



CBP-Related Deaths

Fiscal Year 2022



U.S. Customs and
Border Protection

Publication Number: 3584-0224

Executive Summary

Report language accompanying the DHS FY 2021 Appropriations Bill required CBP to take certain actions with respect to the review and reporting of deaths of individuals in its custody and deaths of individuals in which CBP was involved in some way.¹ As a part of those actions, CBP was required to establish standardized definitions for in-custody deaths, to carry out certain investigative activities following such incidents, and to provide detailed reporting on these deaths to Congress and the public. This report satisfies one such requirement; that CBP provide a report to Congress detailing its review of reportable deaths including an assessment of whether CBP complied with the CBP National Standards on Transport, Escort, Detention, and Search policy for certain deaths.

This report includes details on a total of 171 deaths which occurred during FY 2022, including 52 in-custody deaths, 68 reportable CBP-involved deaths that were not in-custody, and 51 additional deaths that Appropriations staff requested to be included in this report.² In addition, the report provides background information on the demographics of decedents, the locations of the deaths, and broadly categorizes the most frequent causes of death. The report also contains information on how deaths were reviewed by CBP's Office of Professional Responsibility and Office of the Chief Medical Officer. In a limited number of instances, and as required by Appropriations report language, certain in-custody deaths were reviewed by an independent clinician contracted by CBP. The results of those reviews are included with the summary of the related death.

¹ H. Rept. 116-458, *Department of Homeland Security Appropriations Bill, 2021*.

² In accordance with House Report 116-458, CBP's Office of Professional Responsibility met with Committee staff on several occasions in early 2021 to reach consensus on the specific definitions and categories that would be used to track reportable deaths. While Appropriations staff agreed that CBP was not required to fully review certain types of deaths or report them as they occurred, they did request they be included in this annual report.



CBP-Related Deaths

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I. Legislative Language

The information in this document is a statistical representation of the information compiled pursuant to requirements set forth in House Report 117-87, which accompanied the Fiscal Year (FY) 2022 Department of Homeland Security (DHS) Appropriations Act (P.L. 117-103).

House Report 117-87 states:

Deaths in Custody – Not later than 30 days after the end of each fiscal year, CBP shall submit a report to the Committee detailing all such deaths, including summaries of mortality reviews and compliance with TEDS. In addition, the Office of Professional Responsibility (OPR) shall brief the Committee on its findings and associated recommendations for any deaths it investigates.

II. Background

With the enactment of the Consolidated Appropriations Act, 2022, U.S. Customs and Border Protection (CBP) was required to formulate definitions for deaths “in-custody” and “not in-custody” and report back to Committee staff within 30 days. CBP’s approach to this situation was to rely heavily on the established statutory definition for in-custody death set forth in the Death in Custody Reporting Act (DCRA) of 2013 (P.L. 113-242). Ultimately, CBP and Committee staff reached an agreement to use the existing statutory definition of an in-custody death when categorizing incidents to meet these new reporting requirements.³

The DCRA established a definition for use by all federal law enforcement agencies when making death-related custody determinations. The DCRA also requires all such agencies to submit data related to in-custody deaths to the Federal Death in Custody Reporting Program (FDCRP) managed by the Bureau of Justice Statistics within the U.S. Department of Justice. The FDCRP has the primary responsibility for collecting, aggregating, analyzing, and reporting that information to Congress and the public annually. Under the Act, CBP is required to report the death of any person who is:

1. Detained, under arrest, or is in the process of being arrested by any officer of such Federal law enforcement agency (or by any State or local law enforcement officer while participating in and for the purposes of a Federal law enforcement operation, task force, or any other Federal law enforcement capacity carried out by such Federal law enforcement agency); or
2. En route to be incarcerated or detained or is incarcerated or detained at (A) any facility (including any immigration or juvenile facility) pursuant to a contract with such Federal law enforcement agency; (B) any State or local government facility used by such Federal law enforcement agency; or (C) any Federal correctional or Federal pre-trial detention facility located within the United States.

To ensure consistent reporting, the FDCRP provides law enforcement agencies with detailed guidance to assist them in making death-related custody determinations. CBP uses this guidance to assist in making its own determinations and for purposes of its mandatory annual submission to the FDCRP. Because FDCRP independently analyzes data submitted by CBP about each death, it is possible that an office could make a different determination resulting in a disagreement between the data presented in this report and the data published in their annual report. Harmonizing the final determinations would be impossible as CBP is required to submit its data to Congress shortly after the end of each fiscal year whereas the FDCRP reports are on a more attenuated schedule.

³ Committee staff requested CBP categorize any death that occurred after an individual was admitted to a hospital while in CBP custody as in-custody regardless of whether CBP eventually terminated hospital watch in favor of requiring the individual to appear for immigration proceedings later. While this circumstance would not meet the statutory definition of an in-custody death, CBP has categorized them in that manner in this report.

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).

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Using the statutory definition and guidance promulgated by the FDCRP, CBP's OPR led an agency-wide effort to establish criteria to differentiate between in-custody and not in-custody deaths, as they pertain to CBP operations. On March 8, 2021, CBP OPR met with House and Senate Appropriations staff and briefed them on the definitions as required by House Report 116-458. During that meeting, CBP OPR and the Committee staff agreed upon the proposed CBP-specific definitions. In addition, the group also discussed several specific concerns posed by CBP regarding the expectations set forth in the appropriations report language.

Regarding Subsection 1, which originally required CBP to notify the public of all in-custody and other CBP-involved deaths, the Committee staff agreed CBP would only be required to make public notifications regarding in-custody deaths. Both parties agreed that based on the broad criteria set for reportable, but not in-custody deaths, clearing public statements for each incident would be extremely challenging. Nevertheless, CBP agreed that all such deaths would still be reported to Congress. Although CBP does not publicly release statements on all not in-custody deaths, the statistics for not in-custody deaths are included in this report.

⁴ Bureau of Justice Statistics; December 2020, NCJ 252838: Federal Deaths in Custody and During Arrest, 2016-2017-Statistical Tables

Regarding Subsection 4, which required CBP to conduct an autopsy related to each reportable death, the Committee staff acknowledged CBP does not have the capability or authority to independently perform autopsies. CBP OPR agreed to continue the practice of requesting local authorities to conduct autopsies for all in-custody deaths and to the extent permissible by law or regulation, CBP OPR will coordinate with medical examiners to ensure autopsy-related data is available for review by CBP medical personnel as well as independent clinicians supporting CBP OPR mortality reviews.

Regarding Subsection 5, which required CBP to engage the services of an independent clinician to render an opinion as to whether CBP complied with CBP National Standards on Transport, Escort, Detention, and Search (TEDS) standards in its treatment of each deceased individual, the Committee staff agreed these reviews would be limited to cases in which the decedent was held in a CBP facility immediately preceding his or her death. In addition, the Committee staff acknowledged that CBP would work to secure support from the U.S. Public Health Service to provide independent clinician reviews during FY 2021.

On May 3, 2021, CBP OPR once again met with the Committee staff to discuss the scope of reportable not in-custody CBP-related deaths. Deaths in this category included individuals who died in the field of natural causes, frequently caused by environmental factors, shortly after being located or apprehended by U.S. Border Patrol Agents (BPA). During March and April 2021, CBP OPR attempted to respond to each such death and experienced a significant operational strain impacting mission readiness. After discussing these concerns with the Committee staff, all parties agreed to eliminate the review and 24-hour reporting requirements for the following two categories of deaths (though the statistics for these two categories are included in this report):

- 1) Subject discovered in medical distress and dies in the field or en route to a hospital;
and
- 2) Subject discovered in medical distress and dies during initial lifesaving efforts at the hospital.

The FY 2022 Consolidated Appropriations Act, dated March 8, 2022, extended the 24-hour reporting requirement to 72 hours. Throughout FY 2022, CBP OPR provided the Committees with 118 CBP-related death notifications. In addition to the initial notifications, OPR also provided the Committees with investigational updates regarding certain deaths that involved more complex set of circumstances. As a result of the extended 72-hour notification period and the occasional updates, OPR provided the Committees with an increased level of detail regarding the circumstances surrounding each death, when compared to the FY 2021 notifications.

In Custody (Reportable)	Not in Custody (Reportable)	Not Reportable
Subject dies in the process of being physically detained by CBP	Subject dies while attempting to elude CBP but not being actively pursued (including falls from border barriers)	Subject discovered in medical distress and dies in the field or en route to hospital (not in a CBP vehicle)
Subject dies after being detained or arrested or while being escorted to a CBP vehicle	Subject dies before, during, or after primary or outbound inspection at a port of entry (unless referred to secondary or due to use of force)	Subject discovered in medical distress and dies during initial lifesaving efforts at hospital
Subject dies due to vehicle collision, is struck by a vehicle, or dies by any other means while being actively pursued by CBP	Subject dies before, during, or after primary inspection at a USBP checkpoint (unless referred to secondary or due to use of force)	Remains discovered by CBP personnel
Subject dies due to actions of CBP while attempting to detain or arrest subject (e.g., struck by CBP vehicle)	Subject that is not detained or arrested dies while being transported in a CBP-owned vehicle or other conveyance with the sole purpose of obtaining immediate medical care	Discovery of deceased individuals by other agencies
Subject dies while being transported by, or in the custody of, a CBP contractor	Subject dies while processing of import/export paperwork or while paying import/export fees	Deaths resulting from an enforcement action in which CBP personnel did not participate
Subject dies in a CBP holding facility or in route to a CBP holding facility		Subject found deceased by CBP personnel in connection with a search and rescue operation
Subject dies as a result of any use of force by CBP personnel		
Subject dies while undergoing secondary inspection or detained by CBP personnel for any other reason		
Subject dies after being admitted to a medical facility while still in CBP's legal custody		

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On June 10, 2021, the acting CBP Commissioner approved the *Notification and Review Procedures for Certain Deaths and Deaths in Custody* policy. This policy fully implements the review and reporting procedures set forth in House Report 116-458 and reflects CBP's commitment to transparency and accountability. This policy mandates that when a reportable death occurs CBP OPR will:

- Initiate a review to fully document the facts and circumstances surrounding the death including interviewing relevant witnesses, reviewing and preserving records and video and audio evidence, and obtaining relevant information from medical personnel including autopsy results;
- Ensure agency compliance with relevant rules, regulations, and laws (including the CBP standards for TEDS policy);
- Coordinate its reviews with the Office of the Chief Medical Officer (OCMO) and other investigative agencies;
- Identify any potential gaps in training, policy, or procedure that could mitigate similar incidents in the future; and

⁵ Term of Reportable and Not Reportable refer to the 24-hour Congressional notification set forth in the House Report 116-458

⁶ CBP Death in Custody Reporting Chart; *Notification and Review Procedures for Certain Deaths and Deaths in Custody*

- To the extent an individual dies in custody while, or after, being detained in a CBP facility, will consult with an independent clinician who will review the facts and circumstances as documented by OPR's review to assess CBP's compliance with TEDS standards.

In accordance with this policy, CBP components notify CBP OPR field offices of incidents that result in a non-employee death. In response, the CBP OPR field office documents and investigates the circumstances surrounding the death. Subject matter experts from the CBP OPR headquarters Death Review Team provide the responding special agents (SA) with operational support to ensure CBP OPR death reviews meet quality standards.

A. CBP's Proactive Measures

Over FY 2022, CBP OPR focused training efforts to increase CBP OPR's incident response and death investigation capabilities. Throughout FY 2022, CBP OPR partnered with CBP's Laboratory and Scientific Services Directorate (LSSD) to provide scene processing training to CBP OPR SAs across the Nation. LSSD tailored the training classes to the needs of CBP OPR's mission. These classes included blocks of instruction and practical exercises covering topics such as evidence collection, photography, and scene diagramming.

In FY 2022, CBP OPR and LSSD organized and hosted 15 of these training classes in 11 separate locations across the Nation. These efforts resulted in 95 percent of CBP OPR SAs being trained in crime scene processing.

In addition to crime scene training, CBP OPR distributed individual crime scene processing kits to 270 OPR SAs. These packable kits provide CBP OPR SAs the necessary tools and equipment to recover and document evidence properly and the ability to carry this equipment to the remote areas in which CBP conducts its operations.

Historically, the summer months bring an increased number of migrants across the Southwest Border. This, combined with the extreme temperatures in the region, adds additional risk factors to the dangers of illegally entering the United States along the Southwest Border. In turn, this can lead to an increase in migrant deaths.

To increase CBP OPR's mission readiness, sufficiently meet the investigative workload, and provide relief to CBP OPR's workforce across the Southwest Border, from January through October, CBP OPR detailed a total of 53 CBP OPR SAs to field offices across the Southwest Border. These assignments moved workforce assets from non-Southwest Border CBP OPR offices, including CBP OPR headquarters, and temporarily detailed them to the Southwest Border offices.

In FY 2022, CBP OPR increased the manpower of the headquarters-based Death Review Team, which is led by a GS-15 supervisory SA, from three full-time GS-14 senior SAs to five full-time senior SAs. While the team is a headquarters-level function, the senior SAs are assigned to field locations and provide subject matter expertise to CBP OPR units responding to critical incidents in real-time.

As previously done in FY 2021, CBP's OCMO contracted a physician to review specific cases as determined by OPR, in consultation with OCMO, for CBP's compliance with TEDS standards for FY 2022. This process additionally complies with Congressional requirements to have an independent clinician review any death of an individual in custody while, or after, being detained in a CBP facility. The physician has extensive experience, both in full-spectrum family medicine (pediatrics, obstetrics, geriatrics, and active-duty medicine) and in operational medicine, which makes the contracted physician uniquely qualified to serve as an independent reviewer for the multitude of cases seen by CBP.

B. CBP-Related Deaths Report Versus CBP's Rescue Beacon and Unidentified Remains Report

A distinction should be made between this report and CBP's Rescue Beacon and Unidentified Remains Report. The Rescue Beacon and Unidentified Remains Report provides data obtained from CBP's Missing Migrant Program (MMP), led by U.S. Border Patrol (USBP). CBP initiated the MMP in 2017 to prevent the loss of life of migrants during their journey to the United States.

MMP focuses on border safety, locating migrants reported missing, rescuing migrants in distress, the mitigation of migrant deaths, and the identification and reunification of decedents in the border region. Included in the Rescue Beacon and Unidentified Remains Report are the number of suspected undocumented migrants who lost their lives crossing into the United States.

The MMP's statistics are pulled from designated target zones, which are comprised of 45 counties with proximity to the Southwest Border and are historical routes of travel for undocumented migrants. The MMP maintains the following criteria for decedents included in their report:

- A suspected undocumented migrant who died:
 - In furtherance of an illegal entry
 - Within a designated target zone
 - Whether or not the USBP was directly involved

or

- A suspected undocumented migrant who died:
 - In furtherance of an illegal entry
 - Outside of a designated target zone
 - If the USBP was directly involved with the incident

This report focuses on deaths that occur after having contact with CBP employees or on CBP property, such as a fall from the border barrier (BB). Neither the immigration status of the decedent nor the location of the death is a limiting factor in this report; however, it does not include human remains or individuals discovered deceased.

While these reports are both generated by CBP, the reporting requirements differ and therefore the totals are not comparable.

III. FY 2022 CBP-Related Death Data

A. Custody and Incident Type Classification

The FDCRP broadly categorizes in-custody deaths in two categories: Deaths in Custody and Arrest-Related Deaths. Both categories are reportable under the DCRA, and both count as “in-custody.” FDCRP defines the two as:

- **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.
- **Arrest Related Death** – A death that occurs when the event causing the death occurs while the decedent’s freedom to leave is restricted by law enforcement personnel acting in an official capacity. This category also includes any death that occurs when the decedent is detained in a temporary facility designed to hold prisoners for less than 72 hours.

Based on the above definitions, all in-custody deaths included in this report are considered arrest-related as they either occurred in the field or in temporary holding facilities, including hospitals. The non-custodial deaths in this report include deaths that occurred with CBP involvement; however, did not occur while the decedent’s freedom to leave was restricted by CBP or during the process of being arrested or detained by CBP.

In addition to categorizing CBP-related deaths by custody status, this report also classifies them by incident type. The following incident type definitions were formulated by CBP to best describe the circumstances under which a death occurred.

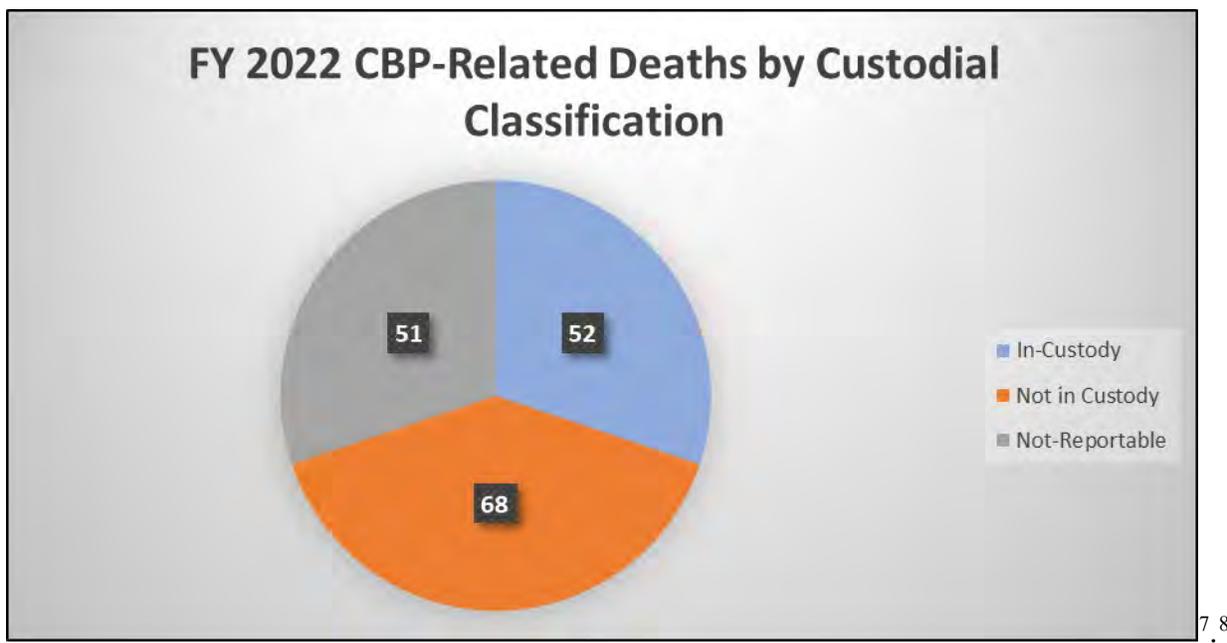
- **Use of Force** – Death was the direct result of a use of force, as defined by the CBP Use of Force Policy, by CBP personnel in the performance of their official duties. This category would include shooting incidents, Collapsible Straight Baton strikes, Electronic Control Weapon deployment, Offensive Driving Techniques, Vehicle Immobilization Device (VID), or other applications of force.
- **Distress** – Decedent discovered in medical distress and dies of natural causes in the field, en route to a hospital, during initial lifesaving efforts at a hospital, or after being admitted to a hospital. Includes search and rescue operations, lost migrants, 911 calls requesting help or reporting an individual in distress, and heat-related illness.
- **Distress at Ports of Entry** – Decedent encountered in medical distress before, during, or after primary or outbound inspections at a port of entry (POE).

- **Fall** – Decedent falls from the BB or falls from other objects or structures while attempting to elude CBP on foot. This category is used if an individual is found deceased after falling from the BB.
- **Drowning** – Decedent’s death is determined to be caused by drowning. This category is used if life-saving efforts were performed or if the event is linked to a CBP enforcement action. If not, see the “Found Deceased” category. If a vehicle enters the water while involved in a pursuit and occupant drowns, the “Pursuit” category is used.
- **Pursuit** – Subject dies because of a motor vehicle collision, rollover, or jumping out of a moving vehicle while CBP is actively engaged in pursuit or after pursuit is terminated and vehicle is attempting to elude CBP or another agency. Deaths associated with foot pursuits should fall under a different category. For maritime pursuits, this category is only used if the vessel collides with an object or capsizes while being pursued or after termination of CBP pursuit while still attempting to elude CBP or another agency. If death occurs as the result of an Offensive Driving Technique or VID deployment, it would fall under the “Use of Force” category.
- **Struck by Vehicle** – Includes deaths caused by decedent attempting to elude CBP and is struck by any motor vehicle, and deaths resulting from a CBP vehicle impacting or crushing a subject unintentionally. If death occurs as a result of an intentional vehicle strike, it would fall under “Use of Force.”
- **Found Deceased** – Includes all instances in which the decedent is discovered after having passed away.
- **Other** – Incidents that cannot be categorized an any previous categories.

B. FY 2022 CBP-Related Deaths

In FY 2022, CBP components conducted a combined 2,766,582 enforcement actions across the United States, which is a 41.4 percent increase from the 1,956,519 enforcement actions during FY 2021. In comparison, CBP OPR reviewed 171 CBP-related deaths throughout FY 2022, a 13.2 percent increase from FY 2021.

CBP OPR categorized these deaths into three categories: In Custody, Not in Custody, and Not Reportable. As previously mentioned, the Not Reportable category refers to incidents involving decedents who are found in medical distress and die during initial lifesaving efforts. Despite the large increase in enforcement actions, CBP had 3 fewer In-Custody deaths during FY 2022 than during FY 2021, resulting in a 5.5 percent reduction of In-Custody deaths.



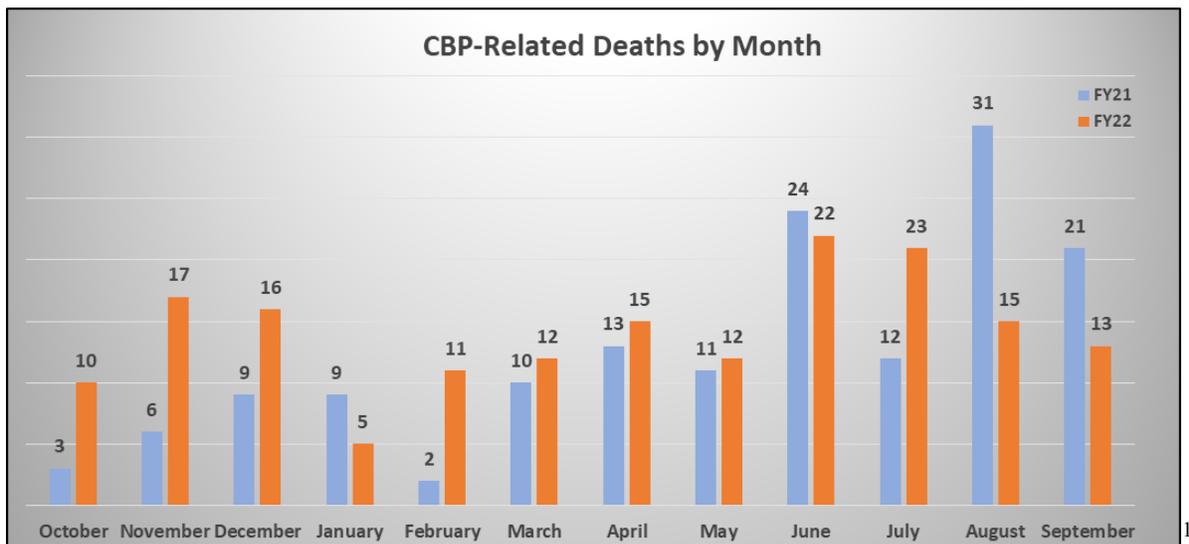
The following chart is a representation of all CBP-related deaths, regardless of custodial status. Of the 171 CBP-related deaths, 139 were during USBP operations, 32 were from Office of Field Operations (OFO) activities. Throughout FY 2022, there were no reportable deaths that occurred in relation to Air and Marine Operations (AMO) that meet the criteria of a CBP-related death based on established definitions.

⁷ Definitions of In Custody, Not in Custody, and Not Reportable are in accordance with definitions agreed upon between CBP and the Appropriations Committees and as presented on page 7 of this report.

⁸ The Not Reportable deaths represented in this graph only refer to deaths that were not in CBP custody in which: 1) the subject was discovered in medical distress and died in the field or en route to the hospital; or 2) the subject was discovered in medical distress and died during initial lifesaving efforts at hospital as mentioned on page 6 of this report.



FY 2022 marks the second year of the OPR Death Review Team’s existence. Therefore, FY 2022 is the first year CBP OPR can make an accurate comparison of year over year statistics based on the custody definitions created by CBP in FY 2021. Making such a comparison on a monthly basis reveals that despite record temperatures in many areas of the Nation, CBP-related deaths, including the Not Reportable medical distress deaths, experienced a 51.6 percent decrease in August, which was the 6th warmest August in recorded history¹⁰.

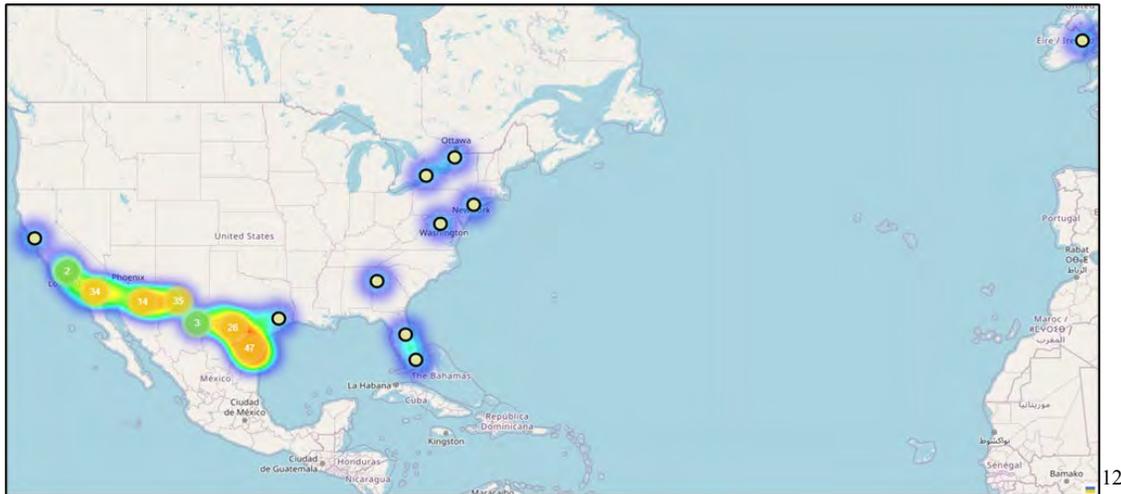


⁹ The numbers represented in this graph include all In-Custody, Not in Custody, and Not Reportable deaths associated with each CBP component.

¹⁰ As reported by the National Oceanic and Atmospheric Administration: <https://www.noaa.gov/news/earth-had-its-6th-warmest-august-on-record>.

¹¹ The numbers represented in this graph include all In-Custody, Not in Custody, and Not Reportable CBP-related deaths that occurred in each month of FY 2021 and FY 2022.

Most of the CBP-related deaths occurred along the Southwest Border of the United States. However, CBP-related deaths occurred in eight separate states and one death that occurred in Dublin, Ireland. The largest share of the CBP-related deaths occurred across the Texas border. The heat map below depicts the location of each CBP-related death that occurred during FY 2022. Each death is represented by a dot on the map to provide a valuable visualization of where the deaths occurred.



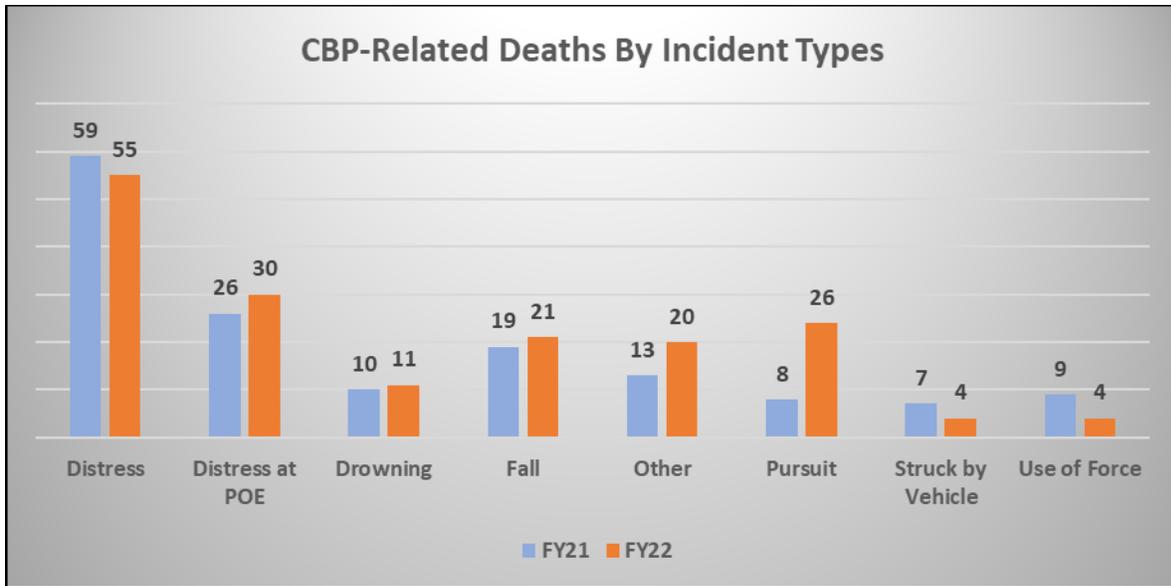
1. Incident Types

When broken down by incident type classification¹³, as in FY 2021, Distress deaths were most common, accounting for 32 percent of all CBP-related deaths in FY 2022. When combined with Distress-related deaths of individuals arriving at a POE, the two categories account for 49.7 percent of all CBP-related deaths. Falls and Drownings comprised an additional 18.7 percent of the deaths. As previously mentioned, the category of Falls includes deaths that result from a fall from the BB. In FY 2022, there were 21 CBP-related deaths that resulted from a fall; 20 of these deaths resulted from a fall from the BB.

Throughout FY 2022, CBP employees were involved in four Use of Force deaths while performing their official duties, compared to nine Use of Force deaths the previous year. These Use of Force deaths resulted from armed encounters experienced by BPAs. There were no deaths in FY 2022 directly attributed to the utilization of a VID.

¹² Image indicates the locations of CBP-related deaths throughout FY 2022.

¹³ Definitions and parameters of each incident type are presented on pages 11 and 12 of this report; however, this chart represents incidents that included a pursuit across different incident types.



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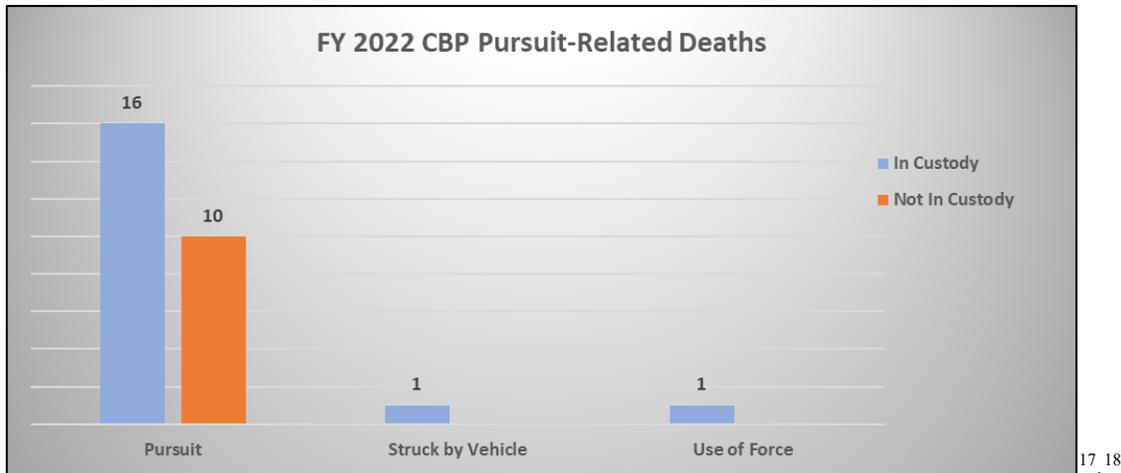
In FY 2022, certain incident types increased in number compared to FY 2021. One of these incident types is the Pursuit category. However, to properly view the pursuit-related death data in this report, it is imperative to understand how CBP OPR conducts incident reviews. When CBP is involved in an incident that results in a death, CBP OPR reviews the chain of events that occurred in their entirety. Then CBP OPR makes the incident type categorization the cause factors that attributed to the death. Based on the CBP incident type parameters¹⁶, it is possible to have a pursuit-related event that results in a death but is not categorized as a Pursuit in the chart above. For instance, if the incident involving a pursuit also includes an application of force and that use of force was a causing factor to the death, the incident type is categorized as Use of Force instead of Pursuit incident type. CBP OPR utilized the same incident categorization process in FY 2021 and FY 2022.

Although this data collection can add some complexity to the interpretation of data, it provides a more accurate account of the border environment and dynamics that can occur during vehicle pursuits. The following graph of “FY 2022 CBP Pursuit-Related Deaths” depicts all incidents in which CBP was involved in a pursuit during the incident regardless of whether the pursuit attributed to the death itself or not, throughout FY 2022.

¹⁴ Definitions of In Custody, Not in Custody, and Not Reportable are in accordance with definitions agreed upon between CBP and the Appropriations Committees and as presented on page 7 of this report.

¹⁵ Definitions and parameters of each incident type are presented on pages 11 and 12 of this report.

¹⁶ Definitions and parameters of each incident type are presented on pages 11 and 12 of this report.



In total, throughout FY 2022, there were 28 deaths that occurred in incidents that involved a CBP-involved pursuit. Of the 28, 18 deaths were determined to be In-Custody, and 10 were determined to be Not in Custody. Most pursuit-related deaths determined to be Not in Custody represent instances in which CBP participated in pursuits but officers from another agency led the pursuit at the time of the death causing event (i.e., a collision). In some instances, these pursuits were initiated by CBP agents then another agency took over the primary position in the pursuit. Other times, the pursuits were initiated by officers of other agencies, and CBP agents participated to provide back up to officers of a partnering agency.

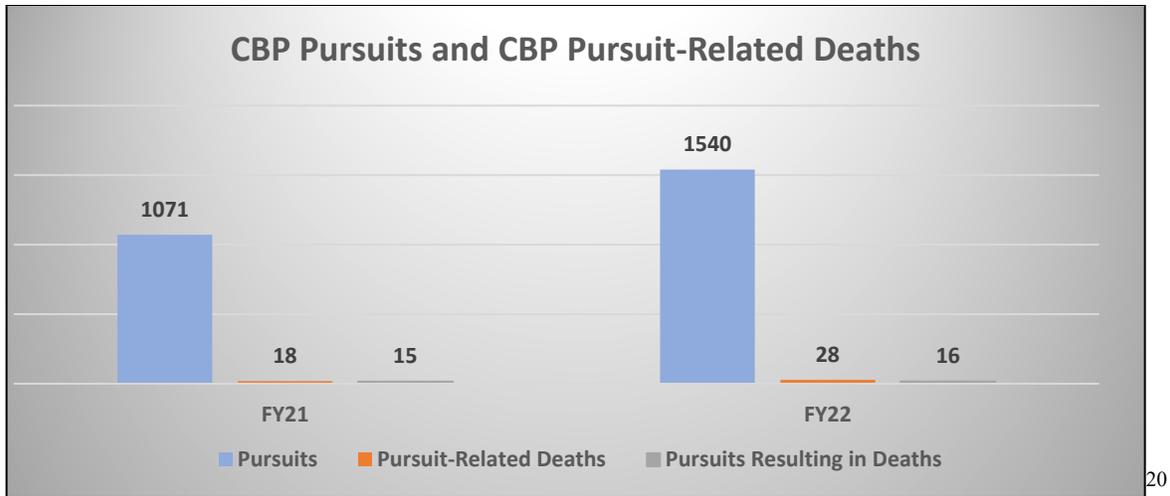
In FY 2022, there were three pursuit-related incidents that resulted in tragic deaths of four bystanders. In each incident, a vehicle being pursued collided with an uninvolved vehicle, killing occupants in the uninvolved vehicle. One of these incidents was the result of a CBP-led pursuit, and two of the incidents occurred when officers from another agency were leading the pursuit at the time of the collisions. These bystander deaths were classified as Not in Custody because CBP was not trying to apprehend or detain the decedents.¹⁹

Throughout FY 2022, CBP engaged in 1,540 pursuits, a 43.8 percent increase from the 1,071 pursuits that occurred during FY 2021. Of these 1,540 pursuits throughout FY 2022, 16 pursuits resulted in the death of the 28 people, as depicted in the following chart. Of the 1,071 pursuits in FY 2021, 15 resulted in 18 pursuit-related deaths. This represents a 55.6 percent increase in the number of pursuit-related deaths. However, the rate of which CBP pursuits resulted in a death declined from 1.4 percent of pursuits resulting in death in FY 2021 to 1.03 percent in FY 2022. The increase of pursuit-related deaths is attributed to the fact that many of the pursuit-related incidents which resulted in death involved multiple fatalities. This includes one pursuit-related incident that resulted in six fatalities.

¹⁷ Definitions and parameters of each incident type are presented on pages 11 and 12 of this report; however, this chart represents incidents that included a pursuit across different incident types.

¹⁸ Definitions of In Custody, Not in Custody, and Not Reportable are in accordance with definitions agreed upon between CBP and the Appropriations Committees and as presented on page 7 of this report.

¹⁹ Custody based on parameters of the Death in Custody Reporting Act detailed on page 4 of this report.



A second incident type category that increased in FY 2022 is the Other category. As mentioned previously, deaths listed in the Other incident type category are incidents that do not fit into any other incident type definition. This was the case for 20 CBP-related deaths in FY 2022.

Of these 20 deaths, 12 are attributed to miscarried pregnancies or perinatal deaths that occurred while the mother was in CBP custody. These 12 incidents represent 0.12 percent of the 9,840²¹ known pregnant detainees held in CBP custody in FY 2022. However, the total number of pregnant detainees was most likely higher because numerical data of pregnant detainees was not collected until January 2022. CBP considers the health and well-being of pregnant detainees a high priority. Each of these incidents is reviewed by CBP OPR, OCMO, and an independent clinician.

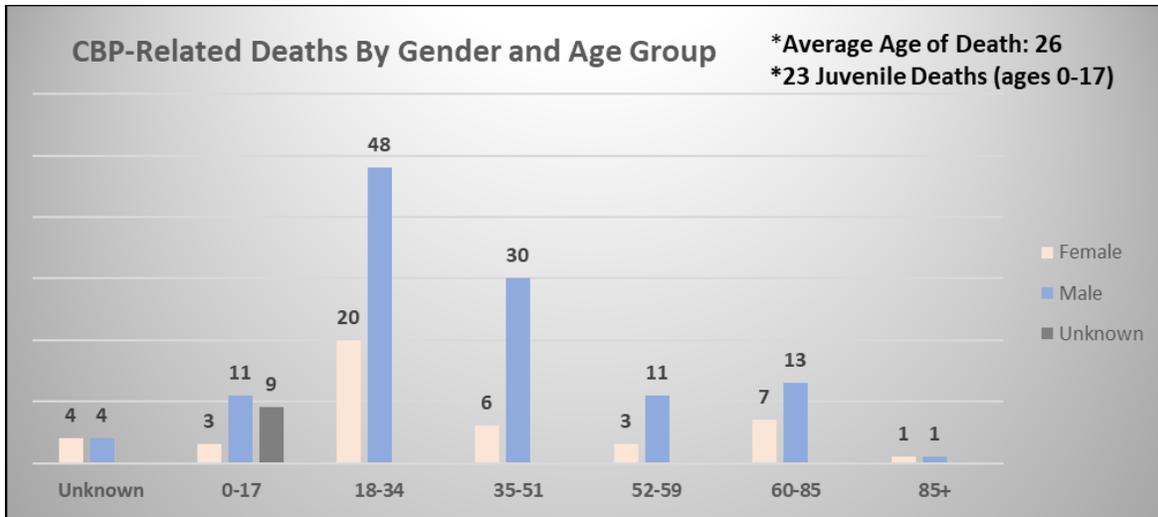
2. Demographics

Although the deaths reviewed by CBP OPR spanned across a wide range of ages, the largest represented group was 18-34-year-olds. In addition, males accounted for 69.0 percent of reportable deaths throughout FY 2022.

CBP OPR reviewed the deaths of 23 juveniles, including the previously mentioned 12 miscarried pregnancies and perinatal deaths. Of the remaining 13 juvenile CBP-related deaths, 5 were deemed to be In-Custody Deaths. None of the juvenile In-Custody Deaths occurred in a CBP detention facility or after the juvenile had been held in a CBP detention facility.

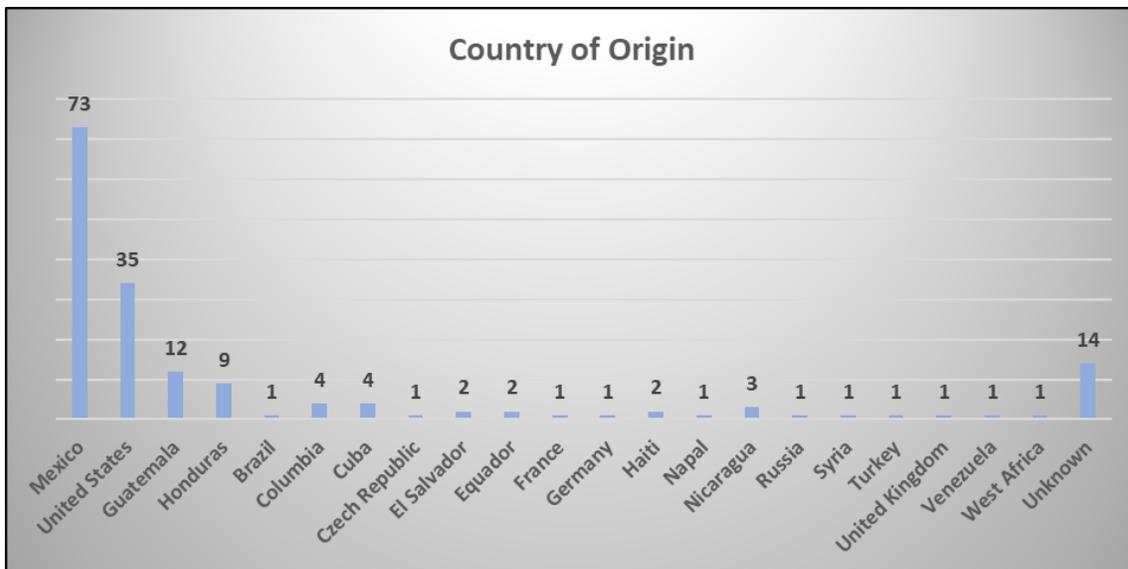
²⁰ Number of CBP pursuits statistic was generated by CBP’s Law Enforcement Safety and Compliance Directorate.

²¹ The number of pregnant detainees statistic was provided by USBP’s Statistics and Data Integrity Unit.



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The 171 decedents hailed from 21 different countries; however, the country of origin was not identified for 14 of the decedents. The largest represented country of origin was Mexico, which attributed to 42.7 percent of the decedents throughout FY 2022.



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3. Medical Care

To preserve lives along the border, CBP has trained a large cadre of CBP officers and agents as Emergency Medical Technicians (EMT) and Emergency Medical Responders (EMR). CBP OPR’s review of CBP-related deaths revealed that most of the decedents received medical care prior to death. As the following chart shows, 64.9 percent of all CBP-related deaths were treated

²² The numbers represented in this graph include all In Custody, Not in Custody, and Not Reportable deaths as defined on page 7 of this report.

²³ The numbers represented in this graph include all In Custody, Not in Custody, and Not Reportable deaths as defined on page 7 of this report.

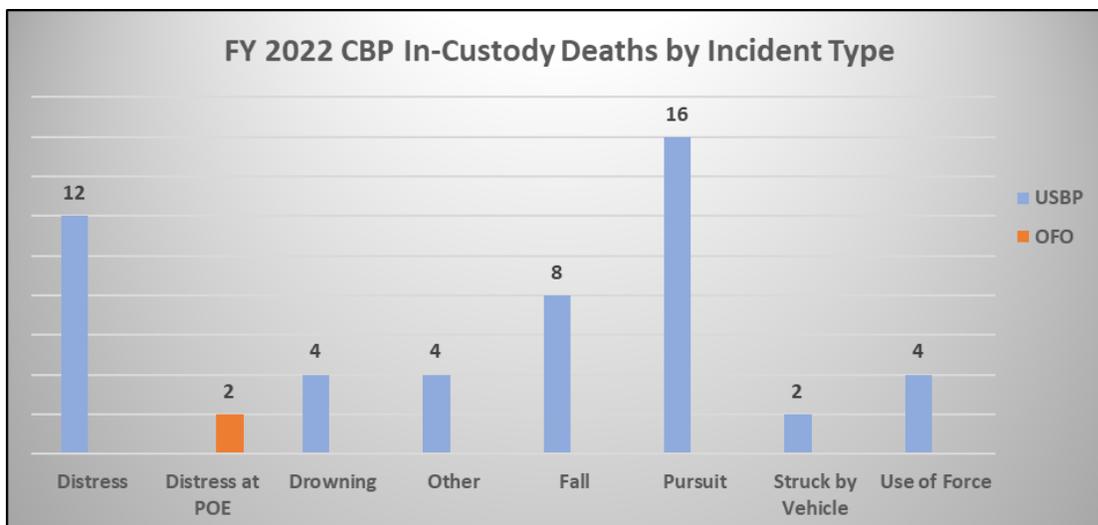
by Emergency Medical Services (EMS) personnel prior to death, and 44.4 percent were transported to a hospital prior to death.

Percentage of Decedents Who Received Medical Care Prior to Death			
	Treated by CBP EMT/EMR	Treated by Non-CBP EMT	Transported to Hospital
In-Custody	23.1%	53.8%	42.3%
Not in Custody	23.5%	61.8%	50.0%
Not Reportable	54.9%	80.4%	39.2%
Total CBP-Related Deaths	32.7%	64.9%	44.4%

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C. In-Custody Deaths

Of the 171 CBP-related deaths, CBP OPR reviewed 52 In-Custody Deaths throughout FY 2022. Despite the 41.4 percent increase in CBP enforcement actions, the number of In-Custody Deaths decreased 5.5 percent from the 55 In-Custody Deaths that occurred in FY 2021. As with all CBP-related deaths, CBP OPR breaks the In-Custody Deaths into eight separate incident types.



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However, despite the reduction of In-Custody Deaths, as defined in Section II of this report, CBP did have an increase of deaths that occurred either in a CBP detention facility or after a detainee was held in a CBP detention facility. In FY 2022, 4 detainees from the 2,766,582 enforcement actions, died after being booked into a detention facility. This number is up from one detention related death in FY 2021. These 4 detention-related deaths equate to a detention facility mortality rate of 0.14 per 100,000 detainees. Due to the unique attributes of CBP’s mission, there is no perfect way to compare this number with those of other law enforcement and

²⁴ Definitions of In Custody, Not in Custody, and Not Reportable are in accordance with definitions agreed upon between CBP and the Appropriations Committees and as presented on page 7 of this report.

²⁵ Definitions of each incident type are found on pages 11 and 12 of this report.

²⁶ Definitions of In Custody deaths is in accordance with definitions agreed upon between CBP and the Appropriations Committees and as presented on page 7 of this report.

detention agencies. However, in the Bureau of Justice Statistics’ report, dated December 2021 and titled *Mortality in Local Jails, 2000-2019-Statistical Tables*, the local jail mortality rate in 2019 was 167 deaths per 100,000 inmates.

Over the previous few years, CBP has made improvements to the conditions of CBP detention facilities and to increase detainees’ access to professional medical care within these facilities. The chart below reflects these efforts, indicating an 82.1 percent decrease in the CBP-detainee mortality rate from FY 2019 to FY 2022 relative to total enforcement actions for the respective fiscal years.

Fiscal Year	FY19	FY20	FY21	FY22
Total Enforcement Actions	1,148,024	646,822	1,956,519	2,766,582
Detention Related Deaths	9	5	1	4
Detention Related Deaths Per 100,000 Enforcement Actions	.78	.77	.05	.14

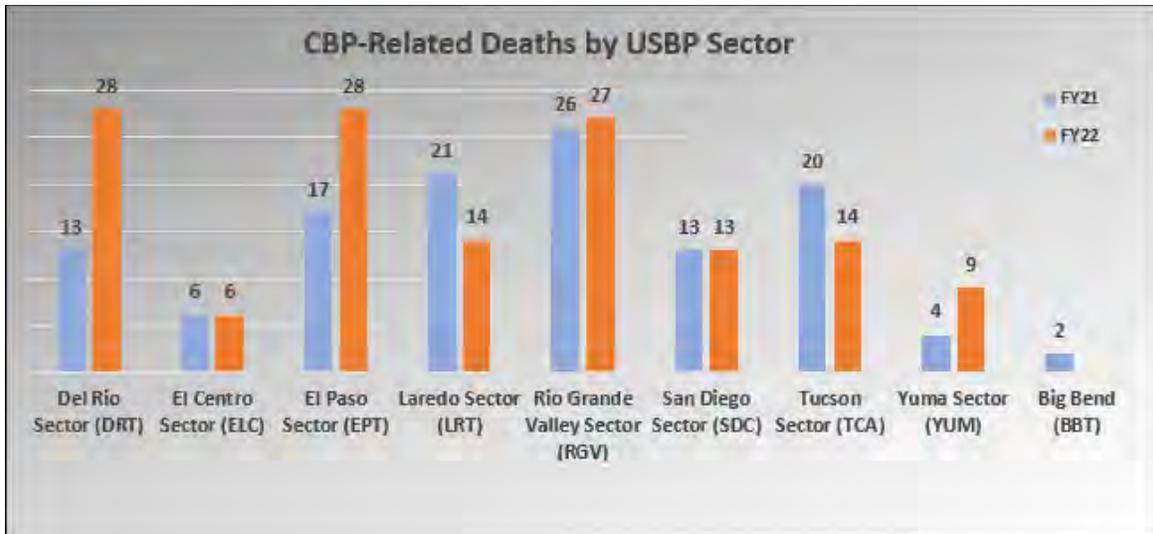
27

D. Component Breakdown

1. U.S. Border Patrol

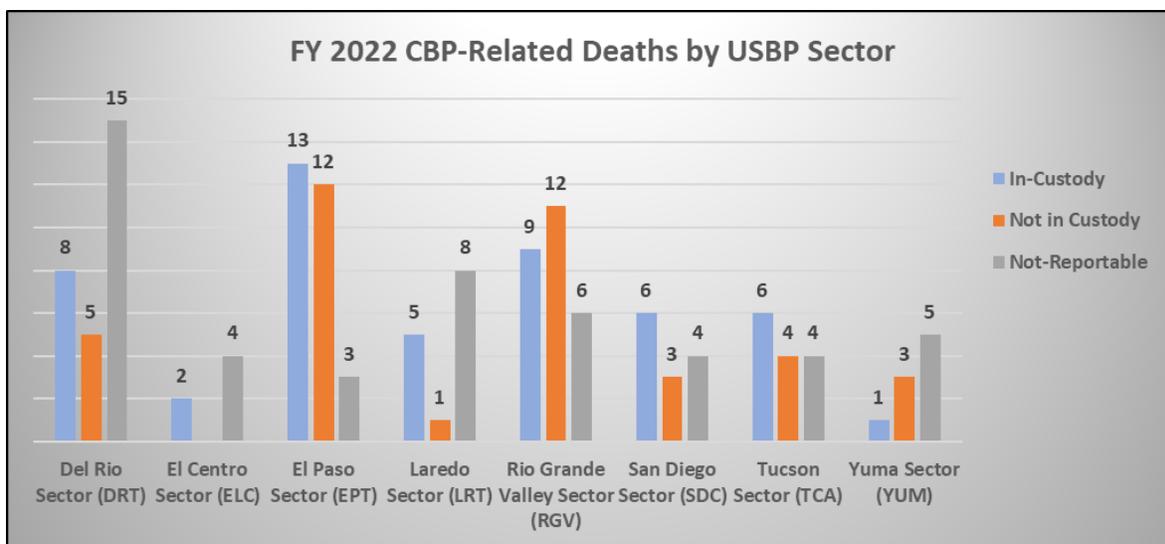
The USBP is the CBP component tasked with securing the Nation’s borders in areas between the POEs. The areas patrolled by the USBP are often remote and harsh. Most of the CBP-related death reviews conducted by CBP OPR were linked to USBP operations along the Southwest Border. A year over year comparison of these CBP-related deaths indicate an increase of such incidents in the Del Rio and El Paso USBP Sectors, which also tied for the highest amounts of CBP-related deaths in FY 2022.

²⁷ Definitions of In Custody deaths is in accordance with definitions agreed upon between CBP and the Appropriations Committees and as presented on page 7 of this report.



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Although deaths linked to USBP operations increased from 122 in FY 2021 to 139 in FY 2022, the number of In-Custody Deaths during USBP operations decreased from 53 to 50, respectively.



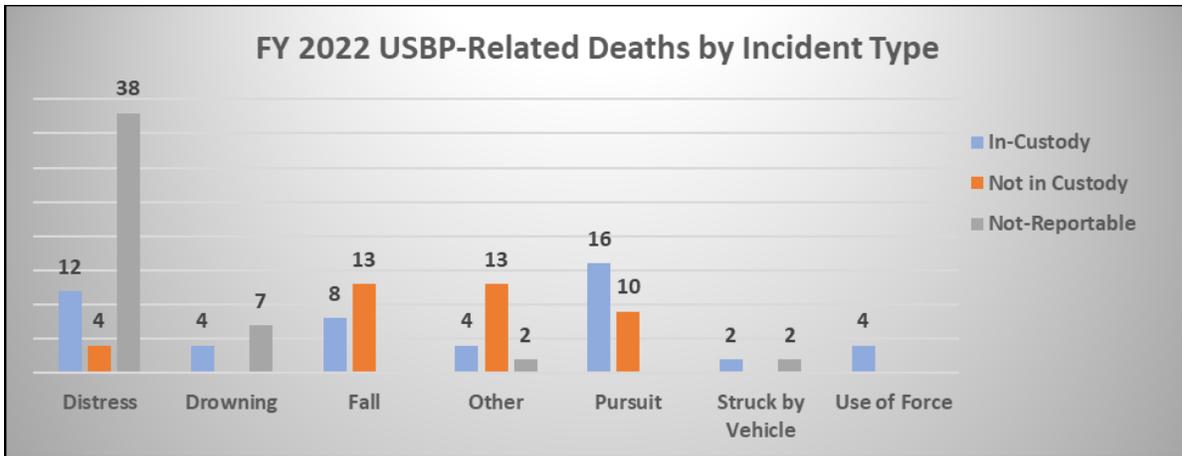
29

The largest represented incident type, which accounted for 39 percent of the USBP-related deaths, was the Distress deaths which occurred along the southwest border. However, the 54 Distress deaths throughout FY 2022 decreased from 59 similar deaths in FY 2021.

Throughout FY 2022, there were 4 Use of Force USBP-related deaths which is less than half of the 9 Use of Force USBP-related deaths that occurred in FY 2021.

²⁸ Definitions of In Custody, Not in Custody, and Not Reportable are in accordance with definitions agreed upon between CBP and the Appropriations Committees and as presented on page 7 of this report.

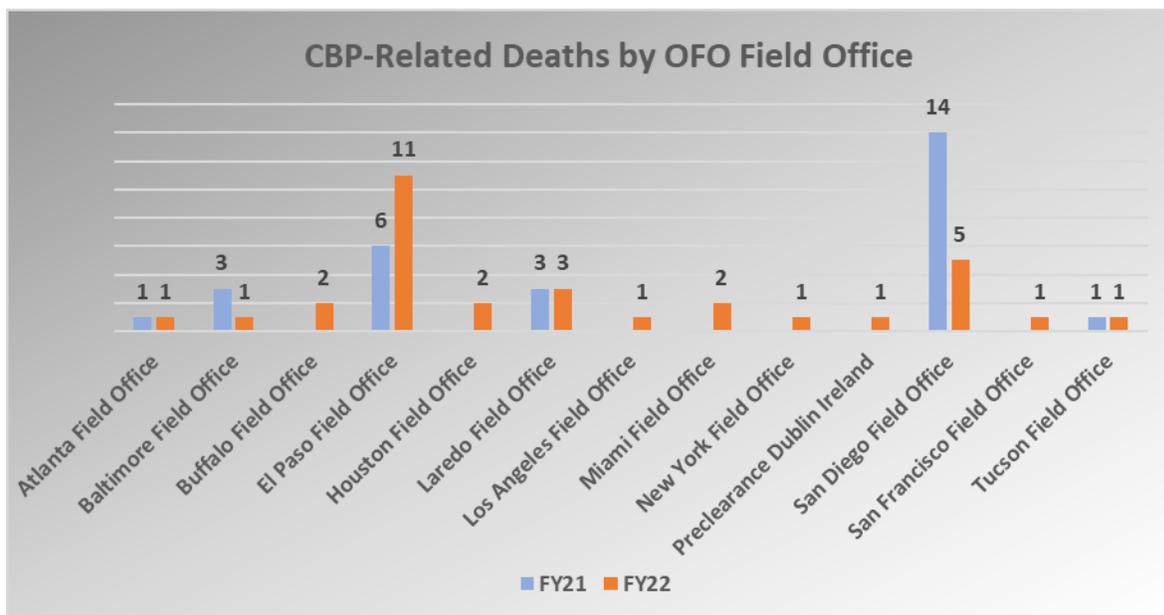
²⁹ Definitions of In Custody, Not in Custody, and Not Reportable are in accordance with definitions agreed upon between CBP and the Appropriations Committees and as presented on page 7 of this report.



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2. Office of Field Operations

In FY 2022, the Office of Field Operations (OFO) experienced 32 CBP-related deaths which is a 14.3 percent increase to the 28 in FY 2021. This number includes two In-Custody Deaths linked to OFO operations in FY 2022. OFO experienced an increased number of deaths of passengers arriving at international airports across the country.



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3. Air and Marine Operations

There were no reportable deaths that occurred linked to AMO operations in FY 2022.

³⁰ Definitions of In Custody, Not in Custody, and Not Reportable are in accordance with definitions agreed upon between CBP and the Appropriations Committees and as presented on page 7 of this report.

³¹ The numbers represented in this graph include all In Custody, Not in Custody and Not Reportable deaths as defined on page 7 of this report.

VII. Appendix- List of Abbreviations

Abbreviation	Definition
AED	Automated External Defibrillator
AIA	Air Interdiction Agent
AMO	Air and Marine Operations
AMR	American Medical Response
ATV	All-Terrain Vehicle
BB	Border Barrier
BOLO	Be On The Lookout
BORSTAR	USBP Search, Trauma and Rescue
BPA	USBP Agent
CBP	U.S. Customs and Border Protection
CBPO	U.S. Customs and Border Protection Officer
CN	Charge Nurse
COVID-19	Coronavirus Disease 2019
CPC	Central Processing Center
CPR	Cardiopulmonary Resuscitation
DCRA	Death in Custody Reporting Act
DHS	Department of Homeland Security
EMR	Emergency Medical Responder
EMS	Emergency Medical Services
EMT	Emergency Medical Technician
EPD	Encinal Police Department
FDCRP	Federal Death in Custody Reporting Program
FOUO	For Official Use Only
FY	Fiscal Year
GPS	Global Positioning System
HSI	Homeland Security Investigations
LSSD	Laboratory and Scientific Services Directorate
MMP	Missing Migrant Program
MPH	Miles Per Hour
MVSS	Mobile Video Surveillance System
NUFRB	National Use of Force Review Board
OCMO	Office of the Chief Medical Officer
OFO	Office of Field Operations
OIG	Office of Inspector General
OPR	Office of Professional Responsibility
POE	Port of Entry
RVSS	Remote Video Surveillance System
SA	Special Agent
SBPA	Supervisory USBP Agent
SCBPO	Supervisory Customs and Border Protection Officer

SUV	Sport Utility Vehicle
TEDS	Transportation, Escort, Detention and Search
USBP	U.S. Border Patrol
UTV	Utility Terrain Vehicle
VID	Vehicle Immobilization Device
WC	Watch Commander