

GAO@100 Highlights

Highlights of [GAO-22-104470](#), a report to congressional requesters

Why GAO Did This Study

Federal agencies deployed personnel and used less lethal force during demonstrations in response to the death of Mr. George Floyd and others. Two of the largest deployments were in Washington, D.C., and Portland, Oregon.

This report examines the extent to which federal agencies (1) developed policies, procedures, and training on the use of less-lethal force during demonstrations; (2) reported their use of such force during deployments to Washington, D.C., and Portland, Oregon; and (3) took action to review their use of less-lethal force for these deployments. GAO also presents information on the federal roles and activities during these deployments.

To address these objectives, GAO identified 10 federal agencies that used less-lethal force or deployed large numbers of personnel in Washington, D.C., and Portland, Oregon, from May through September 2020. Specifically, GAO identified four agencies within DHS, four agencies within DOJ, the U.S. Park Police within the Interior, and the National Guard within the Department of Defense. GAO reviewed agency guidance on less-lethal force; analyzed use of force reports and determinations on whether the force was used in accordance with policy; and interviewed agency officials.

View [GAO-22-104470](#). For more information, contact Gretta L. Goodwin at (202) 512-8777 or GoodwinG@gao.gov.

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LAW ENFORCEMENT

Federal Agencies Should Improve Reporting and Review of Less-Lethal Force

What GAO Found

Less-lethal force includes tactics and weapons that are neither likely nor intended to cause death or serious injury such as physical tactics, batons, chemical spray and munitions (e.g., pepper spray and tear gas), and kinetic impact munitions (e.g., rubber bullets). Most of the 10 federal agencies that GAO reviewed have less-lethal force policies that apply to demonstrations. All 10 agencies provide their personnel with less-lethal force training that varied by the agencies' mission. The agencies reported that they equip their personnel on various types of less-lethal force. Further, all 10 agencies have policies and training related to ensuring that their use of less-lethal force minimizes unintended injuries.

Examples of Less-Lethal Force



Source: GAO analysis of agency information. | GAO-22-104470

The Bureau of Prisons (BOP) is the only agency without a less-lethal force policy that applies to demonstrations. Its policy focuses exclusively on inmates in federal institutions. However, in recent years, BOP deployments beyond its institutions have occurred more often in response to civil disturbances and natural disasters. Updating its policy to address such situations will help ensure that their policy addresses all potential use of force situations facing its personnel.

As shown in the photographs below, federal personnel responded to the demonstrations in Washington, D.C., and Portland, Oregon.

Federal Personnel in Washington, D.C. (left), and Portland, Oregon (right)



Sources: Departments of the Interior and Homeland Security. | GAO-22-104470

Eight of the 10 agencies used less-lethal force during the selected deployments. For those eight agencies, reporting requirements varied and reports often did not include basic information.

- Reporting requirements varied among agencies within the Departments of Homeland Security (DHS) and Justice (DOJ). This variance impairs

What GAO Recommends

GAO is making 10 recommendations, including that:

- BOP update its use of force policy to include demonstrations occurring near and far from federal institutions;
- DHS and DOJ develop standards for their component agencies on the types of less-lethal force that should be reported when used;
- DHS develop standards for its component agencies on the types of information that must be reported for each use of force incident;
- DHS establish monitoring mechanisms to oversee the quality, consistency, and completeness of use of force reporting across all DHS component agencies;
- USMS and USPP develop specific reporting requirements on the types of information that must be reported for each use of force incident; and
- ICE, USMS, and USSS modify policies and procedures to document their determinations on whether less-lethal force was used in accordance with agency policy.

DOJ, DHS, and the Interior concurred with all of the recommendations to their department and component agencies.

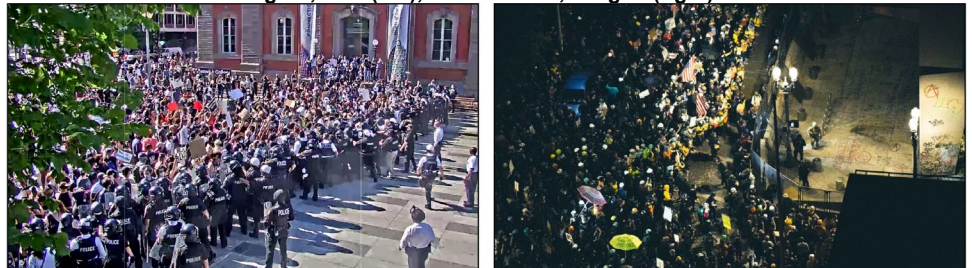
departmental oversight. For example, while some agencies require personnel to report their use of a baton in all cases, others in the same department required doing so only if there were serious injury.

- Most agencies' less-lethal force reporting was missing information that would be useful for determining if the force was applied in accordance with agency policy. Specifically, reports from six agencies— Federal Protective Service, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement (ICE), U.S. Secret Service (USSS), U.S. Marshals Service (USMS), and U.S. Park Police (USPP)—were missing basic information, such as time, location, type of munition used, or circumstances surrounding the use of force. For example, some reports provided a high-level summary of the day but did not identify which officers used force or the types of force each officer used. Further, DHS's oversight over the quality and consistency of use of force reporting was impaired because the department has not established a body to monitor use of force reporting across all of its component agencies, as required by DHS policy.

All 10 agencies had processes to determine if less-lethal force was applied in accordance with agency policy, but some of the eight agencies that reported using less-lethal force during selected deployments did not explicitly document their determinations. Specifically,

- USMS, ICE, and USSS did not document if force was used in accordance with policy. Documenting such reviews will help ensure that they review all reportable uses of less-lethal force.
- The remaining five agencies that did document less-lethal force determinations—Federal Protective Service, U.S. Customs and Border Protection; BOP; Bureau of Alcohol, Tobacco, Firearms, and Explosives; and USPP—found that nearly all of their incidents were in accordance with policy. The remaining incidents were referred to the relevant Offices of the Inspector General or were pending further administrative actions as of July 2021.

Demonstrators in Washington, D.C. (left), and Portland, Oregon (right)



Sources: Departments of the Interior and Homeland Security. | GAO-22-104470

Several federal agencies deployed personnel to Washington, D.C., and Portland, Oregon, in response to the demonstrations.

- **Washington, D.C.** At least 12 federal agencies deployed, collectively, up to about 9,300 personnel per day in response to the demonstrations from May 26, 2020, through June 15, 2020. Of these, six agencies reported a total of over 120 less-lethal force incidents during this period, including physical tactics, batons, chemical spray, and chemical and kinetic impact munitions. Three of these agencies (BOP, USPP, and USSS) reported using force as part of the effort to clear Lafayette Square on June 1, 2020.
- **Portland, Oregon.** At least five federal agencies deployed, collectively, up to about 325 personnel per day in response to the demonstrations from June 26, 2020, through September 30, 2020. Four agencies reported a total of over 700 less-lethal force incidents during this period, including batons, chemical spray, chemical and kinetic impact munitions, diversionary devices, and electronic control devices.