

U.S. Department of Justice  
United States Marshals Service



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# United States Marshals Service Shooting Incident Review Fiscal Years 2022 & 2023



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## Executive Summary <sup>1</sup>

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 2023, United States Marshals Service (USMS) Director Ronald L. Davis commissioned a comprehensive review of shooting incidents involving Deputy United States Marshals (DUSM) and partner Task Force Officers (TFO) that occurred in fiscal year (FY) 2022 and FY 2023.

This is a follow-up to the Shooting Incident Review (SIR) for FY 2019-2021 (SIR FY19-21). USMS Subject Matter Experts (SME) analyzed available shooting incident data collected in FY 2022 and FY 2023 to identify key findings and develop recommendations for improvements to USMS policies, training, tactics, and equipment to enhance community and officer safety in such areas as:

1. Quality of current data collection;
2. The use of vehicle containments;
3. Warrant service training and supervision;
4. Operational leadership and decision-making; and
5. Evidence-based training plans.

Recognizing the importance of the SIR FY19-21 self-assessment, the USMS elected to continue to analyze and release information related to agency-involved shooting incidents on a recurring basis.

## Objective

As a follow up to SIR FY19-21, Director Davis requested a review of shooting incidents involving DUSMs and partner TFOs that occurred in FY 2022 and FY 2023. The SME Review Team's mandate was not to re-investigate the incidents, but to conduct a review to identify lessons learned and assess policies, training, tactics, and equipment relevant to the potential reduction of DUSM or TFO shootings and injuries, and public safety.

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<sup>1</sup> This Shooting Incident Review is not intended to, and does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. This review shall not be construed to impair or otherwise affect: 1) the discretionary authority granted by law to an executive department or agency, or the head, or official thereof; 2) the functions of any executive department or agency, including the Attorney General of the United States, the Director of the United States Marshals Service, or Office of Management and Budget relating to executive, budgetary, administrative, or legislative mandates; or 3) any applicable federal common or statutory law.

The objective of SIR FY22-23 was to gather information from USMS shooting incidents during the relevant period to evaluate operational trends, identify any need to improve training and/or equipment, and/or provide critical officer-safety and public safety related information to the field.

For purposes of this report, agency shooting incidents are defined as incidents where DUSMs, TFOs, or Court Security Officers (CSO) intentionally fired at a subject<sup>2</sup> in the course of their duties. Incidents where officers were shot at, but did not discharge their firearms, are not included in this report.

## Data Scope

The scope of the data reviewed for FY 2022 included 51 agency shooting incidents across the United States involving 110 DUSMs, TFOs, and non-Task Force law enforcement officers. The scope of the data reviewed for FY 2023 included 40 agency shooting incidents involving 72 DUSMs, TFOs and non-Task Force law enforcement officers. Only intentional shootings at subjects were examined. Agency shootings directed at aggressive animals or that were determined to be unintentional discharges (i.e., during training or not while engaged in a law enforcement activity) were not included in this report.

## Data Collection

As a result of SIR FY19-21, the USMS expanded its data collection for shooting incidents involving USMS personnel and TFOs or involving USMS equities (i.e., courthouses, judicial family, protected individuals, etc.). The USMS mission system was the data source for Class 1 warrants, where the USMS has the primary authority to apprehend the suspect, and for Class 2 warrants, where the USMS does not have the primary responsibility to apprehend the suspect. The following sources were utilized: USMS mission system, law enforcement investigative files (if available), body-worn camera (BWC) footage (if available), and media reports.

All incidents in this report, with the exception of 4 shooting incidents in FY 2023, involved law enforcement officers attempting to take federal, state, or local fugitives into custody based on judicially authorized arrest warrants. FY 2023 incident exceptions are as follows: two shootings involved CSOs; one shooting was in response to a fatal shooting occurring adjacent to an existing USMS operation; and one shooting involved a subject who was a friend of the fugitive being sought and pointed a replica firearm at Task Force members.

Limitations include:

- **Practical data limitations** – Not all data points are applicable for every shooting incident. This is a result of the nature of the shooting incident, the actions by law enforcement or the subject involved in the shooting, and the fact the USMS may not yet be in receipt of the more detailed report from the investigating agency.

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<sup>2</sup> 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.

- **Information sharing limitations** – There can be limitations pursuant to the applicable law that prevent some agencies from sharing information with the USMS.
- **Review-scope data limitations** – The USMS physically arrests approximately 60,000 individuals per year and interacts with an even greater number of people in other law enforcement and judicial security missions.

## Shooting Incident Data

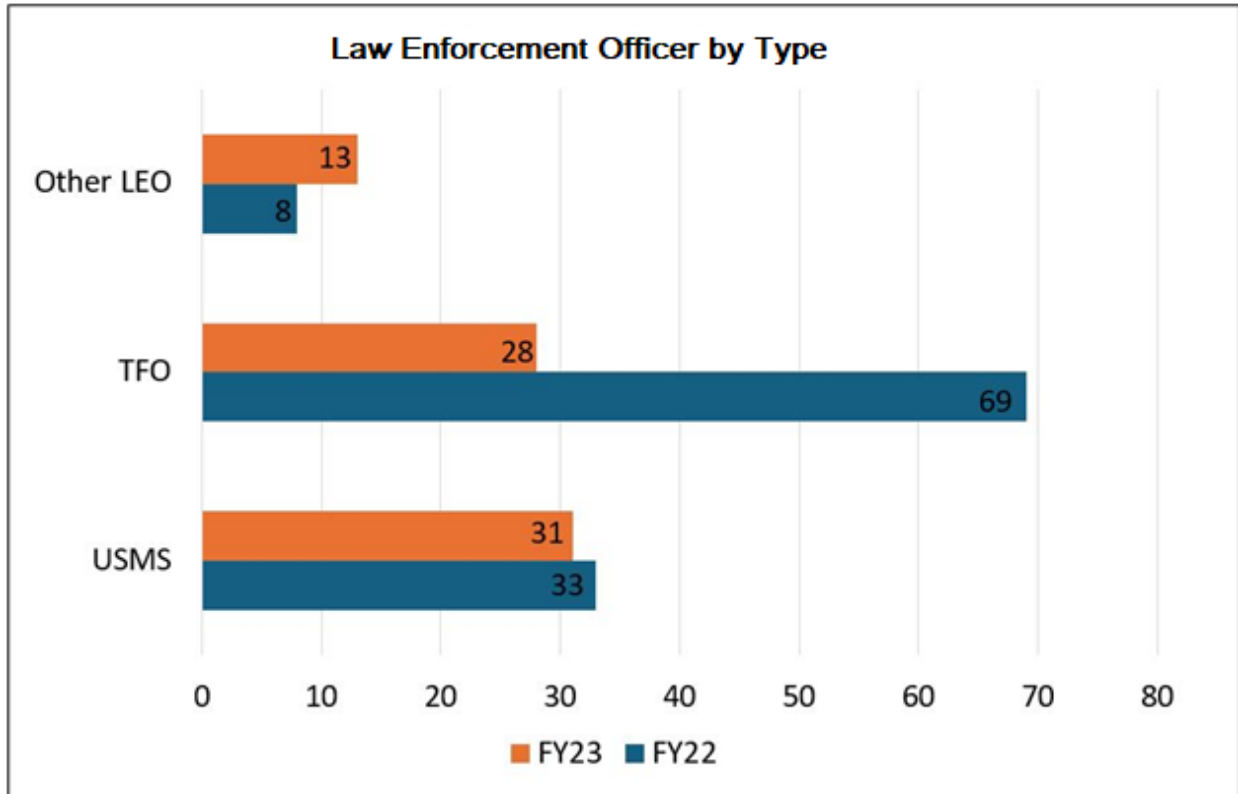
FY 2022 and FY 2023 agency-involved shooting incident data was compiled and the following details the comparison:

	FY 2022	FY 2023
<b>Total Shooting Incidents</b>	51	40
<b>Total Physical Arrests</b>	66,561	65,089
<b>% of Incidents to Arrests</b>	.077%	.061%
<b>LEO Injuries During Incident</b>	5	10
<b>Suspect Injury Level Death</b>	32	18
<b>Suspect Injury Level Struck</b>	10	11
<b>Suspect Injury Level None</b>	9	11
<b>Suspect Injury Level Unknown</b>	0	0

Through a review of the available data, the USMS has seen a reduction in the overall number of Officer-Involved Shooting (OIS) incidents from FY 2022 to FY 2023. Relative to the total number of shooting incidents per year, the USMS has seen a 17% decrease in the number of suspect deaths during OIS incidents. However, the number of Law Enforcement Officer (LEO) injuries has increased 16% during the same period.

## Shooting Incident by Type:

Along with the reduction in OIS incidents between FY 2022 and FY 2023, the SME Review Team observed a reduction of incidents that occurred during vehicle operations. In SIR FY19-21, nearly half (70 of 147), of OIS incidents occurred during vehicle operations. In SIR FY22-23, that percentage was reduced to 35%. Shown below is the total number of law enforcement shooters, which can exceed the total number of shooting incidents.

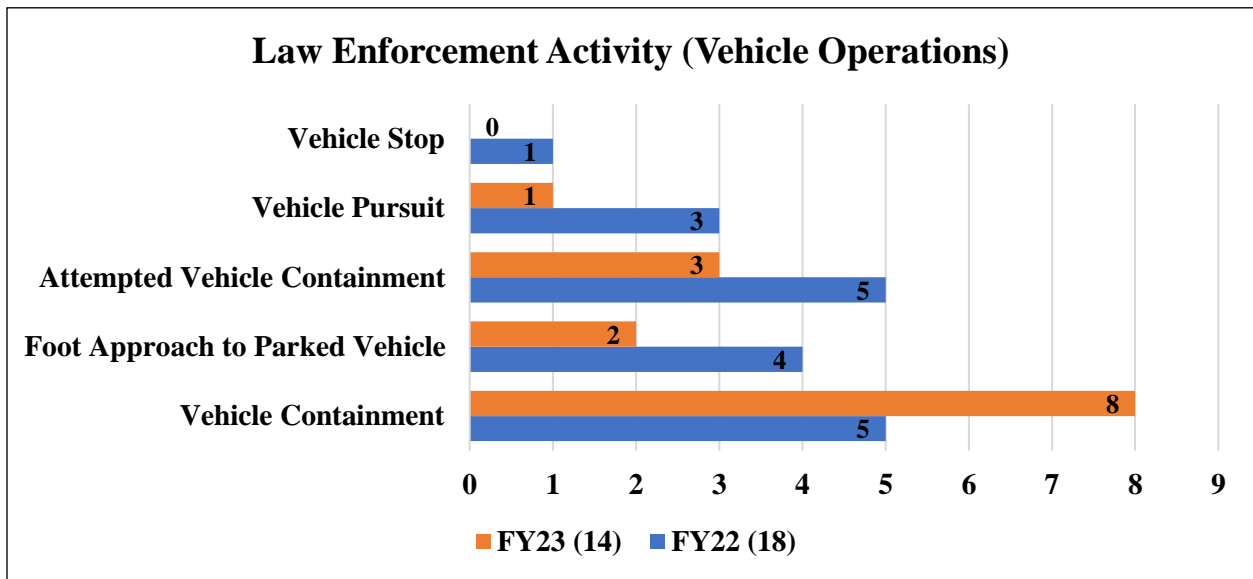


**Note:** RFTF = Regional Fugitive Task Force; VOTF = District-led Violent Offender Task Force.

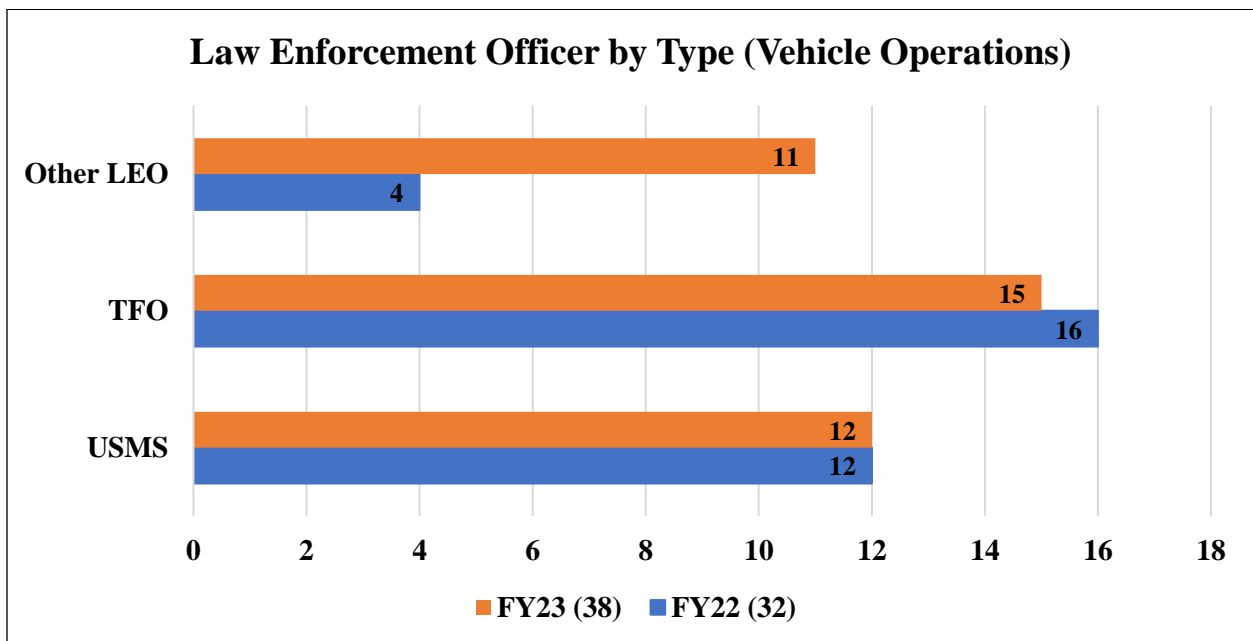
### 1. Vehicle Operations

Vehicle operations include shooting incidents that occur when a subject is located in or immediately adjacent to a vehicle and may involve tactics such as pursuits, stops, or containment where the law enforcement officers effect the arrest in or immediately adjacent to the vehicle.

- In FY 2022, 18 of the 51 (35%) shootings took place in or around a vehicle.
- In FY 2023, 14 of the 40 (35%) shootings took place in or around a vehicle.



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

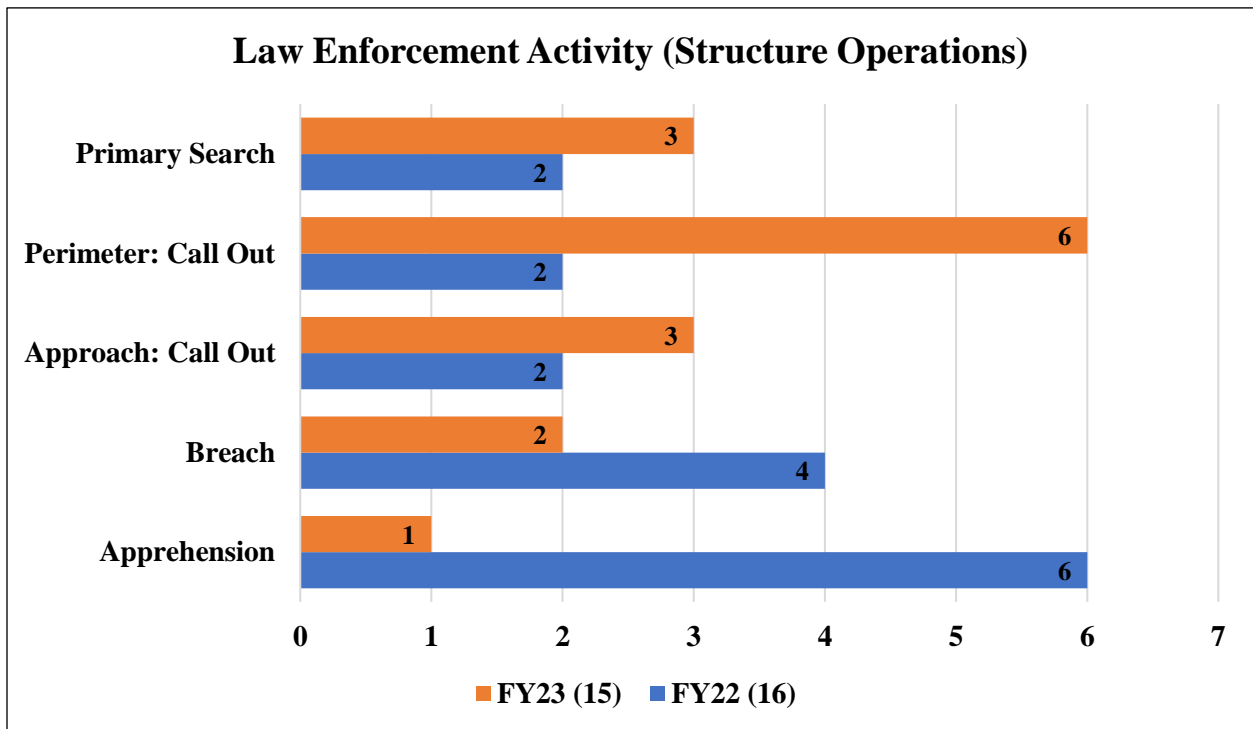


## 2. Structure Operations

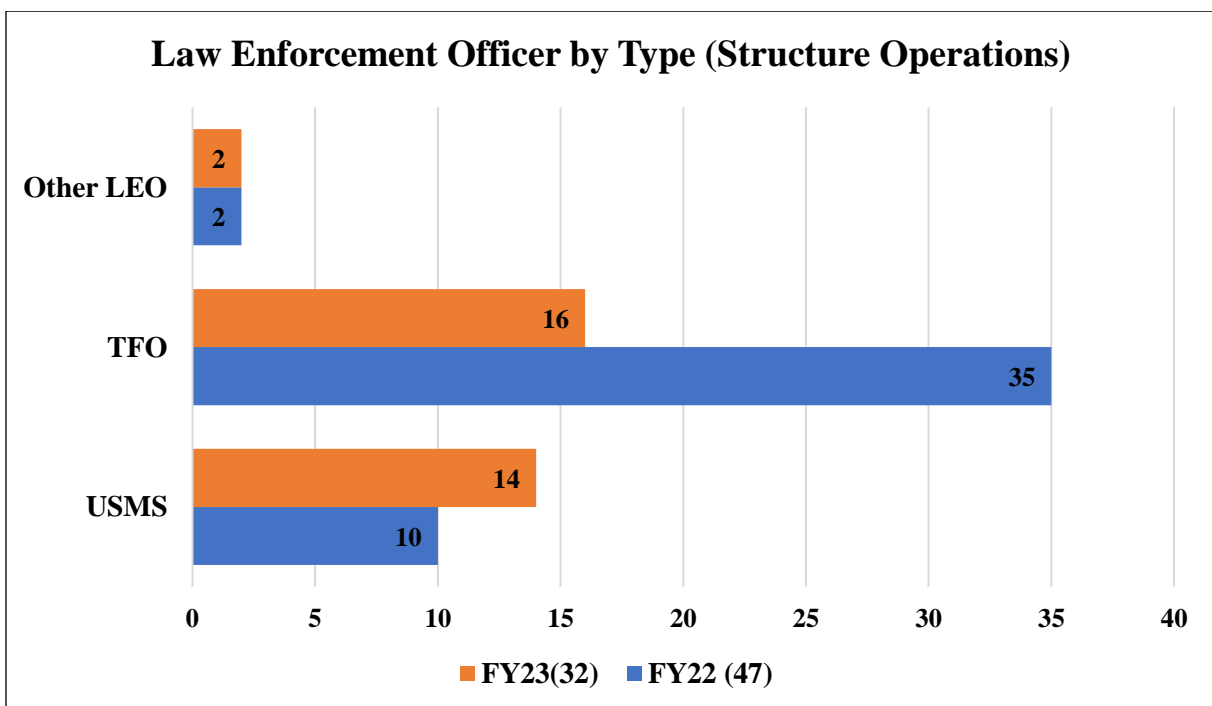
Structure operations include shooting incidents that occur when a subject is located in, or immediately adjacent to, a residence or commercial structure. Arrests in this category often involve tactics such as breaching the door, conducting a search of the structure, surround and call-out, or a barricade situation. The arrest can occur inside or immediately adjacent to the structure.

- In FY 2022, 16 of the 51 (31%) shootings took place during structure operations.

- In FY 2023, 15 of the 40 (38%) shootings took place during structure operations.

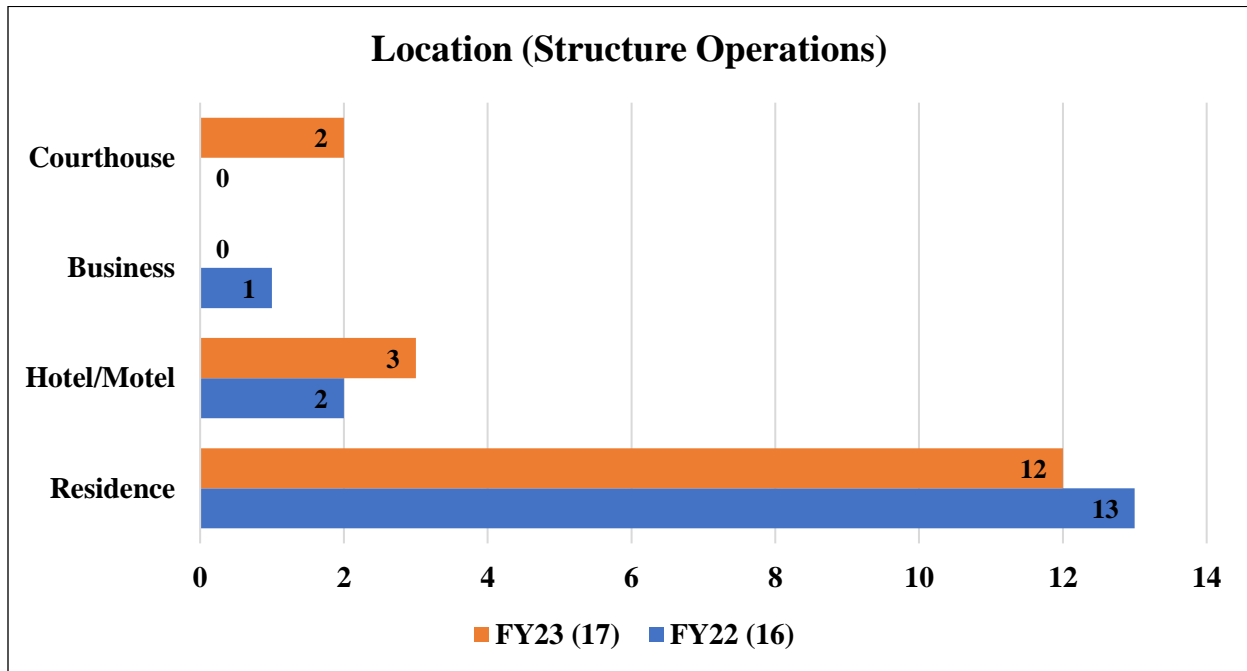


Breakdown of law enforcement type for each shooter involved in the structure-related incidents:





Breakdown of structure type for each incident:



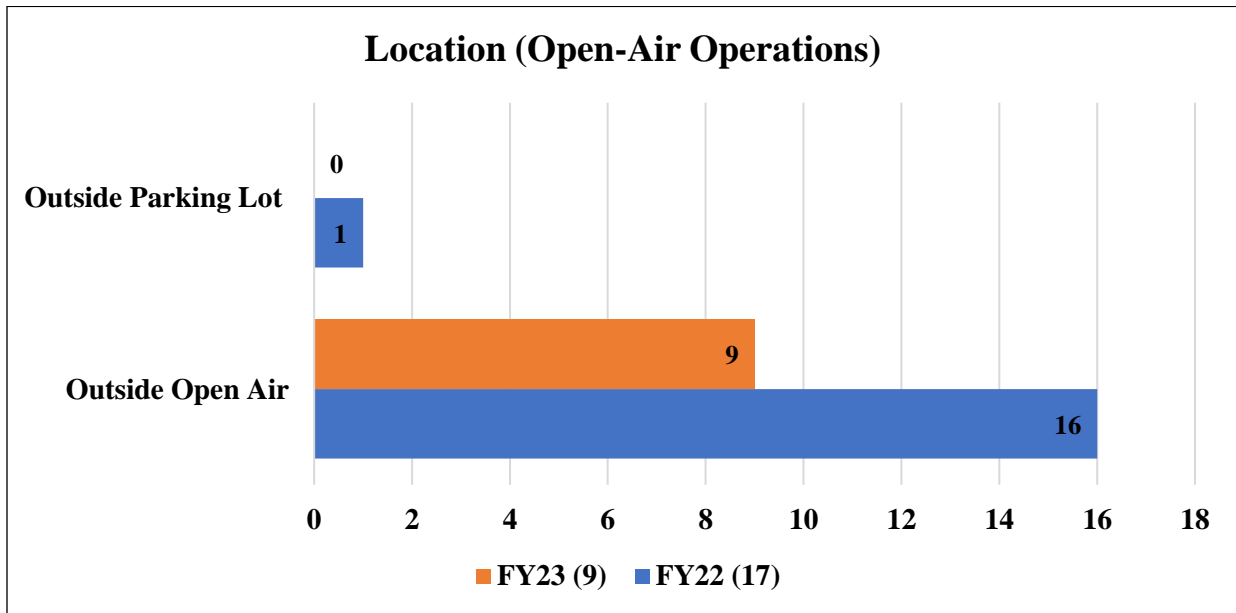
**Note:** Two incidents in FY 2023 involved CSOs discharge of their firearms at Federal Courthouses.

### 3. Open-Air Operations

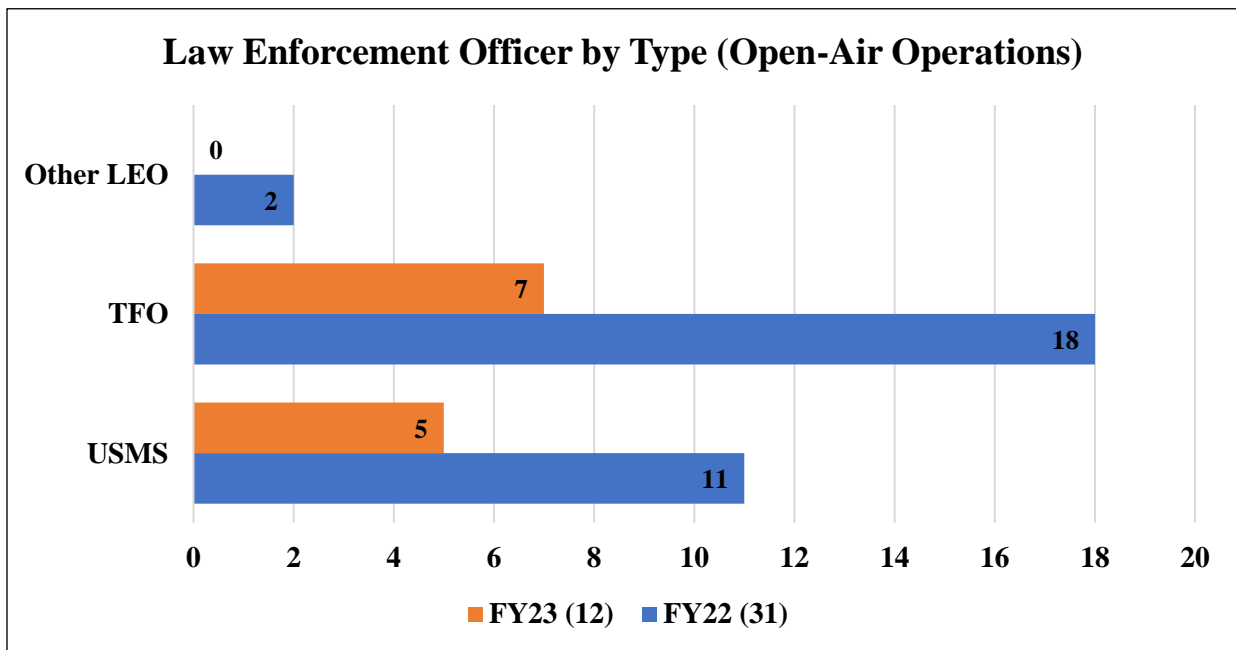
Open-air operations include shooting incidents that occur when a subject is outside of a structure or vehicle.

- In FY 2022, 17 of the 51 (33%) shootings took place during open-air operations.
- In FY 2023, 9 of the 40 (23%) shootings took place during open-air operations.

Breakdown of open-air operations:



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



## Officer Data

### DUSM Demographics

The average age for a DUSM in the USMS is 42 years old, with an average of 12 years of service with the USMS. Average age and years of service with the USMS for DUSMs involved in shooting incidents during the period are:

- FY 2022: 42 years old with 12 years of service.
- FY 2023: 38 years old with 9 years of service.

### Multiple OIS Incidents

The number of DUSMs involved in prior shooting incidents who were involved in an OIS incident during the relevant period are:

- FY 2022: 7 of 33 (21%).
- FY 2023: 6 of 31 (19%).

### DUSM and TFO Injuries

The USMS has seen an increase in injuries to officers from FY 2022 to FY 2023 despite a reduction in OIS incidents.

In FY 2022, the USMS reported 5 injuries to DUSMs and TFOs during OIS incidents.

- 4 of 51 incidents (8%) resulted in an injury to a DUSM or TFO.
- 3 of 5 injuries were a result of a Gun Shot Wounds (GSW) during structure operations.
- 2 of 5 injuries were a result of a vehicle strike during a vehicle operation.

In FY 2023, the USMS reported 10 injuries to DUSMs and TFOs during OIS incidents.

- 6 of 40 incidents (15%) resulted in an injury to a DUSM or TFO.
- 7 of 10 (70%) injuries were from a GSW.
- 3 of 10 (30%) injuries were a result of a vehicle strike during a vehicle operation.
- 6 of 7 GSW injuries occurred during structure operations.
- 1 of 7 GSW injuries occurred during a vehicle operation.

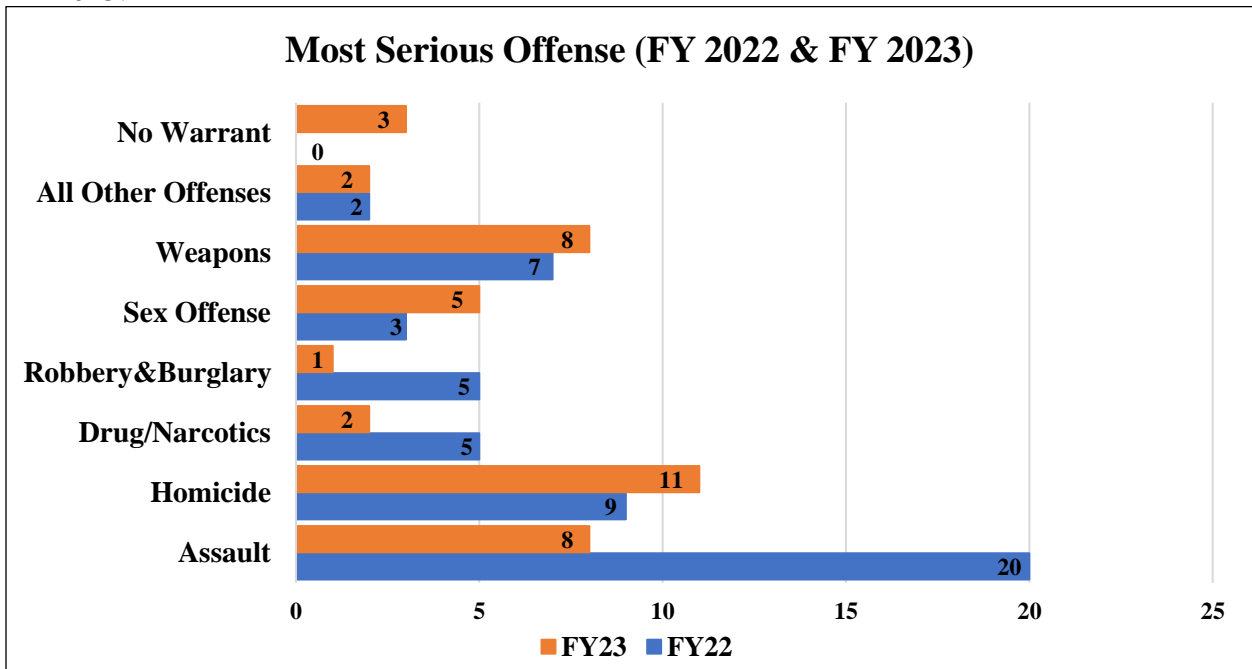
## Suspect Data

### Suspect Demographics

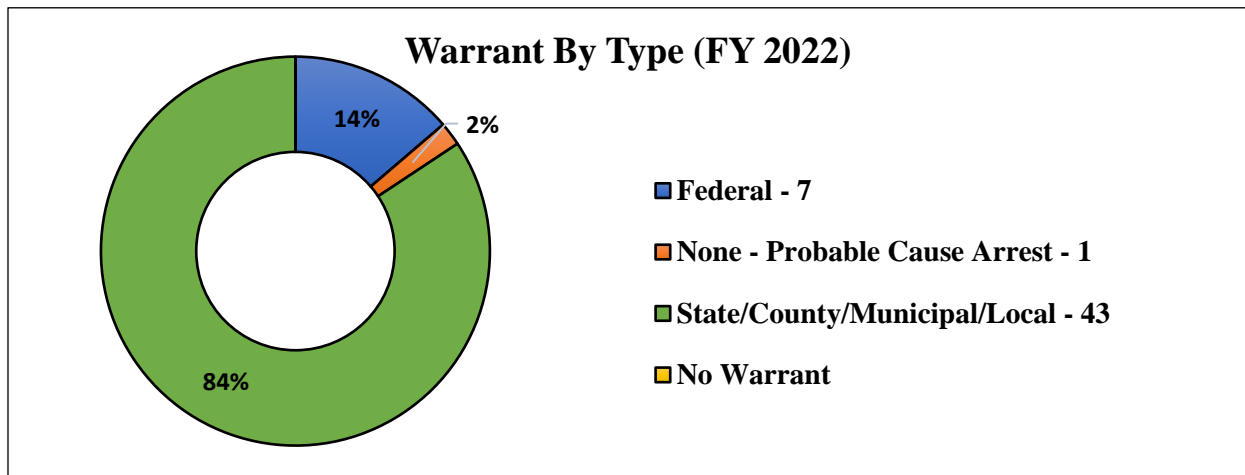
	FY 2022 OIS	FY 2022 All Arrests	FY 2023 OIS	FY 2023 All Arrests
<b>Male</b>	100% (53)	82.3%	88.6% (38)	83.6%
<b>Female</b>	0% (0)	17.7%	11.4% (2)	16.4%
<b>Average Age</b>	36.38	36.63	40.5	36
<b>White</b>	47.5%	46.1%	72%	47.3%
<b>Black</b>	50%	43.7%	25%	44.1%
<b>Native American</b>	2.5%	2.3%	0%	2.3%
<b>Asian</b>	0%	.9%	2.9%	1.1%

### Warrant and Criminal History Data

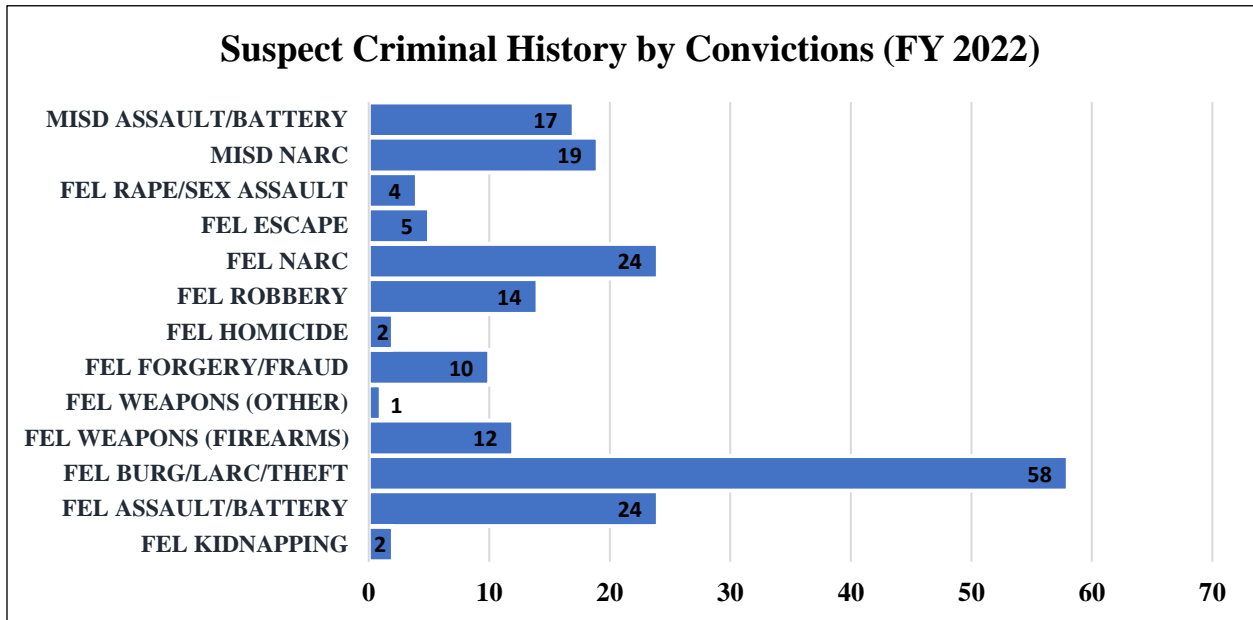
Most serious charge on outstanding warrants for subjects in each incident in FY 2022 and FY 2023:



Breakdown of warrant type for each incident:



The data collected related to suspects involved in OIS incidents in FY 2022 found that all 51 suspects had at least one previous arrest for a violent crime.<sup>3</sup> Additionally, 44 of 51 (86%) had at least one prior conviction for a violent crime.

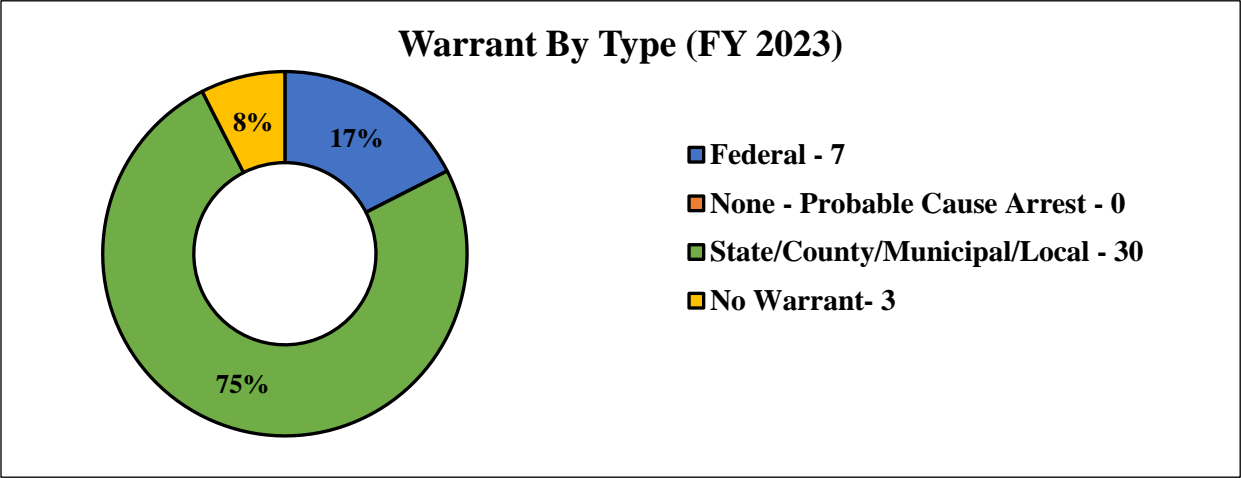


**Note:** FEL = Felony; MISD = Misdemeanor.

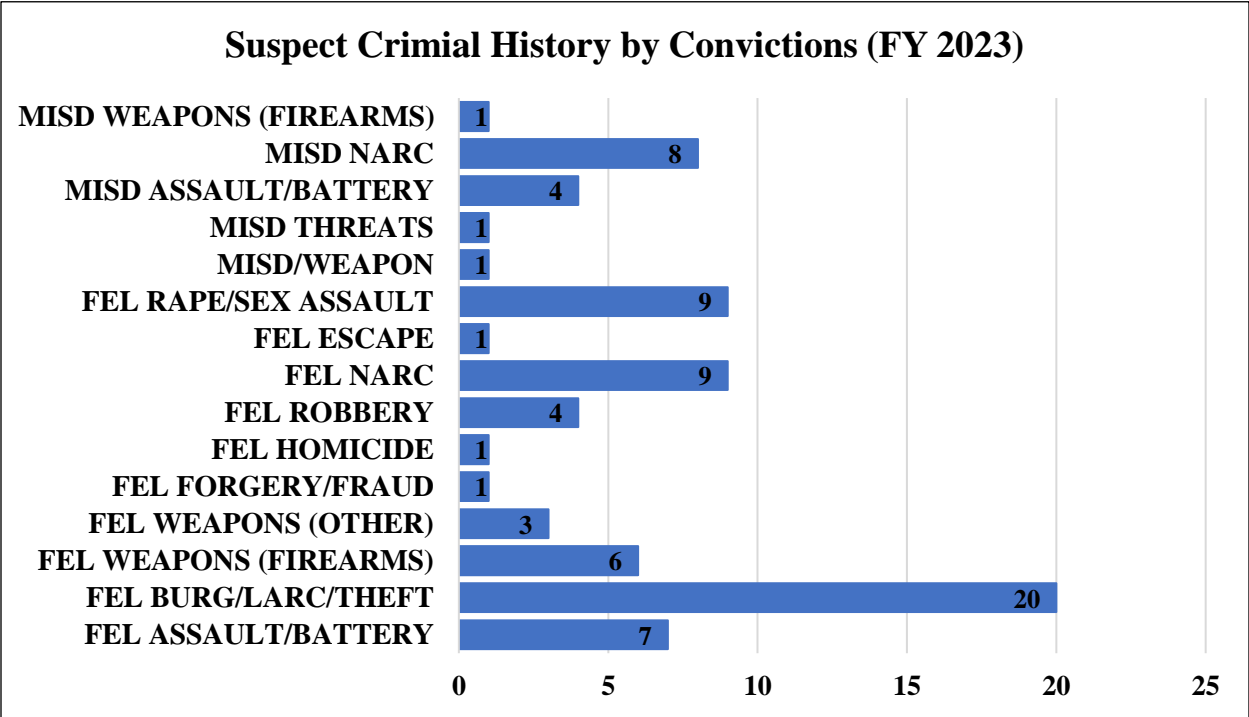
**Note:** Individual suspects may have multiple convictions.

In FY 2023, the incidents with no warrant include two incidents involving CSOs, and one incident where an RFTF responded to a shooting during an unrelated warrant endeavor.

<sup>3</sup> The term “Violent Crime” in this report refers to the standards established by the National Incident-Based Reporting System (NIBRS).



The data collected related to suspects involved in OIS incidents in FY 2023 found that 36 of 40 (90%) suspects had at least one previous arrest for a violent crime. Additionally, 34 of 40 (85%) had at least one prior conviction for a violent crime.



### Pre-Enforcement Planning

USMS personnel often operate in dynamic, rapidly evolving, tense, and time-compressed situations. Pre-enforcement planning, verbally or in written form, provides personnel with valuable information such as team member duties and responsibilities, a subject description, specifics of the location for the operation and the surrounding area, communications plan, local hospitals, and contingency actions. Consistency in documentation is a key element for continued improvement in agency pre-enforcement planning.

## Subject Matter Expert Review Team Findings

The SME Review Team found that presence of USMS personnel during arrest operations involving shooting incidents increased from 68% of cases in FY 2021 to 75% of cases in FY 2022, and to 95% of cases in FY 2023. The Review Team found that the increase of the USMS' presence in those cases was the direct result of a policy change requiring USMS personnel to be present during all pre-planned Task Force arrest operations unless exigent circumstances existed which prevented USMS presence. This finding demonstrates the agency's success in developing new processes for Task Force operational supervision. Increased USMS presence emphasizes the agency's prioritization of Task Force oversight to encourage federal best practices, increased officer safety and accountability, and reduced risk to the public and law enforcement. The SME Review Team believes that greater oversight and accountability is being achieved in USMS Task Forces and that continued improvement can be achieved by communication through nationwide memoranda, enforcement and leadership trainings such as HRFA-OL, District Regional Group meetings, and at National Leadership Conferences.

The SME Review Team found that there was a noticeable improvement in the available data due to enhancements in the USMS operations data system and the new data collection tool utilized by the Office of Professional Responsibility's Force Review Branch (FRB). Continuing to improve data collection related to OIS incidents will place the USMS in a better position to recognize operational trends or to identify potential changes to current procedures or training.

In SIR FY19-21, the SME Review Team's findings and recommendations focused on being able to more accurately articulate the circumstances surrounding an OIS incident, provide added margins of safety for officers and civilians during enforcement operations, and identify areas to improve training. The SIR FY22-23 report reflects the importance of continuing to study OIS incidents as a standard practice going forward.

Preliminary FY 2023 data shows that despite a reduction in overall arrests and the percent of OIS incidents relative to arrests, injuries to LEOs increased. Through investigative reports and available videos, the SME Team observed the incredible success of the Tactical Medic Training Program. In numerous instances, Task Force personnel were able to seamlessly transition from an enforcement posture to providing lifesaving measures following a shooting incident, in many cases saving the lives of injured law enforcement personnel and/or subjects. This demonstrates the importance of ensuring operational personnel are able to administer medical aid and endeavor to save lives in the immediate time following a critical incident. The SME Team also observed that enforcement operations in and around structures remains the largest source for injuries to LEOs.

The SME Review Team acknowledges that independent internal and external reviews of OISs are crucial for transparency and trust between the USMS and the community it serves. The success of the USMS and its personnel relies heavily on its credibility and the trust of partner law enforcement agencies and members of the community. Introspection and continuous evaluation of performance, processes, and programs is vital to building and maintaining that trust, mitigating risk, and improving how the agency conducts high risk operations.

## Actions Taken Since SIR FY19-21

Since the release of SIR FY19-21 in February 2023, the USMS has implemented Presidential Executive Order 14074 on *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*; as well as related Department of Justice guidance; and the approved recommendations. Items completed during this period include:

- Published a memorandum to the field reinforcing the Deputy Attorney General’s (DAG) Memorandum titled, *Chokeholds & Carotid Restraints; Knock & Announce Requirement*, dated September 13, 2021, which set forth the limitations on seeking and executing “no knock” warrants.
- Updated USMS Policy Directives 2.10, *Use of Force*; 8.9, *Arrest*; and 8.11, *Searches*, to further codify the limitations on “no knock” warrants.
- Contributed to National Reporting Databases including, but not limited to, the Federal Bureau of Investigation’s National Use of Force Data Collection effort and the National Law Enforcement Accountability Database (NLEAD).
- Participated in the development of the *Report to the President on Equity and Law Enforcement Data Collection, Use, and Transparency*, prepared by the Criminal Justice Statistics Interagency Working Group of the National Science and Technology Council and the Domestic Policy Council.
- Developed training based on the updated USMS Policy Directive 2.10, *Use of Force*. The training was assigned to 3,837 operational personnel. By the end of FY 2023, 97.5% of employees had completed this training.
- Developed a new training module for open-air operations and integrated it into the High-Risk Fugitive Apprehension’s (HRFA) Tactical Fundamentals Course.
- Published a major update to USMS Policy Directive 14.13, *Officer Safety Training*, and accompanying Standard Operating Procedure which requires annual officer safety training for all operational personnel and set new standards for Tactical Training Officers.
- Convened a working group to evaluate tactics currently being used while conducting structure operations. The findings of the working group are the basis for substantive changes regarding how the agency trains and conducts structure operations.
- Pilot the new HRFA Operational Leadership (OL) and Planning Course.

## Actions In Progress

- Resolution of final recommendations from the Department of Justice’s Office of the Inspector General Audit into the USMS Tactical Training Program.



## Conclusion

The USMS will continue its evaluation of performance, processes, and programs related to officer involved shooting incidents to mitigate risk, improve the way in which the agency conducts business, and maintain the trust of the community. 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.