



OFFICE OF THE INSPECTOR GENERAL

U.S. Department of Justice

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INVESTIGATIVE SUMMARY

Findings of Misconduct by a United States Marshal for Making an Inappropriate Comment about Shooting a Judge and for Lack of Candor

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the United States Marshals Service (USMS) Office of Professional Responsibility (OPR) alleging that during a USMS firearms use of force briefing a United States Marshal (USM) made an inappropriate comment about shooting a judge.

The OIG found that the USM made the inappropriate comment about shooting a judge and, in doing so, committed administrative misconduct. The OIG found no evidence that the USM's comment was intended by the USM or perceived by witnesses to be a credible threat or directed at any particular judge. The USM told the OIG that he was joking when he made the comment and admitted that it was inappropriate. Witnesses who heard the USM's comment told the OIG that they believed the USM made his comment in a joking manner and thought it was inappropriate. The OIG concluded that the USM violated the USMS Code of Professional Responsibility's prohibition on activities which would adversely affect the reputation of the DOJ and the requirement of demonstrating the highest standards of personal and moral conduct expected of law enforcement officers. The OIG also found that the USM lacked candor in an interview with the OIG, when the USM denied making another inappropriate comment about a judge during a meeting the prior month with the Chief Judge of the assigned United States District Court.

Prosecution of the USM was declined. Prior to the OIG investigation, the USM retired. The OIG has completed its investigation, and all criminal and administrative actions are complete. The OIG has provided this report to the USMS for its information. As noted in the report, the OIG believes the USMS should review its policy directives to consider when and how the judiciary is notified of threat allegations against judges even when those threats are not deemed credible. The OIG found it concerning that no one at the USMS who heard or learned about the USM's comment believed it warranted immediate notification to the Court's Chief Judge.

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Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether DOJ personnel have committed misconduct.

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