

United States Senate
WASHINGTON, DC 20510

February 12, 2025

VIA ELECTRONIC TRANSMISSION

The Honorable Pamela Bondi
Attorney General
Department of Justice

Mr. Mark Pittella
Deputy Director
Marshals Service
Department of Justice

Dear Attorney General Bondi and Deputy Director Pittella:

The United States Marshals Service (USMS) can grant special deputies “federal law enforcement authority and enabl[e] them to act as federal law enforcement officers while under the supervision of the federal government.”¹ On October 1, 2024, the Department of Justice Office of Inspector General (DOJ OIG) published a report titled, *Audit of the U.S. Marshals Service’s Special Deputation Authority*, which “identified significant deficiencies in the USMS’s administration and oversight of its special deputation authority...”² These deficiencies reportedly “increase the risk of: (1) providing Title 18 law enforcement authorities to local, state, or other federal officials when there is not a justified need, (2) heightening opportunities for misuse and abuse of Title 18 law enforcement authority, and (3) creating legal and operational liabilities” for USMS and DOJ.³

The report showed that USMS failed to appropriately administer and oversee special deputations for Title 18 authority. Specifically, USMS’s “policies and controls were insufficient to ensure that all special deputations met program requirements, were handled consistently, and received Department-level review when appropriate.”⁴ These insufficiencies led USMS to approve “special deputations that demonstrated: (1) questionable purposes for requesting Title 18 authority; (2) inappropriate sponsoring agencies; (3) ineligible applicants; and (4) inconsistent timeframes for how long the authority was authorized.”⁵ The USMS policies were also inconsistent with the law as the DOJ OIG found they allowed special deputies to engage in warrantless arrests for federal misdemeanors, despite federal law limiting USMS’s warrantless arrest authority to federal felonies.⁶ In short, the OIG found these deficiencies limited USMS’s ability to “implement effective programmatic oversight and ensure that special deputations were granted judiciously for authorized purposes.”⁷

¹ This authority rests with the Attorney General and the Attorney General has delegated the authority to the USMS. Department of Justice, Office of Inspector General, *Audit of the U.S. Marshals Service’s Special Deputation Authority* (Sep. 2024), <https://oig.justice.gov/sites/default/files/reports/24-116.pdf>.

² *Id.*

³ *Id.* at i.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 4.

⁷ *Id.* at 6.

The report also found inadequacies concerning the use and oversight of special deputations for USMS, including USMS's task force officers (TFOs) and court security officers (CSOs).⁸ For example, the OIG "identified instances where lapses in special deputation authority occurred, yet TFOs continued to participate in USMS investigative activities...."⁹ In one instance, USMS had to terminate special deputations after a congressional committee report found the Department of Commerce's Investigations and Threat Management Service (ITMS) unreasonably "misinterpreted the meaning of 'critical asset' to improperly exercise law enforcement activities to enforce a wide range of criminal offenses."¹⁰ In another instance, USMS approved an intelligence agency's sponsorship of its personnel to receive special deputation authority, despite the sponsoring agency not having the statutory law enforcement authority needed to sponsor the deputations.¹¹ The OIG found the lack of internal controls failed to "mitigate[] operational and litigation risks associated with special deputations for its own sponsored individuals."¹² Even more concerning, the examples of misconduct are likely more numerous than what the OIG included in the report as it also found that, "the USMS has not consistently documented and reported misconduct allegations associated with these individuals."¹³

The shortcomings and abuses of this program are sadly not new. Senator Wicker and I have raised concerns to USMS regarding its alleged abuses of the Special Deputation program since 2021.¹⁴ For example, on May 26, 2021, and November 30, 2021, we sent letters to then-USMS Director Donald Washington with concerns that agents of the ITMS at the Department of Commerce abused the authority delegated to them through USMS's Special Deputation program by conducting broad criminal investigations and using counterintelligence tactics to gather information.¹⁵ Then, on March 7, 2022, we wrote to then-USMS Director Ronald Davis requesting additional information regarding the Special Deputation program after it was discovered ITMS misled USMS in an effort to obtain special deputy marshal authorities.¹⁶ On August 25, 2022, USMS responded with a letter stating that, "USMS

⁸ *Id.* at 12. (Reportedly, between FYs 2020 and 2023, USMS sponsored special deputations of roughly 8,500 TFOs and had 7,769 CSOs.)

⁹ *Id.* at i, 12. (In the course of its review, the OIG uncovered that at least 30% of TFO special deputies' authority had lapsed, which, according to the OIG, could undermine otherwise legitimate prosecutions on the basis of a lack of authority.)

¹⁰ *Id.* at 6.

¹¹ *Id.* at 7-8. (This led to requests for special deputation to be approved, which Special Deputation program personnel could not explain to the IG because there was "no documentation in the files to support the approval decisions."); *See*, Letter from Sen. Charles E. Grassley, Ranking Member, Senate Committee on the Judiciary and Sen. Roger Wicker, Ranking Member, Senate Committee on Commerce, Science, and Transportation to Avril Haines, Director, Office of National Intelligence (June 9, 2021), On File with Senate Judiciary Committee Staff (Issues with agencies within the Intelligence Community (IC) receiving special deputations, despite there being a clear lack of statutory authority, were raised by Senator Wicker and I in a June 9, 2021, letter to the Office of the Director of National Intelligence (ODNI). This is yet another concern of ours that the OIG corroborated in its report.).

¹² *Id.* at i.

¹³ *Id.* (Also, the report stated that some USMS district offices allow TFOs to continue working on USMS operation despite an ongoing misconduct investigation. According to the OIG, the failure to remove a TFO that is actively being investigated for misconduct could "jeopardize future criminal prosecutions that could result from the task force's operations.").

¹⁴ *See e.g.*, Letter from Sen. Charles E. Grassley, Ranking Member, Senate Committee on the Judiciary and Sen. Roger Wicker, Ranking Member, Senate Committee on Commerce, Science, and Transportation, to Donald W. Washington, Director, U.S. Marshals Service (May 26, 2021), <https://www.commerce.senate.gov/services/files/2F09349F-6461-4185-A7C6-EC77ABE1BB2D>; and Letter from Sen. Charles E. Grassley, Ranking Member, Senate Committee on the Judiciary and Sen. Roger Wicker, Ranking Member, Senate Committee on Commerce, Science, and Transportation to Donald W. Washington, Director, U.S. Marshals Service (Nov. 30, 2021), <https://www.commerce.senate.gov/services/files/A9254D66-AB80-46F8-93BD-24E31336163C>; *See also*, Letter from Sen. Charles E. Grassley, Ranking Member, Senate Committee on the Judiciary to Gina M. Raimondo, Secretary, Department of Commerce (Aug. 2, 2021), On File with Senate Judiciary Committee Staff.

¹⁵ Letter from Sen. Charles E. Grassley and Sen. Roger Wicker to Donald W. Washington (May 26, 2021), *supra* note 14; Letter from Sen. Charles E. Grassley and Sen. Roger Wicker to Donald W. Washington (Nov. 30, 2021), *supra* note 14.

¹⁶ Letter from Sen. Charles E. Grassley, Ranking Member, Senate Committee on the Judiciary and Sen. Roger Wicker, Ranking Member, Senate Committee on Commerce, Science, and Transportation to Ronald Davis, Director, U.S. Marshals Service (Mar. 7, 2022), On File with Senate Judiciary Committee Staff.

explained to certain DOC personnel that ‘the deputation did not extend to the broad array of investigations that ITMS claimed were within its mission.’”¹⁷ Further, USMS’s response included a list of all federal agencies using the Special Deputation program as of July 25, 2022, and noted that, as of August 25, 2022, there were no active special deputations for the protection of critical assets.¹⁸

We also wrote to the DOJ OIG on December 12, 2022, requesting an investigation and highlighting the authority USMS gave to ITMS allowed agents to utilize Federal Bureau of Investigation (FBI) assistance in their investigations, carry weapons on commercial flights, interrogate Chinese-born citizens in violation of their constitutional rights, and open a counterintelligence investigation into a group of elementary school students.¹⁹ In other words, USMS gave ITMS an inch, and ITMS took a mile.

In its September 2024, report, the DOJ OIG made 11 recommendations: one to DOJ and ten to USMS.²⁰ According to the OIG, as of February 12, 2025, the DOJ and USMS have agreed to implement, or have proposed actions that will address, these recommendations. However, the OIG has not determined sufficient action has been taken to fully implement the recommendations, which would close them.²¹

So that Congress can conduct independent oversight of the Special Deputation program, please provide answers to the following questions by February 26, 2025:

1. What steps have USMS and DOJ taken to close out the recommendations from the September 2024, DOJ OIG report? Provide all records.²²
2. Provide a list of all federal agencies using USMS’s Special Deputation program to provide protection services to a Director or Secretary, and the total number of Special Deputy Marshals at those agencies.
3. Provide a list of every agency that is using the Special Deputation program to provide services for critical assets, including critical infrastructure.
4. How many individuals has USMS identified who currently have active special deputation authority, but no longer require law enforcement authority? Provide all records.

¹⁷ Letter from William Delaney, Chief, Office of Congressional and Public Affairs, U.S. Marshals Service to Sen. Charles E. Grassley, Ranking Member, Senate Committee on the Judiciary and Sen. Roger Wicker, Ranking Member, Senate Committee on Commerce, Science, and Transportation (Aug. 25, 2022), On File with Senate Judiciary Committee Staff.

¹⁸ *Id.*

¹⁹ Press Release, U.S. Senate Committee On Commerce, Science, and Transportation, *Wicker, Grassley Urge DOJ Inspector General to Investigate Abuses at the Commerce Department* (Dec. 13, 2022), <https://www.commerce.senate.gov/2022/12/wicker-grassley-urge-doj-inspector-general-to-investigate-abuses-at-the-commerce-department>.

²⁰ OIG Report, *supra* note 1 at 17-18.

²¹ Department of Justice, Office of the Inspector General, *Recommendations*, <https://oig.justice.gov/recommendations>. (According to the DOJ OIG, resolved means “DOJ or the non-DOJ federal agency has agreed to implement the recommendation or has proposed actions that will address the recommendation.” Further, before a recommendation to be closed, the, “OIG [must] determine sufficient action has been taken to fully implement the recommendation.”).

²² “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (e-mails, email attachments, and any other electronically created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether they resulted in final documents).

5. How many TFOs with USMS special deputation authority are under investigation for alleged misconduct? How many of these individuals have, at the same time, continued using special deputy authority? Provide all records.
6. How many TFOs with USMS special deputation authority had their authority lapse, but continued using special deputy authority? Provide all records.

Thank you for your prompt review and responses. If you have any questions, please contact Tucker Akin or Jace Pimentel with Chairman Grassley's Committee staff at (202) 224-7708 or Wade Roberts with Senator Wicker's staff at (202) 224-6253.

Sincerely,



Charles E. Grassley
Chairman
Senate Committee on the Judiciary



Roger F. Wicker
United States Senator