



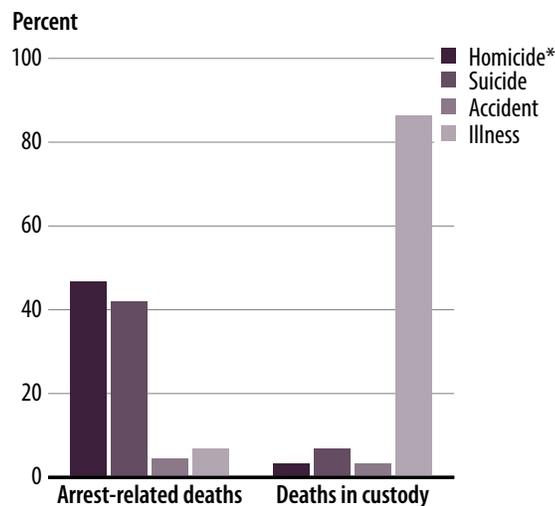
Federal Deaths in Custody and During Arrest, 2016-2017 – Statistical Tables

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Federal law enforcement and detention agencies reported 92 arrest-related deaths and 897 deaths in custody in fiscal years (FY) 2016 and 2017 combined. Homicides made up about 47% of the arrest-related deaths in FY 2016 and FY 2017 (figure 1). Homicide is the willful killing of one person by another and includes justifiable homicide by a law enforcement officer. Eighty-six percent of deaths in custody (deaths of detained or incarcerated persons) were due to illness. Nearly 7% of deaths in custody over the 2-year period were determined to be suicides.

Findings are based on the Federal Law Enforcement Agency Deaths in Custody Reporting Program (FDCRP), which the Bureau of Justice Statistics (BJS) developed in response to the Death in Custody Reporting Act (DICRA) of 2013 (P.L. 113-242). The law requires each federal law enforcement agency to report any person who dies while being detained, while under arrest, while being arrested, or while in the custody of federal law enforcement officers.

FIGURE 1
Percent of deaths, by type and manner of death, FY 2016 and FY 2017



Note: See appendix table 1 for counts and percentages.
*Homicide is the willful killing of one person by another and includes justifiable homicide by a law enforcement officer.
Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2016 and 2017.

Highlights

- Federal agencies reported 51 arrest-related deaths and 468 deaths in custody in fiscal year (FY) 2016 and 41 arrest-related deaths and 429 deaths in custody in FY 2017.
- Homicide (47%) and suicide (42%) accounted for nearly 90% of federal arrest-related deaths in FY 2016 and FY 2017 combined.
- During the 2-year period, almost all federal arrest-related decedents were male (97%), 66% were white, and 26% were black.
- Of federal arrest-related deaths in FY 2016 and FY 2017 combined, 55% occurred while law enforcement was serving an active warrant.
- In FY 2016 and FY 2017 combined, the decedent had or appeared to have a weapon in 78% of federal arrest-related deaths.
- Nearly 90% of federal deaths in custody in FY 2016 (86%) and FY 2017 (87%) were due to illness.
- In FY 2016 and FY 2017 combined, almost all persons who died in federal custody were male (96%), most were white (61%), and about a third were black (31%).
- Almost 3 in 10 persons who died in federal custody in FY 2016 and FY 2017 were ages 55 to 64.

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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, 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 was detained or incarcerated for violating federal criminal or administrative law and was housed in any facility designed to detain or incarcerate such individuals for longer than 72 hours. This includes all detainee or inmate deaths that occurred in any federal corrections, pre-trial, or administrative detention facility or any facility under federal contract to criminally hold, detain, or imprison or administratively hold or detain individuals.

Federal detention agency—An organizational unit or sub-unit 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 sub-unit 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, illness, suicide, or undetermined).

TABLE 1**Number of deaths, by type of death and federal agency, FY 2016 and FY 2017**

	2016		2017	
	Arrest-related deaths	Deaths in custody	Arrest-related deaths	Deaths in custody
Total deaths	51	468	41	429
Department of Homeland Security				
Coast Guard	1	0	0	0
Customs and Border Protection	10	0	4	3
Immigration and Customs Enforcement	0	10	0	12
Department of the Interior				
Bureau of Indian Affairs ^a	4	1	4	1
National Park Service Rangers	0	0	1	0
Department of Justice				
Bureau of Alcohol, Tobacco, Firearms and Explosives ^b	1	0	2	0
Drug Enforcement Administration	1	0	5	0
Federal Bureau of Investigation ^c	9	0	7	0
Federal Bureau of Prisons ^d	~	412	~	391
U.S. Marshals Service ^e	25	45	16	22
Amtrak Police	0	0	1	0
U.S. Capitol Police	0	0	1	0

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

^aIncludes one arrest-related death in fiscal year (FY) 2016 also reported by the Federal Bureau of Prisons (BOP). This is counted only in the Bureau of Indian Affairs total.

^bIncludes one arrest-related death in FY 2016 also reported by the U.S. Marshals Service. This is counted only in the Bureau of Alcohol, Tobacco, Firearms and Explosives total.

^cIncludes one arrest-related death in FY 2016 also reported by the U.S. Marshals Service. This is counted only in the Federal Bureau of Investigation (FBI) total.

^dIncludes 13 deaths in custody in FY 2016 and 4 in FY 2017 also reported by the U.S. Marshals Service. These are counted only in the BOP totals.

^eIncludes one arrest-related death in FY 2016 also reported by the FBI and one death in custody in FY 2016 also reported by the U.S. Postal Inspection Service. These are counted only in the U.S. Marshals Service total.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2016 and 2017.

TABLE 2**Arrest-related deaths, by manner of death and weapon causing death, FY 2016 and FY 2017**

	Total		2016		2017	
	Number	Percent ^a	Number	Percent ^a	Number	Percent ^a
Total arrest-related deaths	92	100%	51	100%	41	100%
Manner of death						
Homicide ^b	41	46.6%	23	48.9%	18	43.9%
Suicide	37	42.0	15	31.9	22	53.7
Accident	4	4.5	4	8.5	0	0.0
Illness	6	6.8	5	10.6	1	2.4
Unknown/missing ^c	4	~	4	~	0	~
Weapon causing death						
Total deaths caused by weapons	76	100%	40	100%	36	100%
Handgun	36	47.4	11	27.5	25	69.4
Rifle/shotgun	12	15.8	5	12.5	7	19.4
Unspecified firearm	24	31.6	21	52.5	3	8.3
Vehicle-involved death	4	5.3	3	7.5	1	2.8
Unknown/missing ^c	9	~	5	~	4	~

Note: No respondents reported an undetermined manner of death, and no respondents reported a baton, blunt instrument, conducted-energy weapon (e.g., a Taser or stun gun), knife, edged instrument, or other type of weapon as a weapon causing death. In 2017, one agency indicated that a weapon caused a death but did not report the type of weapon. This death was excluded from the percentage calculations.

~Excluded from percentage calculations.

^aPercentages are calculated using deaths with valid information. Percentages may not sum to 100% due to rounding.

^bHomicide is the willful killing of one person by another and includes justifiable homicide by a law enforcement officer.

^cIncludes 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 2016 and 2017.

TABLE 3**Arrest-related deaths, by decedent characteristics, FY 2016 and FY 2017**

	Total		2016		2017	
	Number	Percent ^a	Number	Percent ^a	Number	Percent ^a
Total arrest-related deaths	92	100%	51	100%	41	100%
Sex						
Male	89	96.7%	48	94.1%	41	100%
Female	3	3.3	3	5.9	0	0
Race						
White	57	66.3%	34	70.8%	23	60.5%
Black	22	25.6	10	20.8	12	31.6
American Indian/Alaska Native	3	3.5	1	2.1	2	5.3
Other ^b	4	4.7	3	6.3	1	2.6
Unknown/missing ^c	6	~	3	~	3	~
Ethnicity						
Hispanic	18	31.0%	13	56.5%	5	14.3%
Non-Hispanic	40	69.0	10	43.5	30	85.7
Unknown/missing ^c	34	~	28	~	6	~
Age						
17 or younger	1	1.1%	0	0.0%	1	2.4%
18-24	14	15.2	12	23.5	2	4.9
25-34	28	30.4	14	27.5	14	34.1
35-44	26	28.3	17	33.3	9	22.0
45-54	11	12.0	3	5.9	8	19.5
55-64	11	12.0	5	9.8	6	14.6
65 or older	1	1.1	0	0.0	1	2.4

Note: No respondents reported arrest-related deaths of persons who were Asian, Native Hawaiian, or other Pacific Islander.

~Excluded from percentage calculations.

^aPercentages are calculated using deaths with valid information. Percentages may not sum to 100% due to rounding.

^bA race other than White, Black, American Indian, Alaska Native, Asian, Native Hawaiian, or other Pacific Islander.

^cIncludes 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 2016 and 2017.

TABLE 4**Arrest-related deaths, by reason for law enforcement contact and alleged decedent offense, FY 2016 and FY 2017**

	Total		2016		2017	
	Number	Percent ^a	Number	Percent ^a	Number	Percent ^a
Total arrest-related deaths	92	100%	51	100%	41	100%
Reason for initial officer contact with decedent						
Service of warrant	47	54.7%	30	63.8%	17	43.6%
General law enforcement response/patrol	18	20.9	13	27.7	5	12.8
Criminal investigation	15	17.4	2	4.3	13	33.3
Inspection	2	2.3	1	2.1	1	2.6
Detention/transport to detention	1	1.2	1	2.1	0	0.0
Other	3	3.5	0	0.0	3	7.7
Unknown/missing ^b	6	~	4	~	2	~
Decedent's most serious alleged offense^c						
Violent	24	43.6%	6	26.1%	18	56.3%
Property ^d	1	1.8	1	4.3	0	0.0
Drugs	8	14.5	3	13.0	5	15.6
Weapons	7	12.7	2	8.7	5	15.6
Public order	7	12.7	4	17.4	3	9.4
Immigration violation	8	14.5	7	30.4	1	3.1
Unknown/missing ^b	1	~	0	~	1	~

Note: No respondents reported court operations or security and protection as a reason for initial officer contact with the decedent.

~Excluded from percentage calculations.

^aPercentages are calculated using deaths with valid information. Percentages may not sum to 100% due to rounding.

^bIncludes deaths where the investigation was pending at the time of the data collection.

^cPercentages are based on the number of decedents who allegedly committed an offense in the events leading up to their death.

^dIncludes burglary, larceny, fraud, and other property offenses.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2016 and 2017.

TABLE 5**Arrest-related deaths, by decedent actions during the incident, FY 2016 and FY 2017**

	Total		2016		2017	
	Number	Percent ^a	Number	Percent ^a	Number	Percent ^a
Total arrest-related deaths	92	100%	51	100%	41	100%
Action^a						
Attempted to escape or flee from custody	20	30.8%	10	28.6%	10	33.3%
Attempted to physically assault officer(s)	16	24.6	7	20.0	9	30.0
Barricaded self or initiated standoff	14	21.5	6	17.1	8	26.7
Resisted being arrested or handcuffed	10	15.4	5	14.3	5	16.7
Verbally threatened other(s)	7	10.8	3	8.6	4	13.3
Attempted to gain possession of officer's weapon	4	6.2	3	8.6	1	3.3
Escaped or fled from custody	4	6.2	3	8.6	1	3.3
Gained possession of officer's weapon	2	3.1	2	5.7	0	0.0
None of the above	22	33.8	12	34.3	10	33.3
Unknown/missing ^b	27	~	16	~	11	~
Had or appeared to have a weapon^b						
Yes	72	78.3%	34	66.7%	38	92.7%
No	11	12.0	10	19.6	1	2.4
Unknown/missing ^b	9	~	7	~	2	~
Attempted to injure officers or others^c						
Yes	35	38.0%	19	37.3%	16	39.0%
No	36	39.1	18	35.3	18	43.9
Unknown or unavailable pending investigation	21	~	14	~	7	~

Note: No respondents reported an exhibited mental-health problem or exhibited physical disability as an indication of mental or physical state.

~Excluded from percentage calculations.

^aPercentages are calculated using deaths with valid information. Details may not sum to totals because respondents were allowed to select more than one response for each incident.

^bIncludes 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 2016 and 2017.

TABLE 6**Law enforcement actions during arrest-related deaths, FY 2016 and FY 2017**

	Total				2016				2017			
	Yes		No		Yes		No		Yes		No	
	Number	Percent										
Engaged in motor-vehicle pursuit	16	21.1%	60	78.9%	8	21.6%	29	78.4%	8	20.5%	31	79.5%
Fought/struggled with decedent	12	15.6	65	84.4	8	21.1	30	78.9	4	10.3	35	89.7
Arrested decedent	10	12.8	68	87.2	6	15.8	32	84.2	4	10.0	36	90.0
Restrained decedent with equipment	8	10.4	69	89.6	6	15.4	33	84.6	2	5.3	36	94.7
Engaged in foot pursuit	7	9.3	68	90.7	3	8.1	34	91.9	4	10.5	34	89.5
Physically restrained decedent	5	6.6	71	93.4	5	12.8	34	87.2	0	0.0	37	100
Placed decedent in prone position	2	2.7	71	97.3	2	5.4	35	94.6	0	0.0	36	100

Note: Percentages exclude instances where respondents answered "unknown" and where respondents did not answer.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2016 and 2017.

TABLE 7**Law enforcement use of weapons and response during arrest-related deaths, FY 2016 and 2017**

	Total		2016		2017	
	Number	Percent ^a	Number	Percent ^a	Number	Percent ^a
Total arrest-related deaths	92	100%	51	100%	41	100%
Officer used a weapon						
Yes ^{b,c}	53	60.9%	27	58.7%	26	63.4%
Firearm ^d	47	88.7	24	88.9	23	88.5
Hands/feet/fists	3	5.7	3	11.1	0	0.0
Baton/blunt instrument	2	3.8	1	3.7	1	3.8
Explosive device	2	3.8	0	0.0	2	7.7
Pepper/OC spray	1	1.9	0	0.0	1	3.8
Other	3	5.7	1	3.7	2	7.7
No	34	39.1	19	41.3	15	36.6
Unknown/missing ^e	5	~	5	~	0	~
Agencies that responded to incident ^d						
1	9	11.7%	7	17.9%	2	5.3%
2 or more	68	88.3	32	82.1	36	94.7
Unknown/unavailable pending investigation	15	~	12	~	3	~

~Excluded from percentage calculations.

^aPercentages are calculated using deaths with valid information. Percentages may not sum to 100% due to rounding.

^bDetails may not sum to totals because respondents could select more than one response per incident. No respondents reported that officers used a conducted-energy weapon (e.g., a Taser or stun gun).

^cPercentages are based on the number of incidents in which law enforcement used any weapon.

^dCounts of officers who discharged a firearm in 2017 are adjusted for conflicting responses where an agency indicated that no officers discharged a firearm in question 15 but that at least one officer did in question 16.

^eIncludes 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 2016 and 2017.

TABLE 8**Deaths in custody, by manner and location of death, FY 2016 and FY 2017**

	Total		2016		2017	
	Number	Percent ^a	Number	Percent ^a	Number	Percent ^a
Total deaths in custody	897	100%	468	100%	429	100%
Manner of death						
Illness	763	86.4%	397	86.1%	366	86.7%
Suicide	59	6.7	26	5.6	33	7.8
Accident ^b	29	3.3	20	4.3	9	2.1
Homicide ^c	28	3.2	17	3.7	11	2.6
Other	4	0.5	1	0.2	3	0.7
Unknown/missing ^d	14	~	7	~	7	~
Location of death ^b						
Medical center outside of facility	497	58.0%	255	59.6%	242	60.8%
Special medical unit or infirmary within facility	269	31.4	133	31.1	136	34.2
General housing unit	36	4.2	18	4.2	18	4.5
Segregated/special housing unit	10	1.2	8	1.9	2	0.5
Special mental-health services unit within facility	2	0.2	2	0.5	0	0.0
During transit	1	0.1	1	0.2	0	0.0
Elsewhere	42	4.9	11	2.6	31	7.8
Unknown/missing ^d	40	~	40	~	0	~

~Excluded from percentage calculations.

^aPercentages are calculated using deaths with valid information. Percentages may not sum to 100% due to rounding.

^bIncludes accidental alcohol or drug overdoses, injuries to self, and other accidental causes of death.

^cHomicide is the willful killing of one person by another and includes justifiable homicide by a law enforcement or corrections officer.

^dIncludes 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 2016 and 2017.

TABLE 9
Deaths in custody, by decedent characteristics, FY 2016 and FY 2017

	Total		2016		2017	
	Number	Percent ^a	Number	Percent ^a	Number	Percent ^a
Total deaths in custody	897	100%	468	100%	429	100%
Sex						
Male	861	96.0%	451	96.4%	410	95.6%
Female	36	4.0	17	3.6	19	4.4
Race						
White	530	60.6%	267	58.3%	263	63.2%
Black	274	31.4	144	31.4	130	31.3
American Indian/Alaska Native	25	2.9	7	1.5	18	4.3
Asian	12	1.4	8	1.7	4	1.0
Other ^b	33	3.8	32	7.0	1	0.2
Unknown/missing ^c	23	~	10	~	13	~
Ethnicity						
Hispanic	130	15.7%	61	14.8%	69	16.6%
Non-Hispanic	699	84.3	352	85.2	347	83.4
Unknown/missing ^c	68	~	55	~	13	~
Age^b						
18-24	10	1.1%	8	1.7%	2	0.5%
25-34	63	7.0	31	6.6	32	7.5
35-44	130	14.5	67	14.3	63	14.7
45-54	200	22.3	113	24.2	87	20.3
55-64	259	28.9	137	29.3	122	28.4
65 or older	234	26.1	111	23.8	123	28.7
Unknown/missing ^c	1	~	1	~	0	~

Note: Percentages may not sum to 100% due to rounding. No respondents reported deaths in custody of persons who were Native Hawaiian or other Pacific Islander.

~Excluded from percentage calculations.

^aPercentages are calculated using deaths with valid information. Percentages may not sum to 100% due to rounding.

^bA race other than White, Black, American Indian, Alaska Native, Asian, Native Hawaiian, or other Pacific Islander.

^cIncludes 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 2016 and 2017.

TABLE 10**Deaths in custody, by decedent offense and status, FY 2016 and FY 2017**

	Total		2016		2017	
	Number	Percent ^a	Number	Percent ^a	Number	Percent ^a
Total deaths in custody	897	100%	468	100%	429	100%
Most serious offense						
Homicide or aggravated assault	36	4.2%	18	3.9%	18	4.6%
Robbery	72	8.5	42	9.2	30	7.7
Sex offense	145	17.1	65	14.3	80	20.4
Drugs ^b	291	34.3	161	35.3	130	33.2
Weapons	135	15.9	75	16.4	60	15.3
Property ^c	114	13.4	62	13.6	52	13.3
Immigration	33	3.9	19	4.2	14	3.6
Supervision violation	8	0.9	7	1.5	1	0.3
Other ^d	14	1.7	7	1.5	7	1.8
Unknown/missing ^e	49	~	12	~	37	~
Legal status at time of death						
Convicted, new commitment	781	92.1%	402	91.4%	379	92.9%
Convicted, returned probation/parole violator	15	1.8	10	2.3	5	1.2
Unconvicted pending criminal case	44	5.2	28	6.4	16	3.9
Unconvicted pending extradition	1	0.1	0	0.0	1	0.2
Other	7	0.8	0	0.0	7	1.7
Unknown/missing ^e	49	~	28	~	21	~
Time served under current admission^f						
1 day	5	0.6%	1	0.2%	4	0.9%
2-5 days	14	1.6	7	1.5	7	1.7
6-10 days	7	0.8	3	0.6	4	0.9
11-30 days	13	1.5	9	1.9	4	0.9
31-180 days	81	9.2	40	8.7	41	9.7
181-365 days	77	8.7	45	9.7	32	7.6
More than 365 days	687	77.7	357	77.3	330	78.2
Unknown/missing ^e	13	~	6	~	7	~

Note: Percentages may not sum to 100% due to rounding.

~Excluded from percentage calculations.

^aPercentages calculated using deaths with valid information. Percentages may not sum to 100% due to rounding.

^bOf all federal drug offenders, 99% are sentenced for trafficking, but the percentage of trafficking convictions among drug offenders who died in custody is unknown.

^cIncludes burglary, larceny, fraud, and other property offenses.

^dIncludes material-witness offenses and crimes classified as “miscellaneous” by the Federal Bureau of Prisons (BOP).

^eIncludes deaths where the investigation was pending at the time of the data collection.

^fFor BOP deaths, time served is typically post-conviction. For U.S. Marshals Service, Immigration and Customs Enforcement, and Bureau of Indian Affairs deaths, time served is typically pre-conviction.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2016 and 2017.

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 pre-trial detention facility located within the United States.¹

Determining eligibility for reporting to the Federal Law Enforcement Agency Deaths in Custody Reporting Program

The act requires annual reporting by fiscal year (FY), which was October 1, 2015 to September 30, 2016 for the FY 2016 collection cycle and was October 1, 2016 to September 30, 2017 for the FY 2017 collection cycle. An initial list of 132 federal agencies was developed from the 2008 Census of Federal Law Enforcement Officers, agency contacts, and U.S. Department of Justice internal review.² The U.S. Office of the Attorney General sent those agencies a memorandum on October 5, 2016, asking them to provide a point of contact (POC) and to confirm by October 20, 2016 that they had arrest or detention authority.

The Federal Law Enforcement Agency Deaths in Custody Reporting Program (FDCRP) instruments were adapted from the Bureau of Justice Statistics' previous Arrest-Related Deaths program and Deaths in Custody Reporting Program instruments.³ Each instrument was modified to align with DICRA.

¹Death in Custody Reporting Act of 2013, 42 U.S.C. § 13727(a).

²See *Federal Law Enforcement Officers, 2008* (NCJ 238250, BJS, June 2012).

³For information on the Arrest-Related Deaths program and Deaths in Custody Reporting Program, see the BJS website.

Prior to fielding the FDCRP, four senior federal officials with direct experience and responsibility for investigations of law enforcement-related deaths reviewed the draft instruments. The Bureau of Justice Statistics (BJS) implemented their recommendations regarding items and response categories. Key areas of change included the function of protective details (e.g., U.S. Secret Service) and activities related to using multi-agency task-force operations. BJS then programmed the final instruments into a web-based-portal submission system.

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). 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 report 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).

Due to unique functions and situations, the arrest and custody incident-forms requested different information. For example, because law enforcement use of force often accounted for arrest-related deaths, the incident form included questions about the type and extent of force applied during the incident. Additionally, because most deaths in custody were due to illness, the incident form included types of treatment provided for identified medical conditions.

Identifying and excluding duplicate records

Determining 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, 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 matched records based on decedent name, date of birth, date of death, and agency or correctional facility. For this program, duplicate records were relatively rare (21 of 989 total deaths), and all were resolved by reviewing notes provided in the survey by responding agencies, by examining news reports of the incident, or by contacting both agencies.

Data collection and response rate

BJS emailed POCs during December 2016 and November 2017 and directed them to the FDCRP web-based survey-submission portal. Each POC 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 2016 and FY 2017 and the decedents' names. Once each decedent was identified, POCs were instructed to provide incident information for each death.

Data-collection staff offered respondents different reporting options to reduce respondent burden. For the FY 2016 collection, most (87%) respondents completed the survey via web, and for the 2017 data collection, 79% responded via web. Others submitted data via file-transfer. Data-collection staff uploaded these files into the database and matched file responses with instrument responses. Other agencies indicated via telephone that they had no deaths to report. For those respondents, project staff entered data into the web portal on the agency's behalf.

For FY 2016, BJS determined that 25 of the 132 contacted agencies were out-of-scope, and for FY 2017, BJS determined that 20 of the 137 potentially

TABLE 11
Responses to the Federal Law Enforcement Agency Deaths in Custody Reporting Program, FY 2016 and FY 2017

	2016	2017
Total agencies contacted to determine eligibility	132	137
Determined to be out-of-scope	25	20
Based on initial contact	13	~
Based on survey response	12	~
Did not respond or provide point of contact	22	~
Eligible agencies surveyed	85	117
Responded	82	108
Reported law enforcement function	81	95
Reported any arrest-related death	7	8
Reported incarceration/detention function	68	89
Reported any death in custody	4	5
Did not respond	3	9

~Not applicable.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2016 and 2017.

in-scope agencies were out-of-scope (table 11). In 2016, 85 eligible agencies provided a POC. In total, 82 agencies responded to the survey in 2016 and had a law enforcement, detention, or incarceration function during the study period, including 81 agencies with law enforcement functions and 68 agencies with detention or incarceration functions. Almost all agencies (67) that had detention or incarceration functions also had law enforcement functions (not shown in tables). Fourteen agencies had law enforcement functions only (not shown in tables).

Overall, the 2016 FDCRP yielded a response rate of 96% from surveyed agencies and collected information on 51 arrest-related deaths and 468 deaths in custody. However, 22 potentially in-scope agencies did not respond to the attorney general's initial request for a POC. If all these agencies were determined to be in scope, the response rate would be approximately 77%.

Of the 117 eligible agencies in 2017, 108 responded to the survey, for an overall response rate of 92%. Ninety-five of these agencies reported having a law enforcement function, and 89 reported having a detention or incarceration function.

APPENDIX TABLE 1

Counts and percentages for figure 1: Percent of deaths, by type and manner of death, FY 2016 and FY 2017

	Arrest-related deaths						Deaths in custody					
	Total		2016		2017		Total		2016		2017	
	Number	Percent ^a	Number	Percent ^a	Number	Percent ^a	Number	Percent ^a	Number	Percent ^a	Number	Percent ^a
Total deaths	92	100%	51	100%	41	100%	897	100%	468	100%	429	100%
Homicide ^b	41	46.6	23	48.9	18	43.9	28	3.2	17	3.7	11	2.6
Suicide	37	42.0	15	31.9	22	53.7	59	6.7	26	5.6	33	7.8
Accident	4	4.5	4	8.5	0	0.0	29	3.3	20	4.3	9	2.1
Illness	6	6.8	5	10.6	1	2.4	763	86.4	397	86.1	366	86.7
Other causes	0	0.0	0	0.0	0	0.0	4	0.5	1	0.2	3	0.7
Unknown/missing ^c	4	~	4	~	0	~	14	~	7	~	7	~

~Excluded from percentage calculations.

^aPercentages are calculated using deaths with valid information. Percentages may not sum to 100% due to rounding.

^bHomicide is the willful killing of one person by another and includes justifiable homicide by a law enforcement or corrections officer.

^cIncludes 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 2016 and 2017.



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. Jeffrey H. Anderson is the director.

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