

**United States Marshals Service  
FY 2011 Performance Budget  
Congressional Submission**

**Salaries & Expenses and Construction Appropriations**



**January 2010**

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**United States Marshals Service**  
**FY 2011 Congressional Submission**  
**Salaries and Expenses, and Construction**

**I. Overview for the United States Marshals Service**

**A. Introduction**

The United States Marshals Service (USMS) ensures the functioning of the federal judicial process by protecting members of the judicial family (judges, attorneys, witnesses, and jurors), providing physical security in courthouses, safeguarding witnesses, transporting and producing prisoners for court proceedings, executing court orders and arrest warrants, apprehending fugitives, and seizing forfeited property. All USMS duties and responsibilities emanate from this core mission. Electronic copies of the Department of Justice's congressional budget summaries and performance plan can be viewed or downloaded from the Internet using the Internet address: <http://www.usdoj.gov/jmd/2011justification/>.

For FY 2011, the USMS requests a total of 5,558 positions, 5,466 FTE (excluding reimbursable FTE), \$1.181 billion for the Salaries and Expenses (S&E) appropriation, and \$26.625 million for the Construction appropriation, totaling \$1.207 billion. Of this amount, **14 positions (12 Deputy Marshals), 7 FTE, and \$10.181 million** are S&E program enhancements to address the protection of the federal judicial system and the targeting and reduction of violent crime, and **\$2.635 million** are an offset request for travel, for a total net increase of **\$7.546 million**.

**B. Organizational History**

The Judiciary Act of 1789 established the original 13 federal judicial districts and called for the appointment of a Marshal for each district. President Washington nominated the first Marshals and they were confirmed by the Senate on September 26, 1789. Each Marshal was invested with the following rights and responsibilities: to take an oath of office; to command assistance and appoint deputies as needed to serve a four-year appointment; to attend federal courts, including the Supreme Court when sitting in his district; and to execute all lawful precepts directed by the U.S. government.

The early Marshals had duties beyond those of present-day Marshals, such as taking the census and serving as collection and disbursal agents for the federal court system. Until 1896, Marshals did not receive salaries. They were compensated from fees collected for performing their official duties.

The Attorney General began supervising the Marshals in 1861. The Department of Justice (DOJ) was created in 1870 and the Marshals have been under DOJ's purview since that time. The first organization to supervise Marshals nationwide, the Executive Office for United States Marshals, was established in 1956 by the Deputy Attorney General. DOJ Order 415-69 established the United States Marshals Service on May 12, 1969. On November 18, 1988, the

USMS was officially established as a bureau within the Department under the authority and direction of the Attorney General with its Director appointed by the President. Prior to 1988, the Director of the USMS was appointed by the Attorney General. The most recent headquarters organizational chart is displayed in Exhibit A.

The role of the U.S. Marshals has had a profound impact on the history of this country since the time when America was expanding across the continent into the western territories. With changes in prosecutorial emphasis over time, the mission of the USMS has transitioned as well. In more recent history, law enforcement emphasis has shifted with changing social mandates. Examples include:

- In the 1960s, Deputy Marshals provided security and escorted Ruby Bridges and James Meredith to school following federal court orders requiring segregated Southern schools and colleges to integrate.
- In 1973, the Drug Enforcement Administration (DEA) was created resulting in a greater focus on drug-related arrests. The USMS immediately faced rapidly increasing numbers of drug-related detainees, protected witnesses, and fugitives.
- As the number of immigrants illegally entering the U.S. skyrocketed in the 1990s, the USMS experienced huge prisoner and fugitive workload growth along the Southwest Border.
- The Presidential Threat Protection Act of 2000 (P.L. 106-544) directed the USMS to provide assistance to state and local law enforcement agencies in the location and apprehension of their most violent fugitives. As a result, the Marshals Service has increased the size and effectiveness of its regional and district-based fugitive apprehension task forces, thus providing a critical “force multiplier” effect that aids in the reduction of violent crime across the nation.
- With more resources dedicated to apprehending and prosecuting suspected terrorists, the USMS strives to meet the increasing demands for high-level security required for many violent criminal and terrorist-related court proceedings.
- The Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248) strengthened federal penalties by making the failure to register as a sex offender a federal offense. This Act directs the USMS to “assist jurisdictions in locating and apprehending sex offenders who violate sex offender registry requirements.” This law marks an important step forward in the efforts to protect children from sexual and other violent crimes.

### **C. USMS Budget**

In the FY 2010 enacted budget, the USMS received \$1.152 billion, of which \$1.126 billion was in the S&E appropriation and \$26.6 million in the Construction appropriation.

In addition to these direct resources, the USMS also receives reimbursable and other indirect resources from a variety of sources. Some of the larger sources include:

- The Office of the Federal Detention Trustee (OFDT) provides funding for housing, transportation via the Justice Prisoner and Alien Transportation System (JPATS), medical care, and other expenses related to federal detainees;
- The Administrative Office of the United States Courts (AOUSC) provides funding for administering the Judicial Facility Security Program;
- The Assets Forfeiture Fund (AFF) provides funding for managing and disposing seized assets;
- The Fees and Expenses of Witnesses (FEW) appropriation provides funding for securing and relocating protected witnesses; and
- The Organized Crime Drug Enforcement Task Force (OCDETF) provides funding for apprehending major drug case fugitives.

The USMS S&E budget is divided into five decision units. These decision units contain the personnel and funds associated with the following missions:

- **Judicial and Courthouse Security** – protects federal judges, jurors and other members of the federal judiciary. This mission is accomplished by anticipating and deterring threats to the judiciary, and the continuous development and employment of innovative protective techniques;
- **Fugitive Apprehension** – conducts investigations involving: escaped federal prisoners; probation, parole and bond default violators; and fugitives based on warrants generated during drug investigations. In addition to these primary responsibilities, USMS task forces investigate and apprehend violent felony fugitives wanted by state and local authorities as well as international and foreign fugitives, gang members, and sex offenders;
- **Prisoner Security and Transportation** – moves prisoners between judicial districts, correctional institutions and foreign countries;
- **Protection of Witnesses** – provides for the security, health and safety of government witnesses and their immediate dependents whose lives are in danger as a result of their testimony against drug traffickers, terrorists, organized crime members and other major criminals; and
- **Tactical Operations** – conducts special assignments and security missions in situations involving crisis response, homeland security and other national emergencies.

#### **D. Strategic Goals**

The USMS mission supports all three goals within the DOJ Strategic Plan. Goal I is to “Prevent Terrorism and Promote the Nation’s Security.” Objective 1.2 is to “Strengthen partnerships to prevent, deter, and respond to terrorist incidents.” The USMS supports this objective by:

- Conducting threat assessments and investigating incoming threats or inappropriate communications made against members of the judicial family, and

- Assigning Deputy Marshals to the Federal Bureau of Investigation (FBI) Joint Terrorism Task Forces to work terrorism cases and share information that may be critical to protect the federal judiciary.

Goal II is to “Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People.” Objective 2.3 is to “Prevent, suppress, and intervene in crimes against children.” Objective 2.4 is to “Reduce the threat, trafficking, use, and related violence of illegal drugs.” The USMS supports these objectives by:

- Participating on the Organized Crime Drug Enforcement Task Forces (OCDETF) and DEA fugitive apprehensions.
- Enforcing the Adam Walsh Child Protection and Safety Act of 2006.

Goal III is to “Ensure the Fair and Efficient Administration of Justice.” The majority of USMS resources are devoted to support Goal III. Objective 3.1 is to “Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.” Objective 3.2 is to “Ensure the apprehension of fugitives from justice.” The USMS supports these objectives by:

- Protecting judges, prosecutors, and other participants in the federal judicial system;
- Securing federal court facilities and renovating courthouses to meet security standards;
- Investigating and apprehending federal, state, local and international fugitives impacting the reduction of violent crime;
- Transporting prisoners to court-ordered proceedings;
- Operating and maintaining the fleet of aircraft and ground transportation assets that comprise the Justice Prisoner and Alien Transportation System (JPATS);
- Protecting witnesses who provide testimony on behalf of the US Government; and
- Providing tactical support for any AG-directed mission, including natural disasters and civil disturbances.

## **E. Challenges**

USMS mission responsibilities continue to grow, making effective planning essential to accomplish the workload and meet all expectations. Most of these challenges fall into broad categories:

### **External Challenges**

Detention is an integral part of the federal judicial system because it is one of the primary tools the judiciary uses to manage risk. The USMS and the OFDT agree that the federal prisoner population will continue to grow at an alarming rate. The federal judiciary relies on the USMS to enforce all orders of detention for those criminal defendants deemed a danger to the community or themselves. The USMS is committed to providing a safe, secure, humane, and transparent custodial environment for all criminal defendants detained by the federal courts.



The average daily prisoner population continues to grow and is estimated to be over 60,500 by the end of FY 2010. This is a 73.5 percent increase in the last ten years. In FY 2009, the USMS conducted 881,948 prisoner productions. By FY 2011, the USMS anticipates more than 1 million prisoner productions. In FY 2009, the average daily prisoner population (ADP) was 58,076, and by FY 2011, OFDT projects that the ADP will grow by more than 3,300 prisoners.

The increased prisoner population has created enormous administrative workload within the 94 USMS districts. Every prisoner remanded into USMS custody must be administratively tracked as they proceed through the steps of the judicial process. Additionally, the USMS must audit and certify monthly billing for each prisoner's housing, transportation and medical expenses. The USMS accomplishes this most important side of detention through accurate data entry and analysis in the USMS Justice Detainee Information System (JDIS) and the OFDT e-Designate and e-Move systems.

New federal law enforcement initiatives and efficiencies yield a larger number of arrests, and each federal arrest leads to additional workload for the USMS because the USMS maintains custody of all arrested individuals for the duration of a trial. According to data from the Administrative Office of the U.S. Courts,<sup>1</sup> the number of criminal cases filed in 2008 rose by 4 percent to 70,896 cases, and the number of defendants in those cases increased by 3 percent to 92,355 defendants.

Immigration criminal case filings jumped by 27 percent in FY 2008 to 21,313 cases, and the number of defendants in those cases rose by 26 percent to 22,685 defendants. That growth in immigration cases resulted mostly from filings addressing improper reentry by aliens and filings involving fraud and misuse of visa or entry permits in the five southwestern border districts. Sex offense case filings grew by 9 percent to 2,674 cases, and the number of defendants in those cases climbed by 7 percent to 2,760 defendants. The increase in sex offense filings stemmed from cases involving sexually explicit material and sex offender registration. The number of drug cases dropped by 7 percent to 15,784 cases, and the number of defendants charged with drug crimes fell by 3 percent to 28,932 defendants. Those reductions occurred when investigative agencies shifted their focus from drugs to terrorism and sex offenses.

## **Internal Challenges**

The USMS must maximize the efficiency and effectiveness of its programs to address the increasing workload. The USMS must also ensure that effective business processes and reliable financial systems are in place to efficiently and responsibly manage limited resources. Toward that end, the USMS has worked to address material weaknesses identified in annual financial management audits. Significant strides have been made to improve fiscal accountability and system/data integrity including:

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<sup>1</sup> Administrative Office of the U.S. Courts, "Workload of the Courts", The Third Branch, Vol. 41, Number 1, January 2009

- Appropriately segregating duties;
- Monitoring user activity through review of unalterable logs;
- Applying more stringent access controls;
- Enhancing system backup and restoration capabilities; and
- Deploying automated tools to comply with federal IT security requirements.

After audits by the Office of the Inspector General (OIG), the Government Accountability Office (GAO) and independent auditors noted material weaknesses or nonconformance in a number of aspects of financial control and assurance in previous years, the USMS placed a focused emphasis on addressing and correcting the conditions allowing these weaknesses to occur.

This increased emphasis on improving the internal controls environment led to changes in financial management, information technology, human resources, and other administrative areas. For example, a new, more secure wide area network was deployed covering more than 370 locations and several enhancements were made to the Justice Detainee Information System (JDIS). Electronic self-audit checklists were developed for human resource and administrative functions to allow for a significant increase in the number of district reviews that can be conducted in a given year. The USMS is improving its in-house accounting system during FY 2010 to prepare for the migration to the new DOJ accounting system, the Unified Financial Management System (UFMS). Much of the progress noted above was achieved through a more effective leveraging of technology, and the USMS has made significant progress in developing its IT infrastructure.

One of the key challenges facing the USMS is to expeditiously bring the enacted FY 2010 resources online. In addition to conducting the hiring and background investigation process and requisite training for new employees, bringing new Deputy Marshals and administrative staff on board will also require a variety of procurement actions, from office equipment and supplies to vehicles, IT and communications devices, and personal protective gear. District offices also require some physical rearrangement or renovation in order to accommodate additional personnel and equipment in existing space.

### **Internal and External Challenges**

The evolving and expanding operational missions of the USMS require periodic re-evaluation of the Deputy Marshal position to ensure the USMS is appropriately classifying and compensating employees for the work performed. The USMS operates under very broad statutory authority. (See 28 U.S.C. § 564 and 566.) This authority provides the USMS with a great deal of discretion in performing its complex missions. Since September 11, 2001, the country's law enforcement environment has changed and the USMS missions have expanded and elevated in their level of complexity. Re-evaluating the law enforcement career path based on these mission changes ensures that USMS personnel are properly classified and compensated consistent with Office of Personnel Management (OPM) standards.

In addition, the USMS is reassessing the full performance level of the Deputy Marshal position based on increased complexity of work and expanded duty and mission requirements. The business case for upgrading the position is based on the expanded duties, responsibilities, and

scope of the work currently required of Deputy Marshals. As the USMS continues to work with OPM and the Justice Management Division (JMD) to examine the job series classification issues, the long-term financial impact will be assessed. The USMS will ensure that the full performance level is appropriate for the duties assigned and that the long term impacts are carefully examined. There are many internal challenges in terms of updating policies, revising training methods, and streamlining recruiting and hiring practices.

## II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Technical Operations Group (TOG)	Resources to target and reduce violent crime.	0	0	\$6,417	50
Special Operations Group (SOG)	Resources to strengthen the USMS' ability to prevent and respond to terrorist and other attacks against the federal judiciary and protected government witnesses.	14	7	3,764	53
Travel	Resources for travel expenditures	0	0	(2,635)	58
<b>Total Program Changes</b>		<b>14</b>	<b>7</b>	<b>\$7,546</b>	

### **III. Appropriations Language and Analysis of Appropriations Language**

#### **United States Marshals Service**

##### **Salaries and Expenses**

For necessary expenses of the United States Marshals Service, [\$1,125,763,000] ~~\$1,180,534,000~~; of which not to exceed [\$30,000] \$6,000 shall be available for official reception and representation expenses; of which not to exceed \$10,000,000 shall remain available until expended for information technology systems. (*Department of Justice Appropriations Act, 2010*)

##### **Construction**

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$26,625,000 to remain available until expended; of which not less than \$12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling. (*Department of Justice Appropriations Act, 2010*)

##### **Analysis of Appropriations Language**

No substantive changes proposed.

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#### IV. Decision Unit Justification

##### A. Judicial and Courthouse Security

Judicial and Courthouse Security (S&E)	Perm. Pos.	FTE	Amount
2009 Enacted with Rescissions	1,864	1,818	\$379,508
2009 Supplementals	0	0	4,000
2009 Enacted w/Rescissions and Supplementals	1,864	1,818	383,508
2010 Enacted	2,098	1,948	426,401
Adjustments to Base and Technical Adjustments	0	117	15,037
2011 Current Services	2,098	2,065	441,438
2011 Program Increases	0	0	0
2011 Program Offsets	0	0	(1,045)
2011 Request	2,098	2,065	440,393
<b>Total Change 2010-2011</b>	<b>...</b>	<b>117</b>	<b>13,992</b>

Judicial and Courthouse Security (Construction)	Perm. Pos.	FTE	Amount
2009 Enacted with Rescissions	0	0	\$4,000
2010 Enacted	0	0	26,625
2011 Current Services	0	0	26,625
2011 Program Increases	0	0	0
2011 Request	0	0	26,625
<b>Total Change 2010-2011</b>	<b>0</b>	<b>0</b>	<b>0</b>

Judicial and Courthouse Security TOTAL	Perm. Pos.	FTE	Amount
2009 Enacted with Rescissions	1,864	1,818	\$383,508
2009 Supplementals	0	0	\$4,000
2009 Enacted w/Rescissions and Supplementals	1,864	1,818	387,508
2010 Enacted	2,098	1,948	453,026
Adjustments to Base and Technical Adjustments	0	117	15,037
2011 Current Services	2,098	2,065	468,063
2011 Program Increases	0	0	0
2011 Program Offsets	0	0	(1,045)
2011 Request	2,098	2,065	467,018
<b>Total Change 2010-2011</b>	<b>0</b>	<b>117</b>	<b>13,992</b>

Judicial and Courthouse Security – Information Technology Breakout (of Decision Unit Total)	Perm. Pos.	FTE	Amount
2009 Enacted with Rescissions	41	41	\$25,359

2009 Supplementals	0	0	0
2009 Enacted w/Rescissions and Supplementals	41	41	25,359
2010 Enacted	40	40	23,044
Adjustments to Base and Technical Adjustments	0	0	0
2011 Current Services	40	40	23,044
2011 Program Increases	0	0	0
2011 Request	40	40	23,044
<b>Total Change 2010-2011</b>	<b>0</b>	<b>0</b>	<b>0</b>

## 1. Program Description

**Judicial and Courthouse Security** encompasses personnel security (security protective detail for a judge or prosecutor) and building security (security equipment to monitor and protect a federal courthouse facility). Judicial security also includes maintaining security of prisoners in custody during court proceedings. Deputy Marshals are assigned to 94 judicial districts (93 federal districts and the Superior Court for the District of Columbia) to protect the federal judicial system which handles a variety of cases including domestic and international terrorists, domestic and international organized criminal organizations, drug trafficking, gangs, and extremist groups. The USMS determines the level of security required for high-threat situations by assessing the threat level, developing security plans based on risks and threat levels, and assigning the commensurate security resources required to maintain a safe environment.

High-security, high-profile events require extensive operational planning and support from specially trained and equipped personnel due to the potential for additional terrorist attacks, threats from extremist groups, the intense media attention, the general public's concerns, and global interest of these events. The complexity and threat levels associated with these cases require additional Deputy Marshals for all aspects of USMS work.

Each judicial district and the 12 circuit courts are assigned a Judicial Security Inspector (JSI). These inspectors are senior-level Deputy Marshals that have experience in every aspect of judicial security. The JSIs improve the USMS' ability to provide security due to their special experience in evaluating security precautions and procedures in federal courthouses. The inspectors assist with off-site security for judges, prosecutors, and other protectees. They also act as the USMS liaison with the Federal Protective Service (FPS) and the federal judiciary.

In 2005, the Office of Protective Intelligence (OPI) was established using existing USMS headquarters resources. Additional resources were provided through the Emergency Supplemental Appropriation Act for Defense, the Global War on Terror, and Tsunami Relief of 2005 (P.L. 109-13). OPI's mission is to review and analyze intelligence and information relating to the safety and security of members of the judiciary and USMS protectees. Pertinent information is disseminated to districts so appropriate measures can be put into place to protect the judicial process.

The USMS and FBI work together to assess and investigate all inappropriate communications received. The FBI has responsibility for investigating threats for the purpose of prosecution. The USMS conducts protective investigations that focus on rendering the threatener harmless,



regardless of the possibility for prosecution. The protective investigation involves the systematic discovery, collection, and assessment of available information. The investigation is to determine a suspect's true intent, motive, and ability to harm the targeted individual. The investigation includes a plan to render the suspect harmless with no risk to the targeted individual. These investigations are the USMS' highest priority.

The USMS also manages the Court Security Officer (CSO) Program, funded through the Court Security Appropriation from the Judiciary. There are approximately 4,800 CSOs who assist Deputy Marshals and the FPS with building security. Their duties include: monitoring security systems; responding to duress alarms; screening visitors at building entrances; controlling access to garages; providing perimeter security in areas not patrolled by FPS; and screening mail and packages.

In addition to maintaining physical security of federal courthouses, the USMS also installs and maintains electronic security systems in USMS-controlled space and develops and implements security system installation plans to protect new and renovated courthouses. This is critical to the safety of judicial officials, courtroom participants, the general public, and USMS personnel. USMS-controlled space includes holding cells adjacent to courtrooms, prisoner/attorney interview rooms, cellblocks, vehicle sally ports, prisoner elevators, USMS office space, and special purpose space. Cameras, duress alarms, remote door openers and all other security devices improve the security presence in prisoner-movement areas. When incidents occur, the USMS is equipped to record events, monitor personnel and prisoners, send additional staff to secure the situation, and identify situations requiring a tactical response.

## 2. Performance Tables

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Judicial and Courthouse Security												
DOJ Strategic Goal/Objective: I: 1.2 Strengthen partnerships to prevent, deter, and respond to terrorist incidents. III: Ensure the Fair and Efficient Administration of Justice 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.												
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)		
		FY 2009		FY 2009		FY 2010 Enacted		Current Services Adjustments and FY 2011 Program Change		FY 2011 Request		
1. Number of court prisoner productions		747,803		747,803		755,514		33,330		788,844		
2. Potential threats to members of the judicial process		1,405		1,390		1,545		155		1,700		
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	
		1,893	\$383,508	1,893	\$383,508	2,023	\$453,026	117	\$13,992	2,140	\$467,018	
		[8,780]		[8,780]		[4,918]		0		[4,918]		
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE		FY 2009		FY 2009		FY 2010 Enacted		Current Services Adjustments and FY 2011 Program Changes		FY 2011 Request	
Program Activity	1. Judicial and Courthouse Security	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	
		1,893	\$383,508	1,893	\$383,508	2,023	\$453,026	117	\$13,992	2,140	\$467,018	
		[8,780]		[8,780]		[4,918]		0		[4,918]		
Performance Measure	1. Potential threats to members of the judicial process: Total investigated	1,405		1,390		1,545		155		1,700		
Performance Measure	2. Protective details provided	560		473		590		100		690		
Performance Measure	3. Percent of federal courthouse facilities meeting minimum security standards	29%		0		29%		0		29%		
Performance Measure	4. Assaults against federal judges	0%		0%		0%		0		0%		
Performance Measure	5. Number of court productions/escapes	747,803	0	747,803	0	755,514	0	33,330	0	788,844	0	
Efficiency Measure	6. Percentage/Number of "expedited" potential threats analyzed by headquarters in 3 business days or less.	100%	4	100%	2	NA	NA	NA	NA	NA	NA	
Efficiency Measure	7. Percentage/Number of "standard" potential threats analyzed by headquarters in 7 business days or less.	97%	1,358	97%	1,348	NA	NA	NA	NA	NA	NA	
Efficiency Measure	8. Percentage/Number of potential threats assessed by the USMS Threat Management Center in one business day or less.	100%	1,405	98%	1,356	100%	1,545	NA	155	100%	1,700	
OUTCOME	9. Number of interrupted judicial proceedings due to inadequate security	0		0		0		0		0		

**A. Definition of Terms or explanations for Indicators:**

Workload:

1. Court prisoner productions are the number of times prisoners are produced for judicial proceedings.
2. A potential threat is any explicit or implied communication with intent to assault, intimidate, or interfere with the federal judicial process which includes judges, prosecutors, witnesses, jurors, court staff, or their families. The communication may be written, oral, or any activity of a suspicious nature.

Performance Measures:

1. A potential threat is any explicit or implied communication with intent to assault, intimidate, or interfere with the federal judicial process which includes judges, prosecutors, witnesses, jurors, court staff, or their families. The communication may be written, oral, or any activity of a suspicious nature. All communications are investigated by both headquarters and the district offices and may lead to a protective detail. The USMS and FBI work together on all potential threats received. The USMS conducts protective investigations that focus on rendering the threatener harmless, regardless of the possibility for prosecution. The FBI has responsibility for investigating threats for the purpose of prosecution. The protective investigation is a systematic collection and assessment of available information. The investigation is to determine a suspect's true intent, motive, and ability to harm the targeted individual. The investigation includes a plan to render the suspect harmless with no risk to the targeted individual. These investigations are the USMS' highest priority due to the potential risk to the targeted individual.
2. A protective detail is a security assignment where a judge, or another member of the judicial system, is protected outside the courthouse. Protective details also involve security assignments for court-related events (such as sequestered juries or judicial conferences). Typically, personal security details are either 24 hours-a-day, 7 days-a-week, or are door-to-door (leave home until return home, or leave home until arrive at work), for the duration of a high-threat trial, a judicial conference, or other high-profile event warranting extra security. Additionally, Supreme Court Justice details are usually provided by a senior inspector whenever a Justice travels outside of the Washington, D.C. area. The Justices frequently deliver speeches at public events around the country requiring protection from the airport to the site of the speech, up to 24-hour protection details. Security details for events are set at one of four levels: (Level 1) on-site security is already in place and no USMS personnel are required; (Level 2) on-site security detail is to be provided by the host district due to a determination of an anticipated security risk that presents opportunities for disruption and violence; (Level 3) a senior inspector supervises the security when the number of judges in attendance is significant, the location of the event is in an unsecured facility or in a dangerous area, and/or the nature of the event presents opportunities for disruption and violence; or (Level 4) a Supreme Court Justice or a significant number of judges are in attendance and the anticipated security risk is determined to present substantial opportunities for disruption and violence.

3. The USMS National Security Survey (NSS) has been administered three times: 1999, 2002, and 2006. In the most recent survey, results were based on 329 facilities having prisoner movement areas. Each facility was evaluated according to the USMS “Requirements and Specifications for Special Purpose and Support Space Manual,” the “U.S. Courts Design Guide,” and the “Vulnerability Assessment for Federal Facilities.” The security of each facility was graded on a 100 point scale, with 80 points being the score that met minimum security requirements. In the initial 1999 survey, only 6 percent of the facilities surveyed met the minimum security requirements. In 2006, 29 percent of the facilities surveyed met the minimum security requirements showing a 23 percent increase in enhanced security over 7 years.
4. An assault is an attempt to inflict bodily harm.
5. Court productions are the number of times prisoners are produced for any type of judicial proceeding. Any escapes during a court production (in the court room) are included here.
6. Any potential threat directed toward a USMS protectee is given the highest priority and investigated immediately by a Deputy Marshal in the field. Based upon the Deputy Marshal’s preliminary findings, and in conjunction with district management, the threat risk is classified into one of two categories: “Expedite” or “Standard.” This categorization is for analysis purposes. The investigative report is sent to the Office of Protective Intelligence (OPI) at Headquarters while the investigation continues in the district. In some cases, the district has already initiated a protective detail. Upon receipt of the written report from the field, OPI immediately conducts an initial review and analysis, begins queries of USMS databases and databases of other law enforcement agencies, and applies the appropriate analytical tools. OPI then prioritizes and completes the process with computer-aided threat analysis software. A protective investigation classified as “Expedite” requires the OPI to have all analysis completed and reported back to the investigating district(s) within three business days. To be classified as “Expedite” it must meet one or more of the following criterion: the district has initiated a protective detail based on the “perceived” threat level; a suspect has approached a protectee’s residence; other unsettling behavior has been observed at other locations; property has been vandalized; or a person is suspected of monitoring a USMS protected facility. When potential threats are from persons documented as being associated with terrorist organizations, or from individuals or groups that have a documented history of violence against the judicial process, they are also designated as “Expedite.”
7. A protective investigation is classified as “Standard” requires the OPI to have all analysis completed and reported back to the investigating district(s) within seven business days. To be classified as “Standard” it must meet one or more of the following criterion: incarcerated persons with no known outside resources; persons who appear to be communicating from outside the continental United States with no known domestic resources; or individuals who express a sense of outrage at the outcome of a court proceeding.
8. When the USMS Threat Management Center is notified about an inappropriate communication by a district office, multiple record checks of law enforcement data systems are made, investigative recommendations utilizing the Behavior Base Methodology are offered; investigative analysis is initiated, and an investigative report is provided to the district within one business day. The law

enforcement data systems reviewed include the USMS Justice Detainee Information System (JDIS), the FBI National Crime Information Center (NCIC), the FBI National Law Enforcement Telecommunications System (NLETS), the US Secret Service Targeted Violence Information Sharing System (TAVISS) and the BOP SENTRY.

Outcome:

9. The number of interrupted judicial proceedings due to inadequate security reflects proceedings that required either removing the judge from the courtroom or the addition of Deputy Marshals to control the situation. An “interruption” occurs when a judge is removed as a result of a potentially dangerous incident and/or where proceedings are suspended until the USMS calls on additional deputies to guarantee the safety of the judge, witnesses, and other participants.

**B. Factors Affecting Selection of FY 2010 - FY 2011 Plans.**

The decision to bring selected Guantanamo Bay detainees to trial in the Federal Courts system will provide a formidable challenge to the USMS. The USMS is committed to the protection of the judicial process by ensuring the safe and secure conduct of judicial proceedings and protecting federal judges, jurors and other members of the court family. This mission is accomplished by anticipating and deterring threats to the judiciary, and the continuous employment of innovative protective techniques.

It is critical that the USMS operates effectively and efficiently to provide the highest possible security for the federal judicial process. Deputy Marshals are the functional backbone of the agency because they provide direct service to the federal courts. Many of these prisoners have extensive violent histories and connections to terrorist organizations. Deputy Marshals must provide for their secure movement, detention, and safe production for court proceedings.

PERFORMANCE MEASURE TABLE											
Decision Unit: Judicial and Courthouse Security											
Performance Report and Performance Plan Targets		FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009		FY 2010	FY 2011
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	1. Potential threats investigated	592	665	953	1,111	1,145	1,278	1,405	1,390	1,545	1,700
Performance Measure	2. Protective Details Provided:Personal and Event	393	408	484	464	487	540	560	473	590	690
Performance Measure	3. Percent of federal courthouse facilities meeting minimum security standards *	19%	19%	19%	19%	29%	29%	29%	29%	29%	29%
Performance Measure	4. Assaults against federal judges *	0	0	0	0	0	0	0	0	0	0
Performance Measure	5. Number of court productions	536,677	587,719	649,611	642,471	661,593	711,509	747,803	747,803	755,514	788,844
Performance Measure	5. Number of court escapes *	0	0	0	0	0	0	0	0	0	0
Efficiency Measure	6. Percentage of "expedited" potential threats analyzed by HQ in 3 business days or less	N/A	N/A	N/A	91%	100%	100%	100%	100%	N/A	N/A
Efficiency Measure	6. Number of "expedited" potential threats analyzed by HQ in 3 business days or less	N/A	N/A	N/A	20	3	3	2	2	N/A	N/A
Efficiency Measure	7. Percentage of "standard" potential threats analyzed by HQ in 7 business days or less	N/A	N/A	N/A	13%	97%	96%	97%	97%	N/A	N/A
Efficiency Measure	7. Number of "standard" potential threats analyzed by HQ in 7 business days or less	N/A	N/A	N/A	137	1,104	1,235	1,358	1,348	N/A	N/A
Efficiency Measure	8. Percentage of potential threats assessed by the USMS Threat Management Center in 1 business day or less	N/A	N/A	N/A	N/A	4%	99%	100%	98%	100%	100%
Efficiency Measure	8. Number of potential threats assessed by the USMS Threat Management Center in 1 business day or less	N/A	N/A	N/A	N/A	43	1,277	1,405	1,348	1,545	1,700
OUTCOME Measure	9. Number of interrupted judicial proceedings due to inadequate security *	1	0	0	0	2	1	0	2	0	0

N/A = Data unavailable

\* Denotes inclusion in the DOJ Quarterly Status Report

### **3. Performance, Resources, and Strategies**

The Judicial and Courthouse Security decision unit supports the Department's Strategic Goals I: Prevent Terrorism and Promote the Nation's Security; and Strategic Goal III: Ensure the Fair and Efficient Operation of the Federal Justice System. Within these goals, the resources specifically address DOJ Strategic Objective: 1.2 – Strengthen partnerships to prevent, deter, and respond to terrorist incidents; and 3.1 – Protect judges, witnesses, and other participants in federal proceedings and ensure the appearance of criminal defendants for judicial proceedings or confinement.

The USMS maintains the integrity of the federal judicial system by: 1) ensuring that U.S. Courthouses, federal buildings, and leased facilities occupied by the federal judiciary and the USMS are secure and safe from intrusion by individuals and technological devices designed to disrupt the judicial process; 2) guaranteeing that federal judges, magistrate judges, attorneys, defendants, witnesses, jurors, and others can participate in uninterrupted court proceedings; 3) assessing inappropriate communications and providing protective details to federal judges or other members of the judicial system; 4) maintaining the custody, protection, and security of prisoners and the safety of material witnesses for appearance in court proceedings; and 5) limiting opportunities for criminals to tamper with evidence or use intimidation, extortion, or bribery to corrupt judicial proceedings.

#### **a. Performance Plan and Report for Outcomes**

As illustrated in the preceding Performance and Resources Table, the performance outcome measure for this decision unit is: number of interrupted judicial proceedings due to inadequate security. The judge will be removed during any potentially dangerous incident and proceedings will be suspended until the USMS can ensure the safety of the judge, attorneys, witnesses, jurors, and other participants. In FY 2009, there were two interrupted judicial proceedings in the courtroom. At no time during either incident was the public or courtroom personnel in any physical danger, or did either judge leave the bench. By definition of this outcome measure, the USMS counts these incidents as “interruptions” because additional Deputy Marshals were called upon to provide security to guarantee the safety of the courtroom participants.

One performance measure is assaults against federal judges. The performance target is always zero assaults. In FY 2009, the USMS met this target. Another performance measure is percent of federal courthouse facilities meeting minimum security standards. The USMS National Security Survey (NSS) has been administered three times: 1999, 2002, and 2006. In the most recent survey, results were based on 329 facilities having prisoner movement areas. Each facility was evaluated according to the USMS “Requirements and Specifications for Special Purpose and Support Space Manual,” the “U.S. Courts Design Guide,” and the “Vulnerability Assessment for Federal Facilities.” The security of each facility was graded on a 100 point scale, with 80 points being the score that met minimum security requirements. In the initial 1999 survey, only 6 percent of the facilities surveyed met the minimum security requirements. In 2006, 29 percent of the facilities surveyed met the minimum security requirements showing a 23 percent increase in enhanced security over 7 years.

The 2006 National Security Survey showed dramatic improvement in electronic security in USMS-controlled space nationwide. Results show critical improvements in the following major security areas:

- 49% have enclosed vehicle sally ports (43% in 2002, 28% in 1999);
- 66% have adequate cells in the main detention area (61% in 2002, 48% in 1999);
- 33% have an adequate number of courtroom holding cells (30% in 2002, 18% in 1999);
- 87% have monitoring capability in the main detention area (80% in 2002, 68% in 1999);
- 47% have an adequate number of prisoner/attorney interview rooms (42% in 2002, 30% in 1999); and
- 46% have secure prisoner elevators (35% in 2002, 24% in 1999).

#### **b. Strategies to Accomplish Outcomes**

During high-risk, high-threat trials dealing with domestic and international terrorist-related and domestic and international organized criminal proceedings, the USMS security requirements increase. The USMS assesses the threat level at all high-threat proceedings, develops security plans, and assigns the commensurate security resources required to maintain a safe environment, including the possible temporary assignment of Deputy Marshals from one district to another to enhance security. Where a proceeding is deemed high-risk, the USMS district staff and Judicial Security Inspectors develop an operational plan well in advance of when a proceeding starts.



## B. Fugitive Apprehension

<b>Fugitive Apprehension TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2009 Enacted with Rescissions	1,526	1,448	\$304,586
2009 Supplementals	0	0	6,000
2009 Enacted w/Rescissions and Supplementals	1,526	1,448	310,586
2010 Enacted	1,831	1,687	378,432
Adjustments to Base and Technical Adjustments	0	117	17,219
2011 Current Services	1,831	1,804	395,651
2011 Program Increases	0	0	6,417
2011 Program Offsets	0	0	(849)
2011 Request	1,831	1,804	401,219
<b>Total Change 2010-2011</b>	<b>0</b>	<b>117</b>	<b>22,787</b>

<b>Fugitive Apprehension – Information Technology Breakout (of Decision Unit Total)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2009 Enacted with Rescissions	32	32	\$19,528
2009 Supplementals	0	0	0
2009 Enacted w/Rescissions and Supplementals	32	32	19,528
2010 Enacted	31	31	17,855
Adjustments to Base and Technical Adjustments	0	0	0
2011 Current Services	31	31	17,855
2011 Program Increases	0	0	0
2011 Request	31	31	17,855
<b>Total Change 2010-2011</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 1. Program Description

The **Fugitive Apprehension** decision unit includes domestic and international fugitive investigations, technical operations, criminal intelligence analysis, special deputations to support fugitive investigations, fugitive extraditions and deportations, sex offender investigations, and the seizure of assets.

The USMS is authorized to locate and apprehend federal, state, and local fugitives both within and outside the U.S. under 28 USC 566(e)(1)(B). The USMS has a long history of providing assistance and expertise to other law enforcement agencies in support of fugitive investigations. The broad scope and responsibilities of the USMS concerning the location and apprehension of federal, state, local, and foreign fugitives is detailed in a series of federal laws, rules, regulations, Department of Justice policies, Office of Legal Counsel opinions, and memoranda of understanding with other federal law enforcement agencies.

The USMS established the 15 Most Wanted Fugitive Program in 1983 in an effort to prioritize the investigation and apprehension of high-profile offenders who are considered to be some of the country's most dangerous fugitives. In 1985, the USMS established its Major Case Fugitive Program in an effort to supplement the successful 15 Most Wanted Fugitive Program. Much like

the 15 Most Wanted Fugitive Program, the Major Case Fugitive Program prioritizes the investigation and apprehension of high-profile offenders who tend to be career criminals whose histories of violence pose a significant threat to public safety. Current and past fugitives targeted by this program include murderers, violent gang members, sex offenders, major drug kingpins, organized crime figures, and individuals wanted for high-profile financial crimes.

The Presidential Threat Protection Act of 2000 (Public Law 106-554) directed the Attorney General, “upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, to establish permanent Fugitive Apprehension Task Forces consisting of federal, state, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the USMS, for the purpose of locating and apprehending fugitives.” Using that authority, the USMS created Regional Fugitive Task Forces (RFTFs) to locate and apprehend the most violent fugitives and to assist in high-profile investigations that identify criminal activities for future state and federal prosecutions. In January 2008, the RFTFs were re-authorized as part of the Court Security Improvement Act of 2007 (Public Law 110-177).

The investigative information collected by the USMS leads to the development of new sources, new case referrals, and the acquisition of information and intelligence that support both criminal investigations and new fugitive cases. In FY 2002, the USMS established two RFTFs in New York/New Jersey and Pacific Southwest regions. Three additional RFTFs were established during FY 2003 and FY 2004 in the Great Lakes, Southeast and Capital Area regions. In FY 2006, an RFTF was established in the Gulf Coast Region and in 2008, the Florida RFTF was established, bringing the total number of RFTFs to seven. As part of the USMS Strategic Plan, the USMS has identified 11 more regions where RFTFs will be created.

Presently, the USMS sponsors 82 district-managed, multi-agency task forces throughout the country that focus their investigative efforts on fugitives wanted for federal, state and local crimes of violence, including sex offenders, gang members, and drug traffickers. Funding for these task forces is often granted through initiatives such as the DOJ Asset Forfeiture Program, High Intensity Drug Trafficking Area (HIDTA) and Project Safe Neighborhoods programs.

As a result of the enactment of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248), the USMS established the Sex Offender Investigative Branch (SOIB) in August 2006. The Act states that “In order to protect the public from sex offenders and offenders against children ...” the “Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.” The USMS is the lead law enforcement agency responsible for investigating sex offender registration violations under the Act. The USMS has three distinct missions pursuant to the Act, including: (1) assisting state, local, tribal, and territorial authorities in the location and apprehension of non-compliant sex offenders; (2) investigating violations of 18 USC § 2250 and related offenses; and (3) assisting in the identification and location of sex offenders relocated as a result of a major disaster. The USMS carries out its duties in partnership with state, local, tribal, and territorial law enforcement authorities and works closely with the National Center for Missing and Exploited Children (NCMEC). SOIB activities also support Project Safe Childhood.

The USMS also supports its fugitive mission through the use of state-of-the art surveillance equipment and specially trained investigators of the USMS Technical Operations Group (TOG). The USMS provides investigative support such as telephone monitoring, electronic tracking and audio-video recording, and air surveillance. With the use of this technologically-advanced equipment, various types of cellular and land-based communications are effectively tracked and traced. In addition, analysts provide tactical and strategic expertise in fugitive investigations. The USMS also enhances fugitive investigative efforts through data exchange with other agencies, such as the Social Security Administration, the DEA, the Department of Agriculture, the Department of Defense, the Department of State, and multiple state and local task forces around the country.

In addition to domestic fugitive investigations, the USMS is responsible for conducting nearly all fugitive extraditions to the U.S. from foreign countries, and for supporting extraditions to foreign countries from the U.S. The complexities of international extraditions require constant coordination and communication with the DOJ Office of International Affairs, Department of State, foreign governments, U.S. Embassies, and USMS district offices. As a member of Interpol, the USMS works with foreign law enforcement officials and cooperates with the Department of State and other U.S. law enforcement agencies in foreign locations to investigate, apprehend and extradite American and foreign fugitives both in the U.S. and abroad. The USMS established foreign field offices in 2003 at the U.S. Embassies in Jamaica, Dominican Republic, and Mexico.

The USMS administers the DOJ Asset Forfeiture Program (AFP), which is one of DOJ's most potent weapons against criminal organizations including complex drug organizations, terrorist networks, organized crime, and money laundering groups. The three goals of the AFP are to: (1) strip criminals of their ill-gotten gains; (2) improve law enforcement cooperation; and (3) enhance law enforcement through equitable revenue sharing. The USMS manages and disposes of the assets seized and forfeited by participating federal law enforcement agencies (including DEA, FBI, ATF, FDA, and US Postal Inspection Service) and US Attorneys nationwide.

To more efficiently manage the AFP workload, in August 2008, the Attorney General granted a waiver to the USMS to fund 28 new Deputy Marshals from the Asset Forfeiture Fund to work exclusively in the USMS AFP. These positions are in addition to those Deputy Marshals who are currently performing AFP-related duties and funded through the USMS S&E appropriation. These positions were phased in over FY 2009 and FY 2010.

The USMS conducts pre-seizure planning which is the process of determining the assets to be targeted for forfeiture and executing court orders for seizures or taking physical custody of assets. The USMS conducts pre-seizure planning with other law enforcement components, executes court orders, and assists in the physical seizure and security of the assets. A national cadre of USMS employees manages and disposes of all assets seized for forfeiture by utilizing successful procedures employed by the private sector. All seized properties are carefully inventoried, appraised, and maintained. Once the assets are forfeited, the USMS ensures that they are disposed of in a timely and commercially sound manner. Upon forfeiture of the assets,

the USMS completes the disposal process by sharing the equity with participating state and local law enforcement agencies.

Operational and administrative coordination within the agency and with other law enforcement agencies is critical to program success. Without a coordinated asset seizure and property management system, assets would fall into disrepair, lose value, and would be more difficult to dispose of in a timely manner.

## 2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Fugitive Apprehension											
DOJ Strategic Goal/Objective: II. Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People. 2.3 Prevent, suppress, and intervene in crimes against children. III. Ensure the Fair and Efficient Administration of Justice. 3.2 Ensure the apprehension of fugitives from justice.											
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2009		FY 2009		FY 2010 Enacted		Current Services Adjustments and FY 2011 Program Changes		FY 2011 Request	
1. Number of wanted primary Federal felony fugitives /1		60,000		62,603		60,000		2,500		62,500	
2. Assets seized in a fiscal year by all DOJ agencies		18,350		19,987		18,350		183		18,533	
<b>Total Costs and FTE</b> (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
		1,674	[\$304,586]	1,674	[\$304,586]	1,929	[\$378,432]	123	[\$22,787]	2,052	[\$401,219]
			[\$77,837]		[\$77,837]		[\$49,792]		[\$3,680]		[\$53,472]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2009		FY 2009		FY 2010 Enacted		Current Services Adjustments and FY 2011 Program Changes		FY 2011 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity	1. Fugitive Apprehension	1,674	[\$304,586]	1,674	[\$304,586]	1,929	[\$378,432]	123	[\$22,787]	2,052	[\$401,219]
			[\$77,837]		[\$77,837]		[\$49,792]		[\$3,680]		[\$53,472]
Performance Measure	1. Number of primary violent Federal felony fugitives apprehended or cleared	15,000		22,366		15,600		600		16,200	
Performance Measure	2. Number of violent state and local felony fugitives apprehended or cleared	50,000		101,910		52,000		2,000		54,000	
Efficiency Measure	3. Number of primary violent Federal and violent non-Federal felony fugitives apprehended or cleared per full cost FTE	50		89		54		4		58	
Efficiency Measure	4. Number of primary Federal felony fugitives and state and local felony fugitives apprehended or cleared per full cost FTE	71		94		75		4		79	
Performance Measure	5. Number of assets disposed:	19,223		19,325		19,223		765		19,988	
	a. Real property	328		418		328		33		361	
	b. Cash	12,850		12,723		12,850		128		12,978	
	c. Other	6,045		6,184		6,045		604		6,649	
Performance Measure	6. Percent of real property assets sold at 85% or more of its fair market value	72%		57%		60%		3%		63%	
Efficiency Measure	7. Percent of real property assets disposed within one year of receipt of the forfeiture documentation	70%		61%		63%		2%		65%	
Outcome	8. Number of primary violent Federal Felony and violent non-Federal felony fugitives apprehended or cleared	65,000		124,276		67,600		2,600		70,200	
Outcome	9. Number and Percent of primary Federal felony fugitives apprehended or cleared /1	33,000	55%	32,860	52%	33,000	53%	500	0%	33,500	54%

/1 FY 2009 actuals now reflect most recent available data and Outcome 9 agrees with OMB MAX reporting. Percentage cleared = 32,860/62,603 = .5249 or 52.49%

## **A. Definition of Terms or Explanations for Indicators:**

### Workload:

1. A primary federal felony fugitive has a warrant(s) in which the USMS has primary apprehension responsibility. These include: escapes from federal custody, supervisory violations, provisional warrants issued at the request of foreign governments, warrants issued by other federal agencies that do not have arrest power, and other federal law enforcement agencies' warrants that are referred to the USMS for apprehension responsibility. Wanted fugitives include all those wanted at the beginning of the fiscal year, plus all fugitive cases received by the USMS throughout the fiscal year.
2. The number of assets seized includes those seized by the USMS and other participants in the DOJ forfeiture program plus assets transferred into USMS custody.

### Performance Measures:

1. A primary violent federal felony fugitive is any individual that has a warrant where the offense code, or the original offense code (for those wanted for supervisory violations), is for Non-Negligent Homicide, Rape, Aggravated Assault, or Robbery, or if the fugitive has an arrest or conviction in their criminal history for any of these 4 crimes, or if the fugitive is designated by the DEA as a violent offender. Also, all sex offenses as defined in the Adam Walsh Child Protection and Safety Act of 2006 (AWA), as well as violations of sex offender registration laws, are considered violent crime. All fugitives reported in this measure are the primary apprehension responsibility of the USMS.
2. A violent state and local felony fugitive is any individual that has a warrant where the offense code, or the original offense code (for those wanted for supervisory violations), is for Non-Negligent Homicide, Rape, Aggravated Assault, or Robbery, or if the fugitive has an arrest or conviction in their criminal history for any of these 4 crimes, or if the fugitive is designated by the DEA as a violent offender. Also, all sex offenses as defined in the AWA, as well as violations of sex offender registration laws, are considered violent crime. This measure includes violent felony state and local fugitives that were cleared in conjunction with state, local, and other federal law enforcement assistance through USMS-led task forces and warrant squads. These individuals are not wanted for federal charges.
3. The total number of primary violent federal fugitives cleared, and state and local violent felony fugitives cleared through USMS-led task forces and warrant squads in a year, is divided by the full-cost FTEs identified in the fugitive apprehension decision unit. A full-cost FTE is comprised of two portions: the FTE associated with investigations and apprehension, and the prorated portion of overhead FTE that support the Deputy Marshals. Overhead FTE (as in procurement, budget, management, human resources, and network support) is included so that the complete effort involved with fugitive apprehension is displayed.
4. A primary federal felony fugitive has a warrant(s) in which the USMS has primary apprehension responsibility. These include escapes from federal custody, supervisory violations, provisional warrants issued at the request of foreign governments, warrants issued by other federal agencies that do not have arrest power, and other federal law enforcement agencies' warrants that are referred to the USMS for apprehension responsibility. A fugitive is considered cleared if the fugitive is arrested, has a detainer issued, or the

warrant is dismissed. A state and local felony fugitive is a fugitive with a state or local felony warrant. The total number of primary federal felony fugitives cleared and state and local felony fugitives cleared through USMS-led task forces and warrant squads, in a year, is divided by the full-cost FTEs identified in the fugitive apprehension decision unit. A full-cost FTE is defined in measure 3.

5.b. The number listed for “cash” signifies the total separate cash assets in USMS custody.

5.c. “Other” assets include: businesses, business inventory, financial instruments, aircraft, jewelry, vessels, vehicles, and heavy machinery.

6. The percent of real property assets that sold for more than 85 percent of its fair market value is based on the total number of real property assets sold in the fiscal year. If a real property asset is not sold after the one-year benchmark, the price may be reduced to expedite the sale. However, if the price was not reduced after the one-year period, and has not sold at 85 percent or more of its fair market value, the property may stay in the inventory for more than one year.

7. The time frame set by the USMS for disposal of real property is 12 months (365 days) based on the best practices of the real estate industry.

Outcome:

8. This measure combines measures 1 and 2 to provide the total of violent fugitives apprehended or cleared.

9. This measure reports the number and percentage of primary federal felony fugitives apprehended or cleared. The percent cleared is calculated by taking the number of cleared fugitives divided by the sum of received fugitives (fugitives that had a warrant issued during the fiscal year) and on-hand fugitives (fugitives that had an active warrant at the beginning of the fiscal year).

**B. Factors Affecting FY 2010 - FY 2011 Plans.**

The ability of the USMS to keep pace with court operations, to include prisoner transportation, security, and productions, will directly impact the effectiveness of the fugitive apprehension initiatives. As long as the USMS receives adequate staffing for its judicial and court security operations, there will be continued focus on fugitive investigation and apprehension. However, when resources are stretched beyond capacity, the USMS must often redirect its operational workforce and temporarily suspend or reduce fugitive investigations.

PERFORMANCE MEASURE TABLE											
Decision Unit: Fugitive Apprehension											
Performance Report and Performance Plan Targets		FY 2003	FY2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009		FY 2010	FY 2011
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	1. Number of primary violent Federal felony fugitives apprehended or cleared	11,626	11,888	13,086	12,500	12,644	18,836	15,000	22,366	15,600	16,200
Performance Measure	2. Number of violent state and local felony fugitives apprehended or cleared	10,067	15,412	23,157	24,752	34,015	73,915	50,000	101,910	52,000	54,000
Efficiency Measure	3. Number of primary violent Federal and violent non-Federal felony fugitives apprehended or cleared per full cost FTE	N/A	N/A	27	27	31	66	50	89	54	58
Efficiency Measure	4. Number of primary Federal felony fugitives and state and local felony fugitives apprehended or cleared per full cost FTE	N/A	N/A	63	65	68	81	71	94	75	79
Performance Measure	5 Number of assets disposed*	30,331	22,988	16,864	17,599	18,262	19,245	19,223	19,325	19,223	19,988
Performance Measure	5.a Number of real property disposed	572	527	568	538	547	372	328	418	328	361
Performance Measure	5.b Number of cash assets disposed*	10,946	10,817	10,936	10,693	11,137	12,872	12,850	12,723	12,850	12,978
Performance Measure	5.c Number of other assets disposed*	18,813	11,644	5,360	6,368	6,578	6,001	6,045	6,184	6,045	6,649
Performance Measure	6. Percent of real property assets sold at 85% or more of its fair market value.	80%	79%	82%	83%	76%	69%	72%	57%	60%	63%
Efficiency Measure	7. Percent of real property assets disposed within one year of receipt of the forfeiture documentation.	80%	80%	80%	82%	78%	68%	70%	61%	63%	65%
Outcome	8. Number of primary violent Federal Felony and violent non-Federal felony fugitives apprehended or cleared	21,693	27,300	36,243	37,250	46,659	92,752	65,000	124,276	67,600	70,200
Outcome	9. Number and Percent of primary Federal felony fugitives apprehended or cleared	27,278 / 54%	29,140 / 55%	30,434 / 55%	30,192 / 54%	33,437 / 55%	34,393 / 55%	33,000 / 55%	32,860 / 52%	33,000 / 53%	33,5000 / 54%

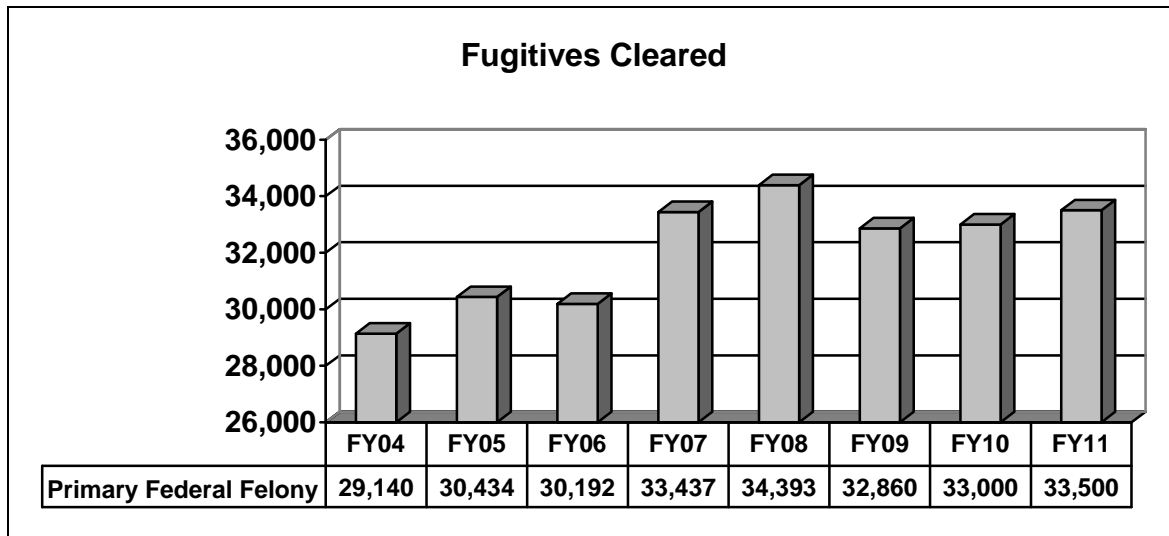
\*2008 Target is different than what is reported in FY 08 President's budget



### 3. Performance, Resources, and Strategies

The Fugitive Apprehension decision unit contributes to the Department’s Strategic Goal II: Prevent Crime, Enforce Laws, and Represent the Rights and Interests of the American People; and Goal III: Ensure the Fair and Efficient Administration of Justice. Within these goals, the decision unit’s resources specifically address two of the Department’s Strategic Objectives: Objective 2.3 - Prevent, suppress, and intervene in crimes against children; and Objective 3.2 – Ensure the apprehension of fugitives from justice.

The USMS arrests more federal fugitives than all other federal agencies combined. The USMS is authorized to investigate such fugitive matters, both within and outside the U.S., as directed by the Attorney General, although this authorization is not to be construed to interfere with or supersede the authority of other federal agencies or bureaus. The U.S. Marshals are unique in that, when executing the laws of the U.S. within a state, they may exercise the same powers which a sheriff of the state may exercise. This authority provides the U.S. Marshals with the tools of both a first-tier federal law enforcement officer and the state sheriff. The USMS possesses the authority to enforce the Fugitive Felon Act and, as a result of its broad statutory authority, may assist state and local agencies in their fugitive missions even in the absence of interstate or other extra-jurisdictional flight.



**Data Definition:** All fugitives reported in this measure are the primary apprehension responsibility of the USMS. A primary federal felony fugitive has a warrant(s) in which the USMS has primary apprehension responsibility. These include escapes from federal custody, supervisory violations, provisional warrants issued at the request of foreign governments, warrants issued by other federal agencies that do not have arrest power, and other federal law enforcement agencies' warrants that are referred to the USMS for apprehension responsibility. A fugitive is considered cleared if the fugitive is arrested, has a detainer issued, or the warrant is dismissed.

**Data Collection and Storage:** Data is maintained in the Warrant Information Network system (WIN) which is a module within the Justice Detainee Information System (JDIS). WIN data is entered by Deputy U.S. Marshals. Upon receiving a warrant, Deputy U.S. Marshals access the FBI's National Crime Information Center (NCIC) through WIN to enter data or to look for previous criminal information. WIN data is stored centrally at headquarters, is accessible to all districts, and is updated as new information is collected.

**Data Validation and Verification:** Warrant and fugitive data is verified by a random sampling of NCIC records generated by the FBI. The USMS coordinates with district offices to verify that warrants are validated against the signed paper records. The USMS then forwards the validated records back to NCIC.

**Data Limitations:** This data is accessible to all districts and updated as new information is collected. There may be a lag in the reporting of data.

## **a. Performance Plan and Report for Outcomes**

As illustrated in the preceding Performance and Resources Table, one performance outcome measure for this decision unit is: “number of primary violent federal and violent non-federal felony fugitives apprehended or cleared.” This includes physical arrest, directed arrest, surrender, dismissal, arrest by another agency, or when a fugitive is taken into custody on a detainment order. The warrants covered by both of these measures include: non-negligent homicide, rape, aggravated assault, or robbery, or if there was an arrest or conviction in the fugitive’s record for any of these offenses, or for any sex offense as defined in the Adam Walsh Child Protection and Safety Act. Another performance outcome measure is: “number and percent of primary federal felony fugitives apprehended or cleared.”

The USMS has changed its fugitive apprehension key indicator measures to “Number and Percent of primary Federal felony fugitives apprehended or cleared.” This was a result of a program assessment of the fugitive apprehension program. This measure more accurately reflects the primary mission of the fugitive apprehension program. The prior key indicator included cases in which the USMS was not the primary apprehending agency and also fugitives wanted for less serious crimes (e.g. traffic violations on federal property). The current measures address these shortcomings by focusing on cases in which the USMS has primary arresting authority and cases that arguably have a greater impact on public safety, making them a priority of USMS fugitive apprehension efforts.

For FY 2009, the USMS cleared significantly more federal, state, and local felony fugitives than in FY 2008. The success of FY 2009 is directly attributable to the ongoing efforts of Operation FALCON (Federal and Local Cops Organized Nationally) and other short term special apprehension initiatives. Partnering with federal, state and local law enforcement agencies throughout the country to pool resources and share investigative information has led to incredible results.

In FY 2009, the USMS RFTFs cleared 42 percent more violent state and local fugitive felons than in FY 2008. The increase is attributed to the continuing establishment of the Florida Regional Fugitive Task Force. In FY 2009, the USMS RFTFs exceeded the previous year’s totals through the efforts of several sweep operations, including Operation Big Easy, conducted in the New Orleans area. This was an unprecedented law enforcement effort concentrating on the Eastern District of Louisiana over a ten-week period, which targeted violent felons, sexual offenders and gang members. In Operation Big Easy, the USMS arrested more than 430 dangerous felons, including 20 individuals wanted for murder and more than 100 sexual offenders. Unlike previous RFTF initiatives, Operation Big Easy was a focused temporary measure. Additionally, the USMS sponsored the sixth initiative for a continuing series of apprehension projects known as Operation FALCON. In FY 2009, Operation FALCON was conducted during the month of June, and conducted nationally. The operation resulted in the apprehension of more than 35,000 fugitive felons, including 433 homicide suspects, 2,300 sexual offenders, and 900 gang members. Through the RFTFs, state and local agencies have a more direct approach to investigate and apprehend their highest priority fugitives, many of whom are violent, repeat offenders. The USMS’ seven RFTFs provide the foundation for a national

network of USMS fugitive task forces, and enable Deputy Marshals to target and capture the most dangerous wanted persons, and make communities across the country safer.

The actual performance in the number of assets disposed is largely dependent upon the number of assets seized and forfeited by the participants in the DOJ AFP. The USMS should have a proportionate number of assets in custody at the close of each fiscal year. The first performance measure is the number of assets disposed of in the following asset categories: a) real property; b) cash; and c) other (i.e., businesses, business inventory, financial instruments, and personal property such as vehicles, vessels, aircraft and firearms). In FY 2009, the USMS disposed of over 19,000 assets. DOJ has a number of new initiatives which will result in an increase in forfeiture actions and increase the pre-seizure, seizure, management, and disposition workload of the USMS. The USMS anticipates the increased workload can be sustained in FY 2010 and FY 2011.

The second performance measure is the percent of real property assets sold at 85 percent or more of their fair market value. The target performance level was 72 percent in FY 2009, however the USMS did not meet its target, instead reaching only 57 percent. This is symptomatic of the national trend in depressed real estate sales. The third performance measure is the percent of real property assets disposed of within one year of receipt of the forfeiture documentation. The target performance level was 70 percent in FY 2009; however the USMS did not meet its target, instead reaching only 61 percent. The time frame set by the USMS for disposal of real property is 12 months (365 days) based on the best practices of the real estate industry. The likely reason for the longer time frame is due to the longer time real property stayed on the market for sale.

## **b. Strategies to Accomplish Outcomes**

During FY 2009, the USMS, with guidance and direction from the DOJ Criminal Division, issued legal and investigative guidelines to investigate violations of the Adam Walsh Child Protection and Safety Act. The USMS is establishing contacts with state registries to coordinate efforts to identify non-compliant sex offenders and has purchased licenses from two vendors for commercially available database services and software to assist in identifying, investigating, locating, apprehending, and prosecuting non-compliant sex offenders. The USMS is also coordinating its enforcement efforts with the Department of Homeland Security's Operation Predator, primarily through the Law Enforcement Support Center in Burlington, Vermont, to ensure that alien sex offenders arrested by the USMS are referred to the Department of Homeland Security (DHS) for potential removal proceedings.

TOG supported regional and circuit judicial conferences and other national special security events. TOG further increased performance in communication interoperability and encryption by providing over 1,000 hours of training to operational personnel, as well as classified briefings and training in technical operations for Congressional Appropriations Committees, Director of the Administrative Office of the U.S. Courts, and prosecutors and investigators from across the country. TOG signed on as a founding endorser of the Joint Communications Access Project (JCAP), a collaborative effort across major federal, state, county, and municipal technical investigative agencies to address high cost, access, standards, bandwidth, storage, buffering, decryption, and filtering issues associated with broadband and multi-access point roving data

intercepts and other highly specialized aspects of electronic communications exploitation. By leveraging existing intercept capabilities, networks and experience, JCAP's goal is to demonstrate cooperative accomplishments at reduced cost without the requirement for a central electronic surveillance office.

The USMS International Investigations Branch has three permanent foreign field offices in Mexico City, Jamaica and the Dominican Republic. Through the international network and multi-jurisdictional investigative expertise, during FY 2009, the USMS conducted over 1,500 international investigations and 874 extraditions and deportations throughout the world. In 2009, the USMS along with Interpol and Crime Stoppers International established the first world wide fugitive initiative, Operation Infra-Red. Infra-Red was responsible for over 1,200 exchanges of law enforcement sensitive intelligence and over 3,800 violent felony arrests. The USMS has increased its highly successful international mission year after year since 1997.

The USMS is also responsible for approximately 90 percent of all Organized Crime Drug Enforcement Task Force (OCDETF) fugitive investigations. USMS OCDETF inspectors work diligently with district Deputy Marshals and other law enforcement agencies to clear over 5,000 OCDETF warrants, bringing many drug-related and organized crime felons to justice.

In FY 2007, DOJ requested that the USMS conduct a comprehensive workforce evaluation to address current and future AFP workforce needs. The analysis led to a number of findings to "right size" the AFP workforce by recruiting highly skilled individuals to meet the increasing complexity of the assets managed and disposed of by the USMS. The USMS worked with DOJ to implement a number of these recommendations in FY 2009 and is on track to continue implementation in FY 2010. Changes include: hiring staff in districts specifically identified with significant internal control weaknesses; updating position descriptions; evaluating positions for potential re-classification; and designing and implementing a new Asset Forfeiture training program.

### C. Prisoner Security and Transportation

<b>Prisoner Security and Transportation TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2009 Enacted with Rescissions	1,008	956	\$198,197
2009 Supplementals	0	0	0
2009 Enacted w/Rescissions and Supplementals	1,008	956	198,197
2010 Enacted	1,241	1,109	251,276
Adjustments to Base and Technical Adjustments	0	116	12,073
2011 Current Services	1,241	1,225	263,349
2011 Program Increases	0	0	0
2011 Program Offsets	0	0	(552)
2011 Request	1,241	1,225	262,797
<b>Total Change 2010-2011</b>	<b>0</b>	<b>116</b>	<b>11,521</b>

<b>Prisoner Security and Transportation – Information Technology Breakout (of Decision Unit Total)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2009 Enacted with Rescissions	20	20	\$12,170
2009 Supplementals	0	0	0
2009 Enacted w/Rescissions and Supplementals	20	20	12,170
2010 Enacted	22	22	12,672
Adjustments to Base and Technical Adjustments	0	0	0
2011 Current Services	22	22	12,672
2011 Program Increases	0	0	0
2011 Request	22	22	12,672
<b>Total Change 2010-2011</b>	<b>0</b>	<b>0</b>	<b>0</b>

#### 1. Program Description

**Prisoner Security and Transportation** is made up of the following activities: processing prisoners in the cellblock, securing the cellblock area, transporting prisoners by ground or air, and inspecting jails used to house federal detainees. As each prisoner is placed into USMS custody, a Deputy Marshal is required to “process” that prisoner. Processing consists of interviewing the prisoner to gather personal, arrest, prosecution, and medical information; fingerprinting and photographing the prisoner; preparing an inventory of any received prisoner property; entering/placing the data and records into the Justice Detainee Information System (JDIS) and the prisoner file; and sending the electronic fingerprint information to the FBI to store in its Integrated Automated Fingerprint Identification System (IAFIS). Using IAFIS, the USMS is able to efficiently track the prisoner as he/she proceeds through the system.

The cellblock is the secured area for holding prisoners in the courthouse before and after they are scheduled to appear in their court proceeding. Deputy Marshals follow strict safety protocols in the cellblocks to ensure the safety of USMS employees and members of the judicial process. A minimum of two Deputy Marshals are required to be present when cells are unlocked or entered, when prisoners are moved into or out of the cellblock or holding cell areas, when prisoners of the

opposite sex are being handled, or when meals are being served. Female and juvenile prisoners must be separated by sight and sound from adult male prisoners within the cellblock. Deputy Marshals must observe the prisoners at least every thirty minutes and must count them every eight hours. Deputy Marshals minimize the amount of time that prisoners who exhibit violent behavior or signs of possible drug overdose, severe mental disorder, or suicidal tendencies are held in the cellblock and closely monitor them during that time. Deputy Marshals provide meals to prisoners if held in the cellblock during normal lunch or dinner hours. Prior to entrance into the cellblock, Deputy Marshals search prisoners and any court clothing provided by Public Defenders to ensure that prisoners and their property are free of contraband.

The USMS is also responsible for transporting prisoners to and from judicial proceedings. Some jails agree to transport prisoners to and from the courthouse at specified rates (which are added to the monthly housing bills); however, most transportation of prisoners is done by Deputy Marshals. Deputy Marshals arrange with jails to have needed prisoners ready to be transported, search the prisoner prior to transport, and properly restrain the prisoners during transportation.

In addition to transporting prisoners to and from the courthouse, Deputy Marshals also transport prisoners between detention facilities for attorney visits, to medical appointments when necessary, and to their Bureau of Prisons (BOP) facility upon designation after sentencing. As prisoners progress through their court proceedings, districts often move prisoners from one detention facility to another. This is done for a variety of reasons: to locate a prisoner closer to or farther from the courthouse, to accommodate the housing limitations at detention facilities, to take advantage of lower-cost jails which may be further from the courthouse, to place prisoners at facilities better equipped to deal with any medical requirements, or to remove a prisoner from other prisoners due to conflict or litigation concerns with other prisoners. When prisoners are wanted in more than one district, Deputy Marshals transport the prisoner to the requesting district upon completion of the court process in the home district.

Occasionally, district offices are required to use air transportation other than the Justice Prisoner and Alien Transportation System (JPATS). For example, in Alaska it is necessary to fly prisoners due to lack of road access in many areas. Another example is transportation of a seriously-ill prisoner. Receiving prisoners into custody, processing them through the cellblock, and transporting them are labor-intensive activities. Producing prisoners for court and detention related activities requires the USMS to partner with the U.S. Courts, Probation and Pretrial Service Offices, BOP, U.S. Attorneys (USA), and a variety of law enforcement agencies. Though the oversight and funding of federal detention resides with the DOJ Office of the Federal Detention Trustee (OFDT), the USMS remains responsible for day-to-day processing and confinement of detainees in its custody.

To ensure that prisoners are being confined securely and humanely, Deputy Marshals inspect state and local detention facilities annually. Additionally, inspections are required before the USMS enters into an Intergovernmental Agreement (IGA) with a facility to house prisoners or upon completion of major changes in operations or physical structure of any facility already being used. The USMS trains Deputy Marshals on the standard conditions of confinement. After an inspection, the Deputy Marshal briefs a detention facility officer on the findings and prepares a written report. Detention facility inspections enable the districts and headquarters to identify problem areas early and identify facilities that provide the best value.

## 2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Prisoner Security and Transportation											
DOJ Strategic Goal/Objective: III: Ensure the Fair and Efficient Administration of Justice. 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.											
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2009		FY 2009		FY 2010 Enacted		Current Services Adjustments and FY2011 Program Changes		FY 2011 Request	
1. Prisoners received		300,395		223,165		319,345		14,088		333,433	
2. Number of prisoner productions		974,158		881,948		1,008,463		44,488		1,052,951	
<b>Total Costs and FTE</b> (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
		956	\$198,197 [\$1,297,681]	956	\$198,197 [\$1,297,681]	1,109	\$251,276 [\$1,382,931]	116	\$11,521 \$0	1,225	\$262,797 [\$1,382,931]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2009		FY 2009		FY 2010 Enacted		Current Services Adjustments and FY2011 Program Changes		FY 2011 Request	
<b>Program Activity</b>	<b>1. Prisoner Security and Transportation</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
		956	\$198,197 [\$1,297,681]	956	\$198,197 [\$1,297,681]	1,109	\$251,276 [\$1,382,931]	116	\$11,521 \$0	1,225	\$262,797 [\$1,382,931]
Efficiency Measure	1. Cost avoided due to medical claim repricing	\$65,582,687		\$68,464,503		\$70,370,223		\$5,137,027		\$75,507,250	
Performance Measure	2. Number of prisoners moved in support of prisoner productions	833,790		747,499		873,030		38,556		911,586	
Efficiency Measure	3. Prisoners processed per Deputy Marshal FTE	1,625		1,797		N/A		N/A		N/A	
<b>Outcome Measure</b>	4. Number of prisoner escapes from USMS custody outside of the courtroom	0		1		0		0		0	

N/A = Measure is being discontinued

## **A. Definition of Terms or explanations for Indicators:**

### Workload:

1. Prisoners received are the number of prisoners taken into USMS custody.
2. Prisoner productions are the number of times prisoners are produced for judicial proceedings, meetings with attorneys, or transported for medical care, between offices and between detention facilities.

### Performance Measures:

1. The costs avoided due to medical claim repricing is the difference between the full-price of medical care and the reduced cost of the same care when the lower Medicare/Medicaid rates are applied to the medical bills.
2. The number of prisoners moved in support of prisoner productions is the number of prisoners that had to be transported from one physical location to another throughout the year for all types of productions.
3. This measure compares the time reported by Deputy Marshals performing prisoner processing activities such as: searching the prisoner, database entry of prisoner information, fingerprinting, photographing, property inventory and storage, and submission of fingerprint records to the FBI. Through implementation of technology such as the automated booking systems and OFDT's e-Designate application, the USMS anticipates greater efficiencies over time. This measure will be impacted by the ability of the USMS to continue implementation of technology systems throughout its district offices.

### Outcome:

4. Prisoner escapes from USMS custody outside of the courtroom include escapes made during the following times: while being transported (for court productions, medical visits, moves between sub-offices or detention facilities), while being held in the cellblock area waiting for the court procedure, and while meeting with attorneys. Any escapes during transportation, or while in USMS custody within the cellblock area or courthouse are included here.

## **B. Factors Affecting Selection of FY 2010 - FY 2011 Plans.**

Zero tolerance prosecutorial initiatives along the Southwest Border continue to increase USMS workload. It is critical that the USMS operates effectively and efficiently to provide the highest possible security for the federal judicial process. Deputy Marshals are the functional backbone of the agency because they provide direct service to the federal courts. Many of these prisoners are violent and/or have extensive criminal histories. Deputy Marshals must produce them for various proceedings on a daily basis.



PERFORMANCE MEASURE TABLE											
Decision Unit: Prisoner Security and Transportation											
Performance Report and Performance Plan Targets		FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009		FY 2010	FY 2011
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Efficiency Measure</b>	1. Cost avoided due to medical claim repricing (\$000)	N/A	N/A	\$43,497	\$50,038	\$56,951	\$61,120	\$65,583	\$68,465	\$70,370	\$75,507
<b>Performance Measure</b>	2. Number of prisoners moved in support of prisoner productions	N/A	N/A	769,701	740,795	738,802	869,518	833,790	747,499	873,070	911,586
<b>Efficiency Measure</b>	3. Prisoners processed per Deputy Marshal FTE *	1,529	1,744	1,478	1,551	1,704	1,989	1,625	1,797	N/A	N/A
<b>OUTCOME Measure</b>	4. Number of prisoner escapes from USMS custody, outside of the courtroom *	0	0	2	1	0	0	0	1	0	0

N/A = Data unavailable

\*Denotes inclusion in the DOJ Quarterly Status Report.

### **3. Performance, Resources, and Strategies**

The Prisoner Security and Transportation decision unit supports the Department's Strategic Goal III: Ensure the Fair and Efficient Operation of the Federal Justice System. Within this goal, the resources specifically address DOJ Strategic Objective 3.1 – Protect judges, witnesses, and other participants in federal proceedings and ensure the appearance of criminal defendants for judicial proceedings or confinement.

The USMS maintains the integrity of the federal judicial system by maintaining the custody, protection, and security of prisoners and ensuring that criminal defendants appear for judicial proceedings. The USMS is required to transport prisoners to court proceedings, medical visits, and attorney meetings. Efficient management of detention resources necessitates that the USMS continuously analyze the court's need for prisoners in relation to detention facility location and cost. This evaluation results in prisoners being moved to various detention facilities as their cases progress through the judicial process. Prisoners are moved to closer facilities when they are often needed to appear. Prisoners are moved to more distant facilities (which are often less costly) as their need to appear in court decreases. Another duty of the USMS is the review of utilized detention facilities to ensure that conditions of confinement are humane and provide adequate security.

#### **a. Performance Plan and Report for Outcomes**

As illustrated in the preceding Performance and Resources Table, the performance outcome measure for this decision unit is the number of prisoner escapes from USMS custody outside of the courtroom. In FY 2009, one prisoner escaped. One performance measure is the number of prisoners moved in support of prisoner productions. The performance target is to ensure that each prisoner securely arrives at each court appearance, attorney meeting, or medical visit. The actual number of prisoner productions is driven by the requirements of the judges and AOUSC and estimated targets are based on historical data. In FY 2008, the USMS moved 869,518 prisoners in support of 926,878 prisoner productions. In FY 2009, the USMS moved 747,499 prisoners in support of 881,948 prisoner productions.

#### **b. Strategies to Accomplish Outcomes**

To efficiently secure and transport prisoners requires that USMS personnel work closely with many other agencies, such as:

- U.S. Courts personnel to determine which prisoners are required for appearances;
- BOP personnel to arrange for prisoner designation and transportation after sentencing;
- U.S. Border Patrol, FBI, DEA, ATF, and other federal, state, and local agency personnel to arrange for initial appearances, custody transfer, and booking; and
- Detention facility personnel to arrange for prisoners to be ready for transport as needed.

## D. Protection of Witnesses

<b>Protection of Witnesses TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2009 Enacted with Rescissions	201	197	32,024
2009 Supplementals	0	0	0
2009 Enacted w/Rescissions and Supplementals	201	197	32,024
2010 Enacted	201	197	33,074
Adjustments to Base and Technical Adjustments	0	0	1,564
2011 Current Services	201	197	34,638
2011 Program Increases	0	0	0
2011 Program Offsets	0	0	(89)
2011 Request	201	197	34,549
<b>Total Change 2010-2011</b>	<b>0</b>	<b>0</b>	<b>1,475</b>

<b>Protection of Witnesses – Information Technology Breakout (of Decision Unit Total)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2009 Enacted with Rescissions	3	3	\$2,056
2009 Supplementals	0	0	0
2009 Enacted w/Rescissions and Supplementals	3	3	2,056
2010 Enacted	3	3	2,515
Adjustments to Base and Technical Adjustments	0	0	0
2011 Current Services	3	3	2,515
2011 Program Increases	0	0	0
2011 Request	3	3	2,515
<b>Total Change 2010-2011</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 1. Program Description

The **Protection of Witnesses** is managed by the Witness Security Program (WSP) which was established by the Organized Crime Control Act of 1970 and amended by the Comprehensive Crime Control Act of 1984. This program provides protection for government witnesses whose lives are threatened as a result of their testimony against drug traffickers, terrorists, organized crime members, and other major criminals. The WSP provides physical security during the trial proceedings as well as assistance to create new identities and relocate witnesses and their families after the trial. Although it was initially established in the 1970's to protect witnesses against Mafia organizations, the WSP was later expanded to include witnesses against drug traffickers. After the bombing of the World Trade Center in 1993, the WSP was again expanded to include witnesses testifying against terrorist organizations.

Three Department of Justice components work collaboratively to administer the WSP. The Criminal Division's Office of Enforcement Operations (OEO) authorizes the entry of witnesses into the program. The Bureau of Prisons (BOP) protects witnesses incarcerated in federal prison facilities. The USMS protects civilian witnesses and their families, relocates them to a secure location, provides them with new identities, and assists them with housing, medical care, job training, and employment until the participants become self-sufficient.

Two different appropriations fund the USMS portion of the WSP. The USMS S&E appropriation funds the salaries, benefits, and the day-to-day operating expenses (such as utilities, supplies, and equipment) for USMS personnel who administer the WSP. The Fees and Expenses of Witnesses (FEW) appropriation funds the expenses related to witness subsistence and relocation, vehicles for WSP Deputy Marshals, and maintenance/repair of safe sites.

Since its inception, the USMS has protected, relocated, and given new identities to more than 8,200 witnesses and over 9,800 family members. The successful operation of this program is widely recognized as providing a unique and valuable tool in the government's war against major criminal conspirators and organized crime.

In both criminal and civil matters involving protected witnesses, the USMS fully cooperates with local law enforcement and court authorities in bringing witnesses to justice or in having them fulfill their legal responsibilities. No program participant who follows security guidelines has ever been harmed by the individuals or organizations they testified against while under the protection of the Marshals Service.

## 2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Protection of Witnesses											
DOJ Strategic Goal/Objective: III: Ensure the Fair and Efficient Administratio of Justice. 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.											
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2009		FY 2009		FY 2010 Enacted		Current Services Adjustments and FY 2011 Program Changes		FY 2011 Request	
1. New witnesses received		139		139		150		0		150	
2. Total witness security program participants		18,118		18,118		18,268		215		18,483	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		197	\$32,024	197	\$32,024	197	\$33,074	0	\$1,475	197	\$34,549
		\$0		\$0		\$0		\$0		\$0	
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2009		FY 2009		FY 2010 Enacted		Current Services Adjustments and FY 2011 Program Changes		FY 2011 Request	
Program Activity	1. Witness Security	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		197	\$32,024	197	\$32,024	197	\$33,074	0	\$1,475	197	\$34,549
		\$0		\$0		\$0		\$0		\$0	
Performance Measure *	1. Number of protected witness productions	2,034		2,013		2,000		0		2,000	
OUTCOME	2. Assaults against funded protected federal witnesses.	0		0		0		0		0	

\*Based on the actual number of witness productions in FY 2008, the program office is anticipating fewer witness security program participants in FY 2010, resulting in fewer protected witness productions.

**A. Definition of Terms or explanations for Indicators:**

Workload:

1. New witnesses received are the number of witnesses accepted into the Witness Security Program.
2. Total Witness Security Program participants are the total number of participants, including immediate family members, currently in the program.

Performance Measures:

1. A witness production is defined as travel of a protected witness away from the relocation area for court testimony, non-court related travel, video teleconferencing, neutral sites, child visitations, and documentation productions.

Outcome:

2. The number of assaults against funded protected federal witnesses reflects the number of attacks on witnesses authorized for program participation that are receiving subsistence and housing expenses.

**B. Factors Affecting FY 2010 - FY 2011 Plans.**

The increase in high-threat trials involving gang members has increased the number of WSP participants who have gang affiliation. This trend is expected to continue as the Administration's priorities continue to focus on anti-gang enforcement.

PERFORMANCE MEASURE TABLE											
Decision Unit: Protection of Witnesses											
Performance Report and Performance Plan Targets		FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009		FY 2010	FY 2011
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Performance Measure</b>	1. Number of protected witness productions	N/A	N/A	946	1,369	1,776	1,859	2,034	2,013	2,000	2,000
<b>OUTCOME Measure</b>	2. Assaults against funded protected federal witnesses	0	0	0	0	0	0	0	0	0	0

N/A = Data unavailable

### **3. Performance, Resources, and Strategies**

The Protection of Witnesses decision unit supports the Department's Strategic Goal III: Ensure the Fair and Efficient Operation of the Federal Justice System. Within this goal, the resources specifically address DOJ Strategic Objective 3.1 – Protect judges, witnesses, and other participants in federal proceedings and ensure the appearance of criminal defendants for judicial proceedings or confinement.

#### **a. Performance Plan and Report for Outcomes**

As illustrated in the preceding Performance and Resources Table, the performance outcome measure for this decision unit is the number of assaults against protected federal witnesses. The number of assaults against protected federal witnesses reflects the number of attacks on witnesses authorized for program participation that are receiving subsistence and housing expenses. In FY 2009, there were no assaults, continuing the USMS' unblemished record for witness security.

#### **b. Strategies to Accomplish Outcomes**

As the number of participants increase, the USMS workload for the Witness Security Program's inspectors and administrative staff will increase. These employees will take on greater workload to ensure that funds are spent appropriately, security is not compromised, and program participants are not assaulted.

## E. Tactical Operations

<b>Tactical Operations TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2009 Enacted with Rescissions	173	168	\$35,685
2009 Supplementals	0	0	0
2009 Enacted w/Rescissions and Supplementals	173	168	35,685
2010 Enacted	173	168	36,580
Adjustments to Base and Technical Adjustments	0	0	1,332
2011 Current Services	173	168	37,912
2011 Program Increases	14	7	3,764
2011 Program Offsets	0	0	(100)
2011 Request	187	175	41,576
<b>Total Change 2010-2011</b>	<b>14</b>	<b>7</b>	<b>4,996</b>

<b>Tactical Operations – Information Technology Breakout (of Decision Unit Total)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2009 Enacted with Rescissions	4	4	\$2,258
2009 Supplementals	0	0	0
2009 Enacted w/Rescissions and Supplementals	4	4	2,258
2010 Enacted	4	4	2,149
Adjustments to Base and Technical Adjustments	0	0	0
2011 Current Services	4	4	2,149
2011 Program Increases	0	0	0
2011 Request	4	4	2,149
<b>Total Change 2010-2011</b>	<b>0</b>	<b>0</b>	<b>0</b>

### 1. Program Description

The **Tactical Operations** decision unit is comprised of: the Special Operations Group; the Office of Emergency Management (including the Emergency Operations and Communications Center), the Office of Crisis Services, the Office of Security Programs, and the Office of Resource Management.

#### **Special Operations Group**

For more than 35 years the Special Operations Group (SOG) has supported the USMS, the Department of Justice, and other government agencies with a highly-trained, rapidly-deployable force of law enforcement officers for tactical response. SOG is a unit of 80-100 volunteer Deputy Marshals who must meet high qualification standards and completing rigorous training in specialties such as high-risk entry, explosive breaching, sniper/observer, rural operations, evasive driving, less lethal munitions, waterborne operations, and tactical medical support. SOG supports all 94 U.S. judicial districts, territories, and possessions by providing assistance in high-risk, sensitive law enforcement operations including protective details, national emergencies, civil disturbances, and national disasters. Due to the extensive training of SOG members, the unit is often called upon to train military, federal, state, local, and foreign law enforcement groups in various tactical specialties.



Based at Camp Beauregard, Louisiana, a major staging area for FEMA disaster response in the Southeast and a geographically central location for domestic operations, the Special Operations Group Tactical Center (SOGTC) is able to provide a rapid response throughout the country. From this base, SOG deploys its fleet of armored vehicles, specialized equipment and tactical operators in support of domestic USMS operations such as 15 Most Wanted Fugitive Program investigations, fugitive task forces, terrorist trial and other high-threat or high-profile judicial proceedings, motorcade protection for high-value individuals, and execution of court orders relating to the seizure of assets belonging to militia groups, domestic terrorist groups, and other anti-government organizations.

The USMS is specifically relied upon to conduct national security operations on behalf of various U.S. government entities due to its broad authority and jurisdiction. SOG is selected for these national security operations due to the sensitive, covert nature of these missions requiring elevated security clearances and specific training, equipment and tactical assets.

SOG participates in the international Stabilization and Reconstruction program working closely with DOD, DOJ, and Department of State personnel in support of Operation Iraqi Freedom and Operation Enduring Freedom. SOG has designed and constructed court facilities, judicial housing, and witness protection safe sites in Iraq and the Counter Narcotics Judicial Center in Afghanistan. SOG also provides technologically-advanced security equipment and programs to improve judicial and witness security, helping to lay the foundation for a more effective judicial system and assisting in the stabilization of the governments of Iraq and Afghanistan.

### **Office of Emergency Management**

The Office of Emergency Management (OEM) is the primary point of contact when the USMS is involved in sensitive and classified missions. The OEM has primary responsibility over the agency's actions involving homeland security, national emergencies, and domestic crises, and it ensures the USMS continuity of operations during emergency situations. The OEM has oversight for numerous emergency management programs including: the Explosive Detection Canine Program, USMS Emergency Response Operations, the Communications Center, the Emergency Operations Center, and Continuity of Government (COG)/ Continuity of Operations (COOP) Programs.

All USMS operational missions are coordinated through the USMS Communications Center and the Emergency Operations Center. The Communications Center operates 24 hours-a-day, 7 days-a-week to ensure inter-agency and intra-agency flow of communication. The Center provides informational assistance to Deputy Marshals in the field who are tracking fugitives, developing leads, and confirming warrants. The Center is also a focal point for all incoming and outgoing classified information relevant to the USMS. All significant incidents such as: shootings in the line of duty, employee injury or death, assaults/attempted assaults of an individual under USMS protection, deaths of prisoners in USMS custody, escapes of federal prisoners, major arrests, and district emergencies, are reported to the Center. The Center then notifies the appropriate personnel and districts and ensures that the proper action is taken.

The Emergency Operations Center (EOC) is activated during emergency incidents involving a coordinated agency-wide response. This includes responses under the federal government's National Response Framework. The EOC is a critical element to ensure coordination and oversight of USMS deployments to emergencies, particularly when there are other government agencies involved.

OEM ensures that the USMS has a viable Continuity of Operations (COOP) plan as required by Presidential Directives, Executive Orders, and Federal Continuity Directives (FCD) 1 and 2. OEM works closely with other federal agencies to ensure that a comprehensive program is in place and provides necessary direction to: continue essential functions, reduce operational disruptions, identify USMS personnel to perform emergency functions, plan for the protection of employees, and designate leadership lines of succession.

The Explosive Detection Canine Program (EDCP) provides support for the following purposes: searching for explosive devices and firearms in the safest most expedient manner possible in consideration of the safety of the judiciary, court staff, the public, and law enforcement officers; assisting other law enforcement agencies in searching for explosive devices and firearms, resulting in active interaction and coordination with these agencies; and meeting with civic groups to give demonstrations which help the public understand the missions of the USMS.

#### **Office of Crisis Services**

Pursuant to DOJ guidance, the USMS placed the Employee Assistance Program (EAP) and Critical Incident Response Team (CIRT) within the same division to better coordinate crisis intervention services and provide USMS employees with the opportunity to receive tangible crisis intervention services and stress management education following critical incidents. The CIRT is comprised of volunteer peer counselors who are specially trained and certified in Critical Incident Stress Management (CISM) and available for immediate deployment in response to critical incidents. In FY 2009, the CIRT responded to 138 critical incidents involving USMS employees, including numerous shooting incidents and the sudden deaths and traumatic injuries of employees.

#### **Office of Security Programs**

Close coordination of security functions is critical to provide better management of limited agency resources. Security programs cut across operational and administrative areas and require specific expertise to ensure that information is not disclosed without proper authorization. The Office of Security Programs includes applicant suitability, secure communications, secure storage containers and classified documents, and headquarters security cameras and badges.

#### **Office of Resource Management**

In order for the USMS to provide the required resources to adequately handle civil disturbances, natural disasters, and extraordinary district operations, the Office of Resource Management calls upon all available agency resources from districts and divisions. Deputy Marshals are selected from various districts and divisions and are equipped and deployed in a manner to minimize significant disruptions to normal business activities. These deployments vary in duration and continue until the mission is successfully completed.

## 2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Tactical Operations											
DOJ Strategic Goal/Objective: III: Ensure the Fair and Efficient Operation of the Federal Justice System. 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.											
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2009		FY 2009		FY 2010 Enacted		Current Services Adjustments and FY 2011 Program Changes		FY 2011 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		202	\$35,685	202	\$35,685	202	\$36,580	7	\$4,996	209	\$41,576
			[\$7,000]		[\$7,000]		[\$7,000]		\$0		[\$7,000]
Program Activity	1. Special Operations and Assignments	202	\$35,685	202	\$35,685	202	\$36,580	7	\$4,996	209	\$41,576
			[\$7,000]		[\$7,000]		[\$7,000]		\$0		[\$7,000]
Performance Measure	1. Number of high threat and emergency situations supported through special operations and assignments	55		62		60		5		65	
Performance Measure	2. Percentage of deployments of special operations/assignments staff or resources before a planned event or within 48 hours of an unforeseen emergency.	100%		100%		100%		0%		100%	

**A. Definition of Terms or Explanation of Indicators:**

Performance Measures:

1. This represents the number of times a special occurrence or event happened where special operations and assignment resources and/or staff were deployed in response.
2. The USMS strives for a consistent timely response to unforeseen emergencies and planned events. The percentage of deployments applies in cases where the request for assistance reaches headquarters at least 48 hours prior to the beginning of the planned event.

**B. Factors Affecting Selection of FY 2010 - FY 2011 Plans.**

The request reflects an anticipated increase in high-threat trials, including those involving terrorists and gang members to ensure additional SOG deployments necessary for district security. In June 2008, the Supreme Court ruled that the approximately 270 terrorism detainees held in Guantanamo Bay at that time had the legal right to challenge their detention in civilian courts. Any cases tried in the United States will require SOG deployment. In addition, SOG anticipates increased participation in Regional Fugitive Task Forces across the country, especially in relation to the apprehension of non-compliant sex offenders as defined in the Adam Walsh Child Protection and Safety Act. Funding for the National Sex Offender Targeting Center became available through the FY 2008 Supplemental Appropriations Act which will increase investigation and apprehension efforts. Additional high-profile prosecutions are also expected in housing and mortgage fraud-related cases.

SOG Deputy Marshals also respond to emergency situations caused by natural disasters, including weather-related incidents and provide support during federal election seasons as candidates campaign across the United States.

SOG's ability to deploy in response to special missions is highly dependent on two critical factors: availability and training of Deputy Marshals. The USMS SOG Advisory Committee has recommended expanding the pool of eligible Deputy Marshal applicants to the SOG program by including Deputy Marshals in the GS-0082 job series, which, if implemented, would create a cadre of 100+ SOG Deputy Marshals (up from the current 86) available to respond to special incidents. Sustainment training in particular is critical to the success of SOG missions because Deputy Marshals are based in districts throughout the country and only come together to train as a unit during these sustainment training sessions.

PERFORMANCE MEASURE TABLE											
Decision Unit: Tactical Operations											
Performance Report and Performance Plan Targets		FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009		FY 2010	FY 2011
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Performance Measure</b>	1. Number of high-threat and emergency situations supported through special operations and assignments	N/A	N/A	38	46	59	51	55	62	60	65
<b>Performance Measure</b>	2. Percentage of deployments of special operations/assignments staff or resources before a planned event or within 48 hours of an unforeseen emergency	N/A	N/A	100%	100%	100%	100%	100%	100%	100%	100%

N/A = Data unavailable

### **3. Performance, Resources, and Strategies**

The Operations Support decision unit supports the Department's Strategic Goal III: Ensure the Fair and Efficient Operation of the Federal Justice System. Within this Goal, the decision unit's resources specifically address one of the Department's Strategic Objectives: 3.1- "Protect judges, witnesses, and other participants in Federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement."

#### **a. Performance Plan and Report for Outcomes**

The USMS strives to provide effective assistance to all levels of government during emergencies and disasters and at times of heightened law enforcement requirements. The USMS is able to deploy its Deputy Marshal workforce to any national emergency designated by the Attorney General. The USMS also successfully protects the Strategic National Stockpile, continues to advance its ability to respond to an emergency by instituting the COOP/ COG programs, and has participated in several national interagency training exercises<sup>2</sup>. Government authority and continuity of operation of the federal justice system must be maintained during emergencies. Professionalism of the USMS will increase through standardization of operations support, improved operational data management, and reduction of audit findings. In FY 2009, the USMS conducted 62 emergency operations and in all cases deployed SOG personnel within 48 hours of a declared emergency. For FY 2010, the USMS anticipates 60 situations.

#### **b. Strategies to Accomplish Outcomes**

The USMS deploys personnel and equipment in support of extraordinary district requirements, ensuring adequate resources are provided to maintain the integrity of the judicial process. The USMS will attempt to: improve its capability to deploy personnel and equipment in response to terrorist acts, natural disasters, and other external missions directed by the Attorney General; maintain operational readiness for efficient movement of people and equipment; and coordinate efforts and increase communication lines between the Strategic National Stockpile Security Operations Unit and the Centers for Disease Control and Prevention to insure adequate dissemination of intelligence information to thwart or respond to terrorist activities.

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<sup>2</sup> These exercises included the Congressionally-mandated Top Officials exercise in April 2005, Operation Pinnacle in June 2005, and the 2007 Title Globe exercise series.

## V. Program Increases by Item

### A. Technical Operations Group (TOG)

**Item Name:** Technical Operations Group (TOG)

**Budget Decision Unit(s):** Fugitive Apprehension

**Strategic Goal(s) & Objective(s):** DOJ Strategic Goal III, Objective 3.2

**Organizational Program:** U.S. Marshals Service

**Program Increase:** Positions 0 Agt/Atty 0 FTE 0 Dollars \$6.417 million

#### Description of Item

The USMS requests **\$6.417 million to target and reduce violent crime**. The USMS arrests more violent fugitives each year than all other federal agencies combined. Through the combined use of Regional Fugitive Task Forces (RFTF), district-based task forces, and foreign field offices, the USMS is unmatched in its ability to produce results with relatively low resource consumption.

#### Justification

The USMS requests **\$6.417 million for the Technical Operations Group's (TOG) Electronic Surveillance Branch (ESB)** to support increasing electronic investigative and intelligence workload generated by the existing RFTFs and the increased technological obstacles presented by fugitives, both domestic and international. TOG ESB Deputy Marshals require very specialized equipment on an ongoing basis to support this mission.

The USMS maintains approximately 42 pieces of over the air cellular intercept equipment, ranging in age from one year to more than a decade. The current inventory is only capable of intercepting four of the six wireless protocols deployed. The current inventory does not have any capability to conduct over the air intercept and tracking of wifi 802.11 technology.

Equipment to deal with these emerging technologies, namely Wifi 802.11 ab,g,n and Wimax 802.16, is currently in production. Long-term evolution, another 4<sup>th</sup> Generation (4G) technology, will be deployed by almost all cellular providers in the U.S. starting in the next few months. By FY 2011, it will be prevalent in the U.S. The equipment to deal with this technology/protocol is under development and slated for production in late 2010. The purchase of the equipment to meet these technological challenges will be critical to TOG's ability to conduct operations in support of the USMS missions.

The combined acquisition cost of the current inventory of over the air cellular intercept equipment is roughly \$9.5 million with annual maintenance costs of more than \$500,000. Each piece of cellular intercept and tracking equipment is portable, vehicle and/or aerial mounted.

The USMS must replenish the current inventory of portable, vehicle and aerial, over-the-air cellular and wifi 802.11 intercept and tracking equipment to meet the technological challenges

resulting from the deployment of third generation (3G), fourth generation (4G), Voice Over Internet Protocol (VOIP) and wifi 802.11 protocols by the telecommunication and electronic communications carriers in the U.S. and abroad. Failure to replenish the current inventory would result in a significant technology gap. The USMS would no longer be able to provide the same level of technical support to the various investigative missions of the RFTFs, OCDEF, foreign field offices, and district-based fugitive task forces. The requested **\$6.417 million for TOG surveillance equipment would allow the USMS to judiciously replace equipment to keep one step ahead of the fugitives.** In 2011, the funds enable the USMS to equip 12 TOG Deputy Marshals. Thereafter, the USMS would have the necessary recurring funds to replace the inventory of air cellular intercept equipment.

Impact on Performance

The proposed initiative directly supports the following Attorney General themes for FY 2011:

- Protect children and other vulnerable populations from abuse, fraudulent schemes, and other conduct that preys on the most vulnerable in our society;
- Dismantle drug and firearms trafficking organizations and stop the flow of illegal drugs, weapons, and cash proceeds across the Southwest Border and elsewhere;
- Reduce youth and violent crime, especially violence perpetrated with guns or by gangs, through a comprehensive approach that integrates prevention and enforcement efforts;
- Improve relationships with state, local, and tribal law enforcement in order to leverage resources and maximize cooperative efforts.

Increased resources will enable the USMS to implement an integrated strategy that combines personnel and technology from RFTFs, district-based task forces, TOG, and foreign field offices. These resources also directly support DOJ Strategic Goal III objective 3.2: (ensure the apprehension of fugitives from justice). USMS apprehension of violent, felony fugitives has increased significantly from 19,964 in FY 2002 to 109,699 in FY 2008. Requested resources are necessary to target over 1,000,000 felony fugitives projected to be wanted in 2011.

The effectiveness of the RFTF concept is clear. From May 20, 2002 through April 1, 2009, the 7 RFTFs have apprehended more than 121,557 federal, state, and local fugitives and closed 153,818 felony warrants.

**Funding**

Base Funding

FY 2009 Enacted				FY 2010 Enacted				FY 2011 Current Services			
Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)
83	71	83	\$27,825	140	128	140	\$38,443	140	128	140	\$39,377



Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost (\$000)	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Forensic and specialized surveillance equipment	87	12	1,047	(\$775)
Cellular telephone intercept equipment and related expenses	330	12	3,966	(2,350)
Telephone intercepts and CALEA fees	117	12	1,404	0
<b>Total Non-Personnel</b>			<b>6,417</b>	<b>(3,125)</b>

Total Request for this Item

	Pos	Agent	FTE	Personnel (000)	Non-Personnel (000)	Total (000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Current Services	140	128	140	28,015	11,362	\$39,377	\$0
Increases	0	0	0	0	6,417	6,417	(3,125)
<b>Grand Total</b>	<b>140</b>	<b>128</b>	<b>140</b>	<b>28,015</b>	<b>17,779</b>	<b>45,794</b>	<b>(3,125)</b>

## B. Special Operations Group (SOG)

**Item Name:** Special Operations Group (SOG)

Budget Decision Unit(s): Tactical Operations

Strategic Goal(s) & Objective(s): DOJ Strategic Goal III, Objective 3.1

Organizational Program: U.S. Marshals Service

Program Increase: Positions 14 Agt/Atty 12 FTE 7 Dollars \$3.764 million

### Description of Item

The USMS requests **14 positions (including 12 Deputy Marshals and 2 administrative), 7 FTE, and \$3.764 million** to strengthen its ability to prevent and respond to terrorist and other attacks against the federal judiciary. Additional resources to protect the federal judicial system are paramount for preservation of the nation's security. The enhancement includes resources for personnel and infrastructure needs, including resources for information technology, human resources management, finance, training, and other administrative support areas.

### Justification

The USMS requests **14 positions (12 Deputy Marshals and 2 administrative), 7 FTE, and \$3.764 million for the Special Operations Group (SOG)** to provide critical tactical support for any incident involving the judiciary, district operations and witness security operations. On a daily basis, the USMS personnel deploy state-of-the-art protective techniques, equipment, and countermeasures. USMS assets are deployed in a proactive manner when possible, but there are insufficient resources to assure rapid, thorough, and safe responses to emergency situations; including terrorist attacks and natural disasters.

For over 35 years, SOG has supported the USMS and other agencies with a rapidly deployable, highly trained force of tactically trained law enforcement officers. SOG supports all 94 judicial districts by providing assistance in high-risk, sensitive law enforcement operations including: high-risk fugitive arrests, protective details, national emergencies, civil disturbances and national disasters. Due to the extensive training of SOG members, the unit is often called upon to train military, federal, state, local and foreign law enforcement groups in various tactical specialties. SOG is comprised of 80-100 volunteer Deputy Marshals who must meet higher fitness standards and complete rigorous training in specialties such as high-risk entry, explosive breaching, sniper/observer, rural operations, evasive driving, less lethal munitions, waterborne operations and tactical medical support. These volunteer SOG members serve the agency on a collateral-duty basis. They are district and division personnel who are called upon when there is a mission. This concept has become an issue in today's world of counter-terrorism, high-threat trials and high-risk movements among many other missions. When SOG members are called to duty it is the district and division operations that suffer. SOG deputies are taken out of their regular positions for often months at a time, which strains staffing nationwide.

For the past several years, SOG deputies have volunteered to go on 3-4 month rotations in Afghanistan. This time commitment is significantly longer than deputies' normal 2-6 week special assignments and has stretched staffing capabilities to their maximum. The State Department recently began requiring that agencies commit to 1-year rotations in Afghanistan. The USMS was unable to meet this requirement and had to obtain a waiver for 6 month rotations. Extended rotations make the positions significantly harder to fill with volunteers. Additional resources will allow the USMS to permanently staff 4 positions in Afghanistan and fulfill the State Department's 1-year rotational requirement.

USMS district offices do not have the resources or staff to allow for a rapid response to large-scale emergency situations while maintaining normal court and prisoner transport operations. With additional SOG Deputy Marshals, the USMS is better staffed and equipped to respond to emergency situations and security operations, enabling the district offices to continue normal operations.

SOG Deputies are selected for training at the Special Operations Group Training Center (SOGTC) in Louisiana. The facility includes: a classroom and lodging for up to 44 Deputies; a firing range; 65-foot rappel tower and rock climbing wall; urban training village; and driving track. Each SOG Deputy is issued personal protective equipment (PPE) and an individual load-out of tactical equipment. This is the equipment worn and deployed on each operation and includes everything from uniforms to ballistic plates that defeat rifle fire. Each SOG deputy is issued two weapons, night vision/thermal imaging equipment, and communications equipment. In addition to PPE and individual load-out, certain operators have designated specialties which require additional specialized equipment such as snipers, breachers, boat crew, and tactical medics.

SOG maintains a large fleet of specialized vehicles including: tactical armored vehicles, low profile armored vehicles, rescue vehicles, and watercraft. The ability to transport and rapidly deploy sensitive SOG assets around the country is essential; therefore, the USMS also owns and operates tractor trailers and other large transport vehicles for rapid response capability on simultaneous missions at multiple venues.

### Impact on Performance

The proposed initiative supports the following Attorney General themes for FY 2011:

- Protect our nation by preventing future acts of terrorism and bringing to justice those who would do us harm in a manner consistent with our national security, individual rights and civil liberties, and the interests of justice;
- Expand the Department's international presence to combat international organized crime and to promote the Rule of Law;
- Dismantle drug and firearms trafficking organizations and stop the flow of illegal drugs, weapons, and cash proceeds across the Southwest Border and elsewhere;
- Reduce youth and violent crime, especially violence perpetrated with guns or by gangs, through a comprehensive approach that integrates prevention and enforcement efforts.

- Manage safe, secure, and cost effective prison and detention facilities by seeking to reduce overcrowding through reformed sentencing policies, lower recidivism rates, and expanded alternatives for first-time non-violent offenders;
- Improve relationships with state, local, and tribal law enforcement in order to leverage resources and maximize cooperative efforts.

The proposed initiative ties to DOJ Strategic Goal III, objective 3.1 (protect judges, witnesses, and other participants in federal proceedings).

SOG tactical deployments have increased by 71% in five years. Each deployment could take several months. Increased resources will enable the USMS to implement an integrated strategy of technology, tactical response, and intelligence gathering to prevent and respond to terrorist and other attacks against the federal judiciary.

	<b>SOG Tactical Deployments</b>
FY 2005	38
FY 2006	46
FY 2007	59
FY 2008	51
<b>FY 2009</b>	<b>65</b>
<b>% increase</b>	<b>71%</b>

## Funding

### Base Funding

FY 2009 Enacted				FY 2010 Enacted				FY 2011 Current Services			
Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)
173	126	168	\$35,685	173	126	168	\$36,580	173	126	168	\$37,912

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2011 Request (\$000)	FY 2012 Net Annualization (change from 2011) (\$000)
Deputy Marshal – Domestic	\$205	12	\$2,463	(\$110)
Administrative	74	2	148	60
<b>Total Personnel</b>		<b>14</b>	<b>2,611</b>	<b>(50)</b>

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2011 Request (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
SOG selection training: 1 class/year	\$440	1	\$440	\$0
SOG sustainment training: 2 classes/year	190	2	380	0
SOG tactical gear	27	12	333	(222)
<b>Total Non-Personnel</b>			<b>1,153</b>	<b>(222)</b>

Total Request for this Item

	Pos	Agent	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2012 Net Annualization (Change from 2011) (\$000)
Current Services	173	126	168	\$16,500	\$21,412	\$37,912	\$0
Increases	14	12	7	2,611	1,153	3,764	(272)
<b>Grand Total</b>	<b>187</b>	<b>138</b>	<b>175</b>	<b>19,111</b>	<b>22,565</b>	<b>41,676</b>	<b>(272)</b>

## VI. Program Offsets by Item

### A. Travel

**Item Name:**

**Travel**

Budget Decision Unit(s):

Judicial and Courthouse Security  
Fugitive Apprehension  
Prisoner Security and Transportation  
Protection of Witnesses  
Tactical Operations

Strategic Goal(s) & Objective(s):

DOJ Strategic Goal III, Objective 3.1  
DOJ Strategic Goal III, Objective 3.2

Organizational Program:

U.S. Marshals Service

Program Reduction: Positions 0 Agt/Atty 0 FTE 0 Dollars (\$2.635) million

Description of Item

The USMS requests an offset of \$2.635 million for agency travel.

Justification

The Department is continually evaluating its programs and operations with the goal of achieving across-the-board economies of scale that result in increased efficiencies and cost savings. In FY 2011, DOJ is focusing on travel as an area in which savings can be achieved. For the USMS, travel or other management efficiencies will result in offsets of \$2.635 million.

Impact on Performance

This offset will be applied in a manner that will allow the continuation of effective law enforcement program efforts in support of Presidential and Departmental goals, while minimizing the risk to health, welfare and safety of agency personnel.

**VIII. Back-up Exhibits: Program Changes by Decision Unit to Strategic Goal**

**Salaries and Expenses**

Item Name	Strategic Goal	Decision Unit	FTE	Dollars (\$\$\$)	Number and Type of Positions	
					Position Series	No. of Positions in Series
Travel	3	Judicial and Courthouse Security	0	(\$1,045)	N/A	0
Technical Operations Group (TOG)	3	Fugitive Apprehension	0	6,417	N/A	0
Travel	3	Fugitive Apprehension	0	(849)	N/A	0
Travel	3	Prisoner Security and Transportation	0	(552)	N/A	0
Travel	3	Protection of Witnesses	0	(89)	N/A	0
Special Operations Group (SOG)	3	Tactical Operations	7	3,764	1800-1899 300-399	12 2
Travel	3	Tactical Operations	0	(100)	N/A	0