U.S. MARSHALS ACT LIKE LOCAL POLICE WITH MORE VIOLENCE AND LESS ACCOUNTABILITY

The federal agency's teams have killed an average of 22 suspects and bystanders a year.


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U.S. MARSHALS
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By SIMONE WEICHSELBAUM, SACHI MCCLENDON and URIEL J. GARCIA

PHOENIX—Detective Michael Pezzelle spent his last seven years on a suburban police force here amassing a body count. He was involved in shootings that wounded two people and killed five, including a teenage girl who died when he fired into a car she was riding in.

Pezzelle faced no public consequences. He retired in 2018 and at age 47 started to collect a pension of $62,220 a year. Today, he trains police officers around the country to follow the kind of advice he shared on Instagram: "Be polite, be professional, have a plan to kill everyone you meet."

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His record of five shooting incidents would raise alarms in many police departments; studies have found that only a quarter of officers reported ever firing their weapons, and just 5 percent of those who did were involved in more than one shooting.

But Pezzelle, who declined to comment, wasn't just a regular cop with the police department in Mesa, Arizona. During most of the years in question, he was assigned to task forces run by the U.S. Marshals Service, an arm of the federal Justice Department. The marshals describe their job as hunting down the most dangerous criminals in the country. Tommy Lee Jones amplified that image, playing a heroic marshal in two Hollywood action films, "The Fugitive" and "U.S. Marshals."

In recent years, however, marshals have been acting like local police—only with more violence and less accountability, according to an investigation by The Marshall Project and the USA TODAY Network.

In cities and towns across the country, the Marshals Service has set up task forces largely staffed by local law enforcement officers who get deputized as federal agents. About two-thirds of the agency's arrests since 2014 were of people wanted on local warrants, not federal ones, according to our analysis of federal data.

Though many police departments have come under public scrutiny for shootings, marshals and their task forces have not—even though they are more likely to use their guns.

The Justice Department has refused to release the kind of information about marshals-involved shootings that major police departments make public. So our reporters used news articles, court documents and police records to compile data on shootings involving the Marshals Service and its task forces from January 1, 2015 to September 10, 2020.

We found that at least 177 people were shot by a marshal, task force member or local cop helping in a marshals arrest; 124 people, mostly suspects and a handful of bystanders, died from their injuries. In addition, seven committed suicide after being shot.

On average, from 2015 to late 2020, they shot 31 people a year, killing 22 of them. By comparison, Houston police reported shooting an average of 19 people a year, killing eight. Philadelphia officers shot an average of nine people a year, killing three. Both departments employ roughly 6,000 officers, about the same number who serve in the Marshals Service and on its task forces.

One reason for the high level of violence: The Marshals Service's rules are looser than those of many major police departments. Marshals are not required to try to de-escalate situations or exhaust other remedies before using lethal force. And marshals are allowed to fire into cars. Though body cameras have become routine in major police departments, marshals do not wear them.

"They are still policing like the way people policed in the 1990s—and we have moved so far beyond that," said Kevin Hall, assistant chief of police in Tucson. He said his department pulled out of a Marshals Service task force last year because of concerns about risky tactics and the lack of accountability.

Marshals and task force members are even harder to hold accountable than average cops if something goes wrong. No marshal has ever been prosecuted after a shooting, the agency says. Task force members weren't prosecuted either during the period we examined, according to the Justice Department. Local district attorneys don't have the legal power to prosecute federal agents, including police officers serving as task force members; the Justice Department can shield them from litigation.

JOHN WHITLOCK FOR THE MARSHALL PROJECT

The marshals say they do vital work in dangerous circumstances.

“Given the nature of the criminals we pursue, and the specificity of our mission, there is a higher chance for violence than experienced by the ‘normal cop on the beat,’” said Nikki Credic-Barrett, an agency spokeswoman. “The U.S Marshals have one of the most dangerous jobs in law enforcement.”

Fugitives are likely to carry guns and resist arrest, current and former marshals said. They argue that the agency’s shooting count is low considering that it captures about 90,000 people a year, according to five years of federal data.

“Do the math,” said Jason Wojdylo, a chief inspector with the Marshals Service and vice-president of the Federal Managers Association, an advocacy organization for government employees. “We are on the front lines every day in an environment that’s intense.”

Five marshals and task force members were killed while trying to make an arrest between 2015 and late 2020, our data shows, including one who died from friendly fire. Twenty-one were shot and injured; six of these cases involved law enforcement officers accidently shooting one another. Houston says one of its officers was shot and killed in that time frame; two Philadelphia officers died in shootings.

Unlike the FBI, the Marshals Service does not send a team to investigate its shootings, relying mainly on local agencies to do the job. It outsources the work to avoid conflicts of interest, a Marshals Service spokesperson said, adding that agency officials review shooting reports to recommend changes to policies and training.

“It is pretty remarkable that the feds aren’t policing their own,” said Michael Bromwich, a former inspector general for the Justice Department who has investigated several major police agencies. Use of deadly force, he noted, “is a burning national issue right now."

Marshals have helped capture some of the nation’s most wanted cop killers and drug lords. But we found that the agency focuses a lot of firepower on low-level suspects. About half of the shootings we looked at involved people accused of crimes that did not involve serious physical injuries, including drug possession, running away from a halfway house or, in one case, hitting a store worker while shoplifting.

Since our data was collected, there have been several incidents involving marshals as shooters or victims. In one high-profile case in December 2020, a member of a Marshals Service task force in Columbus, Ohio, shot Casey Goodson Jr in the back. He wasn’t a target of the task force, but the officer said he confronted Goodson for waving a gun while driving. The 23-year-old Black man’s family said he was shot on his family’s doorstep while holding a bag of sandwiches.

A lawyer for Goodson’s family said the Marshals Service and local officials had been playing “a game of hot potato when it comes to liability” for Goodson’s death at the hands of a sheriff’s deputy working as a task force member.

“Who is responsible for ensuring that he doesn’t hurt anyone else in the future?” asked the lawyer, Sarah Gelsomino. “The Marshals won’t take responsibility for his actions.”

The agency spokeswoman declined to comment. The sheriff’s department did not respond to requests for comment.

JOHN WHITLOCK FOR THE MARSHALL PROJECT

The U.S. Marshals Service dates back to 1789, when Congress created it to protect federal judges and carry out their orders. By the late 20th century, the marshals' reach had expanded to chasing prison escapees and other federal fugitives. In 1981, the agency launched its first fugitive task force with police in Miami to catch people charged with state and local crimes.

In 2000, Congress authorized a permanent network of task forces; today, at least 64 full-time teams of marshals work with local police.

The agency has about 3,600 marshals, and says there are more than 2,400 local officers on task forces all over the country. The main requirement for joining a task force is five years of experience in law enforcement. Officers whose departments are investigating them for misconduct can join a task force as long as "a written explanation regarding the circumstances" is submitted to the Marshals Service, an agency spokesperson said.

Many police departments welcome the task forces, which bring with them federal funds for overtime pay, access to high-tech equipment, and the jurisdiction to chase suspects across state lines. But task force members don't always get specialized training in apprehending fugitives. That decision is left up to regional supervisors.

A third of the shootings in our database occurred in small towns and cities with fewer than 50,000 residents.

“With the marshals we get resources,” said Charles Kimble, chief of the police department in Killeen, Texas, a city which is home to the Fort Hood Army base. “We get resources that help us with crime and finding bad people who need to be removed from our communities and are wreaking havoc.”

During the Trump Administration, at least five big city police departments, including Atlanta and Albuquerque, dropped out of Marshals Service task forces, complaining about the lack of transparency and local oversight. In October, pressure from police chiefs prompted the Justice Department to start allowing local task force members to wear body cameras.

JOHN WHITLOCK FOR THE MARSHALL PROJECT

One of the big differences between marshals and regular police officers is when and how they can use force. Marshals are authorized to kill someone who poses an “imminent danger.” That’s a laxer standard than those recently adopted by California and New Jersey, where taking someone’s life is supposed to be a last resort.

Marshals focus more on making arrests than investigating crimes. Current and former marshals said fugitives are often on the run and can't be found at the address listed on an arrest warrant. Rather than trying to get warrants to search additional homes, marshals prefer to capture their targets in public, a practice that can put bystanders in harm's way.

A quarter of the shooting cases we compiled involved marshals or task force members firing into cars, a tactic many police departments no longer consider acceptable.

"You create this enormous danger by shooting at somebody who is driving a car down the road," said Jonathan M. Smith, who oversaw civil rights investigations into police departments for the Obama Justice Department. Over the last decade, the agency told police in Miami, New Orleans and Chicago to stop firing at vehicles.

Last month, the Major City Chiefs Association recommended policing reforms that included encouraging officers to jump out of the way of a moving vehicle rather than firing at it.

Marshals do the opposite, our analysis found. Many vehicle shootings occur after task force members in unmarked cars box-in suspects, a procedure the agency calls vehicle containment.

Critics say vehicle containment creates unnecessary risks. And some former deputies say the agency relies too much on this tactic rather than trying to de-escalate encounters when suspects are in cars.

"The best thing that an officer or marshal can do is to seek cover, then try to talk the guy out and defuse the situation," said Craig Caine, a retired marshal who supervised members of the New York/New Jersey Regional Fugitive Task Force.

It was during a vehicle containment that Pezzelle, the Mesa detective working as a task force member, fatally shot 17-year-old Sariah Lane in the head, according to police records.

Sariah Lane COURTESY OF NAOMI PENA

On April 20, 2017, Lane and her boyfriend got a ride from Brandon Pequeño to go grocery shopping, according to police records. They piled into a Toyota Corolla, with Lane in the backseat and Pequeño driving.

According to a lawsuit filed by her family, Lane didn't know that Pequeño was wanted for violating his probation. Task force members believed he had attacked an ex-girlfriend and was armed with a gun and a knife.

In a parking lot, a Dodge Ram with no police markings reversed into the Corolla, police reports say. Within seconds, more unmarked vehicles arrived. The Corolla was boxed in. Lane ducked.

Task force members started firing because, they said, Pequeño was reaching for something in the console. "That's when I fire the rounds, when I believe he's going to start shooting at the detectives," Pezzelle told local police investigators.

There was no gun in the vehicle, though officers found a knife.

Lane was hit in the back of the head; a ballistics report showed that the hollow-point bullet came from Pezzelle's gun. She died the next day. Her family's lawsuit contends that officers ignored risks to Lane and her boyfriend and should have waited until Pequeño was alone to arrest him.

“The only people to blame is our police who are supposed to protect us,” Lane’s sister, Naomi JoAnn Peña, said in an interview.

Pezzelle and his lawyer declined to comment. But in court filings, lawyers for the task force members said they “used only reasonable and necessary force,” and were entitled to qualified immunity, a legal doctrine that protects government workers doing their jobs. No trial date has been set.

The Mesa Police Department wouldn’t say whether it ever disciplined Pezzelle. But police there rarely face consequences for using excessive force. A 2018 investigation by The Arizona Republic found that Mesa police investigators substantiated excessive force claims in just three of 158 internal investigations since 2014. Our data showed that marshals and task force members in Arizona shot suspects or bystanders more often than in any other state.

Civil rights lawsuits like Lane family’s against marshals and task force members aren’t common; we found them in only 13 of the 177 shootings in our database. None has so far resulted in a payout.

Federal prosecutions are also rare, and face a high bar. Officers could be convicted only if they “willfully” deprived someone of their civil rights, said Rachel Harmon who served as a prosecutor in the Justice Department’s Civil Rights Division. Being reckless is not enough.

“You have to intend to use too much force,” Harmon said.

JOHN WHITLOCK FOR THE MARSHALL PROJECT

Local law enforcement agencies often turn to retired officers like Pezzelle to teach new recruits about the ins-and-outs of the job, including how to arrest armed fugitives.

Pezzelle now contracts with an Arizona company, ZetX, teaching officers how to catch fugitives by tracking their cell phones. Sy Ray, ZetX's owner, said Pezzelle's classes are about keeping cops safe.

"My perspective is he is a great guy," Ray wrote in an email. "On the other hand, If I brutally killed someone, had a warrant for my arrest, and didn't want to be held responsible for my actions—I would not like him, not one bit."

Pezzelle also has his own consulting business, Five Eight Group. Until our reporters inquired about it, the company's website and social media accounts boasted about his shooting record and plugged coming classes.

It also sold $25 T-shirts with the company's logo on the front. On the back is what the website described as "a motto to live by for armed professionals," written by Ernest Hemingway in 1936:

"There is no hunting like the hunting of man, and those who have hunted armed men long enough and liked it, never care for anything else thereafter."