, or Other Pacific Islander.

<sup>e</sup>Includes deaths where the investigation was pending at the time of the data collection.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2018–2019.

**TABLE 10****Deaths in custody, by decedent offense, legal status, and time served, FY 2018–2019**

	Total		2018		2019	
	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>	Number	Percent <sup>a</sup>
<b>Total deaths in custody</b>	897	100%	448	100%	449	100%
<b>Most serious offense</b>						
Homicide/aggravated assault	51	5.8%	20	4.5%	31	7.0%
Robbery	62	7.0	28	6.4	34	7.6
Sex offense	159	18.0	80	18.2	79	17.8
Drugs	303	34.2	168	38.2	135	30.3
Weapons	126	14.2	54	12.3	72	16.2
Property <sup>b</sup>	106	12.0	56	12.7	50	11.2
Immigration	46	5.2	23	5.2	23	5.2
Supervision violation	16	1.8	5	1.1	11	2.5
Other <sup>c</sup>	16	1.8	6	1.4	10	2.2
Unknown/missing <sup>d</sup>	12	~	8	~	4	~
<b>Legal status at time of death</b>						
Convicted, new commitment	736	83.2%	373	84.8%	363	81.6%
Convicted, returned probation/ parole violator	17	1.9	11	2.5	6	1.3
Unconvicted pending criminal case	104	11.8	42	9.5	62	13.9
Unconvicted pending extradition	2	0.2	2	0.5	0	0.0
Other	26	2.9	12	2.7	14	3.1
Unknown/missing <sup>d</sup>	12	~	8	~	4	~
<b>Time served under current admission<sup>e</sup></b>						
1 day	10	1.1%	4	0.9%	6	1.4%
2–5 days	7	0.8	4	0.9	3	0.7
6–10 days	17	1.9	9	2.1	8	1.8
11–30 days	23	2.6	11	2.5	12	2.7
31–180 days	90	10.2	48	11.0	42	9.5
181–365 days	82	9.3	40	9.2	42	9.5
More than 365 days	650	73.9	321	73.5	329	74.4
Unknown/missing <sup>d</sup>	18	~	11	~	7	~

~Excluded from percentage calculations.

<sup>a</sup>Percentages calculated using deaths for which respondents provided an answer other than “unknown” or “unavailable, investigation pending.” Respondents provided the most serious offense committed by the decedent and decedent legal status for 99% of cases and time served under current admission for 98% of cases in fiscal years 2018 and 2019.

<sup>b</sup>Includes burglary, larceny, fraud, and other property offenses.

<sup>c</sup>Includes material witness offenses and crimes classified as “miscellaneous” by the Federal Bureau of Prisons (BOP).

<sup>d</sup>Includes deaths where the investigation was pending at the time of the data collection.

<sup>e</sup>For deaths reported by the BOP, time served is typically post-conviction. For deaths reported by the U.S. Marshals Service, Immigration and Customs Enforcement, and Bureau of Indian Affairs, time served is typically pre-conviction.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2018–2019.

# Methodology

## Overview

The Death in Custody Reporting Act (DICRA) requires the head of each federal law enforcement agency to submit to the U.S. attorney general information about the death of any person who is—

1. detained, under arrest, or in the process of being arrested by a federal law enforcement officer (or by a state or local law enforcement officer while participating in a federal law enforcement operation, task force, or other capacity)
2. being transported to, incarcerated at, or detained at any—
  - a. facility (including immigration or juvenile facilities) pursuant to a contract with a federal law enforcement agency
  - b. state or local government facility used by a federal law enforcement agency
  - c. federal correctional or pretrial detention facility located within the United States.<sup>1</sup>

## Determining eligibility for reporting to the FDCRP

The act requires annual reporting by fiscal year (FY), which was October 1, 2017 to September 30, 2018 for the FY 2018 collection cycle and was October 1, 2018 to September 30, 2019 for the FY 2019 collection cycle. The initial list of federal agencies to be contacted was developed from the FY 2016 and FY 2017 Federal Law Enforcement Agency Deaths in Custody Reporting Program (FDCRP) lists. To verify that the Bureau of Justice Statistics (BJS) had the most up-to-date information about arrest and firearm authority, BJS contacted 131 agencies to determine eligibility. Ninety-five reported having law enforcement or arrest authority, and 94 reported having incarceration or detention authority.

## Instrument development

BJS adapted the FDCRP instruments from the previous Arrest-Related Deaths program and the Deaths in Custody Reporting Program instruments.<sup>2</sup> Each

---

<sup>1</sup>Death in Custody Reporting Act of 2013, P.L. 113-242, § 3, 128 Stat. 2861 (2014). <https://uscode.house.gov/statviewer.htm?volume=128&page=2861>

<sup>2</sup>For information on the Arrest-Related Deaths program and Deaths in Custody Reporting Program, see the BJS website.

instrument was modified to align with DICRA. Prior to fielding the FY 2018–19 collection, BJS revised the instruments to improve data quality and usability for respondents.

The FDCRP survey consists of three instruments: a screener (CJ-13), the Arrest-Related Death Incident Report (CJ-13A), and the Detention/Incarceration Incident Report (CJ-13B).<sup>3</sup> On the screener, agency respondents indicated whether they had arrest or detention authority. If so, respondents indicated whether they had any deaths to report. If a responding agency did not have either type of death (occurring during arrest or occurring while in detention or custody) during the reporting period, the survey instructed respondents to note no deaths on the screener.

For every arrest-related death, respondents completed a CJ-13A form. The CJ-13A instrument included questions about the incident, such as location, decedent characteristics (e.g., demographics and actions prior to and during the incident), and law enforcement characteristics (e.g., actions during the incident, interactions with the decedent, and weapon use).

For every death in custody, respondents completed a CJ-13B form. Similar to the CJ-13A, the CJ-13B instrument included questions about the incident, such as facility information, decedent characteristics (e.g., demographics and incarceration details), and facility staff characteristics (e.g., actions during the incident).

The two incident forms asked questions tailored to the differing functions and situations involved in arrests and custody. For example, because use of force by law enforcement often accounted for arrest-related deaths, the CJ-13A included questions about the type and extent of force applied during the incident. However, because most deaths in custody were due to natural causes or illness, the CJ-13B included types of treatment provided for identified medical conditions.

## Identifying and excluding duplicate records

Which agency has custody may be complicated by dual law enforcement and detention functions and overlapping jurisdiction with state and local law enforcement authorities. Duplicate death records may occur due to overlapping correctional populations,

---

<sup>3</sup>For survey forms, see: <https://bjs.ojp.gov/data-collection/federal-law-enforcement-agency-deaths-custody-reporting-program-fdcrp#surveys-0>.

jurisdictions, and functions (arrest and detention) within an agency. Agencies participating in the same task force may also submit duplicate information. To identify duplicate records, BJS performed record matching based on decedent name, date of birth, date of death, and agency or correctional facility.

### Data collection and response rate

BJS emailed contacts at each agency to direct them to the FDCRP web-based online survey submission portal. Each contact received a login name, password, and instructions. The initial screener form required agencies to enter the number of arrest-related deaths and deaths in custody that occurred under their jurisdiction during FY 2018 and FY 2019, as well as the decedents' names. Once each decedent was identified, respondents were instructed to provide incident information for each death.

Of the 131 agencies BJS contacted, 129 responded, for a response rate of 98% (table 11). Eight agencies reported at least one arrest-related death, and seven agencies reported at least one death in custody.

**TABLE 11**  
**Responses to the Federal Law Enforcement Agency**  
**Deaths in Custody Reporting Program, FY 2018–19**

	Number of agencies
Eligible agencies surveyed	131
<b>Responded</b>	<b>129</b>
Reported law enforcement (arrest) authority	95
Reported any arrest-related deaths	8
Reported incarceration/detention authority	94
Reported any deaths in custody	7
<b>Did not respond</b>	<b>2</b>

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2018–19.

---

**APPENDIX TABLE 1****Counts for figure 1: Number of arrest-related deaths and deaths in custody, FY 2016–2019**

Fiscal year	Arrest-related deaths	Deaths in custody
2016	51	468
2017	41	429
2018	53	448
2019	68	449

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2016–2019.

---



The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Doris J. James is the acting director.

This report was written by Connor Brooks and Kevin M. Scott.  
Sean E. Goodison verified the report.

Eric Hendrixson edited the report. Pei Miller produced the report.

September 2021, NCJ 301225



NCJ 301225

Office of Justice Programs  
Building Solutions • Supporting Communities • Advancing Justice  
[www.ojp.gov](http://www.ojp.gov)