

DHS Lacks Oversight of Component Use of Force (Redacted)





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DHS OIG HIGHLIGHTS

DHS Lacks Oversight of Component Use of Force

January 12, 2017

Why We Did This Audit

We conducted this audit to determine whether the Department of Homeland Security and its components have controls in place to minimize the risk of improper use of force by law enforcement officers.

What We Recommend

We recommend that DHS establish a department-level entity to actively oversee and assist with component use of force activities, update policies, and improve training.

For Further Information:

Contact our Office of Public Affairs at (202) 254-4100, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

DHS employs approximately 80,000 Federal law enforcement officers whose positions allow for the use of force as they perform their duties. Every day law enforcement officers face danger when performing their duties. These officers have very little time to assess the situation and determine the proper response when dealing with a dangerous or unpredictable situation. The officers must react to the threat or potential threat and respond with the appropriate tactics — possibly including some level of force. DHS has not done enough to minimize the risk of improper use of force by law enforcement officers. Specifically, the Department does not:

- have an office responsible for managing and overseeing component use of force activities;
- ensure the collection and validation of component data needed to assess use of force activities, minimize risks, and take corrective actions;
- ensure use of force policies have been updated to reflect current operations and lessons learned; or
- establish consistent requirements for less-lethal recurrent training and ensure training was completed as required.

Additionally, each component varies on their use of force activities. Without improvements in the management and oversight of use of force activities, the Department may increase its risk of improper use of force by law enforcement officers.

DHS Response

The Department concurred with both recommendations.

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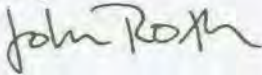
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Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

January 12, 2017

MEMORANDUM FOR: The Honorable Dr. Brodi J. Kotila
Principal Deputy Assistant Secretary
Office of Policy

FROM: John Roth 
Inspector General

SUBJECT: *DHS Lacks Oversight of Component Use of Force –
Sensitive Security Information*

Attached for your information is our final report, *DHS Lacks Oversight of Component Use of Force – Sensitive Security Information*. We incorporated the formal comments from the Department in the final report.

The report contains two recommendations aimed at enhancing the Department's efforts to actively oversee and assist with component use of force activities, update policies, and improve training. Your office concurred with both recommendations. Based on information provided in your response to the draft report, we consider recommendations 1 and 2 open and resolved. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your response or closure request to OIGAuditsFollowup@oig.dhs.gov.

Consistent with our responsibility under the Inspector General Act, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Donald Bumgardner, Deputy Assistant Inspector General for Audits, at (202) 254-4100.

Attachment

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Abbreviations

CBP	U.S. Customs and Border Protection
CEW	Conducted Electrical Weapons
CRCL	Office for Civil Rights and Civil Liberties
CRSO	Office of the Chief Readiness Support Officer
FEMA	Federal Emergency Management Agency
FPS	Federal Protective Service
FLETC	Federal Law Enforcement Training Centers
GAO	Government Accountability Office
ICE	U.S. Immigration and Customs Enforcement
OC	Oleoresin Capsicum
OCSO	Office of the Chief Security Officer
TSA	Transportation Security Administration



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Background

The *Homeland Security Act of 2002* consolidated all or part of 22 different Federal departments and agencies into one single Department of Homeland Security. The Department's mission and goals involve enforcing a wide range of laws, including preventing terrorism, protecting governmental leaders and facilities, securing transportation, and enforcing border security and immigration laws. The following 10 DHS components¹ employ law enforcement officers and agents authorized to make arrests and carry firearms:

- U.S. Customs and Border Protection (CBP)
- U.S. Immigration and Customs Enforcement (ICE)
- United States Coast Guard (Coast Guard)
- United States Secret Service (Secret Service)
- Transportation Security Administration (TSA)
- National Protection and Programs Directorate's Federal Protective Service (FPS)
- Federal Emergency Management Agency (FEMA)
- Office of the Under Secretary for Management's Office of the Chief Security Officer (OCSO)
- Federal Law Enforcement Training Centers (FLETC)
- Office of Inspector General (OIG)²

Within the components, DHS employs approximately 80,000 Federal law enforcement officers whose positions allow for the use of force as they perform their duties. According to the Department of Justice, law enforcement officers face danger every day. These officers have very little time to assess the situation and determine the proper response when dealing with a dangerous or unpredictable situation. The officers must react to the threat or potential threat and respond with the appropriate tactics — possibly including some level of force. DHS law enforcement officers and agents are permitted to use an amount of physical force reasonably necessary to ensure compliance with lawful commands and overcome all resistance.

¹ Appendix C provides details about the DHS components with law enforcement officers and agents as well as their mission and operating environments.

² We excluded OIG in our scope to meet the generally accepted government auditing standards conceptual framework approach to independence. We also refer to FPS and OCSO as DHS components in this report.



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Allegations of excessive or improper use of force by law enforcement officers continue to receive significant media and public interest. In response, the public has called for greater accountability when law enforcement officers use excessive or improper force. Various law enforcement agencies, such as the New York City and Baltimore Police Departments, have conducted reviews of their use of force policies and practices, subsequently making improvements. For example, the New York City Police Department's review recommended improving its data tracking and training. Additionally, the Baltimore Police Department conducted a review and now plans to implement a new policy stressing de-escalation and requiring officers to intervene when other law enforcement officers are using excessive or improper force. Recognizing the importance of collecting information on law enforcement use of force to develop trust and promote transparency, the Department of Justice recently announced plans to collect data on the use of force by local, state, and Federal law enforcement agencies.

Levels of Force

Use of force may include:

- Force that is deadly is likely to cause serious physical injury or death. Lethal force is also referred to as deadly force. Examples of lethal force include, but are not limited to, any discharge of firearms against persons, use of impact weapons to strike the neck or head, any strangulation technique, any strikes to the throat, and the use of edged weapons.
- Less-lethal force is not likely to cause serious physical injury or death. Examples of less-lethal force include, but are not limited to, the use of less-lethal devices and techniques such as batons, chemical irritants, electronic control weapons, compressed air launchers, and specialty impact munitions. Components use terms like "intermediate force devices" when referring to less-lethal devices. Figure 1 shows examples of less-lethal devices and techniques DHS components use, such as the use of Conducted Electrical Weapons (CEW), batons, and Oleoresin Capsicum (OC)³ spray.

³ Also known as pepper spray, OC is a chemical compound that irritates the eyes to cause tears, pain, and temporary blindness used in policing.



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Figure 1: DHS Less-lethal Devices and Techniques



Source: FLETC

- In addition to lethal and less-lethal uses of force, other levels of force include officer presence, verbal commands, and empty hand techniques.

Based on individual records from each component, in fiscal year 2015 DHS apprehended and/or arrested⁴ nearly 600,000 people.⁵ Components reported using lethal force 34 times and less-lethal force 838 times. Nine of these instances resulted in death.

Variations in Operational Environment and Use of Force

Each component's mission and operations influence its law enforcement officers' interaction with the public. Accordingly, the use of force varies by and within each component based on officers' assigned duties. For example:

- Border Patrol officers may encounter frequent and dangerous attacks as they detect and deter the unlawful entry of people and goods along the border. However, CBP Office of Field Operations officers at a port of entry operate in mostly controlled environments, in which they work in close proximity to other officers with back-up readily available.
- ICE's Enforcement and Removal Operations officers target and conduct raids to capture foreign nationals with prior criminal convictions considered serious or violent offenses. ICE Homeland Security

⁴ An apprehension is the seizure, taking, or arrest of a person. An arrest is to take a person in custody.

⁵ Within the Coast Guard, only the Coast Guard Investigative Service tracks the total number of arrests and assaults; see appendix D for DHS component use of force data and how Coast Guard arrests and apprehension data were calculated.



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Investigations officers investigate immigration and customs violations — including narcotics, weapons, and contraband smuggling; cybercrimes; human trafficking; and identity and benefit fraud — as well as national security investigations.

- TSA's Federal Air Marshals travel on U.S. aircraft and conduct operations in airports and other transportation systems. On the other hand, TSA's Office of Inspection officers' duties include covert testing of TSA screening operations and investigations of employee misconduct and program fraud.
- Secret Service agents on protective details normally operate in environments in which back-up is readily available. Agents conducting investigations have some control of the time and circumstances of arrests.

Figure 2 shows DHS officers and agents engaged in various operations.

Figure 2: DHS Components' Operations



Clockwise: 1) CBP checkpoint, 2) Coast Guard drug seizure, 3) ICE arrest, 4) Secret Service arrest. *Source:* Clockwise: CBP, Coast Guard, ICE, Secret Service



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Differences in officers' environments and encounters influence officers' responses — including the amount of force used. Appendix D shows the FY 2015 reported number of DHS component law enforcement personnel, arrests and/or apprehensions, assaults on law enforcement officers, and instances when force was used.

Each component has its own distinct law enforcement mission, oversight, policies, and training. DHS' July 2004 *Use of Deadly Force Policy* provides guidance on the use of deadly force and permits components to adopt more detailed operational guidance that reflects their different law enforcement missions.

Improper Use of Force

Allegations of excessive or improper use of force by law enforcement officers continue to receive significant media and public interest. For example, in recent years several reports by internal and external entities made recommendations to improve CBP use of force activities, including policies and training. Appendix E provides a summary of the reports we identified. For the purposes of this report, use of force activities could include policies, training, and the collection and validation of use of force data. We conducted this audit to determine whether DHS and its components have controls in place to minimize risk of improper use of force by law enforcement officers.

Results of Audit

DHS employs approximately 80,000 Federal law enforcement officers whose positions allow for the use of force as they perform their duties. Law enforcement officers may face danger when performing their duties. These officers have very little time to assess the situation and determine the proper response when dealing with a dangerous or unpredictable situation. The officers must react to the threat or potential threat and respond with the appropriate tactics — possibly including some level of force. DHS could do more to minimize the risk of improper use of force by law enforcement officers. Specifically, the Department does not:

- have an office responsible for managing and overseeing component use of force activities;
- ensure the collection and validation of component data needed to assess use of force activities, minimize risks, and take corrective actions;
- ensure use of force policies have been updated to reflect current operations and lessons learned; or



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- establish consistent requirements for less-lethal recurrent training and ensure training was completed as required.

Additionally, each component varies on their use of force activities. For example, not all components have:

- policies that emphasize the respect for human life when using force;
- established reporting requirements for less-lethal use of force;
- annual training that focuses on less-lethal techniques, tactics, and devices.

Without improvements in the management and oversight of use of force activities, the Department may increase its risk of improper use of force by law enforcement officers.

DHS Lacks Oversight of Component Use of Force Activities

DHS does not have a sufficient mechanism to oversee its use of force activities. Specifically, no department-level office is responsible for managing and overseeing component use of force activities. The Department also does not ensure it is collecting and validating data necessary to assess such activities, minimize risk, and take corrective actions.

Decentralized Management and Oversight

DHS does not have an office responsible for managing and overseeing component use of force activities. Instead, management and oversight is decentralized. The Department has offices responsible for use of force-related policy and some oversight functions, but none of them have overarching supervision of use of force activities within DHS. Table 1 lists the DHS offices with a role in component use of force activities and their overall responsibilities.



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Table 1: DHS Offices with Use of Force Oversight Roles

Department-level Office	Roles and Responsibilities
Office of Law Enforcement Policy	Coordinates with the components and interagency stakeholders to resolve law enforcement program issues concerning policy, operational, legal, legislative, budgetary, privacy, public, and international affairs.
Office for Civil Rights and Civil Liberties (CRCL)	Assists and advises DHS leadership by reviewing issues that have an impact on civil rights and civil liberties and investigating specific complaints, to include allegations of improper use of force. Investigates complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel.
Office of the Chief Readiness Support Officer (CRSO)	Facilitates integration teams to achieve cross-component collaboration and reinvest in mission-critical priorities. The office looks to increase coordination between components in areas such as real and personal property, which includes force-related resources.

Source: DHS OIG analysis

None of the previously mentioned department-level offices are responsible for centralized oversight of use of force allegations, trends, training, facilities, and resource challenges faced by field personnel. For instance —

- CRCL can recommend use of force-related policy changes but does not play a comprehensive, centralized oversight role for the Department. According to a CRCL official, CRCL has authority outside of an investigation. This may occur when a new policy or initiative may impact civil rights or civil liberties; however CRCL faces less component resistance when their involvement is grounded in investigations of complaints. Additionally, CRCL can encourage nationwide improvements or implementation of recommendations, but they have no authority to enforce recommendations. Components must formally concur or non-concur with CRCL's recommendations. Should the components non-concur, the matter may be elevated to higher-level Headquarters review. However, during fieldwork, this process had not been approved by the Department.
- Although CRSO does not oversee component use of force activities, it has made progress to combine resources as part of the DHS Unity of Effort initiative. The purpose of the initiative is to unify DHS components' processes. To fulfill this goal, CRSO reviews how DHS components within geographic locations can share training resources, such as shooting



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ranges, training facilities, and instructors to increase operational and monetary efficiency.

DHS has not established a mechanism — such as a review board or other entity — to assist the components in addressing challenges, mitigating risks, and sharing lessons learned associated with use of force. For example, CBP studied the feasibility of including body-worn camera technology in its law enforcement operations. CBP concluded the technology may offer benefits in support of the CBP mission by reducing allegations and lowering the likelihood of use of force incidents. The cameras could offer insights into law enforcement encounters that have traditionally been unavailable and enhance training capabilities by using footage as a learning tool. A CBP official said that CBP provides regular updates to the DHS Office of Law Enforcement Policy and CRCL on the status of the body camera efforts. However, as CBP's efforts are ongoing, DHS is not yet coordinating a body-worn camera working group across the Department to apply lessons learned. According to a DHS Law Enforcement Policy official, the office was not coordinating any department-wide efforts related to use of force because of its other priorities, which at the time of fieldwork did not include use of force.

CBP established the National Use of Force Review Board based on the Federal Bureau of Investigations' model. It includes members from the Department of Justice, ICE, and non-voting members from DHS CRCL and the Office of Inspector General.

CBP is the only component with a high-level use of force review board that includes members outside of CBP and the Department. The board reviews use of force incidents by CBP officers and makes recommendations concerning the application of deadly force, training, and tactics policy issues.

Each component, except FEMA,⁶ has its own use of force review board, but not all use their review boards to perform internal analyses of incidents that may improve their use of force policies, procedures, and training. For example, an FPS official acknowledged FPS does not track or report activities and trends through its Use of Force Incident Review Committee.

Additionally, DHS does not oversee component incident tracking processes to ensure processes and policies are standardized and data collection takes place to better improve data accuracy or reliability. As such, the Department does not know how many incidents are unreported or not internally reviewed. For example, the National Protection and Programs Directorate's Internal Affairs

⁶ FEMA does not have its own use of force review committee. However, FEMA policy refers to OCSO's Firearms and Use of Force Incident Review Committee.



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Division investigates allegations of misconduct, including excessive use of force, committed by FPS officers. As part of testing to determine whether components oversee and monitor excessive use of force allegations, we requested case details for a judgmental sample of FPS cases. The Division was unable to provide any documentation regarding two incident details we requested. The office was unable to locate the information for these cases.

DHS also does not use the data in component incident tracking processes to conduct trend analyses to mitigate risk associated with use of force incidents. Appendix F summarizes the use of force incident tracking processes maintained by each component. Similar to the incident tracking processes, components also have different mechanisms to investigate allegations of excessive force.

No Comprehensive Use of Force Data Available

DHS does not collect and report component data needed to assess use of force activities, minimize risks, and take corrective actions. Because department-level use of force data was not readily available, we requested it from the components, and in some cases, from their subcomponents. For example, to obtain ICE use of force-related data, four ICE subcomponents provided arrest data separately for FY 2015. We collected use of force data from the components, including numbers for arrests and apprehensions, incidents, and assaults, as well as the number of law enforcement personnel within DHS.

DHS does not have minimal requirements for use of force incident data or a process to collect and report the accurate number of incidents. For example, the Coast Guard tracks use of force incidents by each level of force. Conversely, the Secret Service does not collect less-lethal use of force data. The components have established reporting requirements for lethal use of force, and six of eight components⁷ have established specific reporting requirements for less-lethal use of force incidents. CBP is the only component that publishes its use of force data to ensure transparency. Without collection of consistent data, DHS management cannot fully review and analyze overall use of force trends, revise policy based on this analysis, and ensure transparency by making use of force data available.

Even though components are collecting use of force data, DHS does not have quality assurance procedures to ensure the components' data is complete and accurate. For example, in 2 of 10 incidents we tested, ICE officers did not properly report use of force. In the past, ICE has recognized significant

⁷ CBP, ICE, FPS, the Coast Guard, TSA, and FEMA have established reporting requirements for less-lethal use of force.



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discrepancies in its reporting systems — specifically, the need to report incidents in a timely and accurate manner.⁸ Additionally, FPS relies on its regions to properly report use of force but does not review incident reporting forms to assess effectiveness of reporting. As a result, we could not validate the use of force statistics.

Department-level coordinated management and oversight of component use of force activities does not fully satisfy the intent of the Department's Unity of Effort initiative. Without a formal mechanism for managing and overseeing component use of force activities, DHS cannot coordinate similar functions and combine analytic efforts to support effective department-wide decision making.

Use of Force Policies Do Not Reflect Current Operations or Lessons Learned

Although DHS and components developed use of force policies and procedures, the policies are outdated and have not been updated to reflect current operations.

Outdated Policies

DHS' and ICE's use of force policies have not been updated since 2004 — more than 12 years ago. Government standards highlight the importance of reviewing policies and procedures for continued relevance and effectiveness in addressing potential risks.⁹ DHS policy mentions ICE's use of marine warning shots, even though ICE has not conducted marine operations since 2004. The 2004 *Interim ICE Use of Force Policy* also has a section on marine operations that provides guidance on when it is appropriate to fire warning shots.

Policies Do Not Reflect Lessons Learned

DHS and components have not incorporated recommendations or lessons learned from recent reviews into their use of force policies. A 2011 Government Accountability Office (GAO) report¹⁰ identified sharing performance trends and best practices as examples for improving efficiency efforts across the Federal Government. The report found that using a department-level office to standardize guidance, training, and lessons learned is a key practice.

⁸ To resolve the reporting issues, ICE implemented an electronic reporting system. See Appendix F for more information on the incident tracking process.

⁹ GAO-14-704G, *Standards for Internal Control in the Federal Government*, September 2014.

¹⁰ GAO-11-908, *Streamlining Government, Key Practices from Select Efficiency Initiatives Should Be Shared Governmentwide*, September 2011.



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Several organizations¹¹ have conducted reviews of CBP's use of force policy and recommended improvements. For instance, one review recommended that CBP include a statement that clearly sets the limits on use of force, emphasizes respect for human life, and reiterates the agency's role in protecting the public. Subsequently, CBP revised its use of force policy — including a statement from the CBP Commissioner on respect for human life.

CBP incorporated additional recommendations into its policy that are not included in other components' use of force policies. For example, as a result of one review, CBP added a reference to the constitutional standards and a key Supreme Court decision¹² that are the criteria used for determining reasonableness of force. Citing this reference provides officers a clear understanding of what is appropriate when using force.

Additionally, CBP added a subsection concerning the limitations of CEW (or Electronic Control Device usage). FPS has not made changes to address the use of such devices. Specifically, FPS policy does not include prescriptive guidance when using CEWs. Components revising their policy to include use of CEWs should incorporate the same lessons learned.

From December 2011 to September 2013, CRCL issued memoranda to CBP that included recommendations for the proper use of CEWs and implementation of use of force policies. However, due to scope limitations, CRCL did not share the recommendations on the use of CEWs, which may help other components develop or improve their CEW policies and training.

"A respect for human life and the communities we serve shall guide all employees in the performance of their duties. Authorized Officers and Agents should employ enforcement tactics and techniques that effectively bring an incident under control, while minimizing the risk for injury or property damage. The use of excessive force by CBP law enforcement personnel is strictly prohibited."

- CBP's Commissioner's Statement in *Use of Force Policy, Guidelines and Procedures Handbook*

¹¹ See Appendix E for brief summaries of reports published by these organizations, including the Police Executive Research Forum, the Homeland Security Advisory Council, and the American Civil Liberties Union.

¹² *Graham v. Connor*, 490 U.S. 386 (1989). According to the court decision, the basis of reasonableness must recognize that officers are often forced to make split-second judgments about the amount of force that is necessary in a particular situation.



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The Department may miss opportunities to minimize the risk of improper use of force when policies are outdated, do not reflect current missions, and do not incorporate lessons learned.

Recurrent Training for Use of Force Can Improve

DHS and components have not established consistent requirements for less-lethal recurrent training. DHS' *Use of Deadly Force Policy* directs components to provide less-lethal training. The policy also indicates that DHS components may establish policies for weaponless control techniques and less-lethal weapons based on each component's unique law enforcement mission, training, and equipment. For example:

- CBP, the Coast Guard, and TSA Federal Air Marshal Service require annual training in less-lethal techniques, tactics, and devices. However, the Secret Service and OCSO currently do not require annual less-lethal training.
- FPS and FEMA have clear training requirements on less-lethal devices. However, ICE has unclear recurrent training requirements. Additionally, ICE and FPS allow officers 8 hours per quarter for use of force training and to demonstrate firearms proficiency. ICE and FPS instructors provide courses in different use of force techniques that officers can use. Additionally, FEMA law enforcement personnel must complete periodic refresher training. However, with a few exceptions, policies do not address specific use of force courses and their frequency of instruction.



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Table 2 summarizes components' less-lethal recurrent training requirements.

Table 2: Components' Less-lethal Recurrent Training Requirements

	Clear Requirements	Unclear Requirements	No Requirements
CBP	✓		
ICE*		✓	
FPS	✓		
Secret Service			✓
TSA**	✓		
Coast Guard	✓		
OCSO***			✓
FEMA	✓		

* During fieldwork, ICE provided a draft Firearms and Use of Force Handbook, which outlines clear less-lethal training requirements. However, this draft policy was not finalized at the time of our fieldwork.

** Although TSA policy outlines clear less-lethal training requirements for the Federal Air Marshal Service, there are no similar requirements for Office of Inspection law enforcement personnel.

***Although OCSO policy had clear less-lethal requirements regarding batons, OC spray, and control tactics, OCSO officials said that use of force training has involved only an annual review of OCSO Use of Force policy and written acknowledgement of review. Additionally, law enforcement personnel were not authorized less-lethal force options, such as OC spray or a baton, at the time of our fieldwork.

Source: DHS OIG analysis

Officers and agents surveyed said they could benefit from more training in less-lethal use of force, which provides an alternative to control an individual and minimizes the risk of escalating situations to serious and lethal injury.

According to FLETC officials, although annual training on less-lethal use of force is not required, it is recommended. A FLETC report on stress and decision making noted that officers are more likely to receive calls to respond to non-lethal than lethal situations.

Previous reports highlighted the importance of training on less-lethal use of force. For instance, the President's Task Force on 21st Century Policing stated that law enforcement agency use of force training policies should include, at a minimum, annual training in the use of less-lethal technologies. The report also mentioned that use of force training should emphasize de-escalation. FLETC instructors also conveyed the importance of providing decision-making skills training through realistic scenarios. According to the instructors, scenario-based training involves role players and instructors who examine officers' responses and reinforce the legal foundation for using force and determining reasonableness of force when making decisions.



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Incomplete Required Recurrent Training

Agents and officers do not always complete recurrent training on less-lethal use of force and firearms qualifications. Additionally, training instructors do not always record or document completion of training.

We obtained FY 2014 use of force and firearms proficiency training records for OCSO, FPS, CBP, ICE, the Secret Service, the Coast Guard, and TSA. Of the sample of 1,888 DHS law enforcement officers selected, we found that 687 (36 percent) officers tested could not provide evidence or documentation of training completion.

Of officers with less-lethal training requirements, 292 of 1,078 (27 percent) could not provide documentation of completion. Additionally, of officers who had recertification of less-lethal device or techniques requirements, 395 of 1,078 (37 percent) could not provide documentation of completion. Lastly, of officers who had firearms requalification requirements, 267 of 1,888 (14 percent) could not provide documentation of completion. We did not include FEMA in our recurrent training analysis because officers are assigned to one location and had no use of force incidents reported in our scope. Appendix G contains additional information on testing analysis and components' specific requirements.

Components do not always ensure officers meet training requirements and data entered into systems of records are complete and accurate. For example, CBP did not enter training records for 50 officers sampled in their system of record. Although components conduct limited oversight through self-inspection and review programs, the current activities do not ensure all agents and officers complete training.

A more proactive, centralized approach to monitoring training completion — such as the TSA Federal Air Marshal Service's approach — provides improved oversight. Specifically, the TSA Federal Air Marshal Service continuously monitors training completion for all officers at the headquarters level. However, CBP, ICE, FPS, and the Secret Service delegate oversight to the local field offices and sectors. Without consistent oversight, components cannot provide reasonable assurance that officers are receiving required use of force training.

Component management we interviewed reported facing challenges with providing training to law enforcement officers. They cited limited availability of shooting ranges, training facilities, and instructors. Some field office locations must reserve time at training facilities from local law enforcement agencies or



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private sector sources. These restrictions limit management's ability to shift training based on operational needs and officer schedules. For example:

- Officers at one CBP field office must rent range time, when available, from a local college. Also, because it is an indoor range, officers cannot conduct certain training tactics and maneuvers.
- Officers at one ICE field office said they rely on state and Federal partners to access range time, but access is dependent upon availability.

Federal laws and regulations require agencies to establish training programs that support their mission and evaluate the results of such programs and plans.¹³ Government standards emphasize that agencies establish controls that include the right training, tools, and structure to ensure the workforce has the right skills to meet agency goals. Without establishing consistent requirements for less-lethal recurrent training and ensuring training was completed as required, DHS cannot be assured its officers have the right skills or tools to carry out mission operations most effectively. As a result, DHS may miss opportunities to minimize its risk of improper use of force.

Conclusion

Given the large number of personnel with law enforcement responsibilities within DHS, the Department should be more proactive in tracking use of force incidents, conducting trend analysis, and collecting use of force data from the components. DHS has an opportunity to improve transparency and accountability of use of force and further minimize the risks associated with use of force incidents. Those risks include force that would impact the public, law enforcement personnel, and the Department's reputation with respect to its mission.

According to the President's Task Force on 21st Century Policing, law enforcement agencies should establish a culture of transparency and accountability in order to build public trust and legitimacy. In response to allegations of excessive or improper use of force by law enforcement officers, the public has called for greater accountability. Various law enforcement agencies, such as the New York City and Baltimore Police Departments, have conducted reviews of their use of force policies and practices, subsequently making improvements.

¹³ 5 U.S. Code, Chapter 41 § 4103(a) and 5 Code of Federal Regulations, Part 410 § 410.202 and § 410.203



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To better assist the officers, the Department must provide strong oversight, ensure components update policies and incorporate lessons learned, establish consistent training requirements, and ensure required training is completed. Without such oversight and action, DHS cannot be assured it is tracking and using the right data; giving officers the right tools; or ensuring transparency and accountability necessary for public trust — all critical factors to minimize its risk of improper use of force.

Recommendations

Recommendation 1: We recommend that the Deputy Secretary, Department of Homeland Security establish a formal entity at the Department level to oversee component use of force activities. Once established, the responsible personnel at the Department level should work with the components to:

- a. establish minimal requirements for what each component should report as a use of force incident and develop a process to collect and report the accurate number of incidents;
- b. develop a formal mechanism by which components can share lessons learned regarding use of force policies, training, and oversight;
- c. collaborate with the components and conduct a review or study to identify minimum standards or requirements for less-lethal use of force training, and require the components to implement the training;
- d. ensure each component has and uses a system of record to actively monitor completion of required recurring training; and
- e. continuously improve monitoring of training requirements, address training challenges related to resource availability, optimize regional efficiencies, and identify opportunities for cooperation to meet training related goals.

Recommendation 2: We recommend that the Deputy Secretary, Department of Homeland Security direct the Office of Policy, Law Enforcement Policy to:

- a. update DHS' 2004 *Use of Deadly Force Policy* and
- b. ensure components' use of force policies include lessons learned resulting from any reviews or shared information.

DHS Comments

The Department provided its official response and concurred with both recommendations. DHS and the components also provided technical comments separately. When appropriate, we made those minor changes throughout the report. DHS described its efforts to implement policies, reexamine procedures,



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and explore new and innovative technologies to improve oversight of use of force activities. A summary of the Department's response and our analysis follows.

OIG Analysis of DHS Comments

Recommendation 1: Concur. The Department recognized the need for improved headquarter oversight and collaboration for use of force activities. The Deputy Secretary will establish a Use of Force Steering Committee chaired by the Deputy Assistant Secretary for Law Enforcement Policy and comprise key leaders from pertinent DHS operational and headquarters components, to develop and implement recommendations of this report, as well as address additional key use of force-related issues as appropriate. The committee will be established by February 28, 2017 and coordinate across DHS to implement the recommendations with an expected completion date of December 31, 2017.

OIG Analysis: We consider this recommendation resolved and open. The Department's planned corrective actions to establish a Steering Committee as the formal entity and coordinate with the components to address the report's issues should improve the use of force activities. We will close the recommendation once the Department demonstrates the effectiveness of the Steering committee to address the issues identified in the report.

Recommendation 2: Concur. The DHS Office of Policy has begun to develop a Department-wide use of force policy by initiating a comprehensive review of all existing DHS and component use of force and other applicable policies. The Office of Law Enforcement Policy will continue to work with relevant components and other stakeholders until they issue the final policy. This will include ensuring best practices and recommendations set forth by the new Steering Committee are considered and incorporated into the policy. The expected completion date is December 31, 2017.

OIG Analysis: We consider this recommendation resolved and open. The Department's planned corrective actions to develop a Department-wide use of force policy should improve the use of force activities. We will close the recommendation once the Department issues the final policy.



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Appendix A

Objective, Scope, and Methodology

DHS Office of Inspector General was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*. This is one of a series of audit, inspection, and special reports prepared as part of our oversight responsibilities to promote economy, efficiency, and effectiveness within the Department.

We conducted this audit to determine whether DHS and its components have controls to minimize risk of improper use of force by law enforcement officers. We examined eight DHS components with law enforcement personnel — CBP, ICE, the Coast Guard, the Secret Service, TSA, FPS, FEMA, and OCSO. We excluded FLETC because we did not learn it has law enforcement officers until after we completed fieldwork. We also excluded OIG to meet the generally accepted government auditing standards conceptual framework approach to independence. We met with officials from the DHS Office of Policy who were identified as our point of contact for the audit recommendations.

To answer our objective, we interviewed DHS headquarters officials in CRCL; OCSO; CRSO; and Office of Policy, Office of Law Enforcement Policy, as well as component officials from the FLETC, FPS, CBP, ICE, the Coast Guard, the Secret Service, TSA, and FEMA. We interviewed Department of Justice officials to identify the Department's approach to use of force.

We judgmentally selected DHS law enforcement field personnel based on those officers available the day of our site visit. We obtained the officers' perspectives on recurring training and other areas of concern pertaining to use of force. We visited the following locations: Boston, MA; San Diego, CA; Philadelphia, PA; Washington, DC; El Paso and Dallas, TX; Jacksonville, FL; and Mount Weather, VA. We developed a survey instrument that included recurrent training and equipment needs, and we ended the surveys with an open-ended question on areas of concern regarding use of force.

To determine whether DHS and components are overseeing and monitoring use of force, we selected a judgmental sample of 46 cases from FPS, CBP, ICE, TSA, the Secret Service, and the Coast Guard. We reviewed the cases to determine whether the components followed processes for reporting and investigating the complaint and to determine the outcome resulting from such investigation or complaint. There were no use of force complaints identified within our scope for OSCO and FEMA. We did not rely on component allegation data to support conclusions or findings and therefore did not test the completeness of allegations of excessive use of force provided by components.



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We obtained use of force incident data from DHS OIG Integrity and Quality Oversight, which manages the OIG hotline in which Federal employees and the public can report allegations of civil rights abuses to include use of force concerns, to determine the number of use of force allegations submitted to the OIG. For a limited number of cases referred to the components, we determined whether the allegation was investigated. We also obtained use of force incident data from CRCL to determine the total number of complaints submitted to CRCL by component.

We also obtained component use of force incident data for FY 2015. We relied on the data reported by each component and did not test the data presented in this table. The reporting of data varies by component and is dependent on law enforcement personnel correctly reporting the use of force per agency guidelines. Additionally, the type and quantity of data collected is not consistent across the Department. We did not use the data to support our findings and conclusions.

To determine whether DHS and components created and implemented use of force policies and procedures, we obtained use of force-related policies and procedures, guidance, directives, training manuals, and handbooks from OCSO, FPS, CBP, ICE, the Secret Service, the Coast Guard, TSA, and FEMA. We assessed each document to determine to what extent it addresses elements of use of force, including physical use of force, use of deadly force, use of less-lethal devices, training and proficiency requirements, reporting requirements, investigation requirements, disciplinary and corrective actions, and other operating environments (i.e., air or water). Additionally, we reviewed prior reports related to the use of force to understand previous findings and lessons learned.

To determine to what extent law enforcement officers and agents are being trained on use of force, we obtained FY 2014 use of force and firearms proficiency training records for OCSO, FPS, CBP, ICE, the Secret Service, the Coast Guard, and TSA and selected 1,888 DHS law enforcement officers for testing. Specifically, we selected a statistical sample of 1,855 law enforcement officers from OCSO, ICE, FPS, CBP, the Secret Service, and TSA for testing based on a 95 percent confidence level, 50 percent population proportion, and 5 percent sampling error. In addition, we selected a judgmental sample of only 33 Coast Guard law enforcement officers for testing due to limitations in extracting Coast Guard training records. We compared the selected law enforcement official's annual training records to component use of force training requirements. We performed a limited review of FEMA and did not analyze training records because we identified late in fieldwork that FEMA has law enforcement officers; these officers are assigned to one location and had no



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incidents reported for our scope. We also observed training at FLETC in Glynco, GA; the Secret Service's Rowley Training Center in Laurel, MD; and CBP's Use of Force Center for Excellence in Harpers Ferry, WV.

DHS components use different systems and processes to record and maintain training and firearms proficiency completion. For the components in which we relied on a statistical sample, we reviewed system controls and determined that training records entered into the systems were sufficiently reliable. We performed a limited assessment of these systems to determine the integrity and reliability of their data. When the systems did not show a record of training, we requested components provide source documentation, if available, to verify training completion.

We conducted this performance audit between June 2015 and July 2016 pursuant to the *Inspector General Act of 1978*, as amended, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



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Appendix B

DHS Comments to the Draft Report

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

December 7, 2016

MEMORANDUM FOR: John V. Kelly
Deputy Inspector General

FROM: Jim H. Crumpacker, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

SUBJECT: Management's Response to OIG Draft Report: "DHS Lacks
Oversight of Components' Use of Force"
(Project No. 15-035-AUD-DHS)

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

The Department is pleased to note OIG's recognition of the dangers faced by the approximately 80,000 law enforcement officers within DHS who are asked to react with very little time to assess the threat or potential threat of violence when dealing with dangerous and often unpredictable situations. DHS continues to implement robust policies, re-examine its procedures, and explore new and innovative technologies to improve oversight of use of force activities. For example, in May 2015, U.S. Customs and Border Protection (CBP) established a National Use of Force Review Board, which includes members from the Department of Justice, Immigration and Customs Enforcement, the DHS Office of Civil Rights and Civil Liberties, and the OIG, to review use of force incidents by CBP officers and make recommendations, as appropriate. The Department is committed to future improvements in the transparency and accountability of use of force and to further minimizing the risks associated with use of force incidents.

The draft report contained two recommendations with which the Department concurs. Attached find our detailed response to each recommendation.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you in the future.

Attachment



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**Attachment: DHS Management Response to Recommendations
Contained in Project No. 15-035-AUD-DHS**

The OIG recommended that the Deputy Secretary, Department of Homeland Security:

Recommendation 1: Establish a formal entity at the Department level to oversee component use of force activities. Once established, the responsible personnel at the Department level should work with the components to:

- a. establish minimal requirements for what each component should report as a use of force incident and develop a process to collect and report the accurate number of incidents;
- b. develop a formal mechanism by which components can share lessons learned regarding use of force policies, training, and oversight;
- c. collaborate with the components and conduct a review or study to identify minimum standards or requirements for less-lethal use of force training, and require the components to implement the training;
- d. ensure each component has and uses a system of record to actively monitor completion of required recurring training; and
- e. continuously monitor and address training challenges faced by field personnel, optimize regional efficiencies, and share resources.

Response: Concur. Although DHS law enforcement Components have generally implemented robust policies, procedures, and training on the use of force, the Department recognizes the importance of Headquarters-level oversight and collaboration of these activities. The Deputy Secretary will establish a Use of Force Executive Steering Committee (UFESC), chaired by the Deputy Assistant Secretary for Law Enforcement Policy and comprised of key leaders from pertinent DHS operational and headquarters components, to develop and implement the recommendations of this report and address additional key use of force-related issues, as appropriate. The UFESC will be established by February 28, 2017, and will coordinate across DHS to implement each of the OIG recommendations. Estimated Completion Date (ECD): December 31, 2017.

Recommendation 2: Direct the Office of Policy, Law Enforcement Policy to:

- a. update DHS's 2004 *Use of Deadly Force Policy*, and
- b. ensure components' use of force policies include lessons learned resulting from any reviews or shared information.

Response: Concur. During this past summer, the DHS Office of Policy took the initial steps to develop a Department-wide use of force policy by initiating a comprehensive review of all existing DHS and component use of force and other applicable policies.



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The Office of Law Enforcement Policy will continue to work with relevant DHS components and other appropriate stakeholders throughout the policy development process until a final policy is issued. This will include ensuring that best practices and recommendations set forth by the soon to be established UFESC are considered and incorporated into the policy, as appropriate. ECD: December 31, 2017.



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Appendix C

DHS Law Enforcement Components Reviewed

Component	Mission and Operating Environment
CBP	To safeguard America's borders; thereby protecting the public from dangerous people and materials while enhancing the Nation's global economic competitiveness by enabling legitimate trade and travel. CBP's subcomponents include Office of Border Patrol, Office of Field Operations, Air and Marine Operations, and the Office of Internal Affairs. CBP agents operate along the southeast coastal, southwest, and northern borders.
ICE	To enforce Federal laws governing border control, customs, trade, and immigration to promote homeland security and public safety. ICE's subcomponents include Enforcement and Removal Operations, Homeland Security Investigations, and the Office of Professional Responsibility.
Coast Guard	To protect the maritime economy and the environment, defend our maritime borders, and save those in peril. The Coast Guard performs 11 missions, of which the following are maritime security and law enforcement related: port and waterway security, drug interdiction, migrant interdiction, and other law enforcement. The Coast Guard's subcomponents include Office of Law Enforcement, Office of Aviation Forces including the Helicopter Interdiction Tactical Squadron, and Coast Guard Investigative Service. The Coast Guard operates in almost every facet of the U.S. maritime environment.
Secret Service	To investigate financial crimes, covering missions such as prevention and investigation of counterfeit U.S. currency, U.S. treasury securities, and investigation of major fraud. The Secret Service also ensures the safety of current and former national leaders and their families, such as the President, past Presidents, Vice Presidents, presidential candidates, and visiting heads of state. Subcomponents include Uniformed Division, Presidential Protective Division, and Office of Professional Responsibility.
TSA	To protect the Nation's transportation systems ensuring freedom of movement for people and commerce. TSA's subcomponents include Office of Law Enforcement/Federal Air Marshal Service and the Office of Inspection. Federal Air Marshals are deployed on U.S. flagged aircraft throughout the world, 365 days a year. Federal Air Marshals in the aviation sector operate at 30,000 feet, in tight quarters, remain vigilant, and are prepared to react to a wide spectrum of criminal and terrorist activities. Office of Inspection operates in airports identifying vulnerabilities in security systems through operational testing, and ensures the integrity of TSA's workforce through special investigations.
FPS	FPS is a subcomponent of National Protection and Programs Directorate. FPS is responsible for protecting Federal facilities and those who occupy them. Internal Affairs Division is another unit of this Directorate, under the Office of Compliance and Security. This Division investigates allegations of misconduct committed by NPPD employees.
OCSO	Subcomponent of Office of the Under Secretary for Management responsible for safeguarding DHS's people, property, and information security programs.
FEMA	Mount Weather Police Department is a unit of FEMA. Officers are responsible for the protection of property owned or occupied by the Federal Government and persons on the property, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

Source: DHS OIG analysis



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Appendix D

FY 2015 Component Use of Force-related Data

Component	Law Enforcement Personnel	Arrests/ Apprehensions	Assaults on Officer	Use of Force			Total Use of Force
				Lethal	Less- Lethal	Warning & Disabling*	
CBP		345,236	390	28	728	11	767
ICE		176,919	20	6	89	N/A	95
Secret Service		3,008	24	0	Not tracked**	N/A	0
TSA		34	7	0	1	N/A	1
FPS		1,673	18	0	10	N/A	10
OCSO		3	0	0	0	N/A	0
Coast Guard***		70,786	2	0	10	61	71
FEMA		0	0	0	0	N/A	0
Total		597,659	461	34	838	72	944

* CBP's Office of Air and Marine Operations and the Coast Guard do not consider warning shots and disabling fire to be lethal force.

** The Secret Service does not track less-lethal use of force. Therefore, the total use of force number only reflects lethal use of force instances by the Secret Service in FY 2015.

*** We excluded the number of Coast Guard Investigative Service law enforcement personnel because they were not able to provide FY 2015 data and only provided FY 2016 data. In FY 2016, the Coast Guard Investigative Service reported 390 law enforcement officers. In September 2015, the Coast Guard updated its tracking system to capture arrest data. Therefore, the number of arrests and assaults for FY 2015 was not available. The Coast Guard Investigative Service tracks its own arrest data. The Coast Guard's Maritime Law Enforcement unit tracks vessel boardings, which we included in the arrest/apprehension column for this table. We combined the Coast Guard Investigative Service arrests with the Maritime Law Enforcement's boarding numbers to obtain the total arrest/apprehensions.

Source: DHS OIG analysis

Differences in the Data and Qualifications of the Data:

We relied on the data reported by each component and did not test the data presented in this table. The data are estimated because of the lack of standardized reporting by components. The components provided data for law enforcement officers from different dates within FY 2015. Because this data are from various points in time in FY 2015 and in some cases from FY 2016, the table is not representative of personnel as of September 30, 2015. Therefore, the components provided incomplete data that does not reflect cumulative totals of law enforcement officers for FY 2015. For example, Coast Guard Investigative Service provided FY 2016 law enforcement personnel data because the FY 2015 report was not readily available. Also, FEMA's personnel data is based on the roster of law enforcement officers at the time of our site visit in the spring of FY 2016. Similarly the Coast Guard Helicopter Interdiction Tactical Squadron personnel data is based on the squadron's roster as of December 14, 2015.

We also noted that CBP data on incidents of lethal and less-lethal use of force for FY 2015 that was publicly available slightly differed from the data provided to OIG in February 2016. In addition, ICE provided FY 2015 arrests data from three different offices within the component. We also noted that ICE did not have reporting requirements for soft techniques, while USCG had a reporting requirement for these techniques.



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Appendix E

Summary of Recent Reports on Use of Force

Date	Title	Summary
March 2012	<i>CBP FY 2011 Use of Force Report</i> conducted by the CBP Office of Training and Development	Provides qualitative and quantitative review of uses of force of CBP officers and agents during FY 2011. Improves visibility of use of force applications and provides data to enhance and improve training and equipment.
February 2013	<i>U.S. Customs and Border Protection Use of Force Review: Cases and Policies</i> conducted by the Police Executive Research Forum	Reviews use of force by CBP officers and agents. Analyzes use of force policies and specific cases of deadly force. Recommends improvement in initial reporting, investigation, incident review, weapons, personal protective gear, and changes to policy.
April 2013	<i>U.S. Customs and Border Protection Use of Force Review Report</i> conducted by the CBP Use of Force Policy Division	Reviews shooting incidents and identifies use of force trends. Recommends changes to CBP's use of force policies, equipment, tactics, training, and operational posture.
September 2013	<i>CBP Use of Force Training and Actions To Address Use of Force Incidents</i> (OIG-13-114)	Reviews allegations of CBP employees' use of excessive force and determines what reforms CBP has implemented. Recommends improvements to training and use of force case management.
February 2014	<i>American Civil Liberties Union Recommendations Regarding Use of Force by U.S. Customs and Border Protection Officers</i>	Makes recommendations to CBP to help reduce the incidence of unreasonable use of force and strengthen oversight and accountability.
May 2015	The President's Task Force on 21st Century Policing	Identifies best practices and offers recommendations on how policing practices can build public trust. Includes use of force discussions from the point of view of both research and policy, and internal and external oversight.
June 2015	Homeland Security Advisory Council, <i>Interim Report of the CBP Integrity Advisory Panel</i>	Evaluates CBP's efforts to deter and prevent corruption, the use of excessive force, and its efforts to restore public confidence. Provides recommendations based on law enforcement best practice for integrity, use of force, and transparency.

Source: DHS OIG analysis



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Appendix F

Use of Force Incident Tracking Processes

Component	Incident Tracking Process
OCSO	OCSO provides use of force memoranda to the Office of the General Counsel, which is maintained by the Inspections and Program Review Unit.
CBP	The CBP Office of Training and Development's Use of Force Center of Excellence maintains records of reportable incidents in the electronic CBP Use of Force Reporting System.
ICE	The ICE Office of Firearms and Tactics Programs tracked incidents manually but implemented an electronic process called Use of Force, Assaults and Discharge Reporting System in 2015.
TSA	TSA's Inspection and Investigation Division uses the electronic Access Integrated Database to maintain all use of force-related information.
FPS	According to an Internal Affairs Division official, investigation cases are housed in a Microsoft Access database and hard copies. The FPS Incident Review Committee must rely on the regions to provide documentation on incidents.
Secret Service	The Secret Service Office of Professional Responsibility Inspections Division maintains allegations in an electronic database called the Inspection Tracking System.
Coast Guard	The Coast Guard tracks incident data at the local level and reports it to central command, which maintains an electronic database.
FEMA	FEMA has an electronic tracking database for storing incident tracking reports.

Source: DHS OIG analysis



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Appendix G FY 2014 Training Requirements and Analysis

Recurring Firearms Requalification Requirements and Completion

	Firearms Requalification	Missing Record of Requalification	Percent not in Compliance
OCSO	Quarterly	2 of 29	6.9%
CBP	Quarterly*	25 of 381	6.6%
ICE	Quarterly	60 of 420	14.3%
TSA	Quarterly	1 of 400	0.3%
FPS	Quarterly	59 of 270	21.9%
Secret Service	Quarterly**	120 of 355	33.8%
Coast Guard	Semi-Annual	0 of 33***	0%
Total		267 of 1888	14.1%

* CBP's Office of Field Operations changed to a semiannual requalification requirement as of FY 2015.

** Various factors why an employee would not have a recorded score include operational travel, staffing, medical conditions, and extended leave such as for military or administrative reasons.

*** We selected a statistical sample of 1,855 law enforcement officers from OCSO, ICE, FPS, CBP, the Secret Service, and TSA for testing. In addition, we selected a judgmental sample of only 33 Coast Guard officers for testing due to limitations in extracting training records.

Recurring Less-Lethal Use of Force Training Requirements and Incomplete Training

DHS Total Incomplete Training			
Use of Force Policy Review	Less-Lethal Training Hour Requirement	Less-Lethal Device Recertification (i.e., Baton, CEW, OC Spray)	Less-Lethal Technique Training (i.e., Defensive Tactics, Control & Arrest Techniques)
8 of 808 (1.0%)	273 of 651 (41.9%)	170 of 697 (24.4%)	227 of 408 (55.6%)



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CBP Total Incomplete Training			
Use of Force Policy Review (Annual)	Less-Lethal Training Hour Requirement (4 Hours / Quarter)	Less-Lethal Device Recertification (i.e., Baton, CEW, OC Spray) (Annual)	Less-Lethal Technique Training (i.e., Defensive Tactics, Control & Arrest Techniques) (Annual)
3 of 381 (0.8%)	88 of 381 (23.1%)	n/a	225 of 381 (59.1%)
Annual recertification of issued less-lethal devices is required by policy. Less lethal devices issued to officers varies dependent upon job duties and program office. As such, we did not test recertification. All CBP officers are required to be recertified in defensive tactics, edge weapon defense, and arrest and control techniques annually. If any of the three courses listed were not complete, the officer is shown as not in compliance.			
NOTE: Recurrent training requirements and testing are based on the 2010 CBP <i>Use of Force Policy Handbook</i> , which was effective in FY 2014. For FY 2015, CBP requirements included one annual firearms-based use of force scenario.			

FPS Total Incomplete Training			
Use of Force Policy Review (Quarterly)	Less-Lethal Training Hour Requirement (8 Hours / Quarter)	Less-Lethal Device Recertification (i.e., Baton, CEW, OC Spray) (Annual)	Less-Lethal Technique Training (i.e., Defensive Tactics, Control & Arrest Techniques) (Unclear Requirement)
n/a	199 of 270 (73.7%)	162 of 270 (60.0%)	n/a
FPS officers must complete 8 hours of training per quarter that includes a review of FPS and DHS policies on use of force. FPS policy does not identify specific less lethal technique training course requirements.			

TSA Total Incomplete Training			
Use of Force Policy Review (Annual)	Less-Lethal Training Hour Requirement Federal Air Marshal Service Minimum 64 Hours/Year Office of Inspection – No Requirement	Less-Lethal Device Recertification (i.e., Baton, CEW, OC Spray) (Federal Air Marshal Service Annual Office of Inspection No Requirement)	Less-Lethal Technique Training (i.e., Defensive Tactics, Control & Arrest Techniques) (Office of Inspection - No Requirement)
5 of 400 (1.3%)	n/a	6 of 400 (1.5%)	n/a
TSA Federal Air Marshal Service policy requires a minimum of 64 hours of training per year for all officers. Certain Federal Air Marshal Service positions are subject to a 160 hours annual requirement. Core curriculum training disciplines include defensive measures, firearms, intermodal, and legal/investigative.			



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Coast Guard Total Incomplete Training			
Use of Force Policy Review (Semi-Annual)	Less-Lethal Training Hour Requirement (No Hour Requirement)	Less-Lethal Device Recertification (i.e., Baton, CEW, OC Spray) (Annual)	Less-Lethal Technique Training (i.e., Defensive Tactics, Control & Arrest Techniques) (Annual)
0 of 27 (0%)	n/a	2 of 27 (7.4%)	2 of 27 (7.4%)
For the Maritime Law Enforcement and Coast Guard Investigative Service, the recurring training for Control Techniques, Aggressive Response Techniques, and intermediate weapons (less-lethal) training are on a recurring annual basis. The Helicopter Interdiction Tactical Squadron does not have recurring intermediate training due to the nature of its role as an aviation unit.			

ICE

According to ICE policy, officers must complete 8 hours of training per quarter, which includes firearms requalification. ICE's training tracking system is unable to track training by hours; therefore, less-lethal training requirements could not be tested.

Secret Service

Secret Service policy does not specify less-lethal use of force recurrent training requirements. According to Secret Service officials, the Secret Service is developing a regional in-service training curriculum based on its operational needs.

OCSO

OCSO does not require less-lethal use of force training.

FEMA

Late in our fieldwork, we learned that FEMA has law enforcement officers. We recognized that these officers are confined to one location and had no incidents reported for our scope. As such, we conducted a limited review of FEMA and did not test FEMA officers' training completion.



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Appendix H
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