

OFFICE OF INSPECTOR GENERAL

Assaults on CBP and ICE Law Enforcement Officers



Homeland
Security

September 4, 2018

OIG-18-76



DHS OIG HIGHLIGHTS

Assaults on CBP and ICE Law Enforcement Officers

September 4, 2018 **What We Found**

Why We Did This Inspection

In response to congressional concerns about an increase in incidents of assault on U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) law enforcement officers, we reviewed assault reports, methods used to track them, measures taken by CBP and ICE to mitigate and prevent assaults, and actions taken against offenders.

What We Recommend

We made three recommendations to CBP and five recommendations to ICE to improve assault reporting, increase training frequency, and clarify assault definitions.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

In response to a request from the Senate Committee on Homeland Security and Governmental Affairs for information on assaults on CBP and ICE law enforcement officers, we determined that, from fiscal years 2010 to 2017, the number of assaults against CBP law enforcement officers decreased from 1,089 to 856. During the same time period, assaults of ICE law enforcement officers remained the same at 48. However, the data does not show a clear trend over that time period and the number of assaults varied widely from year to year. Our analysis also shows that, for a number of reasons, the data is unreliable and does not accurately reflect whether assaults have increased or decreased. For example, although both components introduced new reporting systems in FY 2016, law enforcement officers continue to use informal methods instead to document assaults and remain unfamiliar with these reporting systems. Further, the officers do not always report acts of physical resistance or attempted assaults, even when required to do so. In addition, the definition of assault differs for CBP and ICE. We also uncovered issues with the training of law enforcement officers. Specifically, CBP and ICE differ in their provision of refresher training to mitigate and prevent assaults, particularly in defensive tactics, and neither component is fully training law enforcement officers to defend themselves against assaults. Without reliable data and adequate training, ICE and CBP may not be doing enough to mitigate and prevent assaults on law enforcement officers.

CBP and ICE Response

CBP and ICE concurred with the recommendations and described corrective actions they are taking and plan to take. We consider six recommendations resolved and open, and two recommendations closed.



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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

September 4, 2018

MEMORANDUM FOR: The Honorable Kevin K. McAleenan
Commissioner
U.S. Customs and Border Protection

Ronald D. Vitiello
Senior Official Performing the Duties of Director
U.S. Immigration and Customs Enforcement

FROM:

John V. Kelly 
Acting Inspector General

SUBJECT: *Assaults on CBP and ICE Law Enforcement Officers*

For your action is our final report, *Assaults on CBP and ICE Law Enforcement Officers*. We incorporated the final comments provided from CBP and ICE.

The report contains eight recommendations to enhance the program's overall effectiveness. CBP and ICE concurred with all recommendations. Based on information provided in your response to the draft report, we consider six recommendations resolved and open, and two recommendations closed. 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 showing completion of the agreed-upon corrective actions. Please send your response or closure request to OIGInspectionsFollowup@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 Jennifer L. Costello, Chief Operating Officer, at (202) 981-6000.



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Background

In enforcing immigration and customs laws, Department of Homeland Security law enforcement officers¹ at U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) are at risk of assault. Within the Nation's largest Federal law enforcement agency, CBP's border patrol agents, CBP officers, and Air and Marine interdiction agents are at risk when safeguarding and managing the Nation's borders at and between ports of entry. ICE law enforcement officers also are at risk of assault — ICE deportation officers, when enforcing Federal laws governing immigration, and Homeland Security Investigations (HSI) criminal investigators, when dealing with border control, customs, trade, and organized crime.

Both CBP and ICE have formal definitions of assault to describe physical acts committed against law enforcement officers. According to CBP's 2017 memorandum, *Reportable Assault and Use of Force Definitions*, an assault is "a physically manifested attempt or threat to inflict injury on CBP personnel, whether successful or not, which causes a reasonable apprehension of imminent bodily harm." A 2006 ICE memorandum defines assault as "any physical attack or act of violence, to include sexual assault."

In letters dated May 4, 2017, and June 8, 2017, the Senate Committee on Homeland Security and Governmental Affairs expressed concern about the increase, in recent years, in assaults on CBP and ICE law enforcement officers. The letters requested that we determine the number and types of assaults since fiscal year 2010, as well as the methods used to track these assaults. The committee also requested we review measures taken by CBP and ICE to mitigate and prevent assaults and determine actions taken against offenders.

To respond to this request, we evaluated DHS and component policies on assault reporting, the use of force,² and training. We reviewed assault records and interviewed component leadership. We also visited 26 field offices in 6 states where we conducted structured interviews with 246 CBP and ICE law enforcement officers. (The "Objective, Scope, and Methodology" section of this report contains a complete list of sites.)

¹ For the purpose of this report, the term law enforcement officer is used to refer to officers and agents at CBP and ICE.

² Use of force is defined as the amount of effort required by law enforcement officers to compel compliance by an unwilling subject.



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Results of Inspection

Overall, from FY 2010 to FY 2017, the number of assaults against CBP law enforcement officers decreased from 1,089 to 856, while assaults of ICE law enforcement officers remained the same at 48. However, the data does not show a clear trend over that time period, and the number of assaults varied widely from year to year. Our analysis also shows that, for a number of reasons, the data is unreliable and does not accurately reflect whether assaults have increased or decreased. For example, although both components introduced new reporting systems in FY 2016, law enforcement officers continue to use informal methods instead to document assaults and remain unfamiliar with these reporting systems. Further, the officers do not always report acts of physical resistance or attempted assaults, even when required to do so. In addition, the definition of assault differs for CBP and ICE. We also uncovered issues with the training of law enforcement officers. Specifically, CBP and ICE differ in their provision of refresher training to mitigate and prevent assaults, particularly in defensive tactics, and neither component is fully training law enforcement officers to defend themselves against assaults. Without reliable data and adequate training, ICE and CBP may not be doing enough to mitigate and prevent assaults on law enforcement officers. Appendix B contains detailed information in response to the congressional request, based on data we gathered from CBP and ICE systems.

CBP and ICE Assault Reporting Systems Are Not Used Appropriately and Contain Incomplete Data

From FY 2010 through FY 2014, the number of reported assaults against CBP law enforcement personnel steadily decreased, from 1,089 assaults in FY 2010 to 381 in FY 2014. Beginning in FY 2015, assaults increased, including a 46 percent increase to 856 assaults in FY 2017. Although ICE assault data does not show a clear trend over our time period, reported assaults at ICE increased from 25 in FY 2016 to 48 in FY 2017. (Appendix B contains detailed information regarding the number of assaults.) In FY 2016, both CBP and ICE established component-wide tracking systems specifically for assaults. However, we determined the system data is not reliable or complete and does not accurately reflect whether assaults have increased or decreased for several reasons. First, CBP and ICE law enforcement officers do not always use the appropriate method to document assaults. Second, the officers are still unfamiliar with the tracking systems, and at ICE in particular, a technical anomaly may not prompt law enforcement officers to officially report an assault in the correct system. Finally, guidance pertaining to assaults is either overlooked or does not include all types of assaults. Without reliable and accurate data on assaults, neither component can properly evaluate and adjust training, assess risks, and allocate resources to address assaults.



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Law Enforcement Officers Use Informal Methods to Document Assaults

In FY 2016, both CBP and ICE implemented official, component-level assault reporting and tracking systems. In a February 5, 2016 memorandum, CBP mandated that its employees report assaults in a consolidated system now known as the Enforcement Action Statistical Analysis and Reporting System (E-STAR).³ Similarly, on October 19, 2015, ICE mandated that all employees use the Use of Force, Assaults, and Discharges (UFAD) system to track assaults they first enter into the Significant Event Notification system (SEN). Both E-STAR and UFAD record the assault location, actions taken, weapons used in each incident, and any resulting injuries.⁴

Neither E-STAR nor UFAD includes complete data because, after orally notifying their supervisors, CBP and ICE law enforcement officers continue to use various informal and subcomponent-specific methods to record assaults while on duty. At times, they use these reporting methods instead of the official systems. These informal methods include:

- drafting informal, internal memoranda to record details of the incident;
- documenting the event in immigration or arrest records;
- detailing any injuries on internal medical forms;
- describing the assault in incident logs or investigative reports; and
- recording the assault in subcomponent-specific systems.⁵

Law enforcement officers we interviewed said they use these methods to record the details of the event for their supervisors' and peers' situational awareness or to provide evidence for legal proceedings, both of which are necessary and essential. Although these methods may adequately document individual assaults, they do not provide consolidated or reliable information for component management.

Law Enforcement Officers Remain Unfamiliar with Official Reporting Systems

Data regarding assaults in official reporting systems is incomplete because law enforcement officers remain unaware of these systems. Even though the systems are more than 2 years old, 53 percent of ICE and 20 percent of CBP

³ E-STAR was originally called the Assault Use of Force Reporting System (AUFRS). It was renamed on August 11, 2017, and the system remained unchanged.

⁴ CBP tracks assaults based on the number of subjects and weapons used against an officer. For example, one incident involving five subjects who threw projectiles at three officers is counted as 15 singular assaults. Our data analysis mirrors CBP's methodology for our entire time period. To provide context to the raw counts, CBP also provides the number of incidents comprising the individual actions on its webpage.

⁵ Other reporting methods are: I-213 *Record of Deportable/Inadmissible Alien*; Form CA-1 *Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation*; Reports of Investigation; and IOIL, which is an incident log report specific to CBP's Office of Field Operations.



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field personnel we interviewed had never heard of UFAD and E-STAR, respectively.

In FY 2016, ICE established UFAD as an official assault tracking system to capture assault details not previously recorded or tracked in SEN. UFAD is meant to complement SEN, the system ICE uses to document the narrative of any significant events that occur on duty in a Significant Incident Report. Although it captures an event’s narrative and enables law enforcement officers to indicate that an employee was assaulted, SEN was not intended to be used for statistical reporting. Therefore, since FY 2016, ICE employees are expected to document an assault narrative in SEN and then formally report the assault to ICE management in UFAD.

Nonetheless, ICE has not been able to ensure its law enforcement officers always use UFAD to report assaults. For example, no assaults were reported in UFAD until February 23, 2016, more than 4 months after the system went live. In FY 2017, there were 33 assaults against ICE law enforcement officers that were documented in SEN but were not also reported in UFAD. Appendix B contains more information on assault entries in SEN and UFAD. A malfunctioning alert in SEN may be hindering reporting of assaults in UFAD. Specifically, according to ICE, when employees check any of the boxes highlighted in figure 1, they should see an alert directing them to also enter the event in UFAD. However, during a demonstration of SEN in the test environment,⁶ we observed that, due to a technical anomaly, the alert did not appear when “Employee Assaulted” was selected. Failure to receive this alert may contribute to incomplete information in UFAD.

Figure 1. Data Fields from a Significant Incident Report in the ICE Significant Event Notification system

Incident Identification List (check all that apply)*:			
Employee	Operational	Security	Other
<input type="checkbox"/> Shots Fired At Employee	<input type="checkbox"/> Air/Marine Incidents	<input type="checkbox"/> National Security Interest	<input type="checkbox"/> Escape
<input type="checkbox"/> Shots Fired By Employee	<input type="checkbox"/> Controlled Delivery	<input type="checkbox"/> Facility Disturbance	<input type="checkbox"/> Suicide Attempt
<input type="checkbox"/> Employee Assaulted	<input type="checkbox"/> Significant Seizure	<input type="checkbox"/> Terrorism Related	<input type="checkbox"/> Hunger Strike
<input type="checkbox"/> Employee Death	<input type="checkbox"/> Significant Arrest	<input type="checkbox"/> Foreign Military/Police Incursion	<input type="checkbox"/> Media Interest
<input type="checkbox"/> Employee Injured	<input type="checkbox"/> IPAS	<input type="checkbox"/> WMD/HAZMAT	<input type="checkbox"/> Alien Injury/Death
<input type="checkbox"/> Employee Arrested	<input type="checkbox"/> SCR	<input type="checkbox"/> Demonstrations	<input type="checkbox"/> Vehicle Incidents
<input type="checkbox"/> Firearms Discharge to Include Unintentional Discharge	<input type="checkbox"/> Rescue	<input type="checkbox"/> JTTF	<input type="checkbox"/> Other
<input type="checkbox"/> Use of Baton or other Impact Weapon	<input type="checkbox"/> Weapon Violations	<input type="checkbox"/> Bomb Threat	<input type="checkbox"/> Predator
<input type="checkbox"/> Use of OC Spray or other Chemical Agents	<input type="checkbox"/> Other Agency Interest	<input type="checkbox"/> DHS SAR	<input type="checkbox"/> Gang Related
<input type="checkbox"/> Other Use of Force			
<input type="checkbox"/> Loss or Theft of Firearm or Body Armor			

Source: ICE demonstration of SEN

⁶ Due to technical restraints and concerns with data integrity, ICE could not provide a demonstration of live data entry into SEN. Therefore, we were unable to confirm whether the technical anomaly would occur when entering data into the system.



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At CBP, although most border patrol agents (85 percent) were aware of E-STAR, more than half of the CBP officers were not. Instead of using E-STAR, the CBP officers we interviewed told us that they would track assaults in a TECS⁷ incident log report used only by CBP officers.

Law Enforcement Officers Do Not Always Officially Report Acts of Physical Resistance or Attempted Assaults

In its 2017 memorandum, *Reportable Assault and Use of Force Definitions*, CBP defines various reportable assaults. One type, “assaultive resistance,” involves a “subject whose resistance causes or has the potential to cause, physical injury ... [including] ... a subject's attempts (or apparent intent) to make physical contact in an attempt to control or assault the officer/agent.”

Although CBP has defined assaultive resistance as reportable, according to CBP law enforcement officers, they do not always officially report acts of resistance or attempted assaults. Specifically, 43 percent of CBP law enforcement officers we interviewed who were pushed or shoved did not officially report the incident because the assault occurred when the subject was resisting arrest or trying to get away, rather than deliberately attempting to assault the officer. Of the 128 CBP law enforcement officers we interviewed, 23 percent said they would not report an attempted assault for various reasons, including because they believed “it would be a waste of time” to report it if they had not been injured.

In contrast to CBP, ICE’s definition of assault does not address assaultive resistance or attempted assaults. ICE defines reportable assault as “any physical assault that results in life threatening or other very serious injuries” in its 2006 memorandum, *Protocol on Reporting and Tracking of Assaults*, which omits resistance and attempted assaults, as well as assaults that do not cause major injuries. According to this definition, ICE law enforcement officers we interviewed told us they do not formally report assaults in which they were unharmed or did not suffer serious injuries. Sixty-four percent of ICE law enforcement officers we interviewed who had been pushed or shoved said they did not formally report the incident because they were not injured or because the subject was resisting arrest. Instead, they informally document assaults, such as in immigration records or investigative reports, that they do not believe meet ICE’s reporting threshold. ICE is currently drafting an updated definition of assault that includes physical and attempted acts with the intent to harm an ICE employee.

⁷ TECS is the principal system used by law enforcement officers at Ports of Entry to assist with screening and determinations regarding admissibility of arriving persons.



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CBP and ICE Are Not Consistently Providing Refresher Training on Mitigating and Preventing Assaults

To build on initial training provided at the Federal law enforcement training academies to mitigate and prevent assaults, CBP and ICE have policies and guidance that mandate completing refresher training in defensive tactics and other assault prevention measures. Attendance at CBP’s refresher training has increased, but ICE law enforcement officers do not regularly receive refresher training in defensive tactics. Inconsistent training can lead to law enforcement officers being unprepared to mitigate or prevent assaults.

Assaults on law enforcement officers often result in physical contact; for example, our analysis of CBP data showed that, from FY 2010 to FY 2017, 37 percent of reported assaults of CBP law enforcement officers were physical, either with or without a weapon (not including projectiles). ICE data from UFAD showed that 83 percent of the reported assaults that took place in FY 2016 and FY 2017 involved a physically resistant or combative suspect. According to CBP and ICE training officials, defensive tactics training provides law enforcement officers with one of the best methods to mitigate the assault and protect themselves in the case of a physical assault.⁸

CBP’s 2014 *Use of Force Policy* guides training in the areas of enforcement tactics and techniques. Specifically, this policy requires refresher training on an annual basis in the following areas: control and arrest techniques, edged weapons defense, and defensive tactics.⁹ Since FY 2014, CBP refresher training attendance has increased. For example, as shown in table 1, in the Rio Grande Valley sector, which contains nine Border Patrol Stations, the percentage of employees who received refresher training in the three specific areas increased significantly over the 4-year period.

Table 1: Percentage of CBP Employees Who Received Refresher Training, Rio Grande Valley Sector

	% of Employees Who Received Training FY 2014	% of Employees Who Received Training FY 2017
Control and Arrest Techniques	39.3%	93.1%
Edged Weapons Defense	81.5%	94.9%
Defensive Tactics	63.0%	94.3%

Source: Data from CBP’s Firearms, Credentials and Training System

⁸ Defensive tactics are actions taken by a law enforcement officer when a subject has either assaulted the officer or demonstrates pre-assaultive indicators or behavior.

⁹ Refresher training also requires certification or recertification in the use of less-lethal weapons, such as oleoresin capsicum (pepper) spray or collapsible straight batons, depending on which weapon the law enforcement officer is certified to carry.



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Overall, for every CBP field location we visited, more than 90 percent¹⁰ of law enforcement personnel received the required refresher training in FY 2017. This differs from FY 2014, when one location reported that as few as 10 percent of its personnel received refresher training in the required areas.

In contrast, ICE does not clearly define requirements for refresher training on mitigating and preventing assaults. A 2006 training memorandum requires ICE law enforcement officers to attend use of force training, including defensive tactics, but the memo allows field training instructors leeway on when to conduct training and what to cover, explaining that “field instructors should endeavor to address all core requirements¹¹ annually.”

Given this leeway, ICE field offices we visited varied widely in their defensive tactics training. During our interviews in one field office, 5 of the 12 law enforcement officers we interviewed could not remember the last time they received defensive tactics training. This was supported by ICE training data, which indicated that in FY 2017, only 6 of 84 (7 percent) law enforcement officers in that particular location attended defensive tactics training. Another field office had not conducted any defensive tactics training since 2015. Other ICE field offices we visited were better at providing defensive tactics training; in two locations, every law enforcement officer attended at least one defensive tactics training in FY 2017.

During our structured interviews, law enforcement officers told us that training did not occur frequently enough, content was lacking, and the delivery was not applicable to the real world. Although it makes sense for field offices to have flexibility in providing training, at least 75 percent of the law enforcement officers we interviewed said they wanted additional training. The respondents indicated they would like scenario-based content that focuses on defensive tactics, verbal de-escalation techniques, and hand- or ground-fighting.

Recommendations

We recommend the Commissioner of CBP:

Recommendation 1: Provide recurring familiarization training on official assault reporting systems.

We recommend the Acting Director of ICE:

Recommendation 2: Provide additional outreach and recurring familiarization

¹⁰ The 10 percent of absences may be due to physical conditions or other circumstances beyond law enforcement officers’ control, which would prohibit them from attending training.

¹¹ Core requirements refer to 13 training courses that may be covered during use of force training, including defensive tactics.



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training on official assault reporting systems.

Recommendation 3: Demonstrate that there is no technical anomaly in the Significant Event Notification system to prompt employees that they must provide details of an assault in the Use of Force Assaults and Discharges database.

Recommendation 4: Finalize the definition of reportable assaults to include attempted assaults, assaultive resistance, and assaults that result in minor or no injury.

We recommend the Commissioner of CBP:

Recommendation 5: Clarify guidance on the types of assaults that must be officially reported, as well as the steps in the reporting process.

Recommendation 6: Mandate that law enforcement officers complete refresher training quarterly, including training on individual threat assessments (to include pre-assault recognition), assault mitigation techniques, defensive tactics training, and scenario-based training exercises.

We recommend the Acting Director of ICE:

Recommendation 7: Clarify guidance on the types of assaults that must be officially reported, as well as the steps in the reporting process.

Recommendation 8: Mandate that law enforcement officers complete refresher training quarterly, including training on individual threat assessments (to include pre-assault recognition), assault mitigation techniques, defensive tactics training, and scenario-based training exercises.

Management Comments and OIG Analysis

CBP and ICE concurred with the recommendations. Appendix A contains a copy of CBP's and ICE's management comments in their entirety. We also received technical comments and incorporated them in the report where appropriate. We consider six recommendations to be resolved and open, and two recommendations are closed. A summary of CBP's and ICE's responses and our analysis follows.

CBP Response to Recommendation 1: CBP concurred with the recommendation. CBP's Law Enforcement and Safety Compliance Directorate (LESC) is actively conducting training to improve assault reporting, including: training Less Lethal Force and Firearms instructors and ensuring they conduct this training at their field locations; training border patrol agent, Air and Marine interdiction agent, and CBP officer supervisors; creating and



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distributing slides and videos for LESC's intranet site; and incorporating the training of assault reporting system into Field Reviews and Use of Force Review Boards. CBP estimates these actions will be completed by December 31, 2018.

OIG Analysis: We consider these actions responsive to the recommendation, which is resolved and open. We will close this recommendation when we receive documentation showing that CBP has incorporated assault report systems training for Less Lethal Force and Firearms instructors and law enforcement officer supervisors; into LESC's intranet site; and into Field Reviews and Use of Force Review Boards.

ICE Response to Recommendation 2: ICE concurred with the recommendation. To ensure all law enforcement officers complete the required training, ICE is working to add a UFAD module to the training program offered to new supervisors, and will continue to inform personnel of the annual reporting requirement through its communication tools, including broadcast messages. ICE estimates these actions will be completed by October 31, 2019.

OIG Analysis: We consider these actions responsive to the recommendation, which is resolved and open. We will close this recommendation when we receive documentation of the UFAD module in the training program offered to new supervisors, as well as documentation of the annual reporting requirement on ICE's communication tools.

ICE Response to Recommendation 3: ICE concurred with the recommendation. On July 25, 2018, ICE demonstrated in the live environment that there was no technical anomaly in the SEN system. ICE requested that the recommendation be resolved and closed.

OIG Analysis: We consider these actions responsive to the recommendation, and consider the recommendation closed.

ICE Response to Recommendation 4: ICE concurred with the recommendation. On June 5, 2018, ICE issued Directive 17012.1, "Reporting and Investigation of Threats and Assaults Against ICE Employees," which included a final definition of assault. The directive defines assault as, "Physical touch, hit and/or strike, or any attempted act, either by the individual committing the assault, or by an object (e.g., bullet, knife, bat or rock) set in motion by the individual committing the assault with intent to harm." ICE requested that the recommendation be resolved and closed.

OIG Analysis: We consider these actions responsive to the recommendation, and consider the recommendation resolved and open. While the new definition includes attempted assaults and assaults that result in minor or no injury, the definition does not clearly address assaultive resistance, when there may be no intent to harm. The definition only addresses assault "with the intent to harm."



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We will close this recommendation when ICE clearly delineates whether assaultive resistance, when there may be no intent to harm, should be reported.

CBP Response to Recommendation 5: CBP concurred with the recommendation. CBP plans to draft an updated memorandum to the field clarifying assault and reportable assault definitions, to include reporting procedures; broadcast this memorandum to ensure maximum distribution; and create an assault reporting job aid card and posters for display at field locations. CBP estimates these actions will be completed by December 31, 2018.

OIG Analysis: We consider these actions responsive to the recommendation, which is resolved and open. We will close this recommendation when we receive the updated memorandum and documentation showing that it has been broadcast and publicized at field locations.

CBP Response to Recommendation 6: CBP concurred with the recommendation. CBP plans to expand its training efforts by creating and disseminating a training module for use of force instructors on individual threat assessments. This module will be made available in the instructor reference library on LESC's intranet site. CBP estimates these actions will be completed by January 31, 2019. CBP also plans to issue a memorandum mandating that law enforcement personnel incorporate the training module and topics into the quarterly use of force training curriculum, to include scenario-based training. CBP estimates these actions will be completed by March 31, 2019.

OIG Analysis: We consider these actions responsive to the recommendation, which is resolved and open. We will close this recommendation when we receive documentation of the new training module and memorandum.

ICE Response to Recommendation 7: ICE concurred with the recommendation. On June 5, 2018, ICE issued Directive 17012.1, "Reporting and Investigation of Threats and Assaults Against ICE Employees," which provides guidance on the type of assaults and threats that must be officially reported. The notice requires ICE supervisors to ensure a Significant Incident Report within SEN is submitted after notification of threats and/or assaults against an ICE employee. A pop-up window in SEN that directs employees to submit a report in UFAD also serves as a direct link to UFAD. ICE requested that the recommendation be resolved and closed.

OIG Analysis: We consider these actions responsive to the recommendation, and consider the recommendation closed.



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ICE Response to Recommendation 8: ICE concurred with the recommendation. ICE is considering increasing the number of mandatory training hours for assault mitigation techniques, defensive tactics, and scenario-based exercises. ICE estimates these actions will be completed by July 31, 2019.

OIG Analysis: We consider these options responsive to the recommendation, which is resolved and open. We will close this recommendation when ICE provides documentation that it has increased the number of mandatory training hours for assault mitigation techniques, defensive tactics, and scenario-based exercises.

Objective, Scope, and Methodology

DHS Office of Inspector General (OIG) was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*.

We conducted this review in response to congressional requests to determine the number of incidents of assault against CBP and ICE law enforcement personnel since FY 2010 and to assess whether the Department has taken proactive measures to mitigate the risk of assaults on law enforcement personnel in the field.

We reviewed DHS and component policies dealing with assault reporting, the use of force, and training. We also reviewed Privacy Impact Assessments, training curricula, and reporting system user manuals.

We interviewed CBP leadership from U.S. Border Patrol, Office of Field Operations, Air and Marine Operations, training academies, Law Enforcement and Safety Compliance Directorate, Office of Training and Development, Information and Incident Coordination Center, National Treasury Employees Union, and National Border Patrol Council. We also interviewed ICE officials from Enforcement and Removal Operations, Homeland Security Investigations, training academies, Policy, Office of Training and Tactical Programs, Fugitive Operations and Training, Office of Professional Responsibility, and Operational Systems Development and Management Unit. Additionally, we spoke with representatives from DHS Policy Office and National Protection and Programs Directorate Federal Protective Service.

We conducted site visits in 6 states where we conducted structured interviews with 246 CBP and ICE law enforcement officers from 26 field offices and summarized the responses. We visited the following field locations:



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CBP:

- Office of Field Operations – Baltimore, MD; Dulles, VA; Rio Grande City, TX
- U.S. Border Patrol – in Rio Grande Valley, TX sector: Harlingen, Brownsville, Falfurrias, Fort Brown, McAllen, Rio Grande City, and Weslaco stations; in Tucson, AZ sector: Tucson, Casa Grande, Nogales, and Three Points stations, as well as the Tucson sector office

ICE:

- Enforcement and Removal Operations – Baltimore, MD; Fairfax, VA; Lorton, VA; New York City, NY; Philadelphia, PA; and Tucson, AZ
- Homeland Security Investigations – Baltimore, MD; Fairfax, VA; New York City, NY; Philadelphia, PA; and Tucson, AZ

We analyzed training data from the Firearms, Armor, and Credentials Tracking System, as well as assault and prosecution data from the following systems:

CBP:

- Enforcement Action Statistical Analysis and Reporting system
- e3 Assaults and Prosecutions module
- Significant Incident Reporting system

ICE:

- Significant Event Notification system
- Use of Force, Assaults, and Discharges system
- ENFORCE Alien Removal Module
- Investigative Case Management system

We conducted this review between October 2017 and March 2018 under the authority of the *Inspector General Act of 1978*, as amended, and according to the *Quality Standards for Inspection and Evaluation* issued by the Council of the Inspectors General on Integrity and Efficiency.

The Office of Inspections and Evaluations major contributors to this report are: Erika Lang, Chief Inspector; Inez Jordan, Lead Inspector; Anthony Crawford, Intelligence Officer; Jennifer Berry, Senior Inspector; Marybeth Dellibovi, Senior Inspector; Jason Wahl, Senior Inspector; Brittany Scott, Inspector; Kelly Herberger, Communications and Policy Analyst; and Michael Brooks, Independent Referencer.



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Appendix A
CBP and ICE Comments to the Draft Report


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



**Homeland
Security**

August 3, 2018

MEMORANDUM FOR: John V. Kelly
Senior Official Performing the Duties of the
Inspector General

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

SUBJECT: Management Response to OIG Draft Report:
“Assaults on CBP and ICE Law Enforcement
Officers” (Project No. 17-107-ISP-CBP, ICE)

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 that U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) introduced new reporting systems during fiscal year (FY) 2016 for tracking assaults against their law enforcement officers (LEOs). The OIG also acknowledged (1) that the numbers of assaults varied widely from FY 2010 to FY 2017, and (2) available data does not show a clear trend over that time period. The Department and its component agencies remain committed to strengthening both the processes for reporting assaults against their LEOs and training activities that help to mitigate and prevent future incidents of assault.

The draft report contained eight recommendations for CBP and ICE with which the Department concurs. Attached find our detailed response to each recommendation. Technical comments were previously provided under separate cover.

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

Attachment



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**Attachment: Management Response to Recommendations
Contained in Draft Report for
Project No. OIG-17-107-ISP-CBP, ICE**

The OIG recommended that the CBP Commissioner:

Recommendation 1: Provide recurring familiarization training on official assault reporting systems.

Response: Concur. The CBP Law Enforcement Safety and Compliance Directorate (LESC) is actively conducting training to improve assault reporting. Ongoing and planned efforts include:

- Training all Less Lethal Force and Firearms Instructors and ensuring that they are conducting this specific training at their field locations (this initiative began in 2016 and is ongoing),
- Training all new U.S. Border Patrol and Air and Marine Operations supervisors at their mandatory supervisory course Technical Training Course (this initiative began in 2017 and is ongoing),
- Training all new Office of Field Operations supervisors at their mandatory supervisory course Essential Supervisory Skills. (Estimated Completion Date (ECD): December 31, 2018),
- Creating and distributing Information Display System slides and short videos to be broadcast across CBP through LESC's intranet collaboration site. (ECD: December 31, 2018), and
- Incorporating the training of the assault reporting system (i.e., Enforcement Action Statistical Analysis and Reporting) into the established Field Reviews and Local Use of Force Review Boards (ECD: December 31, 2018).

ECD: December 31, 2018.

The OIG recommended that the ICE Acting Director:

Recommendation 2: Provide additional outreach and recurring familiarization training on official assault reporting systems.

Response: Concur. The ICE Office of Firearms and Tactical Programs (OFTP) already provides recurring training on assault reporting, as evidenced by the requirement for all armed LEOs to complete annual training on the Use of Force, Assaults and Discharges



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(UFAD) reporting system in the DHS Performance and Learning Management System. Additionally, there is a “USE OF FORCE REPORTING” button on the OFTP website prominently displayed in red with instructions on how to report assaults and uses of force. These instructions correlate directly with ICE OFTP Information Notice 17-002, which provides guidance for assault and use of force reporting. A copy of the UFAD Annual Training Requirement, instructions on how to report assaults and uses of force, and Information Notice were provided to OIG under separate cover.

ICE is committed to ensuring all LEOs complete the required training. To achieve this, OFTP is working to add a UFAD module to the training program offered to new supervisors. In addition, OFTP will continue to inform personnel of the annual training requirement through ICE’s communication tools, such as broadcast messages. ECD: October 31, 2019.

Recommendation 3: Demonstrate that there is no technical anomaly in the Significant Event Notification system to prompt employees that they must provide details of an assault in the Use of Force Assaults and Discharges database.

Response: Concur. The initial demonstration of the Significant Event Notification (SEN) system for the OIG audit team was done in the testing environment, not a live environment. On July 25, 2018, OFTP successfully demonstrated to the OIG audit team that no technical anomalies exist in the live environment. We request the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 4: Finalize the definition of reportable assaults to include attempted assaults, assaultive resistance, and assaults that result in minor or no injury.

Response: Concur. On June 5, 2018, the ICE Deputy Director and Senior Official Performing the Duties of the Director issued ICE Directive 17012.1, “Reporting and Investigation of Threats and Assaults Against ICE Employees,” which included a final definition of assault (a copy of which was provided to the OIG under separate cover). The directive defines assault as “Physical touch, hit and/or strike, or any attempted act, either by the individual committing the assault, or by an object (e.g., bullet, knife, bat or rock) set in motion by the individual committing the assault with intent to harm.” The definition of assault is broad and includes attempted assaults and assaults that result in minor or no injury, such as “assaultive resistance” as discussed in the draft report. We request the OIG consider this recommendation resolved and closed, as implemented.

The OIG recommended that the CBP Commissioner:

Recommendation 5: Clarify guidance on the types of assaults that must be officially reported, as well as the steps in the reporting process.



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Response: Concur. CBP's LESC plans to implement the following actions to clarify the guidance on the types of assaults that must be officially reported, as well as the steps in the reporting process:

- Draft an updated memorandum to the field clarifying assault and reportable assault definitions to include reporting procedures,
- Broadcast the finalized memorandum via the Firearms, Armor and Credentials Tracking System blast to ensure maximum distribution so that all offices receive the required information and guidance, and
- Create an assault reporting job aid card and posters for display at field locations.

ECD: December 31, 2018.

Recommendation 6: Mandate that law enforcement officers complete refresher training quarterly, including training on individual threat assessments (to include pre-assault recognition), assault mitigation techniques, defensive tactics, and scenario-based training exercises.

Response: Concur. CBP's "Use of Force Policy, Guidelines, and Procedures Handbook" (HB 4500-01C, dated May 2014) mandates that LEOs complete quarterly use of force training, defensive tactics, and scenario based training. Additionally, CBP/LESC plans to expand its training efforts by:

- Creating and disseminating a training module for use of force instructors on, individual threat assessments to include pre-assault recognition and assault mitigation techniques. This material will also be available in the instructor reference library within the LESC intranet collaboration site (ECD: January 31, 2019), and
- Mandating via a memorandum that CBP law enforcement personnel incorporate this training module and topics into the quarterly use of force training curriculum, to include scenario based training (ECD: March 31, 2019).

ECD is: March 31, 2019.

The OIG recommended that the ICE Acting Director:

Recommendation 7: Clarify guidance on the types of assaults that must be officially reported, as well as the steps in the reporting process.

Response: Concur. On June 5, 2018, the ICE Deputy Director and Senior Official Performing the Duties of the Director issued ICE Directive 17012.1, "Reporting and Investigation of Threats and Assaults Against ICE Employees," which provides guidance on the type of assaults and threats that must be officially reported. This directive requires ICE supervisors to ensure an ICE Significant Incident Report within the SEN system is

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submitted after notification of threats and/or assaults against an ICE employee. Pursuant to the directive, program offices have discretion to issue programmatic guidance if further clarification or direction is needed. We request the OIG consider this recommendation resolved and closed as implemented.

Recommendation 8: Mandate that law enforcement officers complete refresher training quarterly, including training on individual threat assessments (to include pre-assault recognition), assault mitigation techniques, defensive tactics, and scenario-based training exercises.

Response: Concur. This training is already conducted quarterly for all ICE LEOs in alignment with the "Interim ICE Firearms Policy" (#19002.1, dated July 7, 2004). ICE OFTP, however, is considering increasing the number of mandatory training hours for assault mitigation techniques, defensive tactics, and scenario-based exercises. ECD: July 31, 2019.



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Appendix B Response to Congressional Request

In letters dated May 4, 2017, and June 8, 2017, the Senate Committee on Homeland Security and Governmental Affairs expressed concern about the increase in assaults on CBP and ICE law enforcement personnel in recent years and asked that DHS OIG conduct a review of such assaults. These letters requested that DHS OIG address six areas of interest. The responses to those six topic areas, in this appendix, are based on data we received from CBP and ICE systems, although we believe these numbers to be incomplete.

- 1. The number of assaults CBP/ICE law enforcement personnel sustained during the course of their duty for each year since fiscal year 2010, including the locations of each assault, the type of assault, days lost to injury, and any trends that have emerged**

CBP

CBP provided existing assault data from FY 2010 to FY 2017 for border patrol agents, CBP officers, and Air and Marine interdiction agents. To meet the congressional request for information dating back to FY 2010, we compiled CBP assault data from various systems.¹² The compiled data indicates an increase in reported assaults against these CBP law enforcement officers since FY 2015.

Table 2: Reported Assaults on CBP Law Enforcement Officers

FY	Number of Assaults	% Increase from Previous FY
2010	1,089	--
2011	712	-34.6%
2012	559	-21.5%
2013	470	-15.9%
2014	381	-18.9%
2015	425	11.5%
2016	585	37.6%
2017	856	46.3%
Total	5,077	

Source: CBP system data

The data on reported assaults shows that, during this period, border patrol agents made up the majority (4,759 of 5,077, or 94 percent) of assaulted law enforcement officers. The remaining 318 reported assaults were on either CBP

¹² We compiled data from three sources: Enforcement Action Statistical Analysis and Reporting system, Border Patrol's e3 Assaults module, and internal tracking data from Air and Marine Operations.



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officers or Air and Marine interdiction agents. Geographically, attacks against border patrol agents along the southwest border made up nearly all (92 percent) reported assaults.

Table 3: Locations of Reported Assaults on CBP Law Enforcement Officers, FY 2010 – FY 2017

Location of Assault	Number of Assaults	% of Total
Tucson Sector	1,369	27.0%
Rio Grande Valley Sector	1,226	24.2%
San Diego Sector	693	13.7%
El Centro Sector	500	9.8%
El Paso Sector	335	6.6%
Laredo Sector	297	5.8%
Yuma Sector	150	3.0%
Del Rio Sector	78	1.5%
Big Bend Sector	38	0.7%
Other USBP Sectors	73	1.4%
OFO or AMO locations	318	6.3%
Total	5,077	100.00%

Source: CBP system data

Half of all assaults against CBP law enforcement officers during this period involved a projectile, such as a rock.

Table 4: Types of Assaults Reported at CBP FY 2010 – FY 2017

Type of Assault	CBP	% of Total
Projectile (Rock and Other)	2,538	50.0%
Physically without Weapon	1,514	29.8%
Vehicle/Vessel/Aircraft	323	6.4%
Firearms	216	4.3%
Laser/Spotlight/Blinding	109	2.1%
Other	107	2.1%
Threat	99	1.9%
Blunt Instrument/Weapons	96	1.9%
Knife/Edged Weapon	35	0.7%
Biting	17	0.3%
Bomb	15	0.3%
Device Grab	8	0.2%
Total	5,077	100.00%

Source: CBP system data

Although we do not have information about the days of work lost due to injury, the data in table 5 summarizes the types of injuries that resulted from these assaults.



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**Table 5: Types of Injury Resulting From Assaults on CBP Personnel,
FY 2010 – FY 2017**

Type of Injury	CBP	% of Total
Superficial injuries (no treatment expected)	744	68.6%
Minor injuries (treated at the scene, no additional treatment expected)	17	1.6%
Moderate injuries (treated and released by a medical facility or will seek future treatment)	124	11.4%
Serious injuries (admitted to the hospital)	67	6.2%
Critical injuries (admitted to hospital w/ life threatening injuries)	3	0.3%
Killed	1	0.1%
Other	128	11.8%
Total	1,084	100%

Source: CBP system data

ICE

ICE did not implement its official assault reporting system, Use of Force, Assaults, and Discharges (UFAD) until FY 2016. Therefore, to respond to the congressional request, we requested data from the Significant Event Notification system (SEN) for FYs 2010–2017. Although SEN is not intended for statistical reporting, it captures the narrative of all significant events that ICE employees, including law enforcement officers, encounter on duty, some of which involve assaults. ICE provided the number of instances in which an employee selected a check box marked “Employee Assaulted” when entering an event into SEN. The data is shown in table 6. Some of the assaults in table 6 were directed at ICE employees; others involved other Federal law enforcement officers or contract employees at detention centers.



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Table 6: Assaults Documented for ICE in SEN

FY	Assaults Documented in SEN
2010	48
2011	46
2012	29
2013	38
2014	40
2015	29
2016	25
2017	48
Total	303

Source: ICE SEN data

To provide ICE management with an accurate picture of assaults against ICE law enforcement officers, ICE implemented UFAD in FY 2016 to track statistical data associated with assaults that were described in the SEN narrative. UFAD’s expanded data fields enable ICE to report on assault conditions that were not captured prior to FY 2016. Tables 7 and 8 show data ICE provided from UFAD on assaults against deportation officers and Homeland Security Investigations (HSI) criminal investigators from FY 2016 and FY 2017.

Table 7: Assaults Reported for ICE in UFAD, FYs 2016–2017

FY	Assaults Reported in UFAD
2016	6
2017	30
Total	36

Source: ICE UFAD data, as of November 15, 2017

Table 8 shows the reported assaults that took place throughout the United States.

Table 8: Locations of Assaults against ICE Law Enforcement Officers, FYs 2016–2017

State	# of Incidents Reported
California	9
Colorado	7
Texas	7
Minnesota	3
Massachusetts	2
Maryland	2
States with one incident: Indiana, Nebraska, New York, Oregon, Pennsylvania, Virginia	6
Total	36

Source: ICE UFAD data



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There were 71 ICE law enforcement officers and 39 subjects involved in the 36 incidents of assault reported in UFAD during this time period. According to the data, 30 of the subjects physically resisted the law enforcement officers or were combative. Twenty-nine of the 39 subjects (74 percent) used their hands, feet, or another body part to assault the law enforcement officer, and 5 of the 39 presented or used a handgun. Additionally one incident involved an edged weapon like a knife and another involved a Taser. Five subjects used vehicles in the assault.

In 29 of 36 incidents (81 percent), the law enforcement officer sustained assault-related injuries. We have no information about days of work lost due to injury.

2. The methods that CBP/ICE uses to collect, compile, track, and report data on CBP/ICE law enforcement personnel injuries in the field

CBP

In February 2016, in accordance with former Commissioner Kerlikowske's direction for incorporating recording assaults and use of force incidents in a single system, CBP began using the Assaults and Use of Force Reporting System (AUFRS). In August 2017, CBP changed the name from AUFRS to Enforcement Action Statistical Analysis and Reporting (E-STAR) system. E-STAR is a straightforward system of check boxes and short text-box data fields to capture assault information, such as the individuals involved in the incident, the force that both parties used, any weapons that were present, and any resulting injuries. E-STAR can be accessed by any CBP employee through CBP's Intranet site. Prior to E-STAR/AUFRS, there was no reporting requirement for all of CBP; border patrol agents and Air and Marine interdiction agents tracked assaults in their own component-specific systems, and CBP officers did not track assaults.

ICE

Prior to FY 2016, ICE used SEN to document assaultive events, but ICE did not have an official assault reporting and tracking system. On October 19, 2015, ICE mandated that law enforcement officers use UFAD to track use of force incidents, assaults, and firearms discharges. UFAD automatically alerts ICE management via email each time an assault is entered. UFAD is a straightforward system of drop-down options, check boxes, and short text-box data fields to capture assault information, such as the people involved in the incident, the force that both parties used, any weapons that were present, and any resulting injuries. UFAD does not have an area to record the narrative of the incident, but the UFAD record is linked to a Significant Incident Report (SIR) narrative in SEN. Per ICE policy, ICE field personnel must file a SIR in



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SEN no later than 24 hours after an incident, including an assault of a law enforcement officer.

3. Any measures DHS has taken to improve CBP/ICE law enforcement personnel safety in the field, including tactical and de-escalation training; initiatives, if any, that help provide a safer working environment for CBP/ICE law enforcement personnel

DHS Use of Force Policy

The Department has not issued any policies on dealing specifically with assaults against law enforcement officers. For example, the 2004 DHS *Use of Deadly Force Policy* focuses on law enforcement response to gain control of subjects but does not define assault against a law enforcement officer. DHS' draft revised DHS *Use of Force Policy*, which we received on January 16, 2018, also does not define assault against a law enforcement officer, but does state that DHS component policies and training should focus on efforts to de-escalate a violent situation with reduced or no physical force used on the part of the law enforcement officer. Additionally, the draft *Use of Force Policy* clarifies that law enforcement officers do not have to flee to avoid a use of force, nor must they wait for a subject to attack before they engage in a use of force to control the situation.

CBP Measures

CBP has taken several measures to improve law enforcement personnel safety in the field.

Use of force devices and weapons: The CBP Force Modernization Branch within Law Enforcement Safety and Compliance researches, develops, and implements any new use of force device or weapon for CBP. One technology in development distances potentially threatening individuals from CBP staff by creating a sensation of pain without causing any damage.

Training: Recently, CBP also implemented simulated training using Virtra, a 300-degree immersive training system in which live actors or law enforcement personnel are recorded on video in role-playing scenarios.

Protective equipment: Additionally, CBP has provided its law enforcement officers with equipment to protect them while on duty. All CBP law enforcement officers receive a ballistic vest and outer carrier, collapsible straight baton, pepper spray, handcuffs, and firearm. Border patrol agents are also issued Tasers and body armor. Of the CBP law enforcement officers we interviewed, 70 percent believed their current equipment was sufficient. When asked during interviews, however, 38 percent of border patrol agents and 74 percent of CBP officers suggested additional types of equipment that they thought could



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improve their safety. Desired items included body armor better suited for hot climates, better ballistic or ceramic plates, and helmets.

ICE Measures

ICE has various efforts to mitigate the risk of assault.

Planning: HSI plans arrests and enforcement activities in advance and allocates the appropriate staffing level. According to HSI, through proper planning and identifying potential safety concerns, HSI criminal investigators use risk mitigation to lower the risk of assault.

Training

- Specialized units receive additional training on taking at-large individuals into custody and executing search warrants safely.
- The ICE Academy uses the results from job task analyses to review requirements and responsibilities for law enforcement officers, assign curriculum based on findings, and update course content.
- ICE's training staff adjusts training curricula and scenarios to make them relevant to the incidents reported in UFAD. According to ICE, this allows law enforcement personnel to prepare for potential assaults. For example, based on trending reports of vehicular assaults, ICE management recommended ICE training staff incorporate additional training on threats of violence associated with vehicles. This vehicle training includes how to stop someone in a vehicle, how to call someone out of a vehicle, and the use of force policy in and around vehicles.

Protective equipment: Like CBP, ICE law enforcement officers receive basic protective equipment, including a ballistic vest, collapsible straight baton, pepper spray, handcuffs, and firearm. Seventy percent of ICE personnel we interviewed believed additional equipment is needed to provide an additional layer of protection, such as ballistic plates and helmets. Specifically, Enforcement and Removal Operations (ERO) personnel wanted Tasers due to their close contact work while taking illegal aliens into custody. ICE leadership and ICE bargaining units are still discussing ICE's draft policy on Tasers.

4. Measures that CBP/ICE could take to promote law enforcement personnel safety in the future

Please see body of report for OIG recommendations to promote CBP and ICE law enforcement personnel safety.



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5. Actions taken against offenders, including how many incidents resulted in prosecution [and the average sentence given to offenders]

CBP

From FY 2010 to FY 2017, only Border Patrol tracked investigations and prosecutions of assaults on its law enforcement officers through the e3 Prosecutions module. Until 2016, Border Patrol only tracked assault cases it investigated; this was recently expanded to include assaults investigated by any entity, including the Federal Bureau of Investigation (FBI) and state and local authorities. According to e3 Prosecutions module data, since FY 2010, 1,209 of 1,516 individuals were arrested but not charged with assaulting a Federal law enforcement officer. Of the remaining 307 individuals who were charged, 26 percent had their charges declined and 22 percent were convicted.

In the e3 Prosecutions module, the main reasons given for declinations were lack of serious injury to the law enforcement officer or lack of sufficient evidence of an assault.

Table 9: Outcome of Assault Charges Presented for Prosecution, U.S. Border Patrol FY 2010 – FY 2017

Outcome	Number	Percent
Accepted*	94	30.6%
Declined	80	26.1%
Convicted	66	21.5%
Not prosecuted	25	8.1%
Dismissed	22	7.2%
Dropped	9	2.9%
Modified Charge	6	2.0%
Acquitted	5	1.6%
TOTAL	307	100%

*These accepted cases were ongoing at the time of our review. Ultimately, the charges for these individuals will result in another outcome.

Source: Border Patrol e3 Prosecutions module data

The average sentence given to the individuals who were convicted was 16 months. Fifty-eight percent of the individuals received a sentence of 1 year or less; the remaining 42 percent were sentenced to more than 1 year.

ICE

ICE tracks prosecutions of individuals who assault law enforcement officers through two methods: the Investigative Case Management system for HSI and the Prosecution Module in ENFORCE Alien Removal Module for ERO, which did not go live until May 2017. In FY 2014, one case of assault against an HSI



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Criminal Investigator was accepted for Federal prosecution and another case was accepted for state or local prosecution. From FY 2014 to FY 2017, there have not been any prosecuted assaults against HSI criminal investigators. During the 4-year period, Federal prosecutors accepted 28 cases of assaults against ERO deportation officers; 7 ended in convictions. We did not receive information about sentences violators received.

Table 10: Outcome of Assault Charges Presented for Prosecution, ERO, FY 2010 – FY 2017

Fiscal Year	Case Accepted	Convictions
2014	5	2
2015	6	2
2016	9	2
2017	8	1
Total	28	7

Source: Data compiled from multiple systems and provided by ERO

6. Policies that DHS should consider to improve the safety of CBP/ICE personnel during the course of their duty

Please see body of report for OIG recommendations to improve the safety of CBP and ICE law enforcement personnel.



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Appendix C
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