

**Testimony of Acting Inspector
General John V. Kelly**

**Before the Committee on
Homeland Security**

**Subcommittee on Oversight,
Management, and Accountability**

U.S. House of Representatives

**“Federal Law Enforcement
Training Centers: Preparing
America’s Law Enforcement to
Protect the Homeland”**





May 16, 2019

Why We Did This

On January 25, 2017, the President issued two Executive Orders directing the Department of Homeland Security to hire an additional 15,000 law enforcement officers. We conducted the audit discussed in this testimony to determine whether the Department and its components — specifically FLETC, Border Patrol, and ICE — have the training strategies and capabilities in place to train 15,000 new agents and officers.

What We Recommend

We made three recommendations to improve training and coordination within the Department.

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

What We Found

The Federal Law Enforcement Training Centers (FLETC), U.S. Border Patrol (Border Patrol), and U.S. Immigration and Customs Enforcement (ICE) have each developed hiring surge training plans and strategies. However, we found challenges exist due to uncertain funding commitments and overextended throughput capacity, particularly as they affect training resource projections and expansion capabilities to meet hiring goals. We also identified crosscutting concerns with current training venue and housing conditions that will likely become more serious with increased demand.

Additionally, the three components apply a different approach to managing and implementing their instructor programs. This impacts the effectiveness and cost of instructors, as well as the application of best practices.

If these combined challenges and conditions continue, they may impede consistency and lead to a degradation in training and standards. As a result, trainees will be less prepared for their assigned field environment, potentially impeding mission achievability and increasing safety risk to themselves, other law enforcement officers, and anyone within their enforcement authority. Coordination among FLETC, Border Patrol, and ICE is critical to the effective expansion of capabilities for law enforcement training that meets the Executive Orders' requirements, but at the same time works within the limits of the funds granted.

DHS Response

The Department concurred with the three recommendations and has begun implementing corrective actions.



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Chairwoman Torres Small, Ranking Member Crenshaw, and members of the Subcommittee, thank you for inviting me to testify today about training challenges we recently identified at the Federal Law Enforcement Training Centers (FLETC).

FLETC provides basic, advanced, specialized, and in-service requalification training for personnel from more than 90 Federal law enforcement agencies, as well as state, local, tribal, and international law enforcement agencies. Its training curriculum covers numerous areas, such as use of force, active threat response, defensive tactics, firearms, terrorism, first response, interviewing and investigations, and constitutional law. FLETC owns and operates three residential centers in the United States located in Artesia, New Mexico; Charleston, South Carolina; and Glynco, Georgia, and one nonresidential center in Cheltenham, Maryland. Our most recent FLETC-related audit work focused on the basic training provided to personnel from U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) at the FLETC facilities in Glynco and Artesia.

In January 2017, the President issued two Executive Orders (EO) directing the Department of Homeland Security (DHS) to hire an additional 5,000 Border Patrol Agents and 10,000 Immigration Officers. On February 20, 2017, the DHS Secretary issued implementing memorandums in support of the EOs, directing U.S. Border Patrol (Border Patrol) and ICE to ensure consistency in training and standards while taking immediate action to begin the hiring surge. In a December 2017 management alert and a November 2018 report, we identified challenges FLETC faced in its ability to successfully train the 15,000 agents and officers the Department was directed to hire.¹ In my testimony today, I will focus on these challenges, as well as the progress FLETC has made in addressing our report recommendations for corrective action.

Funding Limitations Impact Training

Following the issuance of the EOs in January 2017, FLETC, Border Patrol, and ICE developed training plans and strategies and assessed their capability to meet hiring surge projections; however, funding limitations delayed their implementation. For example, funding limitations hampered FLETC's efforts to construct necessary dormitories, offices, and training venues, such as modular classrooms, a transportation checkpoint, a non-lethal training ammunition shoot house, and other tactical training venues, to support ICE and CBP training. Once FLETC receives funding, components must still consider significant lead time for the design

¹ [Management Alert - Safety Issue at FLETC Artesia Warehouse](#), OIG-18-31, December 8, 2017; and [DHS Training Needs for Hiring 15,000 Border Patrol Agents and Immigration Officers](#), OIG-19-07, November 26, 2018



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and construction of new training facilities. Numerous other factors, such as weather, market conditions (e.g., supply/demand of available labor and materials), and a construction project's acquisition strategy, can also affect projected timeframes. Delays in funding can also affect DHS components' ability to promptly obtain the resources needed to construct facilities and may extend overall lead times for instructor availability.

An increase in the number of students (increased student throughput) exacerbates already existing challenges to instructor availability. ICE Homeland Security Investigations (HSI) instructors said there are already instances in which they do not have the required number of instructors for a course, which forces instructors to divide the trainees into groups. For example, due to the limited number of instructors, the instructors said they might split a Defensive Tactics class of 24 students into two groups of 12 each. This means only half the class is trained at a time, which results in reduced overall training time devoted to each group of students.

Training Venues and Housing Need Improvement

Existing training venues at FLETC need improvement — most notably the FLETC Artesia Training Center campus. Based on CBP's review of research by several external organizations, Border Patrol revised its training curriculum and identified areas to enhance training, emphasizing performance-based scenarios. However, because of the lack of funding, CBP has not been able to provide funding to FLETC to construct most of the training venues needed to accommodate its curriculum revisions. Lacking settings for performance-based scenarios, Border Patrol instructors must employ "workarounds" that lack realism.

For example, for checkpoint training, Border Patrol Academy officials planned to use a training venue with a real-life terminal environment to provide, among other things, realistic training using coach-style buses. However, CBP was not able to construct the planned checkpoint training venue. As a result, Border Patrol used yellow school buses, which meant trainees had to pretend to search imaginary storage compartments and bathrooms. This significantly diminished the potential training value of using fully equipped coach-style buses.

In addition, Border Patrol officials redesigned a Use of Force Simulator, which included enhanced 300-degree training, providing real-world scenarios from almost any direction — thereby increasing critical thinking and judgment in use of force scenarios. The simulator also included programmable scenarios to address targeted problem areas and photos from actual patrol areas. However, CBP was not able to construct a venue for the redesigned simulator. Without this venue, trainees must rely on a workaround one-dimensional training scenario, which does not expose



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trainees to enhanced risk mitigation techniques, critical thinking skills, and total situational awareness during use of force exercises.

According to a senior Border Patrol Academy official, “the workarounds were intended as a short term fix and are not meant to be a permanent part of the training program.” As a result of using these workaround training venues, Border Patrol agents and officers are less prepared for the field environment.

In addition, because of strong competition with other Federal, state, and local law enforcement organizations that train at FLETC, Border Patrol and ICE did not always have access to “preferred” training venues at FLETC. A preferred training venue provides more realistic scenarios in urban and residential settings, which include multi-floor and multi-room designs. “Backup” venues lack varied structures and features, which allow more realistic and effective training.

Increased law enforcement training demands, coupled with insufficient funding to construct new venues, led to scheduling challenges and affected the availability of FLETC’s preferred training venues. For example, the Glynco campus contains Danis City, a preferred training venue with suburban houses, shops, a police station, and other buildings for trainees to conduct realistic law enforcement training. When that facility is occupied, training must take place at the one-level backup venue. This venue lacks stairwells, which precludes training in tactics to navigate such settings.

In a December 2017 management alert, we notified the FLETC Director about a potentially unsafe secondary training venue. Specifically, during an August 2017 site visit to the FLETC Artesia Training Center campus, we identified a potential safety issue at a warehouse the Border Patrol Academy had been using to train new hires on search and conveyance. In 2009, a vehicle from an adjacent driving course ran off the course and struck the warehouse, leaving a hole in the metal siding and damaging a supporting column and its attached roof beam. Despite the accident report noting the damage, FLETC and Border Patrol continued to use the building for training. Continuing to use the warehouse for training and other purposes without an independent engineering or structural safety evaluation increases the safety risks for trainees and staff. In response to our site visit and alert recommendations, FLETC promptly implemented safety precautions on the driving course, discontinued use of the questionable warehouse, and commissioned an engineering study on the warehouse structure. In May 2018, upon completion of the study, FLETC demolished the warehouse.

As we also reported in November 2018, in FY 2017, onsite housing was not available for all trainees in Glynco. The lack of availability was due to high student demand coupled with damage to FLETC dormitories caused by Hurricanes Matthew in 2016 and Irma in 2017. In FY 2017, FLETC in Glynco reported it exceeded its onsite lodging capacity of 22,912 students and had to house students in off-site lodging —



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transporting 6,413 students up to 74 miles away. FLETC projected that in FY 2018 it would have a student population of 33,803. Based on its dormitory capacity at the time, in that fiscal year, FLETC would have to house approximately 11,000 students in off-site lodging.

FLETC estimated it spent approximately \$5.6 million for off-site lodging in FY 2017 and, at the time of our report, projected that this figure would exceed \$10 million in FY 2018 based on overall demand. Off-site lodging also has a non-financial impact of reducing student access to other trainees and limiting opportunities to build camaraderie. We followed up with FLETC for the actual off-site lodging costs and, according to FLETC, they reported spending \$11 million for 9,200 students for off-site lodging during FY 2018.

As a result of our audit findings, we recommended that the DHS Undersecretary of Management, in collaboration with FLETC, Border Patrol, and ICE, develop and implement a comprehensive plan to identify, prioritize, and complete training venue and facility improvements, and also outline a strategy to address housing needs cost efficiently.

Instructor Programs and Policies Managed and Implemented Differently

During our audit, we also found that FLETC, Border Patrol, ICE Enforcement and Removal Operations (ERO), and ICE HSI all applied different approaches to managing and implementing their instructor programs. Although FLETC, CBP, and ICE ERO have instructor rotation policies, HSI's lack of policy and heavy reliance on short-term, temporary instructors is both expensive and ineffective for ensuring consistent, safe training.

Specifically, CBP and ERO have policies and generally use 3- to 5-year rotations, but the HSI training academy does not have an instructor rotation policy. Instead, to fulfill instruction requirements, HSI relies heavily on temporary duty instructors who rotate through FLETC in Glynco, GA, every 4 months. In FY 2019, HSI projected it would need 176 temporary duty instructors. Using temporary duty instructors on 4-month rotations is ineffective because it does not ensure consistent and safe instruction. This approach could also lead to training degradation as component training officials generally agree it takes a minimum of 6–9 months for instructors to become qualified.

Reliance on temporary duty instructors is expensive — each 4-month temporary duty assignment costs approximately \$32,000 in travel and per diem expenses. We compared the costs for a rotational assignment with the cost for a temporary duty assignment. We found that, on average, given travel and per diem expenses for a 3- to 5-year period, assigning temporary duty instructors costs nearly double the amount to relocate an instructor for a rotational (3- to 5-year) assignment.



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Specifically, the costs range from \$150,000-\$200,000 for a rotational assignment compared to about \$300,000-\$480,000 for temporary duty assignments.

We recommended that the Undersecretary of Management collaborate with DHS officials to develop and implement standards and procedures to address: (1) optimal designations and durations for instructors assigned to FLETC and component training academies; (2) HSI's need for an established rotation policy; and (3) best practices for securing and retaining qualified instructors while ensuring consistent training.

Conclusion

Prior to the President issuing two EOs directing CBP and ICE to hire 15,000 additional agents and officers, FLETC's training venues and housing capacity were already overextended. FLETC will need to accommodate the anticipated Department hiring surge, as well as the expected increase in demand from other Federal, state and local partner organizations. Although DHS has hiring surge training plans and strategies, it remains challenged by uncertain funding commitments and training conditions. For these reasons, we recommended that the FLETC Director convene training officials from Border Patrol, ICE, and other appropriate partner organizations to inform and help FLETC finalize a strategic plan for Fiscal Years 2019-2022. We recommended that the group work together to ensure FLETC can accommodate increases in demand and minimize disruption to law enforcement agency hiring and training plans.

Without corrective action, the challenges we identified in our November 2018 report could lead to inconsistency and degradation in training and standards. As a result, trainees would be less prepared for their assigned field environment, potentially hindering them from achieving their mission and increasing safety risks to themselves, other law enforcement officers, and anyone within their enforcement authority. In light of the events at the Southwest border, law enforcement must receive quality training so they can continue to fulfill their critical national security responsibilities safely and effectively. I am pleased to report that the DHS Undersecretary for Management and the FLETC Director concurred with our recommendations and have begun implementing corrective actions. I am also pleased that FLETC received \$50 million in Procurement, Construction, and Improvements funding in its FY 2019 appropriations. This funding should assist the agency as it begins to prioritize its plans for additional housing and training facilities.

Madam Chairwoman, this concludes my testimony. I am happy to answer any questions you or other members of the Subcommittee may have.