



# Review of the U.S. Marshals Service's Tactical Training Officer Program



21-065

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**APRIL 2021**

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# EXECUTIVE SUMMARY

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### Introduction

The U.S. Marshals Service's (USMS) principal investigative mission is fugitive apprehension. The USMS reported that in fiscal year (FY) 2019 it arrested 90,239 fugitives in collaboration with state and local partners.

In 2011, two Deputy U.S. Marshals (DUSM) and seven partner Task Force Officers (TFO) were killed in the line of duty during a series of USMS fugitive apprehension operations. Following these incidents, the USMS recognized the need for improved officer safety and took actions that resulted in several changes to the content, delivery, and oversight of tactics and officer safety-related training. One aspect of these changes was the establishment of the Tactical Training Officer (TTO) Program, under which select DUSMs are certified as TTOs to teach newly developed officer safety training in their own districts and throughout all of the USMS's 94 districts.

The U.S. Department of Justice Office of the Inspector General (OIG) undertook this review to assess the USMS's TTO Program following concerns that USMS staff raised to us and to Congress about the operations of the TTO Program. As a result of the coronavirus disease 2019 (COVID-19) pandemic and the need to conduct COVID-19 related oversight work, the OIG put this review on hold for approximately 6 months, between March and September 2020.

### Results in Brief

The USMS has made improvements to address officer safety risks through the development and deployment of the TTO Program, which has allowed the USMS to expand the delivery of High Risk Fugitive Apprehension (HRFA) training to the field. However, we identified several concerns that we believe prevent the program

from being as effective as it could be in mitigating risks to officer safety. These concerns relate to the program's current limitations in ensuring that all operational personnel receive officer safety-related training, ensuring that TTOs maintain their tactical skills and knowledge of training content, assessing the program's effectiveness and whether it is accomplishing its objectives, and ensuring that officer safety-related training includes the most up-to-date and relevant content.

### Results of the Review

#### The USMS Should Take Steps to Increase the Effectiveness of the TTO Program's Policy and Operations

We identified several gaps in the TTO Program's policy and operations that prevent it from ensuring that all DUSMs and TTOs consistently receive standardized officer safety-related training, which is the principal objective of the TTO Program. The majority of the USMS staff we interviewed told us that the TTO Program, and the HRFA training the program delivers, has helped the agency to prioritize changes in training that would improve officer safety, with some describing the HRFA training as lifesaving.

However, at the time of our review, as of August 2019, we found that 36 percent (1,248 of 3,502) of DUSMs had not completed HRFA training. In February 2021, the USMS reported to us that, due to new DUSMs coming on board and training cancellations as a result of COVID-19, the percentage of DUSMs who had not taken HRFA had increased to 41 percent (1,529 of 3,722). We found that the requirements for the tactics that TTOs teach and the types of officer safety training operational personnel are required to take are unclear; that not every district has a TTO; and that there is no requirement for TFOs to take USMS training, even though they are frequently a part of USMS fugitive

apprehension teams and are exposed to the same officer safety risks during tactical operations.

In addition, we found that the USMS's Training Division has not developed and managed a TTO skills sustainment training program to ensure that TTOs maintain their skills as the USMS's TTO Policy Directive requires.

Further, we found that the USMS has not established performance metrics or goals to determine whether the TTO Program is effective or whether it is accomplishing its objectives and that the USMS does not sufficiently track district training so that it can identify and address gaps.

### **The USMS Can Do More to Improve Officer Safety-related Training**

Through interviews, we learned that USMS personnel largely believe that the USMS's officer safety-related training, specifically HRFA training, is relevant and has improved officer safety; but we identified two flaws in the training. First, we found that USMS officer safety-related training is not systematically updated with lessons learned, even following a line-of-duty death, and that there is no formal process for regularly incorporating lessons learned into training. We believe that the absence of such a process increases the likelihood that DUSMs will repeat past mistakes or continue to use tactics that could put officer safety at

risk. While the USMS recently finalized a new policy that, if implemented, will establish a process to incorporate lessons learned into training, we are concerned that the policy does not include sufficient criteria for initiating After-Action Reviews and, if a review is conducted, whether and to whom information from the review should be released. We identified and discuss in our report four methods that the USMS could, but currently does not, use to identify lessons learned for incorporation into training when relevant.

Second, we identified two types of situations that can occur frequently in operations and can affect officer safety. These situations—operations involving open space fugitive encounters and those involving the use of small teams—are not covered or are covered only briefly in training. We found that officer safety-related training generally prepares DUSMs to work on larger teams and focuses on tactics for making apprehensions inside a house or vehicle rather than in open spaces. Because the tactics most likely to mitigate risks to officer safety evolve, we believe that updating training related to officer safety with lessons learned and addressing gaps in the curriculum would help ensure that the USMS's officer safety-related training is and remains relevant.

### **Recommendations**

In this report, we make seven recommendations to increase the effectiveness of the USMS TTO Program.

# Table of Contents

<b>Introduction</b> .....	<b>1</b>
Background .....	1
The USMS's HRFA and TTO Programs.....	2
The TD's Oversight of the TTO Program.....	2
Scope and Methodology of the OIG Review .....	3
<b>Results of the Review</b> .....	<b>5</b>
The USMS Should Take Steps to Increase the Effectiveness of the Tactical Training Officer Program's Policy and Operations .....	5
The USMS Can Do More to Improve Officer Safety-related Training .....	13
<b>Conclusion and Recommendations</b> .....	<b>22</b>
Conclusion .....	22
Recommendations .....	23
<b>Appendix 1: Purpose, Scope, and Methodology</b> .....	<b>25</b>
Standards .....	25
Data Analysis .....	25
Site Visits.....	25
Interviews .....	25
Policy and Document Review.....	26
<b>Appendix 2: The USMS's Response to the Draft Report</b> .....	<b>27</b>
<b>Appendix 3: OIG Analysis of the USMS's Response</b> .....	<b>31</b>

# Introduction

The U.S. Marshals Service's (USMS) principal investigative mission is fugitive apprehension. The USMS reported that, during fiscal year (FY) 2019, in collaboration with its state and local partners, it arrested 90,239 fugitives.<sup>1</sup>

In 2011, two Deputy U.S. Marshals (DUSM) and seven partner Task Force Officers (TFO) were killed in the line of duty during a series of USMS fugitive apprehension operations. Following these incidents, the USMS recognized the need for improved officer safety and made several changes to the content, delivery, and oversight of tactics and officer safety-related training. One aspect of these changes was the establishment of the Tactical Training Officer (TTO) Program, under which select DUSMs are certified as TTOs to teach newly developed officer safety training in their own districts and throughout all of the USMS's 94 districts.

The U.S. Department of Justice (Department, DOJ) Office of the Inspector General (OIG) undertook this review to assess the USMS's TTO Program following concerns that USMS staff raised to us and to Congress about the operations of the TTO Program.<sup>2</sup> The OIG reviewed the TTO Program to assess the USMS Training Division's (TD) oversight and management of the program, to determine how the USMS measures the effectiveness of the program, and to assess whether the training curriculum evolves to address the risks involved in fugitive apprehension work. As a result of the coronavirus disease 2019 (COVID-19) pandemic and the need to conduct COVID-19 related oversight work, the OIG put this review on hold for approximately 6 months, between March and September 2020.

## Background

In March 2011, as a result of the line-of-duty deaths mentioned above, then USMS Director Stacia Hylton created the Fugitive Apprehension Risk Mitigation Assessment Team (FARMAT), consisting of subject matter experts and senior law enforcement officials across the USMS, to identify ways to reduce and mitigate safety risks to USMS personnel. The FARMAT identified the need to develop a standardized, tactical-based training curriculum to address three main risk areas inherent to fugitive apprehensions: (1) dwelling or building entries, (2) vehicle encounters, and (3) open space encounters. Subsequent to the FARMAT's recommendations, in December 2011 the TD developed the Comprehensive Risk Mitigation Training Plan, which outlines the TD's role in providing guidelines concerning the development and review of the USMS training curriculum, providing continuing education to USMS personnel, and establishing instructor training requirements.

Based on the FARMAT's recommendations, in 2012 the USMS developed the High Risk Fugitive Apprehension (HRFA) training program, an officer safety-related training program, with a goal of making

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<sup>1</sup> USMS, "[Fact Sheet: Facts and Figures, 2019](https://www.usmarshals.gov/duties/factsheets/facts.pdf)," [www.usmarshals.gov/duties/factsheets/facts.pdf](https://www.usmarshals.gov/duties/factsheets/facts.pdf) (accessed April 15, 2021).

<sup>2</sup> In June 2018, the USMS described the High Risk Fugitive Apprehension (HRFA) and TTO programs in a reply to a letter from Senator Charles Grassley to the then acting USMS Director. Charles Grassley, U.S. Senate, letter to David Harlow, USMS Acting Director, July 5, 2017, at Chuck Grassley, News Release, "[Expired Body Armor, Inconsistent Training Raises Risks For Marshals](https://www.grassley.senate.gov/news/news-releases/expired-body-armor-inconsistent-training-raises-risks-marshals)," July 7, 2017, [www.grassley.senate.gov/news/news-releases/expired-body-armor-inconsistent-training-raises-risks-marshals](https://www.grassley.senate.gov/news/news-releases/expired-body-armor-inconsistent-training-raises-risks-marshals) (accessed April 15, 2021).

training more standardized and consistent to enhance arrest procedures and mitigate safety risks to USMS personnel. As officer safety-related training in the field expanded throughout the implementation of the HRFA program, in 2013 the TD developed the TTO Program to certify training instructors who would be assigned to districts and divisions to deliver officer safety-related training. At the end of calendar year 2013, the TD created the Law Enforcement Safety Training Program (LESTP) Branch to more effectively manage the HRFA and TTO programs and firearms training.

## The USMS's HRFA and TTO Programs

The HRFA program includes tactical training techniques that have been designed to reduce the safety risks inherent in fugitive apprehensions. The HRFA program provides tactical training primarily in areas such as building entries, room clearing, vehicle encounters, trauma medicine, and advanced firearms. Initially, the USMS trained 26 instructors to teach the HRFA training. As the HRFA training program developed, the TD set a goal to train 1,000 DUSMs over a 15-month period by conducting 40 1-week classes, each consisting of 25 trainees. By February 2013, the TD had trained 1,100 DUSMs on HRFA as part of the initial rollout. The TD then developed the TTO Program to continue dissemination of HRFA training by increasing the number of instructors who were trained and certified to teach it.



A DUSM engages in live-fire rifle target practice, with the safety of the shield operator a priority.

Source: USMS

The USMS updates its tactical training curriculum primarily through two methods: (1) TTOs informally discussing, testing, and implementing modifications and (2) a curriculum review process that is required to maintain accreditation by the Federal Law Enforcement Training Academy. In April 2015, the Federal Law Enforcement Training Academy awarded the TD its initial 5-year academy accreditation. The TD informed us that the reaccreditation process, required every 5 years, began in December 2020 and is scheduled to be completed in April 2021.

## The TD's Oversight of the TTO Program

According to the USMS's TTO Policy Directive, the TD is responsible for ensuring that districts and divisions have certified DUSMs, trained as TTOs, available to support the standardization and consistency of officer safety-related training, not only at the Federal Law Enforcement Training Center (FLETC), but also across USMS districts.<sup>3</sup> The TD's LESTP Branch manages the TTO Program, which provides officer safety-related training for the USMS's 94 districts.<sup>4</sup> The TTO Policy Directive states that the TD will request nominations for TTOs from the management of each USMS district and the TD has the authority to make final decisions on

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<sup>3</sup> USMS, Policy Directive 14.13, Law Enforcement Safety Program–Tactical Training Officer, June 30, 2014 (hereinafter cited as TTO Policy Directive).

<sup>4</sup> The LESTP Branch is responsible for officer safety-related training programs, including TTO, HRFA, Firearms instructor, "Less-than-Lethal" instructor, Tactical Pistol Course & Rifle, and Body Armor.

TTO selections and to oversee all certified TTOS.<sup>5</sup> The criteria for acceptance into the program includes status as an operational General Schedule 1811 at the USMS, successful completion of HRFA training, and designation as “most qualified” during the TTO application process. Once TTOS are selected, they become certified after successfully completing a 3-week TTO Instructor Certification Course held at the FLETC. In addition, TTOS must successfully complete all continuing certification requirements to maintain their status. Participation in the TTO Program is voluntary and is a collateral duty performed in addition to regular DUSM responsibilities. TTOS no longer willing or able to participate in the TTO Program may request removal from the program in writing, through district or division management, to the Chief of the LESTP Branch.

The TTO Policy Directive also states that the TD is required to develop and manage a TTO skills sustainment training program.<sup>6</sup> Skills sustainment training is intended to ensure that TTOS remain current in their tactical and training skills, as well as modifications made by the TD related to officer safety. In addition, the TD has the authority to remove TTOS from the program if they do not participate in skills sustainment training. The TTO Policy Directive also stipulates that the TD will work with and assist district and division offices without a TTO to meet their training needs. District management is primarily responsible for tracking all officer safety-related training for DUSMs and TTOS and reporting this information to the TD.



## Scope and Methodology of the OIG Review

In this review, we examined the current state of the USMS’s TTO Program, including the USMS’s management and oversight of the TTOS, whether and how the USMS measures the program’s effectiveness, and the relevancy of the curriculum to address the evolving threat of high risk fugitive apprehensions. Specifically, we evaluated the TTO Policy Directive and the Standard Operating Procedures for Law Enforcement Safety Training Program Instructors (TTO SOP), TTO training, and TTO Program-related policies and procedures that the USMS established prior to and since the implementation of the TTO Program, from 2012 through 2018. We also examined how the TTO Program has changed USMS training and operations for conducting high risk fugitive apprehensions.

Our methodology consisted of document review and analysis, including operational planning and USMS policy specific to tactical operations; shooting incident reports/summaries; and lessons learned disseminated to USMS staff or to other DOJ components. We also conducted in-person and telephonic site visits to USMS districts and visited the FLETC to observe TTO training and interview TD officials. Our

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<sup>5</sup> USMS officials told us that the number of certified TTOS fluctuates due to personnel changes such as promotions, transfers, and other career actions. According to USMS data at the time of our review, there were 212 certified TTOS in July 2018 and 205 in December 2019. As of January 2021, the USMS reported that there were 197 certified TTOS.

<sup>6</sup> The sustainment training requirement for TTOS to maintain their skills according to the TTO Policy Directive is hereinafter referred to as skills sustainment training.

methodology initially included site visits to the five USMS districts that had a line-of-duty death from calendar year 2012 through 2018. However, we eliminated one district from our scope because of an ongoing state criminal case connected to the USMS line-of-duty death. We further discuss the methodology of the review in [Appendix 1](#).

## Results of the Review

### The USMS Should Take Steps to Increase the Effectiveness of the Tactical Training Officer Program's Policy and Operations

We found that the USMS's establishment of the Tactical Training Officer (TTO) Program to enhance officer safety by delivering standardized tactical training, such as High Risk Fugitive Apprehension (HRFA) training, was a positive step toward improving officer safety within the USMS. However, we identified several concerns that we believe prevent the program from being as effective as it could be in mitigating risks to officer safety. Specifically, we found that the TTO Program, as established in the TTO Policy Directive and implemented, does not ensure that all operational staff consistently receive officer safety-related training.<sup>7</sup> We also found that the USMS does not ensure that TTOs maintain their skills because it has not implemented skills sustainment training, as required in the TTO Policy Directive, nor has it established baseline standards for TTOs to maintain their TTO certification. Finally, we found that the USMS has not established performance metrics to determine whether the TTO Program is effective or whether it is accomplishing its objectives; the USMS also does not sufficiently track district training so that it can identify and address gaps.

### The TTO Program Does Not Ensure that All Operational Personnel Receive Officer Safety-related Training

One of the six major goals of the USMS's 2012–2018 Strategic Plan states: "To maximize risk reduction, the USMS must ensure consistency in communicating standardized approaches to apprehension in all scenarios." This is important because staff, including the Training Division (TD) TTO Program Manager, told us that prior to the TTO and HRFA training programs every district was employing tactics differently. The TTO Program trains and deploys certified TTO instructors across USMS districts to deliver standardized and recurring officer safety-related training, which contains aspects of the HRFA training curriculum.<sup>8</sup> The majority of the USMS staff we interviewed told us that the HRFA training and the TTO Program helped the agency to prioritize changes in training that would improve officer safety, some even calling these initiatives lifesaving. However, at the time of our review, as of August 2019, 36 percent (1,248 of 3,502) of Deputy U.S. Marshals (DUSM) had not completed HRFA training. In February 2021, the USMS reported to us that, due to new DUSMs coming on board and training cancellations as a result of COVID-19, the percentage of DUSMs who had not taken HRFA training had increased to 41 percent (1,529 of 3,722).<sup>9</sup> We also identified several

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<sup>7</sup> USMS Policy Directive 14.13, Law Enforcement Safety Program–Tactical Training Officer, June 30, 2014 (hereinafter cited as TTO Policy Directive), states that "the TTO Program is designed to ensure standardization and consistency of officer safety-related training throughout the USMS."

<sup>8</sup> According to USMS data at the time of our review, there were 212 certified TTOs in July 2018 and 205 in December 2019. As of January 2021, the USMS reported that there were 197 certified TTOs.

<sup>9</sup> USMS officials told us that it is difficult for the USMS to ensure that DUSMs who are carrying out the USMS's mission of protecting the federal judiciary receive training because they are subject to the schedules set by the judges at the courts. In addition, they stated that HRFA is less relevant to the day-to-day activities of DUSMs working in court buildings because they are not conducting fugitive apprehensions as part of their regular duties and so the USMS prioritizes HRFA training for DUSMs assigned to fugitive apprehension duties. Nonetheless, these officials told us that ideally all DUSMs would receive HRFA training because any DUSM can be assigned to fugitive apprehension duties at some point.

gaps in the TTO Program's policy and operations that prevent it from ensuring that all operational personnel receive the required amount of standardized officer safety-related training in a consistent and timely manner.<sup>10</sup> Specifically, the current TTO Policy Directive is unclear about the officer safety-related training requirement, which enables inconsistencies among districts. Further, not all USMS districts have an assigned TTO, which can impede or delay the delivery of training, and Task Force Officers (TFO) conducting operations with DUSMs may not necessarily receive the same TTO-taught officer safety-related training as DUSMs receive, which we believe creates operational risk.

### **The TTO Policy Directive Did Not Establish Clear Officer Safety-related Training Requirements**

To ensure that the operational personnel (DUSMs and TFOs) who apprehend fugitives for the USMS receive sufficiently frequent, standardized tactical training to improve officer safety, the TTO Policy Directive established that "operational personnel should receive a minimum of 40 hours of officer safety-related training" annually.<sup>11</sup> Some TTO and TD management interviewees told us that the policy was not specific enough to ensure that the amount and content of officer safety-related training would be consistent. USMS staff told us that, for one thing, the language in the TTO Policy Directive implies that receiving a minimum of 40 hours of training is a suggestion rather than a strict requirement. Specifically, staff explained that the word "should" in the TTO Policy Directive indicates that it is optional for operational personnel to receive any officer safety-related training. A former Chief in the TD told us that not requiring officer safety-related training puts operational personnel in the field at risk because they may not receive such training on a recurring basis.

In addition, while the TTO Policy Directive lists training topics that TTOs can teach, we found that the policy does not specify content to ensure that all 94 USMS districts receive the same training on the same core topics.<sup>12</sup> According to the TD's Chief of the Law Enforcement Safety Training Program (LESTP) Branch at the time of our review, it was left up to the districts to identify their own training needs and teach 40 hours on their choice of training topic(s).<sup>13</sup> For example, the TTO Policy Directive allowed TTOs to provide 40 hours of firearms qualification training without covering other officer safety-related topics. Further, while some variation in training content may be necessary to account for differences in the geographic and demographic characteristics of individual districts, we believe that too much variation could undermine the stated purpose of the TTO Program and may result in some districts not receiving training on important aspects of the HRFA curriculum.

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<sup>10</sup> As of March 2021, approximately 700 state and local officers, known as Task Force Officers (TFO), who work alongside DUSMs, had completed HRFA training since the beginning of the program in 2012. By comparison, in October 2020 the USMS reported that there were 3,601 part-time and full-time TFOs. As we discuss later, TFOs are not required to take HRFA or any other USMS training.

<sup>11</sup> TTO Policy Directive.

<sup>12</sup> The TTO Policy Directive states that TTOs can teach training topics, similarly covered in the TTO Instructor Program, which include Operational Planning, Building Entries and Tactics, Ballistic Shield, Vehicle Takedown, Tactical Firearms, Active Shooter/Active Threat, and Use of Force, in addition to Less-than-Lethal and Firearms training.

<sup>13</sup> Some USMS districts have sent their staff to training provided by other local law enforcement agencies or a regional fugitive task force.

The Chief of the LESTP Branch at the time of our review told us that, to provide guidance additional to the TTO Policy Directive, the TD clarified and made more specific the officer safety-related training topics that TTOs were to teach and the DUSM officer safety training requirements. Specifically, as of May 2019, the new Standard Operating Procedure for Law Enforcement Safety Training Program Instructors (TTO SOP) requires each TTO to instruct a minimum of 40 hours of officer safety-related training covering the eight specific core competencies, as shown in the table, each fiscal year within his or her district or division.<sup>14</sup>

The Chief of the LESTP Branch at the time of our review told us that, starting in FY 2020, TTOs must adhere to these new requirements and the TD is monitoring district training progress. Although the TD expected to post the first of its quarterly results in January 2020, we received an update in October 2020 that this had been temporarily delayed and that the TD now expects this information to be available to USMS districts in the second quarter of FY 2021.

The new TTO SOP also clarified DUSM training requirements by stating that “district or division management is responsible for ensuring that all operational personnel receive a minimum of 40 cumulative hours of officer safety training per fiscal year.” We believe that, if implemented as written, the new TTO SOP will resolve the concerns we identified related to consistent content in officer safety training, as well as the requirement for receiving a specific amount of officer safety training. However, USMS officials told us that, while they intend for districts to view the TTO SOP as the document that reflects the most current requirements, the TTO Policy Directive is still in effect until the USMS finalizes a new policy. Although USMS officials reported that they are drafting a new policy that will align with the TTO SOP, as of February 2021 it had not been finalized, so we are unable to validate that it will address the concerns we identified. Unless the USMS clarifies the language in the TTO Policy Directive or elsewhere in USMS policy documents to explicitly require the amount and content of officer safety-related training for all operational personnel, the TTO Program may not ensure that all operational personnel receive appropriate training.

**Table**

**New Requirements in the TTO SOP**

Core Competency	Minimum Number of Hours Per Fiscal Year
Entry Training	8
Vehicle Tactics	8
Active Shooter	4
Medical Training	4
Tactical Firearms	4
Operational Planning	2
Breaching	1
Ballistic Shield	1
Electives	8
<b>Total</b>	<b>40</b>

Note: Electives cover officer safety-related topics that the TD reviews and approves.

Source: TTO SOP

<sup>14</sup> During our fieldwork, the TD developed the TTO SOP, which the acting Assistant Director of the TD signed on May 2, 2019. The TTO SOP supplements the existing TTO Policy Directive and provides guidance to TTOs and all LESTP instructors, including Firearms instructors, Less-than-Lethal instructors, and Use-of-Force instructors.

## **Not All Districts Have TTOs, Which Can Pose Challenges to Providing Consistent Officer Safety-related Training**

According to a USMS internal document, the ultimate goal of the TTO Program is to have certified TTOs within each district or division to train operational personnel and mitigate safety risks. In addition, a former Assistant Director of the TD told us that each district was originally supposed to have a TTO who would develop and deliver tactical training for the district. We believe that having a TTO assigned to each district could better ensure the USMS's ability to effectively accomplish the intent of the TTO Program because an assigned TTO is more likely to understand the specific officer safety-related training needs of district staff and to be able to promptly organize trainings to meet those needs. However, we found that the USMS does not require a TTO in each district and that, at the time of our review, as of December 2019, nearly 15 percent (14 of 94) of USMS districts did not have an assigned TTO. In reviewing the draft report, the USMS reported that, as of January 2021, the number of USMS districts that did not have an assigned TTO increased to approximately 27 percent (25 out of 94) due to TTO merit promotions and lateral reassignments. The TTO Program Manager told us that at any given time a district may not have a TTO for a variety of reasons, which the TD explained could include merit promotions and lateral reassignments.

To understand the effects of not having a TTO assigned to each district, we contacted the five districts that were without a TTO for the longest time. Staff from these districts told us that they sought and obtained training from a wide range of non-TTO sources; however, we note that these trainings are not conducted regularly and may not have been consistent with the officer safety-related curriculum that TTOs teach.<sup>15</sup> For example, one Supervisory DUSM said that his district attended a training provided by the Federal Bureau of Investigation (FBI) but said that the range and building entry tactics that the FBI taught were not useful for USMS operations.

In lieu of requiring a TTO in each district, the TTO Policy Directive states that the TD will assist those districts without an assigned TTO in coordinating required officer safety-related training through regional support. In fact, the TTO Policy Directive also states that it is the TD's responsibility to ensure that certified TTOs are available to support the officer safety-related training needs of all districts. However, officials from two districts without a TTO told us that they did not receive adequate training assistance from the TD. For example, a Supervisory DUSM from one of the districts told us that he was unaware of anyone from his district interacting with or receiving assistance from the TD with respect to structured training. A Chief Deputy from the other district said that he did not request assistance from the TD because he has to request TD assistance over 2 months in advance but many different logistical details (e.g., date, training costs, venue, etc.) of the training do not come together until a few weeks in advance. He told us that his options are to either conduct trainings without a TTO or not have any training at all. Further, he said that he believed that officer safety-related training given by state and local law enforcement may not be consistent with the content of officer safety-related training conducted by TTOs. We recognize the legitimate reasons why some districts may not have a TTO for a relatively short time; but, given the importance of continuous and consistent training for officer safety, we believe that the TD should explore ways to ensure that districts without a TTO receive officer safety-related training comparable to districts that have a TTO.

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<sup>15</sup> We learned that these non-TTO sources include state and local partner agencies, a regional task force training center, the Special Operations Group, the FBI, and even the U.S. Border Patrol.

## USMS Training Requirements Do Not Apply to TFOs Who Participate in USMS Operations, Which May Increase Risks to Officer Safety

State and local police officers frequently work with DUSMs in conducting USMS fugitive apprehensions. The USMS reported that as of October 2020 there were 3,601 state and local law enforcement personnel deputized as TFOs to work on the USMS's various fugitive task forces.<sup>16</sup> Despite this high level of participation, we found that TFOs are not required to attend USMS training.<sup>17</sup> As a result, TFOs may not be trained to use the same tactics as DUSMs, despite the fact that they work in tandem with DUSMs and are exposed to the same officer safety risks during tactical operations. We found that the standard memorandum of understanding between the USMS and the state and local law enforcement agencies whose staff are deputized to serve on USMS task forces specifies neither responsibility for the USMS to provide officer safety-related training to TFOs nor any requirement for the TFOs to receive training from the USMS. Rather, the agreement states that TFOs will comply with their home agencies' guidelines concerning their training and certification requirements. Thus, even though the TFO Policy Directive states that the TFOs are to "provide critical officer safety-related training to USMS operational personnel and TFOs in the field," TFOs do not necessarily receive this training.

USMS operational personnel we interviewed explained to us their concerns related to the TFOs—particularly TFOs who do not work with the USMS full-time—not necessarily receiving the same officer safety-related training as DUSMs. Some full-time TFOs told us that they have taken USMS district trainings, such as HRFA. However, TFOs who work on USMS task forces infrequently or on an ad hoc basis are less likely to receive any USMS officer safety-related training. Some staff told us that TFOs who do not train with the USMS may actually increase risks to officer safety during operations because they may not be familiar with and work from the same base of communication and tactical knowledge as their DUSM colleagues. Two previous OIG reports identified a similar concern about DOJ personnel working with TFOs who did not receive the same training as their DOJ counterparts.<sup>18</sup>

In addition, we learned that some USMS districts believe that TFOs who have not had USMS training should be limited in their roles and responsibilities to ensure officer safety. For example, a District Supervisor told us that his practice was to place his new TFOs on the perimeter during fugitive apprehension operations until after they had received USMS training. Additionally, he said that he believes that TFOs should be required to attend training with the USMS. A TFO in a different USMS district told us that part-time TFOs

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<sup>16</sup> The number of USMS task forces with state and local TFOs fluctuates. At the time of our review, the USMS reported having 67 fugitive task forces, and, as of October 2020, the USMS reported having 64.

<sup>17</sup> As of October 2020, 49 percent of the 3,601 state and local TFOs were part-time. From the beginning of HRFA training in 2012 until March 2021, approximately 700 TFOs took this training.

<sup>18</sup> In 2017, the OIG reported that the Department did not require TFOs to receive training on federal asset seizure and forfeiture laws and component seizure policies prior to conducting federal seizures, thus the TFOs may not have received training beyond what is included in their respective law enforcement academy curricula. See DOJ OIG, *Review of the Department's Oversight of Cash Seizure and Forfeiture Activities*, Evaluation and Inspections (E&I) Report 17-2 (March 2017), [www.oversight.gov/sites/default/files/oig-reports/e1702.pdf](http://www.oversight.gov/sites/default/files/oig-reports/e1702.pdf). Similarly, in 2015, we reported that not all Drug Enforcement Administration (DEA) transportation interdiction task force members received the DEA's official transportation interdiction training, thus the DEA could not ensure that these officers received training consistent with prevailing seizure and forfeiture law and DEA standards. See DOJ OIG, *Review of the Drug Enforcement Administration's Use of Cold Consent Encounters at Mass Transportation Facilities*, E&I Report 15-3 (January 2015), [www.oversight.gov/sites/default/files/oig-reports/e153.pdf](http://www.oversight.gov/sites/default/files/oig-reports/e153.pdf).

may be restricted from certain tactical situations, such as participating in vehicle encounters or leading building entries, due to the concerns of inadequate and inconsistent training. The USMS established standardized officer safety-related training to reduce risks to operational personnel, including TFOs, and we believe that the inconsistent training of TFOs could undermine the effectiveness of TFO participation in USMS operations.

### **The TTO Program Does Not Ensure that TTOs Maintain Their Skills**

We found that at the time of our review the TD had not developed and managed a TTO skills sustainment training program as the TTO Policy Directive required. As noted in the [Introduction](#), refreshing and maintaining TTO skillsets is important because it helps keep operational personnel up to date on changes to tactics that can affect officer safety. However, we found that the USMS has not ensured that all TTOs maintain their skills through formal skills sustainment training. A TD official told us that, in the absence of formal training, some TTOs received skills sustainment training by participating in or instructing existing TD-sponsored tactical training courses. Still, we found that only a small group of TTOs consistently did so and, as a result, the USMS lacks assurance that all TTOs remain current in all changes to officer safety-related training programs as required in the TTO Policy Directive.

The USMS Associate Director for Operations told us that TTO skills sustainment training has been “a void.” Other USMS staff expressed concerns that the tactics and skills that TTOs use are perishable and, without a formal TTO skills sustainment training program, TTOs may not be able to consistently provide their districts with the most up-to-date officer safety-related training. The TD has been aware of this issue since 2017. A 2017 memorandum by a former Assistant Director of the TD stated that “the training and utilization of the TTOs has been an on-going TD concern.” Moreover, USMS internal documents dated August 2017 reinforced the need to develop a TTO skills sustainment training program to ensure the overall success of the TTO Program.

USMS staff told us that, in place of formal TTO skills sustainment training, some TTOs learned of changes to tactics, sharpened their skills, and networked and exchanged knowledge with other TTOs by assisting with TD-sponsored trainings such as those held at the Federal Law Enforcement Training Center (FLETC). However, we found that only around 50 out of approximately 200 TTOs regularly returned to the FLETC to assist the TD with training; the rest rarely if ever participated, and there is no requirement for them to participate. (See the text box below for a discussion of how district leadership can influence whether TTOs participate in training at the FLETC.) Consequently, this informal substitute for skills sustainment training does not ensure that all TTOs maintain a high skill level (in terms of proficiency in tactics or instruction) or that the training the TTOs provide reflects the most current tactics.

During the course of our review, we learned that as of May 2019 the USMS has developed a formal skills sustainment training and that an updated TTO SOP signed in May 2019 established a more specific requirement for TTOs to take this training every 2 years. The TTO SOP states that TTOs who do not meet this requirement will lose their TTO certification. The Chief of the LESTP Branch at the time of our review

said that the TD conducted its first formal TTO skills sustainment training class in November 2019 and that the TD planned to reevaluate and update the skills sustainment training each year to incorporate any changes and updates that have been made to HRFA and other officer safety-related trainings. In addition to establishing requirements for skills sustainment training, the TTO SOP also reiterates existing requirements and establishes new ones for TTOs to retain their certification.<sup>19</sup>

In October 2020, the USMS told us that the TTO Program faced unprecedented challenges due to the COVID-19 pandemic and that training had been greatly affected. Specifically, the USMS reported that one TTO Instructor class, six HRFA classes, and two Sustainment classes that were scheduled for FY 2020 were canceled or postponed due to COVID-19 travel restrictions.<sup>20</sup> In addition, the TD reported that since March 2020 all current TTOs have been encouraged to conduct officer safety-related training within their home region/office, as long as they could do so safely and while following the Centers for Disease Control and Prevention guidelines. The TD also reported that in the meantime it continues to evaluate the ability “to fully and safely resume advanced operational training such as HRFA” and that “the TD/LESTP continues to support the officer safety training events by providing approved lesson plans, equipment and financial reimbursement when needed. The TD will continue pushing forward as we learn better ways to mitigate the COVID-19 training environment.”

## **The USMS Lacks Metrics to Determine the Extent to Which the TTO Program Has Accomplished Its Objectives**

We found that the USMS has not established performance metrics or goals for the TTO Program and that until recently it had not established a method to track the training courses that TTOs deliver. We believe

### **District Leadership’s Influence on the TTO Program**

We learned that district management’s support can be a major factor in how much a TTO participates in TD-sponsored training. For example, a District Chief Deputy told us that he cannot allow his TTO to leave the district for a temporary duty assignment to assist the TTO Program because his district does not have enough officers to cover the TTO’s regular workload. Some USMS staff suggested that the USMS consider making the TTO a full-time position rather than a collateral duty so that TTOs can fully devote their time to training in their districts without also having to conduct operations. During our fieldwork, some USMS staff suggested that more district leaders, such as Chiefs and U.S. Marshals, should take HRFA training to understand firsthand the value of the tactics taught by the TTOs and the need for TTOs to be current in their skills to properly teach those tactics.

In July 2019, the TD conducted HRFA training for district and division leadership, including some U.S. Marshals. We reviewed the feedback forms that the TD collected from this training and learned that the district leadership participants appreciated the practical, reality-based scenarios and that some believed that HRFA training should be mandatory for all DUSMS and even the U.S. Marshals.

Sources: OIG interviews, USMS TD training feedback forms

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<sup>19</sup> According to the TTO SOP, to maintain their certification TTOs are required to receive an instructor observation assessment, instruct 40 hours of officer safety training within the district, and be available to instruct or assist in instructing 80 hours of TD-sponsored officer safety-related training per fiscal year; support basic deputy candidate training every 3 years; complete TTO sustainment training every 2 years; and maintain firearms qualifications and a current fitness assessment.

<sup>20</sup> After our fieldwork, the TD reported that it held a socially distanced TTO Sustainment class attended by 27 TTOs in Birmingham, Alabama, in November 2020 and that the next Sustainment class is scheduled for the fourth quarter of 2021.

that these shortcomings have inhibited the USMS from determining whether the TTO Program is successful or effective in accomplishing its objectives. The Chief of the LESTP Branch at the time of our review told us that isolating the TTO Program's benefit to officer safety would require the TD to collect extensive operational data. We note that, while it may be a challenge to establish performance metrics for the TTO Program, improving the district tracking system for training would be a positive step toward accurately gauging the program's effectiveness.

During our review, we found that the TD did not have an accurate accounting of district training records to ensure that USMS districts adhere to training requirements and to identify gaps and inconsistencies in district training. The Chief of the LESTP Branch at the time of our review told us that the TD cannot analyze training records USMS-wide to verify that districts have met their training requirements because each district tracked its own trainings differently and did not always provide the information to the TD.<sup>21</sup>

During our fieldwork, we learned that the TD manually tracked district training using Excel spreadsheets but was working to develop a tracking system that would record the number of classes and hours a TTO teaches, as well as an enforcement mechanism to ensure that TTOs maintain their TTO certification. In October 2019, the TD began using a centralized online Learning Management System that directly tracks district trainings. The Chief of the LESTP Branch at the time of our review told us that as of October 2019 all TTOs were required to schedule and track trainings exclusively through this online Learning Management System using standard course identifier codes to ensure consistency in the data. In addition, he told us that, starting in the second quarter of FY 2020, the TD planned to include data on districts' training progress in the "district dashboard," an online tool that tracks each district's quarterly performance on different elements of the USMS mission.<sup>22</sup> However, in October 2020 we received an update on the dashboard stating that the Officer Safety Training data used for the district dashboard has not been made available to USMS districts. According to the USMS, this was due to numerous delays, such as staffing changes and the COVID-19 pandemic, that temporarily delayed the process. As a result, the TD expected the Officer Safety Training dashboard to go live using training data submitted during the first quarter of FY 2021, which would make the information available to USMS districts in the second quarter of FY 2021.

Our fieldwork indicated that an updated Officer Safety Training dashboard could be an effective step toward ensuring that districts comply with training requirements. As one TTO told us, because the USMS does not include any elements related to training in the district dashboard, district leadership may be prioritizing other dashboard elements over training. We believe that this new tracking system and the transparency that the district dashboard provides could help the TD identify district training needs and deficiencies. However, without clearly identified performance metrics in the TTO Policy Directive, TTP SOP, or any USMS documents to evaluate the success of the TTO Program, the USMS is unable to evaluate whether the TTO Program is accomplishing its objectives.

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<sup>21</sup> In addition, the TD told us that the training records are not complete and accurate and thus we would not be able to effectively review them.

<sup>22</sup> The district dashboard includes metrics that track matters such as investigations, warrants, judicial security, and prisoner and detention management.

## The USMS Can Do More to Improve Officer Safety-related Training

As noted above, USMS personnel largely believe that the USMS's officer safety-related training, specifically HRFA training, is relevant and has improved officer safety. However, we identified two gaps in the training. First, we found that USMS officer safety-related training is not systematically updated with lessons learned, even following a line-of-duty death, and the USMS has no formal process for regularly incorporating lessons learned into training. Second, we found that two types of situations, which can occur frequently during fugitive apprehensions and can affect officer safety, are not covered or are covered only briefly in training. These situations are operations involving open space fugitive encounters and those involving the use of small teams, described by interviewees as typically consisting of four or fewer personnel. We found that officer safety-related training generally focuses on tactics for making apprehensions inside a house or vehicle, rather than in open spaces, and prepares DUSMs to work on larger teams. Because the tactics most likely to mitigate risks to officer safety evolve, we believe that the USMS should update the curriculum with lessons learned and address gaps in the curriculum to ensure that officer safety-related training is and remains relevant.



A DUSM aims his weapon while giving “the fugitive” verbal instruction from a point of concealment during training.

Source: USMS, with OIG enhancement

## The USMS Has No Formal Process to Collect and Disseminate Lessons Learned Agency-wide

We found that the USMS lacks a process for systematically collecting and disseminating officer safety-related lessons learned agency-wide. We believe that this increases the likelihood that DUSMs repeat past mistakes, including the use of tactics that could put officer safety at risk. While no two fugitive apprehensions are exactly the same, we believe that a lesson learned during one tactical operation could improve officer safety during another.

Many USMS personnel (including DUSMs, a Supervisory DUSM, District Chiefs, and the Chief of the LESTP Branch at the time of our review) stated that they would like to identify the lessons learned from a critical incident, such as a line-of-duty death, and that they believe this information should be incorporated into training.<sup>23</sup> For example, one District Chief stated that, if the TD is not receiving lessons learned and incorporating them into training, he would consider it a significant concern, even an “incredible injustice.” More notably, DUSMs from multiple districts who had experienced a line-of-duty death explained that they would prefer that the line-of-duty death be evaluated for lessons learned to prevent another, similar tragedy.

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<sup>23</sup> For this review, “critical incident” refers to any fugitive apprehension operation that resulted in severe bodily injury or death of a DUSM, TFO, the subject of the apprehension, or a member of the public. The term can also include a fugitive apprehension operation that is otherwise notable, for example, a shooting incident that does not result in any bodily injury or death.

Insights shared by DUSMs based on their experiences during a line-of-duty death indicate the need to incorporate officer safety-related lessons learned into training modules.<sup>24</sup> For example, at three of the four districts we visited that had experienced a line-of-duty death, DUSMs expressed concerns that their teams' moving too fast to achieve a quick apprehension could jeopardize officer safety; they told us that there was a need to consider using a more conservative approach or entry tactic, such as a "surround and call-out."<sup>25</sup> At two of the districts that had experienced a line-of-duty death, DUSMs expressed concerns about the lack of research and planning prior to an operation. They also expressed concerns about either not having certain equipment for the operation, or not having been trained on equipment that was used, as part of lessons learned that could be useful for future operations. DUSMs also explained that having additional or better-resourced personnel during operations like those using local Special Weapons and Tactics teams could be beneficial. Special Weapons and Tactics teams are typically better trained and equipped to handle barricaded subjects, for example. At all four districts, DUSMs and TFOs told us that more-realistic training situations, such as training to extract a downed officer or to react when fugitives act in unexpected ways, would improve officer safety.

As stated in the [Introduction](#), the USMS developed HRFA training after a series of DUSM and TFO deaths in 2011. In fact, the USMS developed HRFA training expressly to address the officer safety concerns resulting from those operations. Currently, the USMS reviews its training curriculum as part of the TD's academy accreditation process and uses ad hoc discussions to update USMS training, as explained in the Introduction.<sup>26</sup> However, neither the accreditation process nor the use of ad hoc discussions features a systematic process to collect and disseminate lessons learned. We believe that having a more formalized process to incorporate lessons learned into officer safety-related training would provide a way to identify useful insights and recurring themes that could enhance officer safety USMS-wide.

During our fieldwork, we identified four ways that the USMS could, but currently does not, systematically collect lessons learned and use this information to update training. We believe that the USMS can collect lessons learned by establishing a systematic review of critical incidents, such as a line-of-duty death, using an already established process that reviews DUSM-involved shootings; modifying the debriefing process that DUSMs often use; and considering potentially relevant information from other DOJ law enforcement components. Although the USMS uses some of these methods to serve different purposes, below we discuss ways these processes could be modified and/or expanded to collect lessons learned and incorporate them into officer safety-related training. We also believe that the USMS may find that a

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<sup>24</sup> During interviews, we asked DUSMs who had experienced a line-of-duty death whether they had suggested improvements for training based on the line-of-duty death, whether they had learned anything in any training they took following the operation that might have been helpful during the operation, or whether the district had any immediate changes to procedure following the operation. While many DUSMs told us that there was nothing that could have been done to avoid the outcome, many did give us examples of policy or procedural changes made following the operation or training improvements based on the operation. For example, one DUSM stated that he did not know what he would have done differently during the operation; but he later told us that, following the line-of-duty death, his office slowed its pace during fugitive apprehensions and that DUSMs have also changed how they approach a house.

<sup>25</sup> "Surround and call-out" is a tactic that involves DUSMs staying outside a building and calling to a subject who they believe to be inside in the hope that the subject will voluntarily exit the building.

<sup>26</sup> USMS staff consistently told us that, when TFOs from different districts around the country gather at the FLETC to instruct courses, they informally exchange lessons learned such as the effectiveness of a tactic in their district or fugitive hiding spots and weapons concealment methods that they may have come across during operations.

combination of these methods could be the best way to establish a robust, formalized lessons learned collection and dissemination process.

### **The USMS Does Not Systematically Review Critical Incidents, Such as Line-of-Duty Deaths, for Lessons Learned to Update Officer Safety-related Training**

We found that the USMS does not systematically collect lessons learned from critical incidents and use it to update training agency-wide. During the scope of our review, the USMS reviewed only two critical incidents: one of the four line-of-duty deaths in our scope and one active shooter event.<sup>27</sup> We found no formal lessons learned identified and incorporated into agency-wide training following the USMS review of the two critical incidents. Although USMS officials could not confirm why reviews were completed in these two instances and not in others, we found that, because the USMS has no policy requiring reviews of critical incidents, the USMS has historically completed reviews inconsistently, only when a USMS official specifically requested one. Further, at the time of our review the USMS did not have a standard practice for how critical incident reviews would be conducted and what they would entail.<sup>28</sup>

Since July 2016, the USMS had been drafting a formal policy for conducting After-Action Reviews (AAR) when requested by designated USMS officials. On October 27, 2020, more than 4 years later and after our review was complete, the USMS Director finalized and signed the AAR policy. The stated purpose of the policy is to provide guidance and procedures for reviewing USMS critical incidents and operational events after they occur in order to improve training. The policy also directs that a timeline for initiation of the review be established and that senior leadership determine whether and what to disseminate of any lessons learned following the review. As discussed below, we believe that the new policy may not result in systematic identification of lessons learned or incorporation of those lessons into training.

During interviews, USMS managers in various headquarters and field positions, including officials from the USMS Office of General Counsel (OGC), offered three primary reasons why the agency historically has had no formal process for reviewing incidents to identify lessons learned so that training can be updated as appropriate. These reasons included concerns regarding the impact of the Privacy Act of 1974 on gathering and disseminating lessons learned; civil litigation/liability concerns about releasing certain information, such as names of those involved in the operation; and a desire to avoid interfering with ongoing criminal or administrative investigations.

OGC officials stated that using lessons learned to update training could raise two different types of privacy-related concerns: (1) who could receive the AAR reports and (2) the content that could be included in any AAR reports that would be disseminated. OGC management told us that disseminating AAR information agency-wide, especially if it identifies names of USMS personnel, TFOs, and the public, is subject to the Freedom of Information Act process. Despite these concerns, we believe that the USMS could find ways to

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<sup>27</sup> Our scope initially included the five USMS districts that had a line-of-duty death from calendar year 2012 through 2018. However, we eliminated one district from our scope because of an ongoing state criminal case connected to the USMS line-of-duty death.

<sup>28</sup> Training Division (TD) officials gave differing reasons why the reviews were not used to update training. One TD official told us that the TD did not use information from the reviews because they were considered informal. A former TD official told us that information from the review involving the line-of-duty death was not used to update training because the review contained “nothing” that could benefit training.

use this information to update training without identifying a particular operation or individual from which a training scenario was derived.<sup>29</sup>

USMS officials from the TD and OGC told us that an additional reason that the USMS has not collected lessons learned is to ensure that such a process would not interfere with any ongoing criminal or administrative investigations.<sup>30</sup> During our review, and before the policy was finalized, OGC management told us that the now final AAR policy addresses this issue by requiring the TD, OGC, Office of Professional Responsibility (OPR), the Associate Director for Operations (ADO), and the affected district to coordinate a timeline for initiating an AAR so that it would not interfere with an ongoing investigation.

USMS officials we interviewed had conflicting views about how the USMS should use the AAR process. Specifically, the USMS Deputy Director told us that the AAR process is meant for infrequent and especially sensitive situations, such as a line-of-duty death, rather than the more common situations that are currently handled through local debriefings (detailed below). In contrast, the USMS ADO at the time of our review said that the AAR process is meant to be more inclusive than restrictive and is meant to formalize the ad hoc lessons learned process that the USMS has used to this point.

We believe that the issuance of the new AAR policy is a positive step, but we are concerned that the new policy will not prevent the USMS from missing important learning opportunities. The policy states that *“generally, an AAR will be conducted, as determined by the ADO, when a USMS employee or member of a partnering law enforcement agency is involved in a critical incident or operational event that results in death or serious physical injury to a person.”* However, these criteria may be insufficient for ensuring that AARs are conducted in all such incidents. While the policy provides for any of several USMS officials to request an AAR, the ADO determines whether an AAR will be conducted in each specific instance.<sup>31</sup> Additionally, according to the new AAR policy, even when an AAR is conducted, information gathered from the review is not required to be disseminated in a manner that would allow for lessons to be learned. Not only does the ADO determine whether the requested AAR will be conducted, he or she also determines whether *“any information regarding the AAR report will be released and to whom it will be released.”*

We believe that this could allow for situations in which the ADO declines to approve an AAR and/or declines to release information from an AAR, even when other officials deem the approval or release as beneficial. Therefore, we believe that the criteria established in the new policy may not be sufficient to ensure that an AAR will always be conducted for a critical incident, such as a line-of-duty death. As a result, the policy may not be fully effective in assisting the USMS in updating officer safety-related training with lessons learned from critical incidents or used to assist entities, such as the other DOJ law enforcement components, that could benefit from the information. In contrast, we learned that a new Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) process calls for reviewing *“each use of force incident...to advise ATF*

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<sup>29</sup> OGC management told us that during training deputies could guess the genesis of a particular training scenario and, as long as the TD did not confirm that it came from an actual specific operation, there are no Privacy Act issues pertaining to this course of action.

<sup>30</sup> We note that, even though theoretically the USMS could have passed lessons learned to the TD after investigations were complete, TD officials could not recall any instances in which this had occurred.

<sup>31</sup> The policy states that an AAR can be requested through the TD, by the Chair of the USMS Shooting Review Board (SRB), Assistant Director of the OPR, the U.S. Marshal of a district, or the Assistant Director of a division.

management on a variety of issues, including policy, equipment, and training,” through the After-Action Review Committee (AARC). We discuss ATF’s AARC later in this report.

### **The USMS Reviews DUSM-involved Shootings and Firearms Discharges but Does Not Use This Process to Routinely Collect Lessons Learned**

Another way the USMS could more systematically collect and disseminate lessons learned to improve officer safety is to better use information from the USMS Shooting Review Board (SRB). The SRB, composed of management personnel from OGC and the TD, among several other divisions, reviews DUSM firearms discharges and deadly force incidents to determine whether the involved DUSMs complied with USMS policy. We learned that USMS policy allows officials to use the SRB to collect lessons learned and update training but they do not do so. The USMS OPR’s SRB policy states:

When notified that an employee or a TFO has been involved in a deadly force encounter, the SRB will seek permission from OPR to gather information to consider whether it will suggest changes to agency process, training, equipment, or policy that could mitigate risk to other law enforcement officers in a similar situation.

Even though the SRB policy specifically lists suggesting changes to training as one possible SRB function, OPR officials and TD SRB members told us that the SRB does not evaluate cases for lessons learned; rather, the SRB evaluates only whether a shooting or deadly force incident was authorized by USMS policy.

Additionally, we learned that, even if the SRB did identify lessons learned from DUSM firearms discharges and deadly force incidents, it would not be able to identify lessons learned from DUSM incidents that did not involve a firearms discharge, or any incidents centered around TFOs who used deadly force, because the SRB has not reviewed incidents in which only a TFO discharged a firearm.<sup>32</sup> Given the high level of TFO participation in USMS operations, mentioned previously, the fact that the SRB does not review incidents involving TFOs may deprive the USMS of a potentially valuable source for lessons learned information. Specifically, in all four of the line-of-duty death cases within the scope of our review, the only law enforcement personnel who discharged their firearms were TFOs. Thus, the SRB did not review any of the cases.

OPR officials told us that, even though it is within SRB policy to review firearms discharges involving TFOs, and the SRB does receive information related to these incidents, the USMS does not have the capacity to evaluate TFO shooting incidents. OPR officials also told us that the SRB currently focuses predominantly, if not entirely, on determining whether shots fired by DUSMs were authorized by USMS policy and that the SRB does not have sufficient resources to collect and share lessons learned on other types of incidents. We believe that this may be another missed opportunity to improve officer safety by collecting, evaluating, and sharing information that could identify lessons learned.

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<sup>32</sup> The USMS stated that TFO cases are not investigated because they would be considered administrative investigations and the USMS cannot administer discipline to non-USMS employees. In addition, cases in which a DUSM discharged his or her firearm are not investigated if the DUSM was killed in the line of duty.

## DUSMs May Discuss Lessons Learned after Fugitive Apprehensions, but Information Gained from These Discussions Is Inconsistent and Typically Not Communicated Outside the District

We found that, although USMS personnel often conduct informal debriefings among team members following operations, these informal debriefings do not serve as a way to systematically collect lessons learned that could be used agency-wide. These debriefings are not always conducted, do not consistently encompass a substantively similar discussion when they are conducted, and do not occur at a similar amount of time after each operation. Further, although the USMS Deputy Director stated that the USMS does not mandate the structure for such debriefings, but requires only that they take place, interviewees identified several circumstances under which debriefings might not take place.<sup>33</sup> One DUSM told us that debriefings often do not occur because DUSMs need to move on to the next investigation or operation. Another DUSM explained that there may be no debriefing in the case of a routine apprehension. DUSMs in several districts told us that no debriefing was conducted after operations involving a line-of-duty death in their respective districts.

We found that debriefings can generate information to be used in the district where the briefing occurs (such as to inform changes to team actions or local training). However, such debriefings do not currently function as a robust, formalized, agency-wide lessons learned process. As discussed previously, DUSMs in three of the four districts we visited that had experienced a line-of-duty death separately suggested that slowing the pace of operations and choosing more conservative approaches, such as performing a surround and call-out instead of immediately entering a building, would have been beneficial to officer safety. However, it appears that these insights remained within the individual districts and were not shared agency-wide or otherwise included in agency-wide training. This lack of information and insight sharing also inhibits the identification of issues that may be occurring in multiple districts.



USMS instructors debrief the students after completing a vehicle containment and fugitive arrest exercise.

Source: USMS, with OIG enhancement

Another challenge to using these debriefings, for gathering lessons learned to be disseminated agency-wide, is that requiring information from these debriefings to be formally documented and passed along to the Training Division (TD) may cause district officials to be less candid and forthcoming in the concerns they express. A District Chief told us that DUSMs typically conduct debriefings verbally and without writing anything down because they do not want to memorialize negative feedback on a fellow deputy. She told us that requiring debriefings to be written would prevent open dialogue and robust discussion.

The USMS Deputy Director suggested to us that the USMS could modify the debriefing procedure to address passing information from the field to the TD and that this could be preferable to a more resource- and time-

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<sup>33</sup> The USMS Enforcement Operations Standard Operating Procedures says that “investigators will, when possible, conduct a debriefing or critique of the operation.”

intensive process such as conducting an AAR. We believe that, if the USMS were to modify its debriefing procedure to function as a systematic, robust lessons learned process, it should take into account the two concerns we have highlighted.

### **The Department Does Not Have a Formal Policy Requiring the DOJ Law Enforcement Components to Share Lessons Learned**

During our review, officials from the Office of the Deputy Attorney General told us that in 2005 the DOJ law enforcement components concluded that lessons learned from shooting incidents were unique to the individual component and therefore were not useful or applicable to other components. Thus, there is no Department policy that requires interagency sharing of lessons learned across DOJ components and, to the extent any sharing of such information occurs, it is voluntary (see the text box).

Although we found that cross-DOJ component sharing is generally not occurring, during our fieldwork we learned that ATF has a new process that allows representatives of other components to be present for discussions about ATF critical incidents. In October 2018, ATF established an AARC that meets semiannually to “review ATF operations and incidents in order to glean lessons learned in an effort to improve operational effectiveness and the safety of the public, Special Agents, Task Force Officers, and suspects.” According to ATF, the AARC can provide recommendations and implementation strategies after it reviews each use-of-force incident to identify issues of policy, technique selection, training, and agent performance.<sup>34</sup>

ATF officials told us that the AARC serves a different purpose and has a different membership than ATF’s Shooting Incident Review Board, which has responsibility for determining whether a Special Agent complied with ATF and DOJ policies. AARC documentation shows that the AARC’s members are current operational personnel at the ATF field agent and first line supervisor levels while the Shooting Incident Review Board’s members are senior management. ATF invites representatives from other DOJ components to attend AARC

#### **The OIG’s 2004 Review of Shooting Incidents**

A 2004 OIG review of DOJ shooting incidents assessed whether the law enforcement components (ATF, the DEA, the FBI, and the USMS) were adhering to the Department’s September 1995 Policy Statement on Reporting and Review of Shooting Incidents (Resolution 13).

The purpose of Resolution 13 was to ensure objective, thorough, and timely reviews of shooting incidents involving federal law enforcement officers and to create policy for shooting incident reviews at the Department level. Resolution 13 also addressed the importance of identifying lessons learned and required that operational, safety, training, or other relevant issues disclosed during the investigation or review should be promptly communicated to component employees and must be incorporated in policy manuals and training curricula, as appropriate.

The 2004 OIG review found that the components did not systematically share the lessons learned from shooting incident reports and the Department did not aggregate shooting incident data to identify needed training improvements. In addition, although Resolution 13 did not specifically require DOJ components to share lessons learned with one another, the OIG concluded and recommended that the components would benefit from interagency sharing of information about shooting incidents.

Source: DOJ OIG, *Review of Shooting Incidents in the Department of Justice*, E&I Report I-2004-010 (September 2004)

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<sup>34</sup> We found that both the DEA and the FBI’s shooting review boards’ policies include processes to inform their respective training divisions of information gleaned during incident reviews that have value for lessons learned. It was beyond the scope of our review to examine the DEA or the FBI’s process or results.

meetings, and a review of minutes indicates that USMS representatives have attended at least two AARC meetings.

Although ATF's AARC is a new process, and assessing its effectiveness was beyond the scope of the OIG's review, we believe that the USMS may be able to consider such a committee as a way to identify lessons learned from its own critical incidents to improve officer safety-related training. The AARC could also serve as a potential model for the USMS to share such information with the other DOJ law enforcement components for mutual benefit.

## **USMS Training Lacks Content for Two Important Situations: Open Space Fugitive Encounters and Small Teams**

We sought to determine whether the officer safety-related training curriculum that TTOs teach, including High Risk Fugitive Apprehension (HRFA) training, evolves to address risks in fugitive operations. We identified two types of situations, which can occur frequently and can threaten officer safety, that are not covered or are covered only briefly in training. First, in 2011 the TD's Comprehensive Risk Mitigation Training Plan (CRMTP) identified three "main situations of risk"; however, we found that the USMS has training modules on only two of them. Specifically, the USMS has training on vehicle encounters and building entries but not on open spaces. Second, training scenarios often depict larger teams, even though USMS operations are frequently conducted with small teams (those with generally four or fewer personnel). We believe that adding content in these two areas would help make USMS officer safety-related training more relevant.



### **Open Space Fugitive Encounters**

DUSMs from multiple districts provided examples of fugitive apprehensions in open spaces, and two DUSMs suggested that open space encounter scenarios would be helpful to include in HRFA training. One DUSM told us that lessons learned from a fugitive apprehension that occurred in a wooded area may have helped with two other, later cases that also involved wooded areas. According to a DUSM in Montana, his district takes open space encounters "to an extreme" because the district covers so much open space terrain.

More than half of interviewees we asked, including two TD officials, confirmed that current HRFA training includes very little content related to open spaces; some elaborated that the HRFA program does not cover rural open space training. The Chief of the LESTP Branch at the time of our review said that the HRFA program, currently structured to last 1 week, does not have enough time to adequately cover open space encounters. The CRMTP's definition of open space encounters encompasses many environments, "such as a street or parking lot, in urban and suburban areas, or open fields and wooded areas in more rural areas," that can include spaces outside a house or vehicle. The Chief said that, for this reason, open space encounter training would require 3 or 4 days and access to a variety of environments. We believe that, to

ensure that officer safety-related training is relevant to the risks involved in fugitive operations, the TD should evaluate whether DUSMs who conduct fugitive apprehensions need open space training (as the CRMTP identified in 2011) and, if so, explore ways to provide it.

### **Small Teams**

We also learned that the HRFA training program may not adequately emphasize tactics that small teams would use, and we note that a USMS review previously identified this as a concern. Specifically, a 2017 Officer Safety Review conducted by the Chair and Co-Chair of the SRB (but independent of the SRB process) recommended “greater training designed for small offices with fewer resources” and found that “most training is geared toward medium- and large-sized offices...even though a majority of district offices are considered small.”<sup>35</sup> DUSMs we interviewed confirmed the view that more scenarios for small teams in tactical training would be helpful. A TTO told us that the TD’s solution to small teams not having enough manpower to safely make an apprehension is to wait until more operational personnel are available. However, according to DUSMs, waiting is not always realistic and they often conduct the operations with the personnel available.

In discussing the possible addition of these topics into HRFA training, two USMS officials told us that, while they would like to include additional scenarios if time allowed, they did not think it was necessary because (1) HRFA is intended to communicate principles predicated on good decision making that can be applied to any scenario that DUSMs encounter and (2) some situations that are more applicable to certain districts can be taught during district-specific officer safety training. However, during our review we found that USMS personnel who reviewed officer-safety training (as described above and in the CRMTP and the 2017 Officer Safety Review) have identified the need for training in these two important situations. Leaving these topics to be covered by individual districts does not contribute to the USMS-wide goal—and to the TTO Program’s purpose—of providing “standardized” training, as described in the CRMTP. While open space encounters and small team training may be more applicable for some districts than others, we believe that such training could improve officer safety by increasing DUSMs’ familiarity with a greater variety of situations they may encounter.

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<sup>35</sup> USMS SRB, *Officer Safety Review: Conclusions and Recommendations* (September 2017). The reviewers did not specify whether greater training meant a greater quantity of small office training, greater quality of small office training, or both.

# Conclusion and Recommendations

## Conclusion

As the federal government's primary agency for fugitive apprehensions, the USMS arrests tens of thousands of violent fugitives each year in operations that pose significant safety risks to Deputy U.S. Marshals (DUSM) and their partner state and local Task Force Officers (TFO). The USMS has taken steps to improve officer safety, including establishing the Tactical Training Officer (TTO) Program, which has allowed the USMS to expand the delivery of High Risk Fugitive Apprehension (HRFA) training to the field. However, we identified several concerns that we believe prevent the program from being as effective as it could be in mitigating risks to officer safety. These concerns relate to the program's current limitations in ensuring that all operational personnel receive officer safety-related training; ensuring that TTOs maintain their tactical skills and knowledge of training content; assessing the TTO Program's effectiveness and whether it is accomplishing its objectives; and ensuring that officer safety-related training includes the most up-to-date and relevant content.

While in general the TTO Program is intended to ensure that all operational personnel receive standardized and consistent HRFA and other officer safety-related training delivered by TTOs within each USMS district, we found that the TTO Program has not fully accomplished this objective. For one thing, the current TTO Policy Directive did not establish clear officer safety-related training requirements, which allowed district-level inconsistencies in the officer safety-related training that operational personnel can and do take. Also, as of January 2021, nearly 27 percent of USMS districts did not have a TTO, which can impede or delay the delivery of consistent training in those districts. Finally, even though state and local TFOs frequently work with DUSMs in fugitive apprehension operations, they are not required to receive the same training as DUSMs and only some of them have received HRFA training. The USMS established standardized officer safety-related training to reduce risks to operational personnel, including TFOs, and we believe that the inconsistent training of TFOs can undermine the effectiveness of this training.

We found that the USMS's Training Division (TD) has not ensured that TTOs maintain their skills, which is contrary to USMS policy. Further, we found that the USMS could not determine the extent to which the TTO Program has accomplished its objectives because the USMS has not established performance measures. In addition, during the scope of our review, the TD implemented a centralized online management system to track the training courses that TTOs deliver and improve the accounting of district training, which will help enforce training requirements and identify training gaps and inconsistencies. We believe that the new Standard Operating Procedures for Law Enforcement Safety Training Program Instructors may address some of these concerns, such as unclear training requirements and the lack of TTO skills sustainment training. However, because this policy is not yet fully implemented, we could not evaluate its effect on officer safety.

Further, while many USMS personnel told us that USMS officer safety-related training, specifically HRFA training, is relevant and has increased officer safety—some calling it lifesaving—we believe that the USMS could do more to improve it by addressing two gaps that we identified.

First, we found that USMS officer safety-related training is not systematically updated with lessons learned, even following a line-of-duty death, and that at the time of our review the USMS had no formal process for

regularly incorporating lessons learned into training. We believe that this increases the likelihood that DUSMs repeat past mistakes, including the use of tactics that could put officer safety at risk. Moreover, among the USMS district and TD personnel we interviewed, we found broad support for the idea of identifying and incorporating lessons learned into officer safety-related training. Although the USMS has four methods for reviewing incidents and operations, none of them call for reviewing all critical incidents for the purpose of identifying lessons learned to improve training. We believe that these methods, or a combination of them, could be modified for this purpose.

Further, while the USMS recently finalized a new policy that, if implemented, will establish a process to incorporate lessons learned into training, we are concerned that the policy does not include sufficient criteria for initiating After-Action Reviews and, if a review is conducted, whether and to whom information from the review should be released. Rather than establishing circumstances or types of incidents, such as a line-of-duty death, that create a presumption that a review should be initiated, the policy calls for the Associate Director for Operations to determine whether one will be conducted and, if conducted, whether and to whom information from the review will be released. Thus, we believe that the process may not be consistently or routinely initiated or utilized effectively to promote safety reforms. Moreover, we found that there is still no DOJ-wide process for sharing lessons learned among the law enforcement components and that the Department previously concluded that such a process would not be productive. However, during our review we learned that the Bureau of Alcohol, Tobacco, Firearms and Explosives has recently established a new process that may allow for some sharing of this information. We believe that the USMS should consider establishing a process to review critical incidents for lessons learned, which would allow USMS critical incident information to be shared with other DOJ law enforcement components for the mutual benefit of improving officer safety-related training.

Second, we identified two types of situations that can occur frequently in USMS operations and can affect officer safety. These are open space fugitive encounters and situations involving the use of small teams. We found that these two types of situations are not covered or are covered only briefly in officer safety-related training. Officer safety-related training generally prepares DUSMs to work on larger teams focusing on tactics for making apprehensions inside a house or vehicle. Because the tactics most likely to mitigate risks to officer safety evolve, we believe that updating the curriculum with lessons learned and addressing gaps in the curriculum would help ensure that the USMS's officer safety-related training is and remains relevant.

## **Recommendations**

To improve the USMS's oversight of the TTO Program and to ensure that tactical operations benefit from all pertinent information related to lessons learned regarding officer safety, we recommend that the USMS:

1. Clarify officer safety-related training requirements for operational personnel, including Task Force Officers, and ensure that the requirements are clearly established in policy.
2. Ensure that the Training Division provides consistent and prompt assistance to those districts that do not have an assigned Tactical Training Officer.
3. Ensure that all Tactical Training Officers receive skills sustainment training.

4. Establish methods to evaluate whether the Tactical Training Officer Program is accomplishing its objectives.
5. Ensure that the new After-Action Review policy is implemented so that all critical incidents stemming from operations led by and/or involving U.S. Marshals Service personnel are reviewed for lessons learned and used to update and adjust officer safety-related training.
6. Consider including other Department of Justice law enforcement components in operational reviews of critical incidents, including but not limited to the new After-Action Review process, to allow for mutual awareness and improvements to officer safety-related training across components.
7. Evaluate whether modifications to training are needed to adequately cover open space encounters and to better support small teams, and, if so, develop and implement methods to ensure that training adequately addresses these.

# Appendix 1: Purpose, Scope, and Methodology

## Standards

The OIG conducted this review in accordance with the Council of the Inspectors General on Integrity and Efficiency's *Quality Standards for Inspection and Evaluation* (January 2012). As a result of the COVID-19 pandemic and the need to conduct COVID-19 related oversight work, the OIG put this review on hold for approximately 6 months, between March and September 2020. Prior to finalizing this report, the OIG included updated information, where available.

## Data Analysis

In support of determining telephonic and in-person site visit locations for our review, we evaluated and analyzed data related to Tactical Training Officer (TTO) distribution (including districts without TTOs), fugitive apprehension counts by district for each USMS district between FYs 2011 and 2018, number of fugitive apprehensions per state capita, and sites that had experienced a line-of-duty death between FYs 2012 and 2018.<sup>36</sup> Sites were chosen, as listed below, based on a combination of these criteria. We also reviewed USMS Training Division (TD) data related to the number of Deputy U.S. Marshals (DUSM) and Task Force Officers (TFO) who had completed High Risk Fugitive Apprehension (HRFA) training since the establishment of the program, student feedback forms from a July 2019 HRFA training class provided to district and division leadership, and data on current TTOs to identify which USMS districts did not have a TTO.

## Site Visits

During our fieldwork, we visited or conducted telephonic site visits to interview staff in 12 USMS districts: (1) District of Montana, (2) Northern District of Ohio, (3) Eastern District of North Carolina, (4) Eastern District of Wisconsin, (5) Western District of Wisconsin, (6) Eastern District of Tennessee, (7) Western District of Texas, (8) Middle District of Pennsylvania, (9) District of Nebraska, (10) Middle District of Louisiana, (11) District of Vermont, and (12) District of the Virgin Islands.<sup>37</sup> In total, we spoke to USMS staff located in 14 states and a U.S. territory: (1) California, (2) Florida, (3) Georgia, (4) Illinois, (5) Louisiana, (6) Montana, (7) Nebraska, (8) North Carolina, (9) Ohio, (10) Pennsylvania, (11) Tennessee, (12) Texas, (13) Vermont, and (14) Wisconsin, and the Virgin Islands. This included a site visit to the TD, located at the Federal Law Enforcement Training Center in Glynco, Georgia, where we interviewed TD officials and TTO instructors and observed portions of a TTO training class.

## Interviews

The team conducted more than 80 interviews during the course of its review, including interviews with TTOs, DUSMs, TFOs, Supervisory DUSMs, District Chiefs, and U.S. Marshals. We also conducted interviews

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<sup>36</sup> During the course of our review, there were additional line-of-duty deaths as a result of tactical operations in FYs 2018 and 2019. The USMS districts in which these deaths occurred were not a part of our scope and were not analyzed or contacted due to ongoing criminal or administrative investigations.

<sup>37</sup> We eliminated one USMS district from our scope because of an ongoing state criminal case connected to a USMS line-of-duty death.

with TD officials, including the acting Assistant Director and acting Deputy Assistant Director for the TD, the Chief of the Law Enforcement Safety Training Program Branch at the time of our review, and the TTO Program Manager. Additionally, we conducted interviews with senior officials at USMS headquarters, including the Deputy Director; the Associate Director for Operations; the General Counsel, Deputy General Counsel, and Senior Attorney within the Office of General Counsel; and the Assistant Director and Deputy Assistant Director within the Office of Professional Responsibility. Finally, we interviewed senior officials at the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Drug Enforcement Administration; the Federal Bureau of Investigation; and the Office of the Deputy Attorney General.

## **Policy and Document Review**

We reviewed policy directives for the Shooting Review Board and the TTO Program; the After-Action Review policy; procedures for Enforcement Operations; TTO and HRFA curriculum and class schedules; USMS strategic plans and training plans; and documentation related to the creation of the Fugitive Apprehension Risk Mitigation Assessment Team, HRFA training, and the TTO Program. We also reviewed case file information related to several line-of-duty death cases.

## Appendix 2: The USMS's Response to the Draft Report



U.S. Department of Justice  
United States Marshals Service  
*Office of Professional Responsibility*

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Washington, DC 20530-0001

April 8, 2021

MEMORANDUM TO: René Rocque Lee  
Assistant Inspector General  
Office of the Inspector General

FROM: Heather Walker *Heather Walker*  
Assistant Director

SUBJECT: United States Marshals Service Response to Audit Report: Review  
of the United States Marshals Service's Tactical Training Officer  
Program; Assignment No. A-2018-006

In response to recent correspondence from the Office of the Inspector General regarding the subject report, attached is the United States Marshals Service's response to the Formal Draft Audit Report.

Should you have any questions, please contact Krista Eck, External Audit Liaison, at 202-819-4371.

Attachment

cc: Erin Lane  
Deputy Assistant Inspector General  
Office of the Inspector General

Bradley Weinsheimer  
Associate Deputy Attorney General  
Department of Justice

Louise Duhamel  
Acting Assistant Director, Audit Liaison Group  
Internal Review and Evaluation Office  
Justice Management Division

John Kilgallon  
Chief of Staff  
United States Marshals Service

**United States Marshals Service (USMS)  
Review of the USMS' Tactical Training Officer Program  
Assignment No. A-2018-006**

**Recommendation 1: Clarify officer safety-related training requirements for operational personnel, including Task Force Officers, and ensure that the requirements are clearly established in policy.**

**USMS Response: (Concur)** Officer safety-related training programs and subsequent requirements for operational personnel are defined and delineated in USMS Policy Directive 14.13, *Law Enforcement Safety Program – Tactical Training Officer* (revision pending), and Standard Operating Procedure (SOP) Training Division (TD)-2.6, *Law Enforcement Safety Training Program for Instructors*. The revised version of Policy Directive 14.13 states that "operational personnel must receive a minimum of 40 cumulative hours of Officer Safety Training per fiscal year." SOP TD-2.6 further defines these training requirements to reference detailed competencies that must be delivered via annual training, including entry training, vehicle tactics, active shooter, medical training, tactical firearms, operational planning, breaching, ballistic shield, and electives. A minimum number of hours per year required for each training competency is listed in SOP TD-2.6 as well.

In response to the Office of Inspector General (OIG) audit, the USMS TD will ensure that all certified Tactical Training Officers (TTO) are aware of and understand the requirements delineated in the most recent revision of Policy Directive 14.13 (when approved) and SOP TD-2.6. The TD anticipates that revisions for USMS Policy Directive 14.13, *Law Enforcement Safety Program – Tactical Training Officer*, will be submitted for agency review during the 3<sup>rd</sup> Quarter of fiscal year (FY) 2021.

**Recommendation 2: Ensure that the Training Division provides consistent and prompt assistance to those districts that do not have an assigned Tactical Training Officer.**

**USMS Response: (Concur)** The TD is aware that not all USMS districts are currently equipped with an assigned TTO. SOP TD-2.6 states, "Districts or divisions without an assigned TTO will coordinate with the Law Enforcement Safety Training Program (LESTP) coordinator to develop and implement training plans." The LESTP currently assigns each branch instructor with a region, which encompasses specific districts in close geographic proximity, for which they are responsible. The LESTP instructor assigned to each district coordinates with district management to ensure an annual training plan is created and submitted for their district and stays in close coordination with those districts throughout the year to ensure annual training requirements are met. The TD demonstrated its commitment to providing consistent and prompt assistance to district leadership when, in FY 2021, it ensured 100 percent submission of an annual district training plan from all districts, including those without a TTO.

Management officials for those districts without a TTO can still reference their Point of Contact (POC) within the TD Law Enforcement Safety Training Branch for assistance in executing the annual training requirements. The TD will prioritize, when feasible, assistance towards those districts without a TTO by either facilitating the training with a TTO from another district or by administering the training via TD staff.

**Recommendation 3: Ensure that all Tactical Training Officers receive skills sustainment training.**

**USMS Response: (Concur)** The requirement for the receipt of sustainment training by all TTOs is referenced in both Policy Directive 14.13 and SOP TD-2.6. The TD initially delivered one iteration of TTO sustainment training in November of 2019. However, since early 2020, the COVID-19 pandemic has significantly impacted the TD's ability to deliver sustainment training to TTOs. Despite these challenges, one iteration of sustainment training was delivered in Birmingham, Alabama, in November of 2020, with another iteration of sustainment training still pending for the remainder of FY 2021. TTO sustainment training is planned for future fiscal years on a biennial schedule. TD LESTB staff will be tasked with documentation of sustainment training attendance and subsequent scheduling for those TTOs who are due to receive the training.

**Recommendation 4: Establish methods to evaluate whether the TTO Program is accomplishing its objectives.**

**USMS Response: (Concur)** The primary objective of the TTO Program is to ensure that the mandated 40 hours of officer safety-related training required to be completed by each operational USMS member is delivered according to stated policies and procedures (USMS Policy Directive 14.13 and SOP TD-2.6). To evaluate whether this objective is being accomplished, strict and detailed documentation of completed training is paramount. This documentation is effected/accomplished by entering scheduled offerings in the USMS Learning Management System. The TD collaborates with the Office of Strategic Insight to generate detailed reports and visual depictions of where, how, and when this training is being accomplished. These data sets will be used to identify delinquencies in training completion, as well as to provide detailed analysis on how future training requirements should be structured. This will determine whether certain training is needed in any particular geographic region, and to establish any correlations between needed training and operational trends. The TD will also utilize the Curriculum Review Committee process to periodically review training content to ensure the most up-to-date and viable training is being delivered.

**Recommendation 5: Ensure the new After-Action Review policy is implemented so that all critical incidents stemming from operations led by and/or involving USMS personnel are reviewed for lessons learned and used to update and adjust officer safety-related training.**

**USMS Response: (Concur)** On March 11, 2021, USMS Deputy Director Jeffrey Tyler issued a memorandum to all USMS employees titled, "Enhancement to the After-Action Review of Critical Incidents Process." This guidance provides an overview of the After-Action Review (AAR) process, including procedures for requesting an AAR, the approval process, and steps taken in the review itself. Any lessons learned identified as necessary for immediate release to field personnel will be disseminated and needed changes to policy, procedures, and training will be accomplished.

**Recommendation 6: Consider including other Department of Justice (DOJ) law enforcement components in operational reviews of critical incidents, including but not limited to the new After-Action Review process, to allow for mutual awareness and improvements to officer safety-related training across components.**

**USMS Response: (Concur)** Both USMS Policy Directive 2.2, *Shooting Review Board*, and USMS Policy Directive 14.23, *After-Action Review*, authorize team structure to consist of representation from external Department of Justice law enforcement agencies (such as the Shooting Review Board) or SMEs from external entities and law enforcement agencies (AAR). The USMS sees value in including these external agencies' perspective in the review of critical incidents; their objective observations lend themselves to unbiased and genuine assessments of sensitive situations, which allow for improvements and growth, not only in USMS operations but across law enforcement components. The USMS currently includes one member of the Bureau of Alcohol, Tobacco, Firearms, and Explosives on the Shooting Review Board and will include members of other federal agencies, as needed.

**Recommendation 7: Evaluate whether modifications to training are needed to adequately cover open space encounters and to better support small teams, and if so, develop and implement methods to ensure that training adequately addresses these.**

**USMS Response: (Concur)** The TD is constantly evaluating the effectiveness of its training programs and identifying new training needed in the field to make USMS personnel safer. However, the TD believes that the concepts and principles that are taught in conjunction with structure operations, vehicle tactics, arrest techniques, use of force, and other basic curricula apply largely the same way in "open spaces" as they do in other areas. The fundamental precepts taught governing officer safety during operational planning, including personnel considerations, required equipment, communications considerations, command and control delineation, exigencies, tactics common to all, and emergency procedures are as equally applicable in open spaces as they are in any other physical location. The TD is sensitive to substantial differences in geography encountered by USMS teams across the country and the "open spaces" that these environments can create. The TD is amenable to creating and developing training specific to these locations (rural, urban, arctic, etc.) as a need is demonstrated.

The TD is wary of structuring training solely towards small teams, to the extent that doing so implies an acceptance of a clearly demonstrated increase in risk to its operational members in executing arrest techniques without the appropriate manpower to do so safely. A critical element taught during the Operational Planning curriculum is personnel considerations; these concepts are also explicitly referenced in the USMS Investigative Operations Division's Enforcement Operations SOP. During enforcement operations, and as reinforced during training, ensuring that the appropriate amount of personnel is available to conduct the operation safely is paramount. In situations where adequate manpower is lacking, the TD endorses empowering enforcement operations team leaders with the authority and encouragement to abort the current plan in favor of attempting the arrest at a later time, when an appropriate amount of properly trained and equipped personnel is available. Creating a culture where regularly operating with small teams is deemed acceptable may inadvertently and unnecessarily put the USMS' employees in increased danger.

## Appendix 3: OIG Analysis of the USMS's Response

The Office of the Inspector General (OIG) provided a draft of this report to the U.S. Marshals Service (USMS) for its comment. The USMS's response is included in [Appendix 2](#) to this report. The OIG's analysis of the USMS's response and the actions necessary to close the recommendations are discussed below.

### Recommendation 1

Clarify officer safety-related training requirements for operational personnel, including Task Force Officers, and ensure that the requirements are clearly established in policy.

**Status:** Resolved.

**USMS Response:** The USMS concurred with this recommendation and stated that officer safety-related training programs and subsequent requirements for operational personnel are defined and delineated in USMS Policy Directive 14.13, Law Enforcement Safety Program–Tactical Training Officer (revision pending, hereinafter cited as TTO Policy Directive), and Standard Operating Procedure for Law Enforcement Safety Training Program Instructors (hereinafter cited as TTO SOP).<sup>38</sup> The revised version of the TTO Policy Directive states that “operational personnel must receive a minimum of 40 cumulative hours of Officer Safety Training per fiscal year.” The USMS also stated that the TTO SOP further defines these training requirements. The USMS stated that it will ensure that all certified Tactical Training Officers (TTO) are aware of and understand the requirements delineated in the most recent revision of the TTO Policy Directive (when approved) and the TTO SOP. According to the USMS, the Training Division (TD) anticipates that revisions for the TTO Policy Directive will be submitted for agency review during the third quarter of FY 2021.

**OIG Analysis:** The USMS's planned actions are responsive to the recommendation. By October 1, 2021, please provide documentation that the expected revision and approval of the TTO Policy Directive is complete, states that operational personnel must receive a minimum of 40 cumulative hours of officer safety-related training per fiscal year, and clarifies expectations for Task Force Officers. Also provide documentation that TTOs and their supervisors have been notified of the revised policy and this training requirement.

### Recommendation 2

Ensure that the Training Division provides consistent and prompt assistance to those districts that do not have an assigned Tactical Training Officer.

**Status:** Resolved.

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<sup>38</sup> As we note earlier in the report, we refer to USMS Policy Directive 14.13, Law Enforcement Safety Program–Tactical Training Officer, as the TTO Policy Directive. In addition, we refer to Standard Operating Procedure for Law Enforcement Safety Training Program Instructors, as the TTO SOP. During our fieldwork, the TD developed the TTO SOP, which supplements the existing TTO Policy Directive.

**USMS Response:** The USMS concurred with this recommendation and summarized its Law Enforcement Safety Training Program's (LESTP) current process for developing and implementing training plans for each district. The USMS also stated that the TD demonstrated its commitment to providing consistent and prompt assistance to district leadership when, in FY 2021, it ensured 100 percent submission of an annual district training plan from all districts, including those without a TTO. Management officials for those districts without a TTO can still reference their point of contact within the TD LESTP Branch for assistance in executing the annual training requirements. The TD will prioritize, when feasible, assistance toward those districts without a TTO by either facilitating the training with a TTO from another district or by administering the training via TD staff.

**OIG Analysis:** The USMS's planned actions are responsive to the recommendation. The USMS stated that it ensured that all districts submitted annual training plans for FY 2021 and that the TD will provide assistance to those districts without a TTO via a TTO from another district or by TD staff. By October 1, 2021, please provide an explanation of how the planned actions are different from the TD's previous attempts to provide assistance to districts without TTOs, particularly in light of the increasing number of USMS districts that do not have an assigned TTO. In addition, please provide documentation showing how each USMS district completed its annual training plans (for example, whether training was provided by a TTO assigned to the district, by a TTO from another district, or by assistance from the TD) and specifically showing what the assistance provided by the TD entailed.

### **Recommendation 3**

Ensure that all Tactical Training Officers receive skills sustainment training.

**Status:** Resolved.

**USMS Response:** The USMS concurred with this recommendation and stated the requirement for the receipt of sustainment training by all TTOs is referenced in both the TTO SOP and the TTO Policy Directive (the latter of which is expected to be finalized soon). The USMS also reported that the COVID-19 pandemic has significantly impacted the TD's ability to deliver sustainment training to TTOs. One iteration was held in 2020, one additional iteration is planned for FY 2021, and two of these trainings will be held each FY going forward. TD LESTP staff will be tasked with documentation of sustainment training attendance and subsequent scheduling for those TTOs who are due to receive the training.

**OIG Analysis:** The USMS's planned actions are responsive to this recommendation. By October 1, 2021, please report how many TTOs received sustainment training in November 2020 and in FY 2021 and provide documentation (such as the training schedule for FY 2022) that sustainment training will be held on a biennial schedule in the future. Finally, please provide the number of TTOs still in need of sustainment training at the end of FY 2021 and the projected timeline for when all TTOs will receive this training.

### **Recommendation 4**

Establish methods to evaluate whether the Tactical Training Officer Program is accomplishing its objectives.

**Status:** Resolved.

**USMS Response:** The USMS concurred with this recommendation and stated that the primary objective of the TTO Program is to ensure that the mandated 40 hours of officer safety-related training required to be completed by each operational USMS member is delivered according to stated policies and procedures (TTO Policy Directive and TTO SOP). To evaluate whether this objective is being accomplished, strict and detailed documentation of completed training is paramount. This documentation is effected/accomplished by entering scheduled offerings in the USMS Learning Management System. The TD collaborates with the Office of Strategic Insight to generate detailed reports and visual depictions of where, how, and when this training is being accomplished. These data sets will be used to identify delinquencies in training completion, as well as to provide detailed analysis on how future training requirements should be structured. This will determine whether certain training is needed in any particular geographic region and establish any correlations between needed training and operational trends. The TD will also utilize the Curriculum Review Committee process to periodically review training content to ensure that the most up-to-date and viable training is being delivered.

**OIG Analysis:** The USMS's planned actions are responsive to the recommendation. By October 1, 2021, please provide documentation, including the visuals described above, or a status update on the actions the USMS has taken to ensure that the mandated training is taken by USMS operational staff; any delinquencies that were identified through data sets such as the USMS Learning Management System or through the TD's collaboration with the Office of Strategic Insight; and any detailed analysis that was made to inform and structure future training requirements.

## Recommendation 5

Ensure that the new After-Action Review policy is implemented so that all critical incidents stemming from operations led by and/or involving U.S. Marshals Service personnel are reviewed for lessons learned and used to update and adjust officer safety-related training.

**Status:** Resolved.

**USMS Response:** The USMS concurred with this recommendation and stated that on March 11, 2021, USMS Deputy Director Jeffrey Tyler issued to all USMS employees a memorandum titled, "Enhancement to the After-Action Review of Critical Incidents Process." This guidance provides an overview of the After-Action Review (AAR) process, including procedures for requesting an AAR, the approval process, and steps taken during the review itself. Any lessons learned identified as necessary for immediate release to field personnel will be disseminated, and needed changes to policy, procedures, and training will be accomplished. The USMS provided a copy of this memorandum to the OIG.

**OIG Analysis:** The USMS's response is partially responsive to the recommendation. The new AAR policy, as well as the USMS Deputy Director's March 11, 2021 memorandum informing USMS employees of the new AAR policy, appear to be positive steps in that they indicate the USMS's focus on creating an effective AAR process. However, the USMS's response and the memorandum do not address the specific concerns about the new AAR policy that we described in our report. In our report, we noted that the new AAR policy does not ensure that every critical incident is assessed and that lessons learned are incorporated into training. We believe that the new policy could allow for situations in which the Associate Director for Operations declines to approve an AAR and/or declines to release information from an AAR, even when other officials deem the approval or release as beneficial.

By October 1, 2021, please provide documentation that specifically explains how the USMS will implement the new policy in a way that addresses the concerns described in this report. In addition, please provide documentation listing every critical incident (along with a brief description of the incident) occurring between the finalization of the AAR policy, October 27, 2020, and October 1, 2021; the status of any ongoing or completed AARs following these incidents; the information that was disseminated and to whom as a result of these AARs; and the lessons learned, if any, that were ultimately incorporated into officer safety-related training resulting from these AARs. For any critical incidents for which an AAR was not initiated, please explain why the USMS determined not to conduct one.

## Recommendation 6

Consider including other Department of Justice law enforcement components in operational reviews of critical incidents, including but not limited to the new After-Action Review process, to allow for mutual awareness and improvements to officer safety-related training across components.

**Status:** Resolved.

**USMS Response:** The USMS concurred with this recommendation and stated both USMS Policy Directive 2.2, Shooting Review Board (SRB), and USMS Policy Directive 14.23, After-Action Review, authorize team structure to consist of representation from external DOJ law enforcement agencies (such as the SRB) or subject matter experts from external entities and law enforcement agencies (AAR). The USMS sees value in including these external agencies' perspectives in the review of critical incidents; their objective observations lend themselves to unbiased and genuine assessments of sensitive situations, which allow for improvements and growth, not only in USMS operations but across law enforcement components. The USMS currently includes one member of the Bureau of Alcohol, Tobacco, Firearms and Explosives on the SRB and will include members of other federal agencies, as needed.

**OIG Analysis:** The USMS's planned actions are partially responsive to the recommendation in that they describe the benefits of including external agencies' perspectives in the review of critical incidents and state that the team structure authorized in the AAR policy consists of representatives from external DOJ agencies. However, the USMS did not explain its plan for including representatives from other DOJ law enforcement components in its AAR process. By October 1, 2021, please provide an explanation of the USMS's plan for including other DOJ law enforcement representatives in the AAR process, describe actions taken to include such representatives in the AAR process, and report the participation that has occurred as of the end of FY 2021.

## Recommendation 7

Evaluate whether modifications to training are needed to adequately cover open space encounters and to better support small teams, and, if so, develop and implement methods to ensure that training adequately addresses these.

**Status:** Resolved.

**USMS Response:** The USMS concurred with this recommendation and stated that the TD is constantly evaluating the effectiveness of its training programs and identifying new training needed in the field to

make USMS personnel safer. However, the TD believes that the concepts and principles that are taught in conjunction with structure operations, vehicle tactics, arrest techniques, use of force, and other basic curricula apply largely the same way in “open spaces” as they do in other areas. The USMS further states that the TD is sensitive to substantial differences in geography encountered by USMS teams across the country and the open spaces that these environments can create. The TD is amenable to creating and developing training specific to these locations (rural, urban, arctic, etc.), and it will do this as a need is demonstrated.

However, the TD stated that it is wary of structuring training solely toward small teams, to the extent that doing so implies an acceptance of a clearly demonstrated increase in risk to its operational members in executing arrest techniques without the appropriate manpower to do so safely. During enforcement operations, and as reinforced during training, ensuring that the appropriate number of personnel is available to conduct the operation safely is paramount. In situations with inadequate manpower, the TD endorses empowering enforcement operations team leaders with the authority and encouragement to abort the current plan in favor of attempting the arrest at a later time, when an appropriate number of properly trained and equipped personnel is available. Creating a culture in which regularly operating with small teams is deemed acceptable may inadvertently and unnecessarily put the USMS’s employees in increased danger.

**OIG Analysis:** The USMS’s response is partially responsive to this recommendation. Although the USMS stated that it concurred with this recommendation, its response does not provide information or documentation showing that it has evaluated whether modifications to training are needed to adequately cover open space encounters or operations with small teams.

First, the USMS stated that the TD is amenable to creating and developing training specific to open spaces as “a need is demonstrated.” As noted in our report, the USMS’s 2011 Comprehensive Risk Mitigation Training Plan (CRMTP) identified open space encounters as one of three main situations of risk inherent in fugitive apprehensions. The CRMTP also identified building entries and vehicle encounters as risk areas, and the USMS developed training modules for building entries and vehicles but not for open spaces. Based on the information available to us, it appears that the USMS has identified a need for open space encounters training but has not addressed it.

Second, with regard to offering training specific to small teams, the USMS states that “creating a culture where regularly operating with small teams is deemed acceptable,” which may occur by offering training specific to small teams, “may inadvertently and unnecessarily put the USMS’ employees in increased danger.” We believe that one goal that can be achieved through officer safety training is to address and mitigate specific risks that occur during fugitive apprehensions. Our understanding is that the USMS has identified conducting fugitive apprehensions with fewer than the ideal number of personnel as a risk area in need of being addressed, based on the USMS’s 2017 Officer Safety Review, which recommended “greater training designed for small offices with fewer resources” and found that “most training is geared toward medium- and large-sized offices...even though a majority of district offices are considered small.” While the USMS stated that it does not want small teams to be seen as a norm for operations, this seems to be unavoidable in light of the large number of districts whose full-time complement of Deputy U.S. Marshals is small. If the USMS evaluation does not demonstrate that additional training is an effective way to address the officer safety concerns, then the USMS should identify alternative steps to mitigate these risks.

By October 1, 2021, please provide documentation of the evaluation used to determine whether modifications or additions to training are needed to adequately cover either or both of these situations, or a status update on the progress to complete the evaluation, as well as a description of what the evaluation will entail. If the evaluation is complete, please provide documentation of any steps taken to either develop and implement methods to ensure that training adequately addresses these situations or alternative steps taken to mitigate the risks associated with these operational circumstances.