

The background of the slide features a faded image of classical columns, likely from a government building, and a large, light blue Roman numeral 'VI' in the lower right corner. The text is overlaid on a white rectangular area.

## GOAL SIX

Protect the Federal  
Judiciary and  
Provide Critical  
Support to the  
Federal Justice  
System to Ensure it  
Operates Effectively

VI

# GOAL SIX:

## Protect the Federal Judiciary and Provide Critical Support to the Federal Justice System to Ensure it Operates Effectively



The Department plays a key role in the administration of the federal justice system. We support the federal courts by protecting federal judges, witnesses and other participants in federal court proceedings; providing courtroom security; making sure that persons in custody are escorted to and from proceedings in a safe and secure manner; and apprehending federal fugitives from justice. An especially important responsibility of the Department is meeting the needs of federal crime victims and witnesses. We place a high priority on treating victims and witnesses fairly, compassionately and with respect. Finally, we also work to ensure the effective operation of the nation's bankruptcy system.

### STRATEGIC OBJECTIVE 6.1

#### PROTECTING THE JUDICIARY

*Protect judges, witnesses and other participants in federal judicial proceedings and ensure the safe and secure operation of the federal court system.*

The Department's aim is to ensure that no judge, witness or other court participant is the victim of an assault stemming from his or her involvement in a federal court proceeding. Federal judicial proceedings must be open, secure, and free from obstruction, intimidation or threat of violence. Security for federal judicial proceedings is provided by the Department through the United States Marshals Service (USMS).

#### Strategies to Achieve the Objective

*Monitor, assess and investigate threats made against judges, court personnel, witnesses and victims to stop/deter any potential violence.*

Investigating potential threats of violence planned against court officials—judges, prosecutors, victims, witnesses, court support staff—is a critical aspect of providing security. Because of such threats, security must sometimes be provided both inside and outside of the courtroom. In 1998, there were 708 inappropriate communications, which included threats and verbal assaults against judges and other court personnel. A similar level of potential violence occurred in 1999 with a total of 736 inappropriate communications. The USMS, with the help of other federal, state and local law enforcement agencies, must carefully assess each potential threat based on the best intelligence available and respond in a timely and appropriate way.

In addition, the USMS manages a federal witness protection program that provides for the long-term protection of selected witnesses and their family members.

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### ■ *Meet court security standards.*

In 1999, the USMS conducted a security requirements survey of prisoner movement space in federal courthouse facilities in the United States, Guam, Puerto Rico and the Virgin Islands. The survey evaluated each facility against USMS security specifications and requirements. Survey results indicated that 94 percent of the federal courthouse facilities did not meet the minimum security standards. As a key means to improve security of these facilities, USMS continues to renovate U.S. courthouses and court-occupied space to bring them up to security standards.

At the same time, the USMS works to ensure that court proceedings are adequately staffed. The desired standard for courtroom security is to assign one more deputy U.S. marshal than the number of defendants in the courtroom. Based on a 1998 survey, approximately 40 percent of federal court proceedings were staffed with a sufficient number of deputy marshals to meet this standard, 28 percent met security standards using a combination of deputy marshals and private contract guards, while the remaining 32 percent were conducted without a level of security that met the USMS standard.

### **Key Crosscutting Programs**

*Memorandum of Understanding (MOU) on Court Security.* A MOU established in December 1997 between the USMS and the Administrative Office of the United States Courts (AOUSC) provides guidelines and procedures to implement the recommendations of the Attorney General's Task Force on Court Security. The MOU defines the USMS court security programs and expresses the terms and conditions under which funds appropriated to the judiciary will be transferred to the USMS from AOUSC for use in providing security to the federal courts.

*MOU on Courthouse Security.* Providing security in federal courtrooms requires coordination among several key federal agencies, each with different jurisdictional responsibilities. The General Services Administration (GSA) Federal Protective Service (FPS) is responsible for perimeter security and preventing unwarranted entry into a U.S. courthouse facility. The USMS Judicial Security Systems staff is responsible for security of the interior spaces within a U.S. courthouse facility for which the Judiciary or AOUSC pays rent. The USMS Central Courthouse Management Group is responsible for security of all spaces for which the USMS pays rent, including all prisoner movement and detention areas. The physical unification of the specified security systems and devices usually occurs in the USMS command and control centers located in the USMS office within the U.S. courthouse. These agencies are mutually supportive of the mission to provide the proper level of security for a U.S. courthouse as defined in the MOU among the GSA, USMS and AOUSC.

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## STRATEGIC OBJECTIVE 6.2

### FUGITIVES

#### *Apprehend fugitives from justice.*

The Department is responsible for enforcing warrants and apprehending fugitives from justice, including prison escapees, bail jumpers, and parole and probation violators. The apprehension of fugitives from justice serves two very important purposes. First, fugitives must be captured to ensure they do not commit additional crimes and are prosecuted to the fullest extent of the law. Second, the success of the fugitive program serves as a deterrence for present and future defendants who may attempt to flee.

Currently, there are thousands of fugitives from justice which are grouped in different classes of fugitive warrants. Class I fugitive warrants involve federal fugitive cases where the USMS has primary arrest authority such as federal escapees, bond default and/or failure to appear in court, and parole and probation violators. These are warrants generated by agencies without arrest powers, bench warrants issued by federal judges and warrants referred by DEA. Such warrants can fall within three categories: fugitives with violent criminal convictions; fugitives who are wanted on drug-related charges; and all other felony fugitives. Class II fugitive warrants are those warrants where other agencies have primary responsibility for capturing the fugitive.

Often federal fugitives flee to foreign countries as a potential safe haven. The USMS is the primary agency for apprehending fugitives wanted in the United States from foreign countries. They also apprehend fugitives who are wanted abroad. In these cases, the USMS has various methods to reach beyond the boundaries of the United States to arrest fugitive felons, including obtaining the assistance of the International Criminal Police Organization (INTERPOL).

### **Strategy to Achieve the Objective**

■ *Focus on apprehending the 15 Most Wanted and Major Case fugitives.*

Locating and apprehending the top 15 Most Wanted, Major Case, and Offender Category 1 fugitives are the USMS main priorities. These fugitives comprise the worst narcotics traffickers and most violent felons wanted by federal authorities. They often have lengthy criminal histories and are likely to commit additional offenses if not captured in a timely manner.

### **Key Crosscutting Programs**

During the past decade, the USMS has entered into MOUs with a number of federal agencies giving the USMS administrative and investigative responsibility over their fugitive warrants. These agencies include the U.S. Customs Service, the Internal Revenue Service, the Naval Criminal Investigative Service, and the Air Force Office of Special Investigations, among others.

The USMS also participates in about 60 multiagency fugitive apprehension task forces comprised of federal, state and local law enforcement officers. Over the past for years, these task forces have arrested 48,000 fugitives.

## **STRATEGIC OBJECTIVE 6.3**

### **VICTIMS AND WITNESSES**

*Meet the needs of, and uphold the rights of, victims and witnesses of federal crimes.*

Victims and witnesses play a central role in the federal criminal justice system. Their participation often makes the difference between a conviction and an acquittal. Yet being a victim or witness can be an overwhelming, even traumatic experience. Prior to recent federal and state legislation making improvements in how victims and witnesses are treated, some felt revictimized by a criminal justice system insensitive to their needs.

The Attorney General Guidelines for Victim and Witness Assistance set forth Department of Justice requirements and policies regarding the treatment of victims and witnesses. They recognize that federal criminal justice system personnel—including investigators, prosecutors and correctional officers—have a special responsibility to treat victims and witnesses of federal crimes fairly by enforcing

their rights, properly including them in criminal justice system processes, and referring them to appropriate services.

The Department of Justice, through the U.S. Attorneys, employs a victim-witness coordinator in each of the 94 federal judicial districts. Victim-witness coordinators play a crucial role in increasing the participation and cooperation of victims and witnesses. They help implement the Attorney General Guidelines, ensure that those involved in working with victims and witnesses are properly trained, and help victims and witnesses from a wide range of socioeconomic backgrounds, cultures and ethnic groups understand their rights and their role as key participants in the federal criminal justice process. The FBI and the DEA have victim-witness specialists, as do several other federal law enforcement agencies.

### **Strategies to Achieve the Objective**

*Ensure that all federal law enforcement officers and prosecutors are trained in victim/witness responsibilities.*

Law enforcement officers are the first contact most victims and witnesses have with the federal judicial system. Having law enforcement officers who are aware of victims' rights and the services that should be provided reinforces the Department's concern for victims and witnesses. The Department trains federal law enforcement officers and prosecutors in victim/witness responsibilities, as required by the Attorney General Guidelines for Victim and Witness Assistance.

*Facilitate the participation of victims and witnesses in the judicial process by providing timely notification, emergency assistance and other means.*

Proper notification allows the victim or witness the opportunity to prepare to participate in the judicial process. The prosecutor's case is enhanced by having a witness available and prepared to testify. Notification also gives victims and witnesses the opportunity to make preparations for absences from their jobs, family, and other responsibilities. The Department is developing a National Victims Notification System that will include a call center where victims can use a telephone to dial a toll-free number and receive an automated response regarding the current status of their case. This system will play an important role in bridging any gap in information provided to victims and witnesses during the different stages of the judicial process.

Some victims require direct services that are not otherwise available, such as transportation costs to and from court, emergency child care or shelter, or crisis counseling. The Department provides essential direct services, where necessary, through the U.S. Attorneys' offices, using monies from the Crime Victims Fund.

### **Key Crosscutting Programs**

The Office for Victims of Crime in the Office of Justice Programs provides leadership and assistance in victim and witness matters to both Justice and non-Justice federal agencies (including the Departments of Treasury, State, Defense and Interior).

## **STRATEGIC OBJECTIVE 6.4**

### **BANKRUPTCY**

*Protect the integrity and ensure the effective operation of the nation's bankruptcy system.*

The Department, through the U.S. Trustee Program (USTP), oversees and administers the bankruptcy caseload and combats bankruptcy fraud. The USTP works to

ensure that cases are administered promptly, effectively and fairly. Timely administration of bankruptcy cases is critical to the integrity of the bankruptcy system and the maximum distribution of funds to creditors.

In the United States, federal bankruptcy law allows individuals, businesses, corporations, farmers, and municipalities to file bankruptcy. Filing bankruptcy is a means of relief from debts owed to creditors through the liquidation of assets, reorganization, or through the development of a scheduled repayment plan, where the debts originated due to uncontrollable events, failed business investments, or other risks taken, placing them in an untenable position with creditors. Since 1996, bankruptcy filings in America have been increasing at a significant rate. In 1996, total bankruptcy filings were just under 1 million (934,689). By 1999, total filings had increased to 1,360,461. This represents a 45 percent increase in the last three years with the greatest growth attributed to individual liquidation filings.

### **Strategies to Achieve the Objective**

*Provide administrative support to move cases efficiently and effectively through the bankruptcy process.*

The USTP must provide effective administrative support to the private trustees to ensure that cases are processed in a timely and efficient manner. Such oversight must identify problems sufficiently early in cases and provide intervention as necessary to prevent cases from being held up, since the longer the case is in the system the less money is available for creditors.

*Ensure that parties adhere to standards of the law and police for embezzlement, fraud and other abuses.*

The USTP is increasingly being urged by judges, private trustees and national creditor organizations to do more to identify fraud and abuse in the bankruptcy system and ensure that perpetrators are sanctioned. While the USTP has identified many forms of bankruptcy fraud and abuse, there is little empirical evidence as to the extent of fraud within the system. The USTP will vigorously pursue an effort to improve its criminal referral database to track information on referrals to better assess the question on the extent of fraud in the system.

*Maximize the return of estate assets to creditors.*

In order to ensure that the return of estate assets to creditors is maximized, the USTP will continue to review methods of reducing professional fees in bankruptcy cases and ensuring that the expenses of administering the cases are actual and necessary, as specified by statute. Additionally, the USTP will track the cost of trustee operations as a percent of funds distributed to creditors.

*Improve the accuracy of data and information on bankruptcy case administration and operation of the bankruptcy system to assess performance.*

Currently, information about the United States Trustees bankruptcy administration is gathered through periodic data calls, random surveys, and regular consultations with United States Trustees. The process to gather information is cumbersome, and time to analyze the information makes tracking of performance difficult. Automating the collection of data will improve the quality and timeliness of the information received, reduce the burden on staff of collecting and analyzing the data, and allow performance review to occur regularly rather than episodically. Better information about performance, will lead to earlier detection of problems, and the implementation of corrective measures to assure that the objective is met. Improvements include the enhancement of the United States Trustee Case



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Management System, creation of a database to track civil enforcement actions and violations of restriction on non-professional bankruptcy petition preparers.

### **Key Crosscutting Programs**

*MOU between the Executive Office of the U.S. Trustees (EOUST) and AOUSC.* The EOUST is responsible for the USTP, which conducts the administrative work of processing all bankruptcies in the United States. Prior to 1978, such work was conducted under the U.S. Court System (AOUSC). As a means to further define the work of the USTP and the AOUSC to prevent any duplication of effort in bankruptcy case administration, the EOUST established a MOU with the AOUSC. The MOU defines all of the specific activities the USTP shall conduct regarding case administration and those that the U.S. bankruptcy court will complete.

## **MANAGEMENT CHALLENGES**

The Department does not face any mission-critical management problems or challenges which would significantly hinder the Department from achieving this strategic goal.