



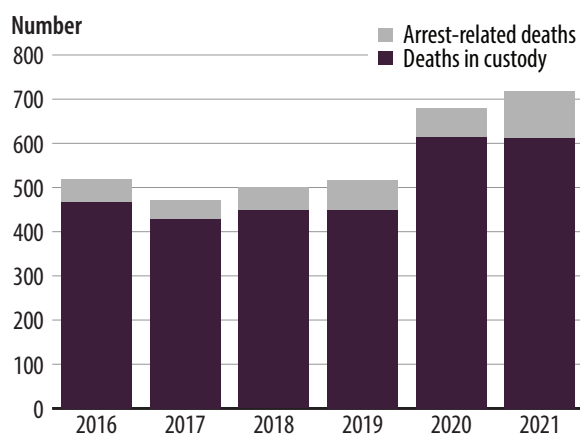
Federal Deaths in Custody and During Arrest, 2021 – Statistical Tables

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Federal law enforcement agencies reported 105 arrest-related deaths and 613 deaths in custody in fiscal year (FY) 2021 (figure 1). From FY 2016 to FY 2021, federal agencies reported an average of 64 arrest-related deaths and 504 deaths in custody each year. The manner of these deaths included homicide, suicide, illness/natural, accident, other, and 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 (DCRA) of 2013 (P.L. 113-242). DCRA 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 2016–2021



Note: See appendix table 1 for counts. Excludes seven federal executions in fiscal year 2020 and six in fiscal year 2021. For execution data, see *Capital Punishment, 2021 – Statistical Tables* (NCJ 305534, BJS, November 2023). See *Methodology*.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2016–2021.

Highlights

- Accidents accounted for the largest portion (40%) of arrest-related deaths in FY 2021, followed by homicides (32%) and suicides (23%).
- In FY 2021, about 89% of decedents in arrest-related deaths were male, 73% were white, and 65% were ages 25 to 44.
- In 44% of arrest-related deaths in FY 2021, law enforcement was serving a warrant when they made initial contact with the decedent.
- An immigration violation was the most serious offense allegedly committed by decedents in 46% of arrest-related deaths in FY 2021.
- Decedents attempted to injure law enforcement officers in 41% of arrest-related deaths and discharged a firearm in 36% in FY 2021.
- Law enforcement officers discharged their firearms in 42% of arrest-related deaths in FY 2021.
- The majority (80%) of the 613 deaths in custody in FY 2021 were due to natural causes or illnesses (including HIV/AIDS), followed by suicide (10%).
- In FY 2021, about 96% of those who died in custody were male, 62% were white, 32% were black, and 53% were age 55 or older.
- The most commonly reported offenses for persons who died in custody in FY 2021 were drug violations (33%), followed by sex offenses (17%) and weapons violations (16%).

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
 - 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 detained persons 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 deaths of detained or incarcerated persons 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 sub-unit of the federal government with the principal function to detain or incarcerate persons who allegedly committed or were convicted of criminal offenses.

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 persons who allegedly committed criminal offenses.

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).

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TABLE 1
Number of deaths reported, by type of death and federal agency, FY 2021

	Arrest-related deaths	Deaths in custody
Total deaths	105	613
Amtrak Police Department	1	0
Department of Defense		
U.S. Marine Corps Police	1	0
Department of Homeland Security		
Customs and Border Protection	48	1
Immigration and Customs Enforcement	0	5
Department of Justice		
Drug Enforcement Administration	3	0
Federal Bureau of Investigation	10	0
Federal Bureau of Prisons	0	495
U.S. Marshals Service	39	108
Department of the Interior		
Bureau of Indian Affairs	1	4
National Park Service, Ranger Division	1	0
U.S. Capitol Police	1	0

Note: Excludes six federal executions. For execution data, see *Capital Punishment, 2021 – Statistical Tables* (NCJ 305534, BJS, November 2023). See *Methodology*.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal year 2021.

TABLE 2
Arrest-related deaths, by manner of death and weapon causing death, FY 2021

	Number	Percent
Total arrest-related deaths	105	100%
Manner of death		
Homicide ^a	28	32.2%
Homicide by—		
Federal law enforcement officer	19	70.4
State/local task force officer	3	11.1
Other ^b	5	18.5
Unknown/missing ^c	1	~
Suicide	20	23.0
Natural	4	4.6
Accident	35	40.2
Unknown/missing ^{c,d}	18	~
Weapon causing death		
Total deaths caused by weapons	59	100%
Handgun	46	78.0
Rifle/shotgun	11	18.6
Unspecified firearm	1	1.7
Other	1	1.7
Unknown/missing ^d	5	~

~Excluded from percentage calculations.

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

^bIncludes deaths that were determined to be homicides but not caused by federal, state, local, or task force officers.

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

^dIncludes one death whose manner of death could not be determined at the time of reporting.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal year 2021.

TABLE 3
Arrest-related deaths, by decedent characteristics, FY 2021

	Number	Percent
Total arrest-related deaths	105	100%
Sex		
Male	93	88.6%
Female	12	11.4
Race		
White	72	73.5%
Black	25	25.5
American Indian/Alaska Native	1	1.0
Asian	0	0.0
Native Hawaiian/Other Pacific Islander	0	0.0
Two or more races	0	0.0
Unknown/missing*	7	~
Ethnicity		
Hispanic	48	52.2%
Non-Hispanic	44	47.8
Unknown/missing*	13	~
Age		
17 or younger	1	1.0%
18–24	21	20.0
25–34	41	39.0
35–44	27	25.7
45–54	9	8.6
55–64	4	3.8
65 or older	2	1.9

~Excluded from percentage calculations.

*Includes deaths where the investigation was pending at the time of data collection.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal year 2021.

TABLE 4
Arrest-related deaths, by reason for law enforcement contact and alleged decedent offense, FY 2021

	Number	Percent
Total arrest-related deaths	105	100%
Reason for initial officer contact with decedent		
Service of warrant	46	43.8%
General law enforcement response/patrol	36	34.3
Criminal investigation	8	7.6
Inspections	8	7.6
Medical/mental health service call	4	3.8
Security and protection	1	1.0
Other	2	1.9
Decedent's most serious alleged offense^a		
Violent ^b	29	33.3%
Property ^c	1	1.1
Drugs	4	4.6
Weapons	4	4.6
Immigration violation	40	46.0
Probation/parole violation	2	2.3
Other ^d	7	8.0
Unknown/missing ^e	18	~

Note: No respondents reported court operations or detention/transport to detention as a reason for initial officer contact with the decedent.

~Excluded from percentage calculations.

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

^bIncludes homicide, attempted homicide, sex offenses, aggravated assault, assault, aggravated stalking, and kidnapping.

^cIncludes attempted mail theft.

^dIncludes bomb threat, failure to appear, flight to avoid, obstructing the police, and terroristic threat.

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

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal year 2021.

TABLE 5**Arrest-related deaths, by decedent condition and actions during the incident, FY 2021**

	Yes		No		Unknown/ missing ^a
	Number	Percent	Number	Percent	
Decedent condition					
Appeared intoxicated	2	5.9%	32	94.1%	71
Exhibited mental health issues	5	13.5	32	86.5	68
Exhibited physical disability	0	0.0	39	100	66
Had trouble understanding instructions	5	13.2	33	86.8	67
Made suicidal statements	6	14.0	37	86.0	62
Decedent weapon use					
Discharged firearm	37	35.9%	66	64.1%	2
Displayed firearm	16	15.8	85	84.2	4
Used other weapon ^b	6	6.2	91	93.8	8
Displayed other weapon ^b	3	3.1	94	96.9	8
Indicated possession of weapon ^b	4	6.9	54	93.1	47
Used vehicle as weapon	6	9.2	59	90.8	40
Used bodily force as weapon	3	4.9	58	95.1	44
Decedent action					
Caused fatal injury to law enforcement officer(s)	3	2.9%	100	97.1%	2
Caused nonfatal injury to law enforcement officer(s)	9	8.9	92	91.1	4
Attempted to injure law enforcement officer(s)	41	40.6	60	59.4	4
Caused fatal injury to civilian(s)	2	2.0	100	98.0	3
Caused nonfatal injury to civilian(s)	6	6.1	93	93.9	6
Attempted to injure civilian(s)	7	7.0	93	93.0	5
Attempted to escape/flee from custody	48	47.1	54	52.9	3
Barricaded self	23	22.8	78	77.2	4
Gained/attempted to gain possession of officer's weapon	2	2.0	100	98.0	3
Resisted arrest	20	19.8	81	80.2	4
Threatened others	3	3.2	91	96.8	11

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

^aIncludes deaths where the investigation was pending at the time of data collection. These were excluded from the percentage calculations.

^bIncludes 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 year 2021.

TABLE 6**Arrest-related deaths, by law enforcement actions, FY 2021**

Law enforcement action	Yes		No		Unknown/ missing*
	Number	Percent	Number	Percent	
Arrested/attempted to arrest decedent	35	34.0%	68	66.0%	2
Engaged in motor vehicle pursuit	20	19.6	82	80.4	3
Restrained decedent with equipment	11	11.6	84	88.4	10
Engaged in foot pursuit	14	13.6	89	86.4	2
Fought/struggled with decedent	10	9.8	92	90.2	3
Placed decedent in prone position	7	7.5	86	92.5	12
Physically restrained decedent	5	5.3	90	94.7	10

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 data collection. These were excluded from the percentage calculations.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal year 2021.

TABLE 7
Arrest-related deaths, by law enforcement weapon use, FY 2021

Law enforcement officers used—	Yes		No		Unknown/ missing ^a
	Number	Percent	Number	Percent	
Any weapon ^b	44	43.6%	57	56.4%	4
Firearm	43	42.2%	59	57.8%	3
Baton	0	0.0	98	100	7
Bodily force	2	2.0	96	98.0	7
Conducted energy device	0	0.0	101	100	4
Explosive	3	3.0	98	97.0	4
Pepper/OC spray	0	0.0	100	100	5
Law enforcement officers displayed but did not use firearm ^c	12	12.4%	85	87.6%	8

^aIncludes deaths where the investigation was pending at the time of data collection. These were excluded from the percentage calculations.

^bPercentages 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.

^cIn 12 cases, respondents 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 year 2021.

TABLE 8
Deaths in custody, by manner and location of death,
FY 2021

	Number	Percent
Total deaths in custody	613	100%
Manner of death		
Illness/natural ^a	462	80.9%
Suicide	58	10.2
Accident ^b	26	4.6
Homicide ^c	24	4.2
Cause of death		
Blunt trauma	10	43.5
Gunshot wound	6	26.1
Strangulation	4	17.4
Stabbing	3	13.0
Autopsy results not available	1	~
Other	1	0.2
Unknown/missing ^d	42	~
Location of death		
Medical center outside facility	346	56.5%
Special medical unit or infirmary within facility	97	15.8
General housing unit in facility	95	15.5
Segregation unit	7	1.1
While in transit	2	0.3
Mental health center outside facility	1	0.2
Elsewhere (not specified)	64	10.5
Missing	1	~

Note: Excludes six federal executions. For execution data, see *Capital Punishment, 2021 – Statistical Tables* (NCJ 305534, BJS, November 2023). See *Methodology*.

~Excluded from percentage calculations.

^aIncludes deaths due to HIV/AIDS.

^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 may include justifiable homicide by a law enforcement or corrections officer.

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

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal year 2021.

TABLE 9
Deaths in custody, by decedent characteristics,
FY 2021

	Number	Percent
Total deaths in custody	613	100%
Sex		
Male	586	95.9%
Female	25	4.1
Unknown/missing ^a	2	~
Race		
White	376	62.1%
Black	192	31.7
American Indian/Alaska Native	31	5.1
Asian/Native Hawaiian/Other Pacific Islander ^b	5	0.8
Two or more races	1	0.2
Unknown/missing ^a	8	~
Ethnicity		
Hispanic	129	21.9%
Non-Hispanic	459	78.1
Unknown/missing ^a	25	~
Age		
18–24	6	1.0%
25–34	40	6.5
35–44	115	18.8
45–54	126	20.6
55–64	160	26.2
65 or older	164	26.8
Unknown/missing ^a	2	~

Note: Excludes six federal executions. For execution data, see *Capital Punishment, 2021 – Statistical Tables* (NCJ 305534, BJS, November 2023). See *Methodology*.

~Excluded from percentage calculations.

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

^bRace data on deaths in custody reported 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 are reported by these two agencies, BJS is unable to report Native Hawaiian and Other Pacific Islander separately from Asian.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal year 2021.

TABLE 10
Deaths in custody, by decedent offense, legal status, and time served, FY 2021

	Number	Percent
Total deaths in custody	613	100%
Most serious offense		
Homicide/aggravated assault	38	6.2%
Sex offense	104	17.0
Robbery	29	4.7
Property ^a	63	10.3
Drugs	200	32.6
Weapons	97	15.8
Immigration	32	5.2
Supervision violation	32	5.2
Other ^b	18	2.9
Legal status at time of death		
Convicted, new commitment	494	80.6%
Convicted, returned probation/parole violator	22	3.6
Unconvicted, pending criminal case	81	13.2
Other ^c	16	2.6
Time served under current admission^d		
1 day	5	0.8%
2–5 days	11	1.8
6–10 days	4	0.7
11–30 days	16	2.7
31–180 days	74	12.3
181–365 days	30	5.0
More than 365 days	460	76.7
Unknown/missing ^e	13	~

Note: Excludes six federal executions. For execution data, see *Capital Punishment, 2021 – Statistical Tables* (NCJ 305534, BJS, November 2023). See *Methodology*.

~Excluded from percentage calculations.

^aIncludes burglary/larceny, fraud/bribery/extortion, and other property offenses.

^bIncludes failure to appear, threatening, tribal warrant, and those who were not convicted of offenses.

^cIncludes cases where the decedent was awaiting transfer to last known country of legal residence or was held for witness security.

^dFor Federal Bureau of Prisons deaths, time served is typically post-conviction and calculated using the date the decedent was admitted to the facility where they died or were last incarcerated. For U.S. Marshals Service, Customs and Border Protection, Immigration and Customs Enforcement, and Bureau of Indian Affairs deaths, time served is typically pre-conviction.

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

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal year 2021.

Methodology

Overview

The Death in Custody Reporting Act (DCRA) 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.¹

Determining eligibility for reporting to the FDCRP

The act requires annual reporting by fiscal year (FY), which was October 1, 2020 to September 30, 2021, for the FY 2021 collection. The initial list of federal agencies to be contacted was developed from the FY 2020 Federal Law Enforcement Agency Deaths in Custody Reporting Program (FDCRP) list. To verify that the Bureau of Justice Statistics (BJS) had the most up-to-date information about arrest and firearm authority, BJS contacted 137 agencies to determine eligibility. Of these agencies, 103 reported having both arrest and detention authority, and 2 indicated having detention authority only. No agencies indicated they had arrest but not detention authority. Thirty-two agencies indicated they had no arrest or firearm authority and were removed from analysis.

¹Death 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>.

Instrument development

BJS adapted the FDCRP instruments from the previous Arrest-Related Deaths program and the Deaths in Custody Reporting Program instruments.² Each instrument was modified to align with DCRA.

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).³ 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. Additionally, because most deaths in custody were due to natural causes or illness, the CJ-13B included types of treatment provided for identified medical conditions.

²For information on the Arrest-Related Deaths program and Deaths in Custody Reporting Program, see the BJS FDCRP webpage at <https://bjs.ojp.gov/data-collection/federal-law-enforcement-agency-deaths-custody-reporting-program-fdcrp>.

³For survey forms, see “Questionnaires” on the BJS FDCRP webpage at <https://bjs.ojp.gov/data-collection/federal-law-enforcement-agency-deaths-custody-reporting-program-fdcrp#surveys-0>.

Identifying and excluding duplicate records

Determining 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, 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.

Out-of-scope records

Data on executions are excluded from this report but are accessible on the BJS website.⁴ The Bureau of Prisons reported six executions in FY 2021.

Data collection and response rate

BJS emailed contacts at each agency to direct them to the FDCRP 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 in FY 2021, as well as the decedents' names. Once each decedent was identified, respondents were instructed to provide incident information for each death.

⁴See *Capital Punishment, 2021 – Statistical Tables* (NCJ 305534, BJS, November 2023).

Of the 137 agencies BJS contacted, 137 responded, for a response rate of 100% (**table 11**). Nine agencies reported at least one arrest-related death, and six agencies reported at least one death in custody. The U.S. Postal Inspection Service reported one death in custody. This case was also submitted by the U.S. Marshals Service (USMS). For reporting purposes, BJS classified this death as belonging to USMS.

TABLE 11
Responses to the Federal Law Enforcement Agency Deaths in Custody Reporting Program, FY 2021

	Number of agencies
Eligible agencies surveyed	137
Responded	137
Reported arrest authority	103
Reported any arrest-related deaths	9
Reported incarceration/detention authority	105
Reported any deaths in custody	6

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal year 2021.

APPENDIX TABLE 1**Counts for figure 1. Number of arrest-related deaths and deaths in custody, FY 2016–2021**

Fiscal year	Arrest-related deaths	Deaths in custody
2016	51	468
2017	41	429
2018	53	448
2019	68	449
2020	65	614
2021	105	613

Note: Excludes seven federal executions in fiscal year 2020 and six in fiscal year 2021. For execution data, see *Capital Punishment, 2021 – Statistical Tables* (NCJ 305534, BJS, November 2023). See *Methodology*.

Source: Bureau of Justice Statistics, Federal Law Enforcement Agency Deaths in Custody Reporting Program, fiscal years 2016–2021.



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. Kevin M. Scott, PhD, is the acting director.

This report was written by Connor Brooks and Sean E. Goodison, PhD. Lizabeth Remrey verified the report.

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