

U.S. Department of Justice
United States Marshals Service



Summary of United States Marshals Service Shooting Incident Review Fiscal Years 2019 - 2021



Executive Summary

- The United States Marshals Service, as the nation's oldest federal law enforcement agency, exercises broad statutory authority to enforce the laws of the United States, to include the apprehension of fugitives. Officer involved shootings occur almost exclusively from the agency's congressional mandate to bring offenders to justice. In 2022, the United States Marshals Service (USMS) conducted a comprehensive review of agency involved shooting incidents occurring from fiscal year (FY) 2019 through 2021. This in-depth report outlines the data-driven analysis of each critical encounter, as well as associated policies, procedures, equipment, and training. The findings and recommendations contained in this report advance the agency's goal of officer and public safety and reducing violent crime in our nation's communities.
- Agency experts analyzed available data to ascertain if gaps or areas of risk exist within these critical incidents and proposed recommendations based on findings identified in key areas.
- Following the Shooting Incident Review, USMS leadership began the development and implementation of an action plan to evaluate, analyze and improve the USMS's critical incident response.

Overview

In 2022, at the request of USMS Director Ronald L. Davis, a comprehensive review of shooting incidents involving Deputy United States Marshals (DUSM) and partner Task Force Officers (TFO) was conducted. The Director recognized that every agency shooting incident represented the potential death of or serious injury to a DUSM, TFO, or member of our community. The review team's mandate was not to re-investigate individual incidents, as each incident was independently and externally investigated by a state or local law enforcement agency exercising investigative and prosecutorial authority over the officer involved shooting, or the incident was investigated by the Federal Bureau of Investigation (FBI), or the Office of Inspector General (OIG). Instead, the purpose of this review was to: assess policies, training, tactics, and equipment to reduce the likelihood of DUSMs or TFOs being involved in future shootings; determine if adjustments could reduce the risk of injury when these tragic incidents occur; and enhance the safety and effectiveness of USMS operations.

Objective

The objective of this review was to gather information from USMS shooting incidents to evaluate operational trends, identify any need to enhance training and equipment, and/or provide officer-safety related information to the field. The USMS is comprised of nearly 4,000 DUSMs, some of which partner with over 3,500 TFOs to combat violent crime every day as part of

interagency fugitive task forces located throughout the United States. In addition to fugitive apprehension, DUSMs also support many other essential missions including court and prisoner security, judicial and witness protection, and other specialized missions (natural disaster response, civil unrest, etc.). The USMS' various missions support the President and Attorney General's law enforcement priorities, which include enhancing civil rights; countering domestic terrorism; ending violence against women; reforming the federal, state, and local criminal justice systems; combatting the gun violence epidemic; and strengthening ties between law enforcement and communities. While the job of a DUSM is inherently dangerous, professional processes, policies, procedures, and training are the keys to navigating the physical and mental demands of the position in the safest manner possible.

According to a recent study conducted by the Federal Law Enforcement Training Centers (FLETC), when law enforcement encounters the subject of an arrest warrant, the subject is nearly four times more likely to resist.¹ As a primary statutory duty, the USMS arrests more individuals with warrants than all other Department of Justice (DOJ) agencies combined, thus USMS personnel are more likely to be involved in a use of force incident than those employed by other federal law enforcement agencies. Moreover, according to FBI data, the third highest reported reason for initial contact during a use of force incident in 2021 was the service of warrants or court orders, both core responsibilities of the USMS.² In addition, according to statistics reported to the FBI, there was a 51 percent increase in the number of law enforcement officers killed from January 1, 2021, to September 30, 2021 when compared to the same period the prior year, and 4,071 more officers assaulted in 2020 than the 56,034 assaults reported in 2019, underscoring the need to address and mitigate the risks inherent in these use of force encounters.³

The USMS understands that law enforcement engagement is at a critical juncture and the importance of re-examining the fundamentals of policies, tactics, training, equipment, and use-of-force practices through comprehensive internal reviews. While law enforcement policies, tactics, equipment, and training have made significant advancements over the past 25 years, the USMS recognizes the ongoing need to re-evaluate and update practices. For this assessment, an experienced team comprised of operational agency leaders collaborated to review available data, undertake a comprehensive examination, determine whether the information or available data revealed any relevant operational practices and/or emerging trends, and propose recommendations based on that information. This proactive review will enable the USMS to implement the recommendations and develop innovative approaches to potentially reduce the need to use deadly force and increase the probability for successful non-violent outcomes.⁴

Data Scope

For the shooting incidents review, the Office of Professional Responsibility-Force Review Branch (OPR-FRB) assumed responsibility for data collection and integrity. The scope of the

¹ De-escalation Behaviors in Naturalistic Law Enforcement Settings Executive Summary provided by the FLETC Behavioral Science Division on January 10, 2022.

² 2021 Use of Force Data Collection, <https://www.fbi.gov/news/press-releases/press-releases/fbi-releases-2021-and-first-quarter-2022-statistics-from-the-national-use-of-force-data-collection>

³ <https://www.fbi.gov/contact-us/field-offices/dallas/news/press-releases/fbi-releases-statistics-for-law-enforcement-officers-assaulted-and-killed-in-the-line-of-duty>

⁴ See e.g. Attorney General Merrick B. Garland's May 20, 2022 Updated Use of Force Policy.

available data reviewed included 147 agency shooting incidents that occurred from FY 2019 through 2021, and involved 266 DUSM, TFO, and non-Task Force law enforcement officers. The data scope was limited to shootings when officers intentionally fired at a subject.⁵

Data Collection

The available data was initially collected for all shooting incidents involving USMS personnel/TFOs or involving USMS equities (courthouses, judicial family, protected individuals, etc.). The number of data points varied between incidents depending on the number of law enforcement shooters and/or subjects involved in the shooting incidents.

All agency shootings were included in the data collection, but only intentional shootings at subjects were examined. Federal law enforcement records and other materials were used to collect the information for the data fields.

Data Limitations

OPR-FRB relied on our internal system of records as a method of initial data collection but identified data gaps caused by limited information in many reports and records.

Data Collection Facts

The statistics listed below provide a general overview of the incidents evaluated.

Analysis of Incidents

- There was a total of 147 intentional shootings at subjects in FY 2019, FY 2020, and FY 2021; these shooting incidents occurred in 69 of the 94 USMS districts.⁶
- A DUSM was present at the scene during 73% of the shootings reviewed. This does not indicate that a DUSM fired, only that a DUSM was on scene.
- 97% of the shootings reviewed occurred while serving a warrant.
- 78% of warrants executed when a shooting occurred were state/local warrants.
- 78% of warrants executed when a shooting occurred were for violent felonies or felony drug offenses.⁷
- 86% of the subjects had a criminal history that included arrests and/or convictions for violent felonies and/or felony drug offenses. This demonstrates the USMS' commitment

⁵ The term "subject" in this report refers to an individual encountered by law enforcement who posed a perceived imminent threat of death or serious physical injury to an officer or another person.

⁶ A detailed map can be found in Appendix A

⁷ A detailed breakdown can be found in Appendix B

to focusing on the most dangerous offenders who are likely responsible for the majority of the violent crime in communities.

- 96% of the subjects were male, and the average age of the subjects was 35.29 years.
- 52% of the subjects made threats to law enforcement prior to or during the shooting incidents.

Law Enforcement Shooters

- The 147 shooting incidents involved 266 law enforcement shooters.
- 16 of the 266 law enforcement shooters were involved in more than one of the 147 shooting incidents evaluated (6 DUSMs and 10 TFOs).
- 75% of the law enforcement shooters perceived a firearm discharge/firearm threat which precipitated the shooting incident.
- An average of 2 DUSMs and 4 TFOs were present at each shooting.

Law Enforcement Injuries

The unfortunate reality of the law enforcement profession is that officers encounter dangerous and potentially life-threatening situations every day. One of the primary purposes of this review is to identify any mitigating factors that reduce the risk of injury and/or death to innocent bystanders, USMS personnel, and those with whom they interact. Below is an overview of available injury data revealed during this review.

- There was 1 death of a DUSM during the time period reviewed. A DUSM was shot and killed by a fugitive during an arrest operation in the District of Arizona in FY 2019.
- There were 13 gunshot wounds sustained by DUSMs or TFOs.
- There were 6 injuries (non-gunshot) sustained by DUSMs or TFOs.
- 7 of the 70 (10%) vehicle operation shootings resulted in injury to LEOs.
- 9 of the 47 (19%) structure operation shootings resulted in injury to LEOs.
- 4 of the 30 (13%) open-air shootings resulted in injury to LEOs.

Subject Matter Expert Review Team Composition

This collaborative effort included numerous components and SMEs from across the USMS including from the Training Division (TD), OPR-FRB, IOD, Office of General Counsel (OGC),

Office of Strategic Insight (OSI), and United States Marshals (USM) and Chief Deputy United States Marshals (CDUSM) representation.

Subject Matter Expert Review Team Analysis and Prioritization

Once the available data was collected, it was presented to an operational-level SME Review Team to determine if the respective incidents met operational expectations established by USMS policy directives, SOPs, and accepted law enforcement standards in place at the time of the incidents.

Twenty-four USMS SMEs participated on the working group, with the goal of creating and presenting formal recommendations regarding information obtained from the shooting incident review. OPR-FRB presented findings from extensive database searches, interviews, and other research conducted in support of working group initiatives. OPR-FRB further facilitated detailed discussions within 21 general topic areas, identified below, referencing their research findings and Power BI interactive data visualization charts. The SME Review Team members identified and documented issues for further analysis during general topics discussions.

Working Group General Topics		
AAR	USMS SYSTEM OF RECORDS	Data Collection
Equipment	FRB	HRD
High-Risk Fugitive Apprehension Training	LEO Support	Liabilities
Open Air	Operational Planning	Policy
Public Relations	Report Writing	Structure Operations
Subject Information	Team Leadership	Task Force Officer
Training	Vehicle Operations	Warrants

Further analysis of results discovered trends in the data that enabled grouping the recommendations into ten (10) themes.

Recommendation Themes	
Data Gaps	Database Management
Legal	Lexicon
Messaging	Policy
Resources	Staffing
Training Development	Tactics, Techniques, and Procedures (TTP)

Subject Matter Expert Review Team Data Categorization

The SME Review Team evaluated the 147 shootings and separated them into three specific categories: vehicle operations, structure operations, and open-air operations. The following

information provides an overview of the three specific categories and lists available data discerned from the review in those respective areas.

Vehicle Operations

The SME Review Team analyzed the available data of the incidents classified as vehicle operations to extract the necessary data points as well as to see if law enforcement actions were consistent with current USMS training in vehicle operations.

Vehicle operations employ strategies and tactics to arrest fugitives believed to be within a vehicle. The goal is to contain the suspect vehicle and safely arrest the fugitive by eliminating their escape and force options while providing a tactical advantage for officers and reducing risks. The USMS will continuously evaluate vehicle operations consistent with Attorney General Merrick B. Garland's May 20, 2022, Updated Use of Force Policy.

Below are some of the most significant findings determined by the SME Review Team regarding vehicle operations. Additional data can be found in Appendix C.

- 70 of the 147 (47%) shootings took place in or around a vehicle.⁸
- 7 of the 70 (10%) vehicle operation shootings resulted in injury to law enforcement officers.
- 3 of the 7 (43%) injuries were sustained while law enforcement officers approached a parked vehicle on foot.

Structure Operations

The SME Review Team analyzed the available data of the incidents classified as structure operations to extract the necessary data for the review and to verify that the incidents should, in fact, be classified as structure operations. Structure operations employ strategies and tactics to arrest fugitives believed to be within a structure. There are several risks to officers capturing fugitives, which include ambush; gunfire from the target structure or angles within the structure; aggressive dogs/animals; terrain/environmental conditions around the structure; gunfire through walls, doors, and windows; booby traps; modified structures within the structure; additional people within the structure; or the presence of hazardous materials/chemicals. 18 U.S.C. § 3109 mandates advanced verbal notice of law enforcement's authority and purpose prior to entering a structure.

There are many aspects and sub-strategies involving structure operations that may mitigate risk depending upon the unique circumstances of each encounter. Structure operations are complex.

⁸ The 70 cases related to vehicle operations involved instances where the fugitive was seated in the vehicle, was immediately adjacent to the vehicle, was subject to a vehicle containment, or was attempting to elude vehicle containment. None involved shooting at a moving vehicle for the sole purpose of disabling the vehicle.

A thorough understanding of training, tactics, techniques, plans and procedures can help facilitate a successful operation.

Below are some of the most significant findings determined by the SME Review Team regarding structure operations. Additional data can be found in Appendix D.

- 47 of the 147 (32%) shootings occurred in or around a structure.
- 9 of the 47 (19%) structure operation shootings resulted in injury to law enforcement officers.
- 14 of the 47 (30%) structure-related shootings occurred while law enforcement was on perimeter positions.
- 9 of the 47 (19%) structure-related shootings occurred while law enforcement approached the structure.
- 8 of the 47 (17%) structure-related shootings took place while law enforcement initiated a call-out while approaching the structure or from the perimeter position.

Open-Air Operations

The SME Review Team analyzed the available data of the incidents classified as open-air operations to retrieve data points as well as to determine if cases were, in fact, classified correctly as open-air operations. Open-air operations employ strategies and tactics to successfully arrest fugitives in open space while mitigating risks.

Below are some of the most significant findings determined by the SME Review Team regarding open-air operations. Additional data can be found on Appendix E.

- 30 of the 147 (20%) shootings occurred in open areas (away from a vehicle or structure).
- 4 of the 30 (13%) open area shootings resulted in injury to law enforcement officers.
- 3 of the 4 (75%) shooting incidents in open areas that resulted in an injury to law enforcement officers did not have any form of operational planning.

Subject Matter Expert Review Team Recommendations

SME Review Team members were able to use the results of the assessment analysis to author formal recommendations associated with the shooting incident review prioritized by importance to the USMS mission and urgency of implementation. The SME working group identified five core recurring areas of importance to address:

1. Data Collection
2. Vehicle Operations
3. Task Force Officers

4. Operational Leadership and Decision-Making
5. Evidence Based Training Plan

Findings

1. Data Collection

A review of the officer-involved shooting incidents revealed the importance of prioritizing and enhancing the collection of comprehensive data. Data analysis can benefit operational effectiveness, safety, wellness, leadership, and decision making, as well as law enforcement and community relations. Professional assessments employing comprehensive data also provide for transparency and promotes public trust and positive community relations. USMS is committed to increasing and expanding its data collection related to critical incidents consistent with federal law and policy.

2. Vehicle Operations

Based on a review of the available data, the SME Review Team concluded that vehicle operations were another priority, as the review revealed that 70 of 147, or 47%, of the total shooting incidents occurred during arrest attempts in or around vehicles. The USMS will continue to review relevant policy and procedures to improve de-escalation tactics and techniques, training, equipment, and oversight with respect to vehicle operations, consistent with federal law and policy.

3. Task Force Officers

In the 147 shooting incidents reviewed, 266 individual law enforcement officers were involved. Of those 266 individual shooters, 55.6% were TFOs, 39.5% were DUSMs, 3.75% were non-TFO law enforcement officers, and the remaining 1.15% were unidentified. The USMS is committed to enhancing USMS federal oversight of TFOs consistent with federal law and policy, including Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*.

4. Operational Leadership and Decision-Making Training

The USMS recognizes that in its operational leadership and decision-making processes, a multitude of factors impact mission effectiveness; these factors include training, emotional intelligence, supervision, safety, intelligence gathering, evaluation of terrain/environment, tools, tactics, timing, and officer instincts.

5. Evidence-Based Training Plan

The USMS regularly evaluates training standards and training records of all personnel involved in shooting incidents in an effort to ensure that training is evidence-based and to mitigate risk and improve officer safety. In addition, the Agency regularly evaluates the training and guidance

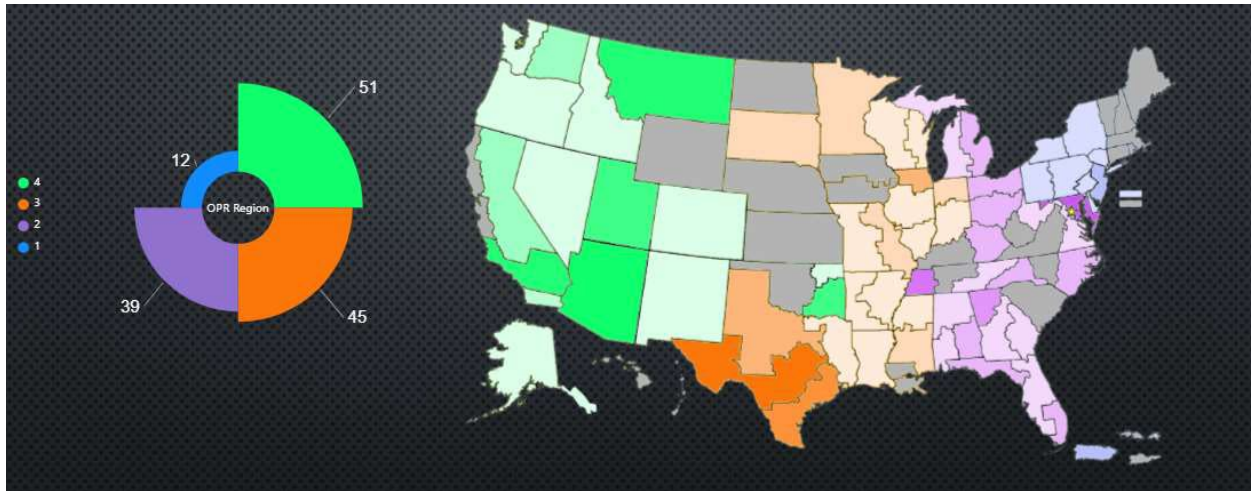
given to personnel who review critical incidents. The USMS is continuously looking for ways to enhance evidence-based training related to critical shooting incidents consistent with Attorney General Merrick B. Garland's May 20, 2022, Updated Use of Force Policy.

Outcome of Review

Assessments are a key element in the continuous endeavor for improvement. This review provided the most thorough assessment to date of USMS officer-involved shooting incidents to identify operational trends, identify the need to enhance training and equipment, and provide critical officer-safety related information to the field. Through assembling a team of experts and critically analyzing reports and data from the past 3 years, the SME Review Team was able to highlight the importance of reviewing critical shooting incidents to achieve the objectives identified above. The review highlighted the importance of continuing to study officer-involved shootings.

Introspection and continuous evaluation of performance, processes, and programs is vital to building and maintaining trust, mitigating risk, and improving the way in which the agency conducts business. Delivering evidence-based training that implements research and best practices, and incorporating those practices into daily operations, provides the agency and its personnel the greatest opportunity to preserve the sanctity of life, protect the communities it serves, and ensure equal justice for all.

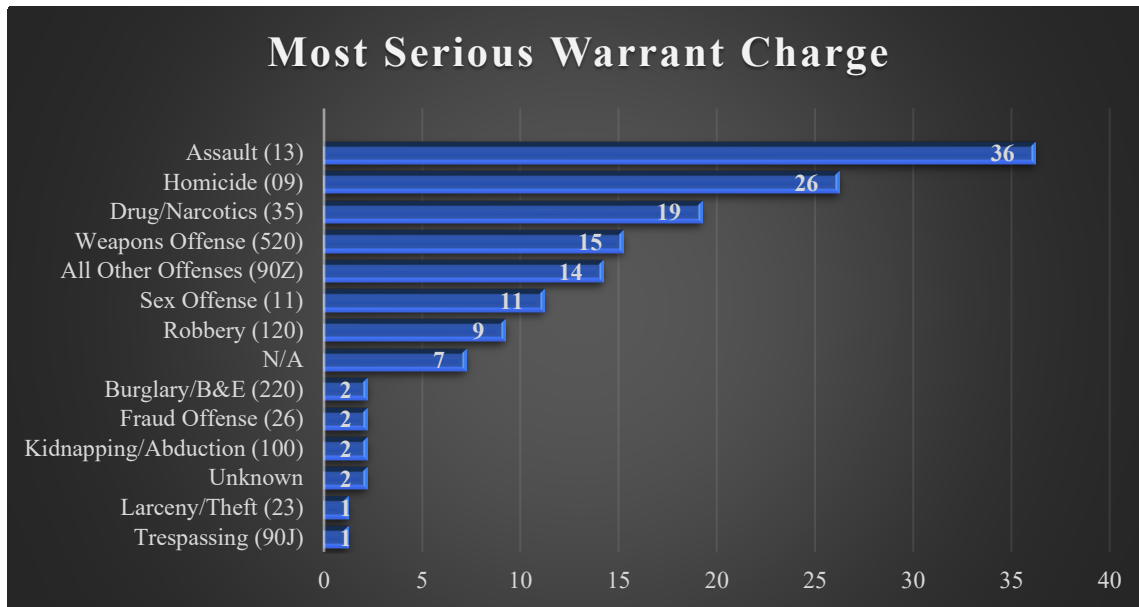
APPENDIX A



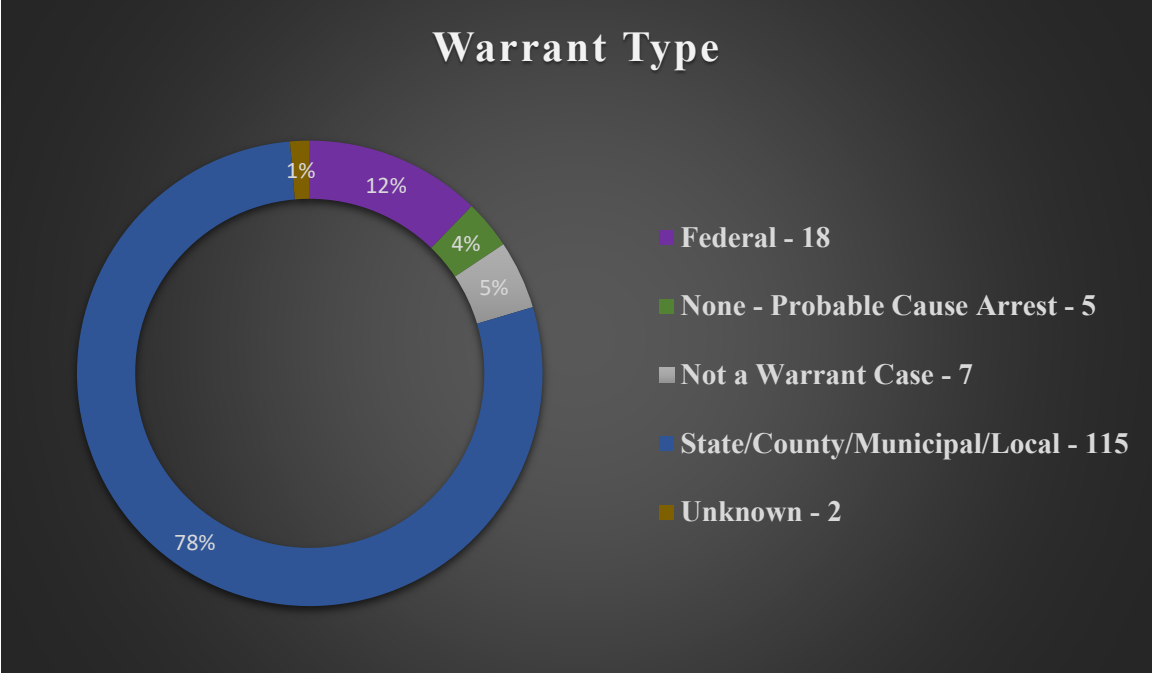
Shooting incidents occurred in 69 of the 94 USMS districts during the period of the review (FY19 - FY21).

APPENDIX B

Most serious charge on outstanding warrants for subjects in each incident:



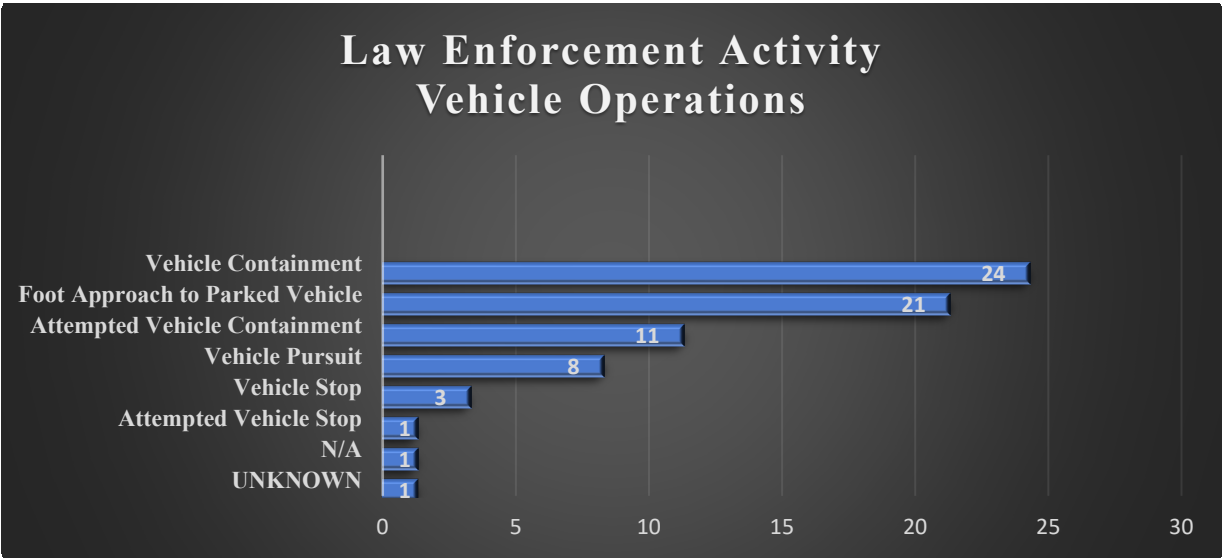
Breakdown of warrant type for each incident:



APPENDIX C

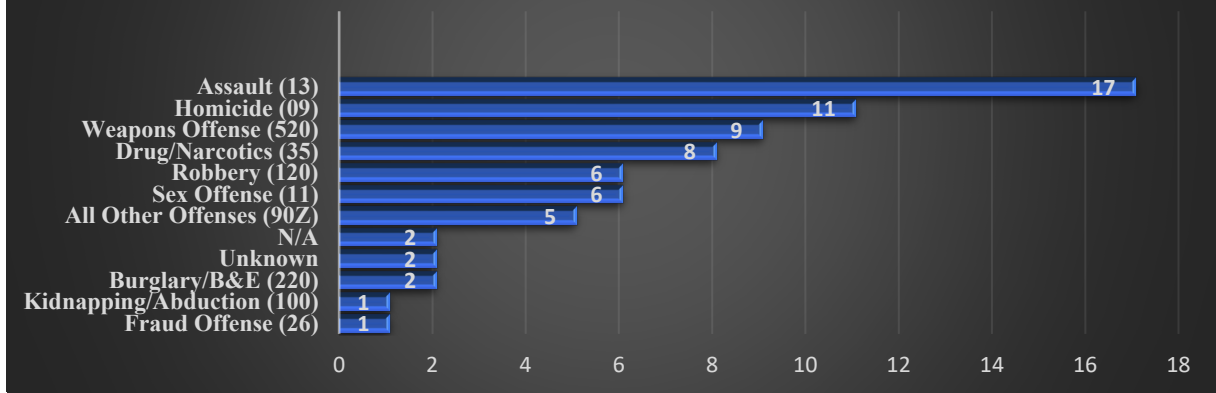
Vehicle Operations

Law enforcement activity during each vehicle related incident:



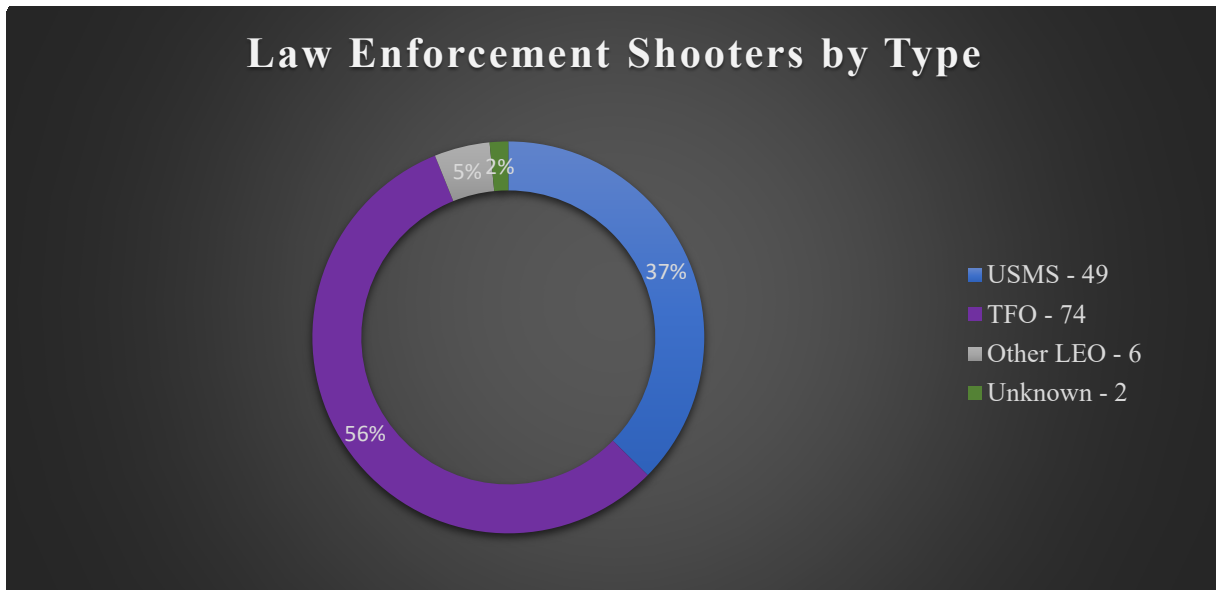
Most serious charge on outstanding warrants for subjects in each vehicle related incident:

Most Serious Charge on Outstanding Warrant (NIBRS)



Breakdown of law enforcement type for each shooter involved in the vehicle related incidents:

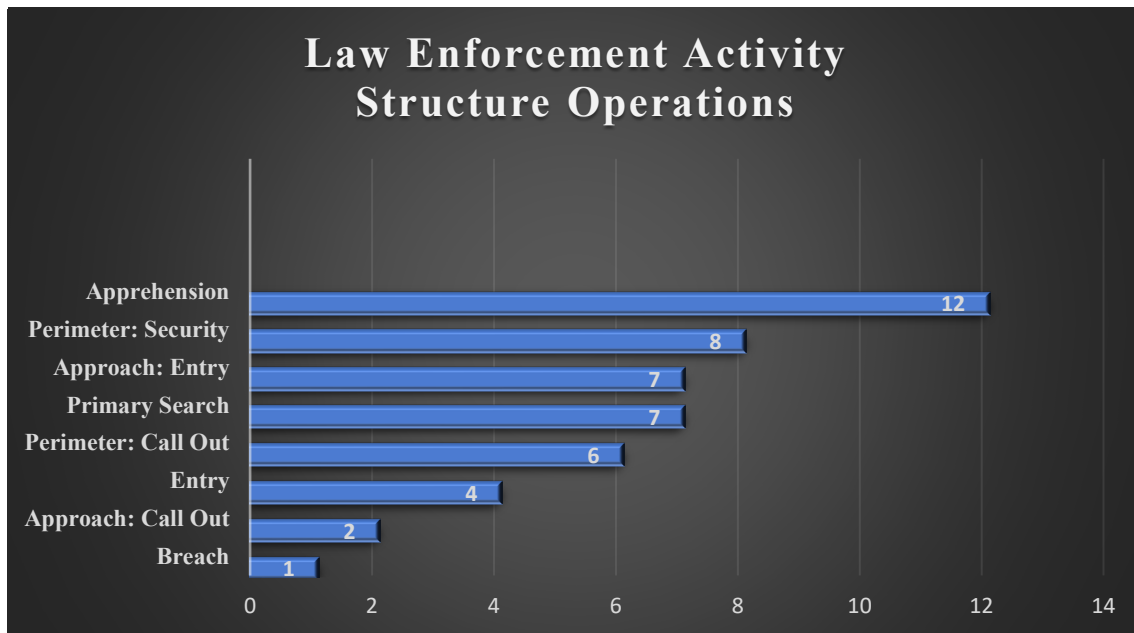
Law Enforcement Shooters by Type



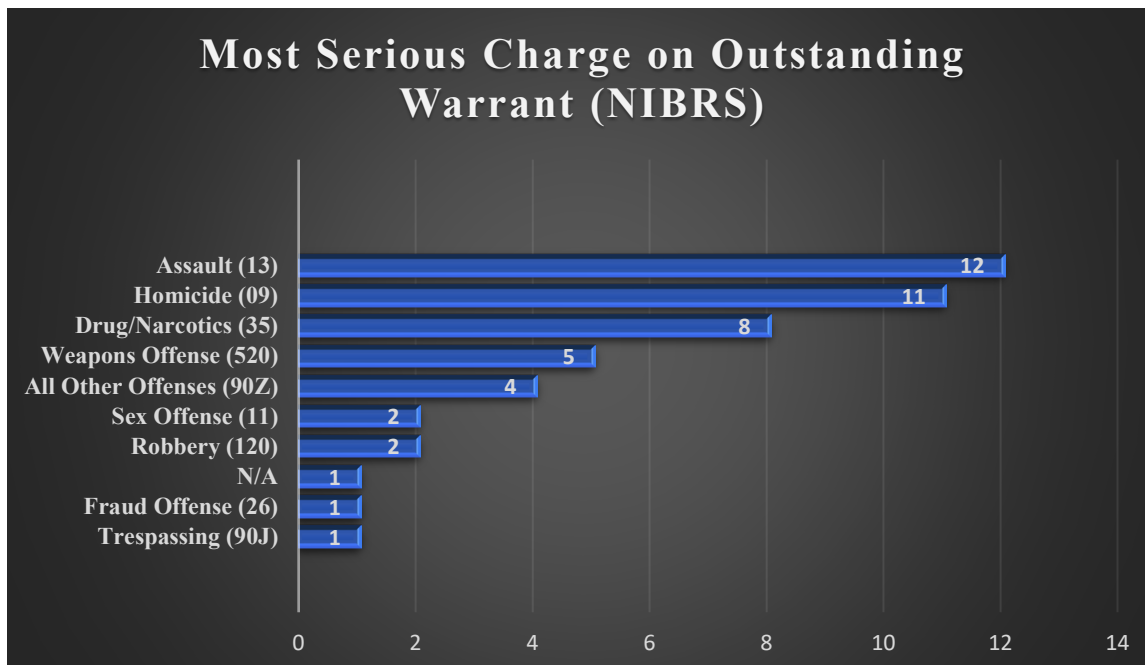
APPENDIX D

Structure Operations

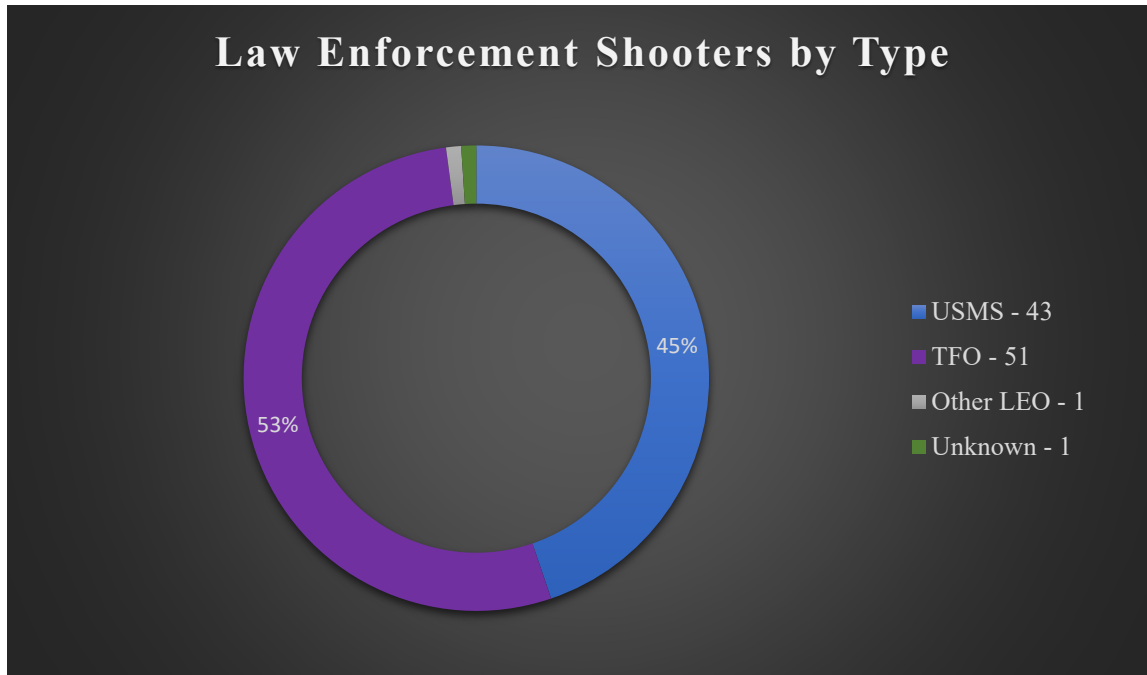
Law enforcement activity during each structure related incident:



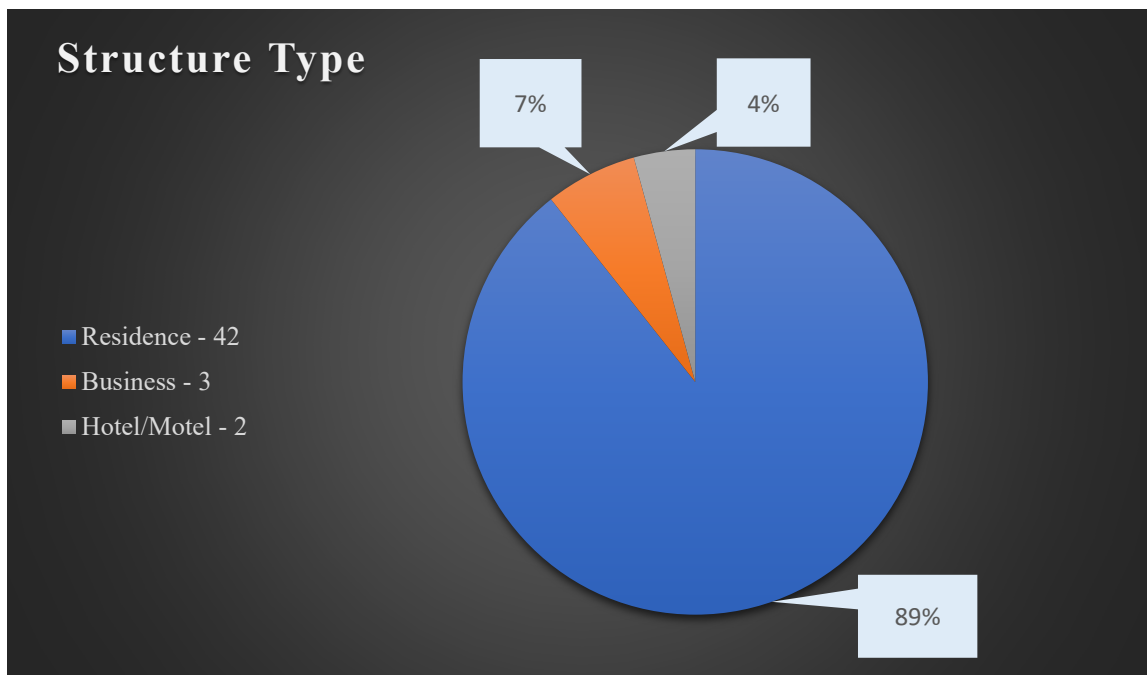
Most serious charge on outstanding warrants for subjects in each structure related incident:



Breakdown of law enforcement type for each shooter involved in the structure related incidents:



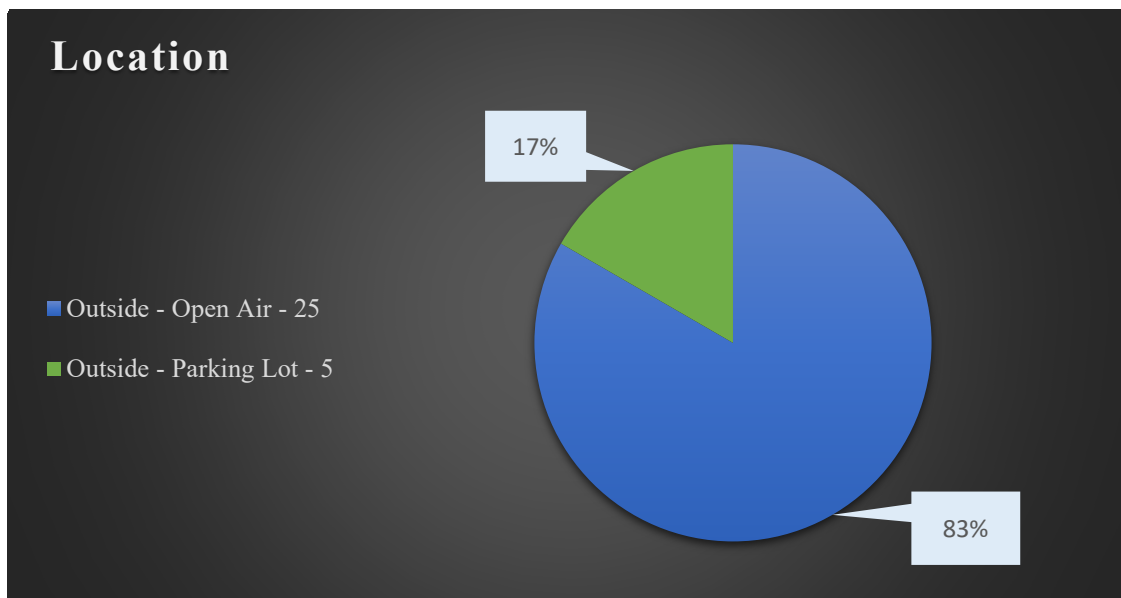
Breakdown of structure type for each incident:



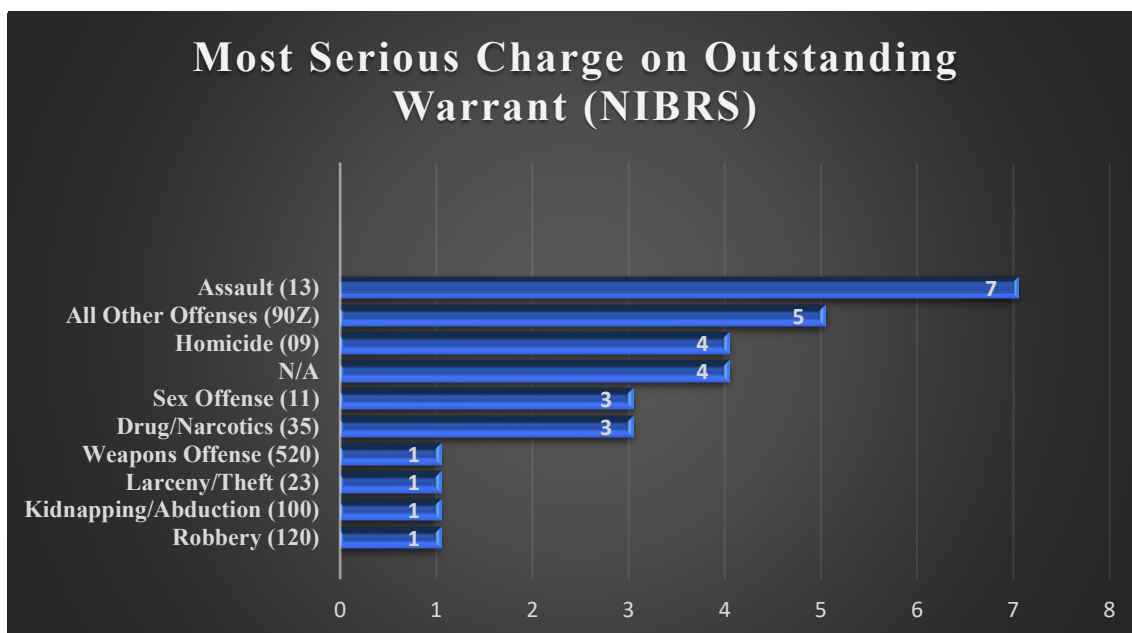
APPENDIX E

Open-Air Operations

Breakdown of location type for each incident:



Most serious charge on outstanding warrants for subjects in each open-air related incident:



Breakdown of law enforcement type for each shooter involved in the open-air related incidents:

