

**United States Marshals Service  
FY 2010 Performance Budget  
Congressional Submission**

**Salaries & Expenses and Construction Appropriations**



**April 2009**

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**United States Marshals Service  
FY 2010 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 justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.usdoj.gov/jmd/2009justification/>.

For FY 2010, the USMS requests a total of 5,544 positions, 5,109 FTE (excluding reimbursable FTE), and \$1.138 billion for the Salaries and Expenses appropriation, and \$14.0 million for the Construction appropriation, totaling \$1.152 billion. Of this amount, **700 positions (528 Deputy Marshals), 350 FTE, and \$134.345 million** are salaries and expenses program enhancements to address Immigration Enforcement, and \$10.0 million are program enhancements for construction (\$144.345 total program enhancements).

**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, and is currently anticipating further increases as additional immigration legislation is implemented.
- 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 2009 Omnibus Appropriations Act, Congress provided the USMS with \$954.0 million of which \$950.0 million was provided in the Salaries and Expenses (S&E) appropriation and \$4.0 million in the Construction appropriation. Of this amount, \$31.933 million were S&E program enhancements to address critical needs related to immigration enforcement, judicial security, regional fugitive task forces, and Adam Walsh Act enforcement, while \$1.696 million was the Construction appropriation program enhancement for high priority renovation projects.

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 U.S. Marshals Service 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;
- **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 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).
- 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, and local fugitives;
- 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.

Since 2003, the USMS has worked with DOJ and the Office of Management and Budget (OMB) to conduct program assessments of two major mission areas: Judicial Security and Fugitive Apprehension. Each area has documented results and strategic improvements underway to continue mission effectiveness.

## **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**

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>, in the decade between FY 1997 and FY 2006 the number of criminal cases filed in federal courts rose 34%. Immigration case filings rose 145% during this period, with the five federal districts along the Southwest Border seeing an increase

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<sup>1</sup> Administrative Office of the U.S. Courts, “A Decade of Change in the Federal Courts Caseload: Fiscal Years 1997-2006”, The Third Branch, Vol. 39, Number 11, November 2007

of 182%. In FY 2006, these five districts accounted for 70% of all immigration cases in the US, up from 60% at the beginning of the decade. During this time, drug-related case filings increased by 41% and there was also a 153% increase in the number of cases related to firearms and explosives.

When the FBI shifted its focus to anti-terrorism efforts in the wake of the September 11, 2001 attacks, investigations targeting illegal drugs, organized crime, and white-collar crime were reduced. As a result, the USMS filled this gap with intensified efforts to coordinate with state and local police to apprehend fugitives, particularly those involved in gang-related violent crime and crimes against children. Programs targeting gang and gun violence include the Violent Crimes Impact Teams, Project Safe Neighborhoods, GangTECC, and the Youth Crime Gun Interdiction Initiative.

In addition, terrorists and criminals are using increasingly sophisticated technologies to threaten, subvert, and undermine the judicial process. Adoption of secure wireless technologies is required to support an increasingly mobile USMS workforce, which includes task forces, tactical and special operations groups, judicial and witness security inspectors, and personnel deployed in Iraq, Afghanistan, and other foreign locales. Robust information technology (IT) infrastructure systems and applications are required to keep pace with new and expanding government information sharing and communications initiatives such as the Justice Unified Telecommunications Network (JUTNET) and Joint Automated Booking Stations (JABS).

### **Internal Challenges**

The USMS must maximize the efficiency and effectiveness of its programs to address 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:

- 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 OIG, 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 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 2009 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.

Over the last several years, USMS offices in the five Southwest Border districts have seen their workloads increase due to enhanced immigration enforcement efforts. Since 2001, Congress has appropriated funds to DHS allowing for a near doubling of the number of border patrol agents from approximately 9,000 in 2001 to over 18,000 in FY 2008. This increase in the number of border agents has contributed to a 168% increase in prisoners received by the USMS from the Border Patrol in that same period. Additionally, zero-tolerance and other prosecution initiatives have also contributed to an increase in USMS workload via an increase in the daily prisoner population and required prisoner productions.

One of the key challenges facing the USMS is to expeditiously bring these additional 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 Challenge**

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.

For FY 2009, approximately 75 percent of the 4,772 positions are classified as law enforcement including deputy marshals (OPM job series "0082") and criminal investigators (OPM job series "1811"). The USMS refers to its entire law enforcement workforce as "Deputy U.S. Marshals" whether the employee is in the 0082 or 1811 job series because each person carries the same badge and takes the same oath as a federal law enforcement officer. The typical career ladder begins at the GL-0082-7 level and rises to the GS-1811-12 level. Thereafter, Deputy Marshals must compete through the merit promotion process to become specialized inspectors or supervisors at the GS-13 and above levels.

As part of the Deputy Development Program, the USMS has a certification process to ensure that Deputy Marshals fully develop a broad array of skills to address all operational areas: court security; protective assignments; witness security; fugitive investigations; prisoner handling; and asset forfeiture. The process requires "hands on" experience over a number of years to progress through the career ladder. The USMS is re-examining its Deputy Development Program to ensure that the certification process accurately reflects the requirements of the duties of today's position, taking into consideration evolving tools available for modern criminal investigation.

In addition, the USMS is reassessing the full performance level of Deputy Marshal position based on increased complexity of work and expanded duty and mission requirements. The business case for upgrading the position will be based on the expanded duties, responsibilities, and scope of the work currently required of Deputy Marshals. As the USMS works with OPM to examine the job series classification issues, the USMS is also analyzing the financial impact in the future. The USMS recognizes that revising the certification process and increasing the full performance level have significant immediate and long term impacts throughout the agency. There are many internal challenges in terms of updating policies, revising training methods, and streamlining recruiting and hiring practices. There are also many external challenges in terms of obtaining resources and approvals from DOJ, OMB, other agencies, and Congress.

## II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Immigration Enforcement, S&E	Resources to improve judicial security, and criminal alien apprehension and processing.	700	350	\$134,345	21
Prisoner Holding, Construction	Resources to renovate prisoner holding and related support space in Federal courthouse facilities.	...	...	\$10,000	23
<b>Total Program Change</b>		<b>700</b>	<b>350</b>	<b>\$144,345</b>	

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

#### **Appropriations Language**

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

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

For necessary expenses of the United States Marshals Service, [\$950,000,000] \$1,138,388,000; of which not to exceed [\$30,000] \$6,000 shall be available for official reception and representation expenses; of which not to exceed \$4,000,000 shall remain available until expended for information technology systems; and 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, and shall remain available until expended. (*Department of Justice Appropriation Act, 2009.*)

[For an additional amount for “Salaries and Expenses”, \$28,621,000, to remain available until September 30, 2009] (*Supplemental Appropriations Act, 2008.*)

##### **Construction**

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, [\$4,000,000] \$14,000,000, to remain available until expended. (*Department of Justice Appropriation Act, 2009.*)

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

No substantive changes proposed.

#### IV. Decision Unit Justification

##### A. Judicial and Courthouse Security

<b>Judicial and Courthouse Security (S&amp;E)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2008 Enacted with Rescissions	1,787	1,715	355,038
2008 Supplementals	...	...	7,951
2008 Enacted w/Rescissions and Supplementals	1,787	1,715	362,989
2009 Enacted	1,864	1,818	379,508
Adjustments to Base and Technical Adjustments	...	13	14,734
2010 Current Services	1,864	1,831	394,242
2010 Program Increases	234	117	44,781
2010 Request	2,098	1,948	439,023
<b>Total Change 2009-2010</b>	234	130	59,515

<b>Judicial and Courthouse Security (Construction)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2008 Enacted with Rescissions	...	...	2,304
2009 Enacted	...	...	4,000
2010 Current Services	...	...	4,000
2010 Program Increases	...	...	10,000
2010 Request	...	...	14,000
<b>Total Change 2009-2010</b>	...	...	10,000

<b>Judicial and Courthouse Security TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2008 Enacted with Rescissions	1,787	1,715	357,342
2008 Supplementals	...	...	7,951
2008 Enacted w/Rescissions and Supplementals	1,787	1,715	365,293
2009 Enacted	1,864	1,818	383,508
Adjustments to Base and Technical Adjustments	...	13	14,734
2010 Current Services	1,864	1,831	398,242
2010 Program Increases	234	117	54,781
2010 Request	2,098	1,948	453,023
<b>Total Change 2009-2010</b>	234	130	69,515

##### 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. These inspectors are senior-level Deputy Marshals that have experience in every aspect of judicial security. The Judicial Security Inspectors 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 threatened 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 due to the potential risk to the targeted individual.

The USMS also manages the Court Security Officer (CSO) Program, funded through the Court Security Appropriation from the Judiciary. There are approximately 4,000 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 developing and implementing 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
		FY 2008		FY 2008		2009 Requirements		Current Services Adjustments and FY 2010 Program		FY 2010
1. Number of court prisoner productions		668,250		711,509		747,803		72,040		
2. Potential threats to members of the judicial process		1,200		1,278		1,405		140		
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
		1,773	\$357,342	1,773	\$357,342	1,893	\$383,508	1,906	\$398,242	2,023
			[\$11,250]		[\$11,250]		[\$5,048]		...	
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE		FY 2008		FY 2008		2009 Requirements		Current Services Adjustments and FY 2010 Program Changes	
Program Activity	1. Judicial and Courthouse Security		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			1,773	\$357,342	1,773	\$357,342	1,893	\$383,508	1,906	\$398,242
				[\$11,250]		[\$11,250]		[\$5,048]		...
Performance Measure	1. Potential threats to members of the judicial process: Total investigated		1,200		1,278		1,405		140	
Performance Measure	2. Protective details provided		490		540		560		30	
Performance Measure	3. Percent of federal courthouse facilities meeting minimum security standards		29%		29%		29%		...	
Performance Measure	4. Assaults against federal judges		...		...		...		...	
Performance Measure	5. Number of court productions/escapes		668,250 /	...	711,509 /	0	747,803 /	0	72,040 /	0
Efficiency Measure	6. Percentage/Number of "expedited" potential threats analyzed by headquarters in 3 business days or less. **		100% /	5	100% /	3	100% /	4	na /	na
Efficiency Measure	7. Percentage/Number of "standard" potential threats analyzed by headquarters in 7 business days or less.**		93% /	1,111	96% /	1,235	97% /	1,358	na /	na
Efficiency Measure	8. Percentage/Number of potential threats assessed by the USMS Threat Management Center in one business day or less.		93% /	1,116	99% /	1,277	100% /	1,405	0% /	140
OUTCOME	9. Number of interrupted judicial proceedings due to inadequate security		...		1		...		...	



**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 FY 2008 Program Performance.**

Though the USMS achieved its target of investigating 100% of expedited cases within 3 business days or less, it did not receive as many expedited threats as predicted. This was the result of enhanced turn around time on all potential threats by the Office of Protective Intelligence, making the need for distinguishing types of potential threats to speed up Headquarters analysis unnecessary.

The USMS was unable to meet its FY 2008 target of zero judicial proceedings interrupted due to inadequate security because of one courtroom incident. During this incident, the defendant assaulted the AUSA. The court reporter and the defendant’s attorney assisted the deputies in separating the defendant from the AUSA during the assault. Injuries were sustained by both the defendant’s attorney and the AUSA before the deputies were able to gain control of the prisoner. The attorney was treated by NYC EMS for a cut on his hand while the AUSA had red marks on the neck from the assault and was taken to the hospital for treatment.

Court productions are up significantly due to zero tolerance prosecutorial initiatives along the Southwest Border.

**C. Factors Affecting Selection of FY 2009 and FY 2010 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 criminal court proceedings on a daily basis. District personnel are critical to maintaining judicial security for all proceedings.

**PERFORMANCE MEASURE TABLE**

**Decision Unit: Judicial and Courthouse Security**

Performance Report and Performance Plan Targets		FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008		FY 2009
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target
<b>Performance Measure</b>	1. Potential threats investigated	565	592	665	953	1,111	1,145	1,200	1,278	
<b>Performance Measure</b>	2. Protective Details Provided Personal and Event	369	393	408	484	464	487	490	540	
<b>Performance Measure</b>	3. Percent of federal courthouse facilities meeting minimum security standards *	19%	19%	19%	19%	19%	29%	29%	29%	
<b>Performance Measure</b>	4. Assaults against federal judges*	...	...	...	...	...	...	...	...	
<b>Performance Measure</b>	5. Number of court productions	514,949	536,677	587,719	649,611	642,471	661,593	668,250	711,509	711,509
<b>Performance Measure</b>	5. Number of court escapes *	...	...	...	...	...	...	...	...	
<b>Efficiency Measure</b>	6. Percentage of "expedited" potential threats analyzed by HQ in 3 business days or less	N/A	N/A	N/A	N/A	91%	100%	100%	100%	
<b>Efficiency Measure</b>	6. Number of "expedited" potential threats analyzed by HQ in 3 business days or less	N/A	N/A	N/A	N/A	20	3	5	3	
<b>Efficiency Measure</b>	7. Percentage of "standard" potential threats analyzed by HQ in 7 business days or less	N/A	N/A	N/A	N/A	13%	97%	93%	96%	
<b>Efficiency Measure</b>	7. Number of "standard" potential threats analyzed by HQ in 7 business days or less	N/A	N/A	N/A	N/A	137	1,104	1,111	1,235	
<b>Efficiency Measure</b>	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	N/A	4%	93%	99%	
<b>Efficiency Measure</b>	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	N/A	43	1,116	1,277	
<b>OUTCOME Measure</b>	<b>9. Number of interrupted judicial proceedings due to inadequate security *</b>	N/A	1	...	...	...	2	...	1	

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 2007, 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 2007, 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.

#### **c. Results of Program Assessment Reviews**

In 2003, the Judicial and Courthouse Security program was reviewed and received a rating of “Adequate.” During FY 2008, OMB and the USMS completed a review of the Judicial and Courthouse Security area and its rating improved to “Effective”. During this reassessment of the Protection of the Judicial Process, OMB reported the following:

1. This program is well designed to consistently achieve ambitious goals. For example, the number of assaults against federal judges’ remains zero, and zero court proceedings were interrupted last year due to inadequate security.
2. The program recently improved the time to analyze potential threats to less than one day. This analysis can then be quickly shared to inform US Marshals in support of the program's mission.
3. The program is expanding access to judicial threat information and similar resources maintained by other federal, state and local law enforcement entities. This information will help identify any threats to the judicial process.

Additionally, in the 2008 reassessment, the following improvement actions were developed:

1. The program is expanding access to judicial threat information and similar resources maintained by other federal, state and local law enforcement entities.
2. The program is evaluating the feasibility of taking over perimeter security at primary courthouses from a partner law enforcement agency.

## Program Increase

**Item Name:** **Immigration Enforcement**

Budget Decision Units: Judicial and Courthouse Security  
Fugitive Apprehension  
Prisoner Security and Transportation

Strategic Goal & Objectives: DOJ Strategic Goal III, Objectives 3.1 and 3.2  
Organizational Program: U.S. Marshals Service

Program Increase: Positions 700 Deputies 528 FTE 350 Dollars \$134,345,000 (S&E)  
Positions \_\_0 Deputies \_\_0 FTE \_\_0 Dollars \$10,000,000 (Construction)

### Description of Item

Immigration enforcement, both at the borders and within the interior of the country, is a national priority particularly after the terrorist attacks of September 11, 2001. The contiguous borders with Mexico and Canada with entry points for people and international commerce means that ensuring the national security always poses a challenge to federal, state and local law enforcement. While the recent awareness of illegal immigration in the public consciousness is commonly associated with illegal entry from Mexico, the USMS faces similar immigration issues along the northern border with Canada and throughout the interior of the United States.

In recent years, massive funding and resource increases for DHS law enforcement components and other additional law enforcement initiatives have dramatically expanded the “front end” of the pipeline without proportionally increasing the “back end”. These pressures have created a funnel effect placing immense pressure on DOJ as the huge DHS workload is compressed into the smaller DOJ end of the pipeline. These increased caseloads due to arrests by Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP) and the U.S. Border Patrol (USBP) were not met with concurrent resources for DOJ, turning the USMS into a “chokepoint” in the federal criminal justice process.

### Justification

The USMS requests **700 positions (including 528 Deputy Marshals) 350 FTE, and \$144.345 million to address immigration enforcement.** Funds include \$120.882 million (S&E) to fill 700 new positions; \$13.462 million (S&E) to improve the information technology and other agency infrastructure; and \$10.000 million (Construction) to begin to address security deficiencies that exist in USMS-occupied space.

The flow of human trafficking and narcotics into the United States, along with smuggling of illegal firearms and criminal monetary proceeds out of the United States has had a devastating effect on the United States, Canada, and Mexico. The violence perpetrated by organizations and elements associated with these criminal activities has brought greater federal law enforcement attention to all areas of the country. Immigration enforcement is as likely a problem in the Midwest as it is in the Southwest.

The USMS has been forced to divert resources from fugitive apprehension activities and other mission areas in order to fill the gap which has resulted from increased judicial security in the courtrooms. In some cases, the sheer number of criminal aliens has overwhelmed courthouse cellblock capacity, creating untenable working conditions for Deputy Marshals.



Searching prisoners is part of prisoner processing in a courthouse cellblock

For the USMS, the principal area of concern is the capacity of the federal judicial process to respond to increased law enforcement arrests associated with immigration enforcement. Sharp increases in DHS resources and personnel have resulted in constraints and capacity problems. Not only are there an insufficient number of Deputy Marshals, judges, and attorneys, the physical infrastructure of federal courthouse facilities cannot hold more prisoners. The prosecutorial capacity for criminal cases involving illegal immigration, criminal aliens, drug and weapons trafficking, and gang violence have overwhelmed the court docket. All of these threats form a continuum along the criminal justice process. This resource request recognizes the cross-cutting missions impacting the USMS.





Detainees awaiting hearings stand shoulder-to-shoulder in the courthouse cellblock

### **Judicial Security**

The USMS must protect the federal judiciary against all threats. This mission includes ensuring the safe and secure conduct of judicial proceedings in each of the more than 400 court facilities throughout the country, 2,000 federal judges, and 5,500 U.S. attorneys and Assistant U.S. attorneys. Threats against the judiciary have increased 69% over the past five years. Similarly, the number of protective details provided by the USMS to judicial participants increased 64 percent from 2001 to 2007. With judges having some of the highest visibility as members of the criminal justice system, additional protection is available to these individuals in their homes as well as in the courthouse environment.

The Court Security Improvement Act of 2008 (P.L. 110-177) requires regular consultation between the USMS and the Judicial Conference regarding the security needs of the Judicial Branch. It also authorizes appropriations to the USMS to hire additional Deputy Marshals, staff for the Office of Protective Intelligence (OPI), and secure computer systems to improve judicial security. Additional positions and infrastructure funding must be obtained in order to address all threats to the federal judiciary.

An increasing number of high-threat terrorist trials put judicial participants in an environment with the potential for increased personal injury or risk. The USMS has been successful in providing security for a number of these cases. Other cases are currently ongoing throughout the country and involve a number of USMS personnel in the coordination of security for all participants. With the closure of the Guantanamo Bay facility, some portion of the 248 detainees will be in USMS custody awaiting trial.

### **Violent Fugitive Apprehension and Prisoner Custody**

The USMS projects that the additional agents already hired by FBI, DEA, ATF, and OCDETF will generate 850 additional arrests, leading to 905 additional defendants charged with a felony (based on the additional USA positions). The USMS is already being overwhelmed by the sheer number of court productions. There is no indication this trend will abate. Despite the downturn in the American economy, the capture of criminal aliens continues to soar. Through FY 2008, the USMS could only handle 7 percent of all U.S. Customs and Border Patrol (CBP) arrests. Any additional arrests will only exacerbate the overwhelmed court dockets.

These additional criminal alien defendants will result in a greater number of fugitives to be apprehended. Since the majority of arrests will be related to drugs, gangs, and firearms, the additional prisoner productions will involve high-risk defendants who require more Deputy Marshals to secure the proceedings and safely transport the defendants to and from jail. The Office of the Federal Detention Trustee provides critically needed funds for the USMS to house pre-trial detainees. Several OFDT initiatives have led to significant and tangible cost savings. However, detention costs to house the overwhelming number of prisoners coupled with their ancillary medical, guard, and transportation costs, have already offset those savings and led to unprecedented funding requirements. Increased funding for the OFDT directly benefits the USMS so that transportation agreements with state and local jail facilities can be paid without diverting Deputy Marshals from the front lines of federal law enforcement.

Additionally, the Department of Justice and the U.S. Attorneys have adopted far more aggressive prosecution thresholds. Together, these changes have directly increased the workload of the federal judicial system and all USMS districts. While the focus has been on the Southwest Border, USMS immigration-related workload affects every judicial district. The El Paso Intelligence Center (EPIC) has clearly documented the activities of the major Mexican drug cartels, showing the clear network of drug smugglers who introduce illegal drugs through the country.

DHS is devoting resources to apprehending illegal immigrant workers throughout the entire nation. In March 2008, ICE unveiled "Secure Communities: A Comprehensive Plan to Identify and Remove Criminal Aliens." This plan is a multi-year initiative to more effectively identify, detain, and return removable criminal aliens incarcerated in federal, state, and local prisons and jails. ICE will be distributing integration technology that will link local law enforcement agencies to both DHS and FBI biometric databases. This effort is in addition to their Criminal Alien Program (CAP) which has over 100 teams focused on identifying, detaining, and removing criminal aliens.

### **Holistic Infrastructure Approach**

While funding the gaps and other necessary requirements are critical to meeting the objective of the initiative, it is worth noting that there are certain critical chokepoints which will be exacerbated by additional re-sourcing without regard for a holistic approach. There are limits in human resources, training and facilities for new personnel (both operational and administrative).

In 2008, the USMS adopted a regional recruiting strategy to identify, recruit, and deploy Deputy Marshals where they are needed most. The strategy has worked successfully to fill vacancies

with local talent who are already familiar with the geography and customs of the region. In the past with national recruitment strategies, it was likely that new recruits from rural areas would be assigned to an urban office. The USMS has a strong working relationship with the Federal Law Enforcement Training Center (FLETC) and seeks to roll out an aggressive training schedule in 2010. As recently as five years ago, the USMS worked collaboratively with FLETC to conduct 12 Basic Deputy Marshal Training classes. With 48 students per class, the USMS was able to recruit, train, and fill over 500 vacancies in 12 months.

Perhaps the most serious constraint has been the tendency to fund agencies in a piecemeal fashion and without regard to a comprehensive strategy. The Administration has addressed this challenge by presenting this budget request to increase USMS and other DOJ component resources. In this manner, challenges may be addressed through the entire “pipeline” that runs from the initial law enforcement stages, through the judicial system, and ultimately to the incarceration stage.

### **Construction (Courthouse Renovations, \$10.0 million)**

Massive improvements to cellblock capacity and security are critical to handle the current immigration-related workload. Existing limits on infrastructure in Tucson and Yuma have made it impossible to reach CBP goals of new arrests. Adding new USMS positions cannot be done without renovating USMS office space and cellblocks within federal courthouses. Renovations affect prisoner-movement space (for example, cellblocks, holding cells, prisoner corridors, sally ports, interview rooms, and prisoner elevators) and USMS space (for example, warrant squads, training rooms, and administrative areas). Renovation projects include costs to survey and design the space, information technology infrastructure, and security equipment.

### Impact on Performance

The proposed initiatives will support the achievement of Strategic Goal III, objectives 3.1 (protect judges, witnesses, and other participants in federal proceedings) and 3.2 (ensure the apprehension of fugitives from justice). Increased resources will enable the USMS to implement an integrated strategy of: protecting the federal judiciary; investigating warrants and arresting fugitives; and handling the prisoner workload resulting from immigration enforcement. Such integration is impossible absent proportionate funding for the USMS and other DOJ components.

In FY 2007, the U.S. Attorneys Offices and the USMS were only able to receive, house and prosecute 7 percent of the apprehensions made by Customs and Border Protection. From 2004 to 2008, the number of USMS prisoner production increased by 33 percent within the five Southwest Border districts alone. Immigration enforcement requires an appreciation of how each component’s work “feeds into” the next component. The causal relationships between components and their actions to respond to these challenges cannot be understated. Additional performance measures and a description of the impacts can be found on the “Performance Tables” and in the sections describing “Performance, Resources, and Strategies.”

## Funding

### Base Funding

#### Salaries and Expenses Appropriation

FY 2008 Enacted (with rescissions & supplementals)				FY 2009 Enacted				FY 2010 Current Services			
Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)
705	591	617	\$73,380	778	643	704	\$92,560	778	643	754	\$94,886

#### Construction Appropriation

FY 2008 Enacted (with rescissions & supplementals)				FY 2009 Enacted				FY 2010 Current Services			
Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)
...	...	...	\$2,304	...	...	...	\$4,000	...	...	...	\$4,000

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2010 Request (\$000)	FY 2011 Net Annualization (change from 2009) (\$000)
Deputy US Marshal	\$205	525	\$107,712	\$(12,960)
Deputy US Marshal – Foreign Office	553	3	1,659	(146)
Administrative	67	172	11,512	6,679
<b>Total Personnel</b>		<b>700</b>	<b>\$120,883</b>	<b>\$(6,427)</b>

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2010 Request (\$000)	FY 2011 Net Annualization (Change from 2009) (\$000)
IT & Agency Infrastructure (S&E)	...	...	13,462	...
Courthouse Renovation (Construction)	...	...	10,000	...
Total Non-Personnel	...	...	23,462	...

Total Request for this Item

	Pos	Agent	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services (S&E)	778	643	754	\$94,886	...	\$94,886
Current Services (Construction)				\$4,000		\$4,000
Increases (S&E)	700	528	350	120,883	13,462	134,345
Increases (Construction)					\$10,000	\$10,000
Grand Total	1,478	1,171	1,104	\$219,769	\$23,462	\$243,231

## B. Fugitive Apprehension

<b>Fugitive Apprehension TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2008 Enacted with Rescissions	1,379	1,352	\$273,448
2008 Supplementals	72	72	16,970
2008 Enacted w/Rescissions and Supplementals	1,451	1,424	290,418
2009 Enacted	1,526	1,448	304,586
Adjustments to Base and Technical Adjustments	72	123	29,065
2010 Current Services	1,598	1,571	333,651
2010 Program Increases	233	116	44,782
2010 Request	1,831	1,687	378,432
<b>Total Change 2009-2010</b>	305	239	73,846

### 1. Program Description

The **Fugitive Apprehension** decision unit includes domestic and international fugitive investigations, technical operations, criminal information analysis, special deputations to support fugitive investigations, fugitive extraditions and deportations, sex offender investigations, service of process, 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 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 approved for the Gulf Coast Region, bringing the total number of RFTFs to six. As part of the USMS Strategic Plan, the USMS has identified 12 more regions where RFTFs could be beneficial.

With the recent addition of the Southern Maine Violent Fugitive Task Force and the Guam Fugitive Task Force, the USMS sponsors 87 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 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 Apprehension Program (SOAP) 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). SOAP 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. 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, DEA, the Department of Agriculture, Department of Defense, 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, and is funded from two different sources to accomplish this mission. The administrative personnel are paid through the DOJ Assets Forfeiture Fund (AFF) on a reimbursable basis while Deputy Marshals' salaries and benefits are funded from the USMS S&E appropriation.

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 AFF-related duties and funded through the USMS Salaries and Expenses (S&E) appropriation. It is proposed that these positions will be phased in over multiple years.

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, execute court orders, and assist 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, 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 2008		FY 2008		2009 Requirements		Current Services Adjustments and FY 2010 Program Changes		FY 2010 Request	
1. Number of wanted primary Federal felony fugitives		59,944		62,466		60,000		714		60,714	
2. Assets seized in a fiscal year by all DOJ agencies		18,050		21,774		18,350		0		18,350	
<b>Total Costs and FTE</b> (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
		1,543	\$273,448 [\$66,221]	1,543	\$273,448 [\$66,221]	1,674	\$304,586 [\$49,970]	258	\$73,846 [\$325]	1,932	\$378,432 [\$50,295]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2008		FY 2008		2009 Requirements		Current Services Adjustments and FY 2010 Program Changes		FY 2010 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
<b>Program Activity</b>	<b>1. Fugitive Apprehension</b>	1,543	\$273,448 [\$66,221]	1,543	\$273,448 [\$66,221]	1,674	\$304,586 [\$49,970]	258	\$73,846 [\$325]	1,932	\$378,432 [\$50,295]
Performance Measure	1. Number of primary violent Federal felony fugitives apprehended or cleared	13,100		18,836		15,000		600		15,600	
Performance Measure	2. Number of violent state and local felony fugitives apprehended or cleared	29,652		73,915		50,000		2,000		52,000	
Efficiency Measure	3. Number of primary violent Federal and violent non-Federal felony fugitives apprehended or cleared per full cost FTE	30		66		50		4		54	
Efficiency Measure	4. Number of primary Federal felony fugitives and state and local felony fugitives apprehended or cleared per full cost FTE	67		81		71		4		75	
Performance Measure	5. Number of assets disposed:	18,300		19,245		19,223		0		19,223	
	a. Real property	550		372		328		0		328	
	b. Cash	11,160		12,872		12,850		0		12,850	
Performance Measure	c. Other	6,590		6,001		6,045		0		6,045	
	6. Percent of real property assets sold at 85% or more of its fair market value	83%		69%		72%		0%		72%	
Efficiency Measure	7. Percent of real property assets disposed within one year of receipt of the forfeiture documentation	82%		68%		70%		0%		70%	
<b>Outcome</b>	8. Number of primary violent Federal Felony and violent non-Federal felony fugitives apprehended or cleared	42,752		92,752		65,000		1,600		67,600	
<b>Outcome</b>	9. Number and Percent of primary Federal felony fugitives apprehended or cleared	32,370	54%	34,393	55%	33,000	55%	1,000	1%	34,000	56%

#### **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 2008 Program Performance.**

The USMS exceeded its fugitive apprehension targets primarily due to the success of operation FALCON, a nationwide fugitive apprehension operation which arrested 19,380 fugitives. This initiative involved the collaboration of federal, state, city and county law enforcement agencies to locate and apprehend criminals wanted for crimes of violence.

The USMS did not achieve its goal for the percent of real property assets sold at 85% or more of its fair market value and percent of real property assets disposed within one year of receipt of the forfeiture documentation due to the slowing real estate market. Market forces not only increased the length of time it took to sell real property but also had a negative impact on real property prices.

**C. Factors Affecting FY 2009 and FY 2010 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 USM 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. Increased court and prisoner processing along the Southwest Border, for example, has negatively impacted fugitive apprehensions in that region of the country. This is particularly troublesome given the clear nexus between the escalating Mexican drug cartels and violent crime. The effectiveness of specific FALCON operations, and the continuation of city sites conducting Fugitive Safe Surrender operations, will have significant impact on the number of fugitives apprehended.

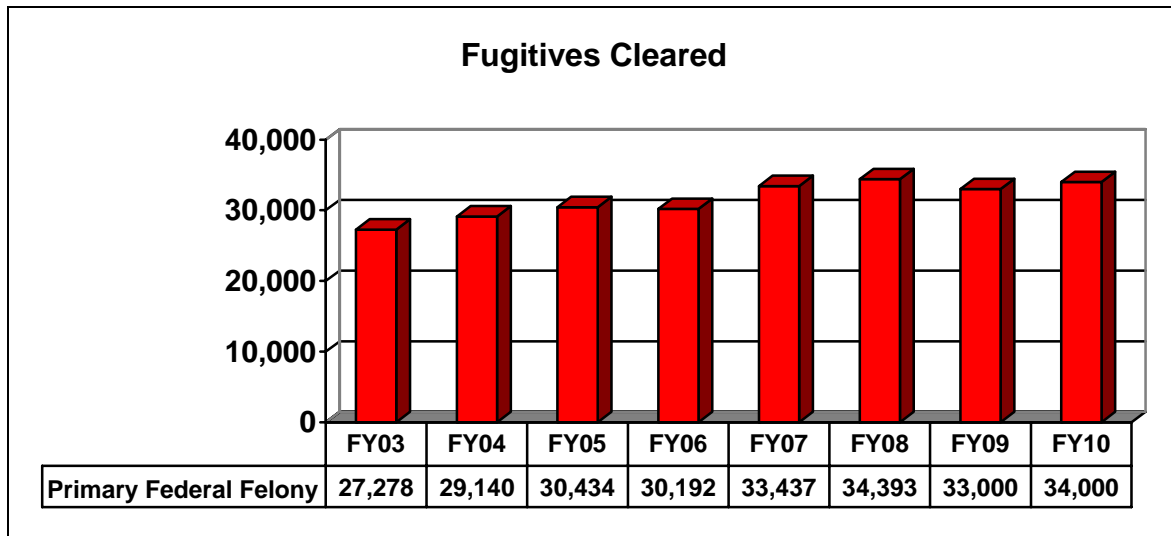
PERFORMANCE MEASURE TABLE											
Decision Unit: Fugitive Apprehension											
Performance Report and Performance Plan Targets		FY 2002	FY 2003	FY2004	FY 2005	FY 2006	FY 2007	FY 2008		FY 2009	FY 2010
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Performance Measure</b>	1. Number of primary violent Federal felony fugitives apprehended or cleared	10,675	11,626	11,888	13,086	12,500	12,644	13,100	18,836	15,000	15,600
<b>Performance Measure</b>	2. Number of violent state and local felony fugitives apprehended or cleared	8,289	10,067	15,412	23,157	24,752	34,015	29,652	73,915	50,000	52,000
<b>Efficiency Measure</b>	3. Number of primary violent Federal and violent non-Federal felony fugitives apprehended or cleared per full cost FTE	N/A	N/A	N/A	27	27	31	30	66	50	54
<b>Efficiency Measure</b>	4. Number of primary Federal felony fugitives and state and local felony fugitives apprehended or cleared per full cost FTE	N/A	N/A	N/A	63	65	68	67	81	71	75
<b>Performance Measure</b>	5 Number of assets disposed*	21,696	30,331	22,988	16,864	17,599	18,262	18,300	19,245	19,223	19,223
<b>Performance Measure</b>	5.a Number of real property disposed	460	572	527	568	538	547	550	372	328	328
<b>Performance Measure</b>	5.b Number of cash assets disposed*	8,570	10,946	10,817	10,936	10,693	11,137	11,160	12,872	12,850	12,850
<b>Performance Measure</b>	5.c Number of other assets disposed*	12,666	18,813	11,644	5,360	6,368	6,578	6,590	6,001	6,045	6,045
<b>Performance Measure</b>	6. Percent of real property assets sold at 85% or more of its fair market value.	74%	80%	79%	82%	83%	76%	83%	69%	72%	72%
<b>Efficiency Measure</b>	7. Percent of real property assets disposed within one year of receipt of the forfeiture documentation.	77%	80%	80%	80%	82%	78%	82%	68%	70%	70%
<b>Outcome</b>	8. Number of primary violent Federal Felony and violent non-Federal felony fugitives apprehended or cleared	19,964	21,693	27,300	36,243	37,250	46,659	42,752	92,752	65,000	67,600
<b>Outcome</b>	9. Number and Percent of primary Federal felony fugitives apprehended or cleared	25,054 / 53%	27,278 / 54%	29,140 / 55%	30,434 / 55%	30,192 / 54%	33,437 / 55%	32,370 / 54%	34,393 / 55%	33,000 / 55%	34,000 / 56%

\*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). 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 2008, the USMS significantly cleared more federal, state, and local felony fugitives than in FY 2007. The success of FY 2008 is directly attributable to the ongoing efforts of Operation FALCON (Federal and Local Cops Organized Nationally) and the increased resources for RFTFs. 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 2007, the USMS RFTFs cleared 37 percent more violent state and local fugitive felons. The increase is attributed to the opening of the sixth RFTF in the Gulf Coast region. In FY 2008, the USMS RFTFs exceeded last year’s totals through the efforts of Operation Orange Crush in Florida. This was an unprecedented law enforcement effort concentrated on a single state over a specific 3-month time period. Among the objectives of this operation was the arrest of a significant number of violent fugitives, resulting in safer communities statewide. Non-violent felons were not targeted. In Operation Orange Crush, the USMS netted over 2,000 arrests. Unlike previous RFTF initiatives, Operation Orange Crush was a focused temporary measure. The USMS intends to establish a permanent RFTF in the region when resources are provided to create the infrastructure necessary to sustain a large-scale, multi-agency task force. Through the RFTFs, state and local agencies have a more direct way to track down their highest priority fugitives, many of whom are violent repeat offenders. The USMS’ six RFTFs enable Deputy Marshals to target and capture more dangerous fugitives.

Also in FY 2008, the USMS continued Fugitive Safe Surrender, a faith-based initiative that encourages fugitives to surrender to authorities in a safe, non-violent manner. A 3-day initiative in Washington, DC resulted in 530 fugitive surrenders. Since the start of this initiative in FY 2006, USMS, local law enforcement, and religious leaders have led a very successful fugitive

apprehension initiative resulting in the peaceful surrender of nearly 6,500 fugitives at local churches, including 1,449 felons. The program does not provide amnesty, but encourages fugitives to surrender under circumstances that guarantee their safety and the safety of the surrounding community.

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 2008, the USMS disposed of over 19,000 assets. More importantly, the total value of assets on hand has grown. In FY 2007, the total value was \$1.65 billion, and at the end of FY 2008 it was \$1.66 billion, indicating that the USMS continues to make sound business decisions to return higher proceeds to the Fund. DOJ has a number of new initiatives which will result in an increase in forfeiture actions which will increase the pre-seizure, seizure, management, and disposition workload of the USMS. The USMS anticipates that this level of asset disposal can be sustained in FY 2009 and FY 2010.

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 83 percent in FY 2008, however the USMS did not meet its target, instead reaching only 69 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 82 percent in FY 2008, however the USMS did not meet its target, instead reaching only 68 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. For FY 2009, the USMS will be re-evaluating its performance measures so that the USMS can be evaluated on performance apart from external economic trends.

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

During FY 2008, the USMS, with guidance and direction from the DOJ Criminal Division, issued interim 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 DHS for potential removal proceedings.

The Technical Operations Group (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 foreign field offices in Mexico, Jamaica, and the Dominican Republic, continue to improve communication for extraditions, coordinate the investigation of leads in neighboring countries, and initiate host country investigations in the United States. Since the placement of senior Deputy Marshals in these three countries in 2003, the USMS has exceeded total extraditions and deportations every year. FY 2008 was no different as the USMS conducted more extraditions and deportations through the end of third quarter than in all of FY 2007.

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 2008 and is on track to continue implementation in FY 2009. 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. Results of Program Assessment Reviews**

The Fugitive Apprehension program was reviewed in FY 2003 and was re-evaluated in FY 2007. In the most recent evaluation, the program achieved a rating of "Moderately Effective." Three recommendations were made as a result of this evaluation. First, the USMS should pursue developing a comprehensive assessment of where additional Regional Fugitive Task Forces and/or special apprehension operations might have the most impact. To address this, the USMS has identified twelve (12) regions where the addition of a RFTF would make the greatest impact. The USMS uses crime trend assessments to make this determination. Additionally, the USMS plans to continue utilizing Operation FALCON.

Second, the USMS should enhance its ability to identify, track, and share gang-related intelligence. The USMS has addressed this recommendation by placing a criminal investigator

at the DOJ Gang Targeting, Enforcement Coordination Center (GangTECC), to better coordinate the apprehension of fugitive gang members. The USMS also participates in OneDOJ, a database that collects investigative information from all DOJ components as part of a de-confliction process. Additionally, other DOJ components have access to USMS investigative material related to wanted gang members.

Finally, the USMS should develop a long term strategy in support of the Adam Walsh Child Protection and Safety Act of 2006. Since the enactment of the Act, the USMS has initiated several strategies by utilizing existing fugitive task forces, establishing the Sex Offender Investigations Branch, assigning a full time liaison to the National Center for Missing and Exploited Children, and designating Sex Offender Investigative Coordinators in each of the 94 judicial districts. With the recently enacted FY 2008 GWOT Supplemental, the USMS received \$16.970 million to begin enforcing the Act. This includes establishing the National Sex Offender Targeting Center (NSOTC), intelligence and operations center supporting the identification, investigation, location, apprehension, and prosecution of non-compliant sex offenders. The NSOTC will operate in partnership with the National Center for Missing and Exploited Children (NCMEC) and other concerned federal, state, and local law enforcement agencies.

## C. Prisoner Security and Transportation

<b>Prisoner Security and Transportation TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2008 Enacted with Rescissions	886	843	\$171,971
2008 Supplementals	...	...	...
2008 Enacted w/Rescissions and Supplementals	886	843	171,971
2009 Enacted	1,008	956	198,197
Adjustments to Base and Technical Adjustments	...	36	8,299
2010 Current Services	1,008	992	206,496
2010 Program Increases	233	117	44,782
2010 Request	1,241	1,109	251,278
<b>Total Change 2009-2010</b>	233	153	53,080

### 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 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 Table

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 2008		FY 2008		2009 Requirements		Current Services Adjustments and FY2010 Program Changes			FY 2010 Request	
1. Prisoners received		275,346		285,530		300,395		28,610			329,005	
2. Number of prisoner productions		869,518		926,878		974,158		93,857			1,068,005	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE		\$000	FTE	\$000
		886	\$171,971 [\$1,229,186]	886	\$171,971 [\$1,229,186]	956	\$198,197 [\$1,296,620]	153		\$53,080 ...	1,109	\$251,277 [\$1,293,620]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2008		FY 2008		2009 Requirements		Current Services Adjustments and FY2010 Program Changes			FY 2010 Request	
Program Activity	1. Prisoner Security and Transportation	FTE	\$000	FTE	\$000	FTE	\$000	FTE	FTE	\$000	FTE	\$000
		886	\$171,971 [\$1,229,186]	886	\$171,971 [\$1,229,186]	956	\$198,197 [\$1,296,620]	153	\$0	\$53,080 ...	1,109	\$251,277 [\$1,293,620]
Efficiency Measure	1. Cost avoided due to medical claim repricing	\$61,735,630		\$61,120,864		\$65,582,687		\$4,787,536			\$70,370,223	
Performance Measure	2. Number of prisoners moved in support of prisoner productions.	752,780		775,697		833,790		80,324			914,114	
Efficiency Measure	3. Prisoners processed per Deputy Marshal FTE	1,600		1,989		1,625		Measure Is Discontinued				
Outcome Measure	4. Number of prisoner escapes from USMS custody outside of the courtroom.	...		...		...		...			...	

## **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 FY 2008 Program Performance.**

Though the USMS did not meet its target for cost avoidance due to medical claim repricing, the actual dollar value for this figure was within 1% of its target.

The USMS exceeded its target for number of prisoners moved in support of prisoner productions because it received significantly more prisoners due to zero tolerance initiatives along the Southwest Border

Future federal court proceedings are increasing as are the number of judges and locations where proceedings are held, particularly on the Southwest Border. The USMS must aggressively pursue security improvements to ensure the safe operation of federal proceedings. The added security requirements of terrorist-related and other high-threat trials require that the security systems stay in continuous operation.

**C. Factors Affecting Selection of FY 2009 and FY 2010 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.

Additionally localized ICE operations to round up undocumented aliens in smaller district offices not located near the southwest border are straining resources and district infrastructure due to the significant quantities of prisoners received at once. As these operations increase, the strain on the USMS will be significant, through increased prisoner transportation and special assignment details to assist with the court productions.

PERFORMANCE MEASURE TABLE											
Decision Unit: Prisoner Security and Transportation											
Performance Report and Performance Plan Targets		FY 2002	FY 2003	FY2004	FY 2005	FY 2006	FY 2007	FY 2008		FY 2009	FY 2010
		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	N/A	\$43,497	\$50,038	\$56,951	\$61,736	\$61,120,864	\$70,370,223	\$70,370,223
<b>Performance Measure</b>	2. Number of prisoners moved in support of prisoner productions	N/A	N/A	N/A	769,701	740,795	738,802	752,780	869,518	833,790	914,114
<b>Efficiency Measure</b>	3. Prisoners processed per Deputy Marshal FTE *	1,608	1,529	1,744	1,478	1,551	1,704	1,600	1,989	1,625	N/A
<b>OUTCOME Measure</b>	4. Number of prisoner escapes from USMS custody, outside of the courtroom *	1	0	...	2	1	...	...	...	...	...

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 2007 and to date in FY 2008, no prisoners 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 2007, the USMS moved 738,802 prisoners in support of 860,856 prisoner productions. In FY 2008, the USMS is on pace to move 764,732 prisoners in support of 902,983 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.

### **c. Results of Program Assessment Reviews**

The resources for the Prisoner Security and Transportation program were reviewed in 2008. Status updates to the recommendations are covered in the Judicial and Courthouse Security decision unit.

## D. Protection of Witnesses

<b>Protection of Witnesses TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2008 Enacted with Rescissions	194	190	29,889
2008 Supplementals	...	...	...
2008 Enacted w/Rescissions and Supplementals	194	190	29,889
2009 Enacted	201	197	32,024
Adjustments to Base and Technical Adjustments	...	...	1,050
2010 Current Services	201	197	33,074
2010 Program Increases	...	...	...
2010 Request	201	197	33,074
<b>Total Change 2009-2010</b>	...	...	1,050

### 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 8,100 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 2008		FY 2008		2009 Requirements		Current Services Adjustments and FY 2010 Program Changes		FY 2010 Request	
1. New witnesses received		170		115		192		(42)		150	
2. Total witness security program participants		18,080		17,948		18,312		(12)		18,300	
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
		190	\$29,889	190	\$29,889	197	\$32,024	197	\$32,024	197	\$33,074
		...	...	...	...	...	...	...	...	...	...
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2008		FY 2008		2009 Requirements		Current Services Adjustments and FY 2010 Program Changes		FY 2010 Request	
Program Activity	1. Witness Security	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		190	\$29,889	190	\$29,889	197	\$32,024	197	\$32,024	197	\$33,074
		...	...	...	...	...	...	...	...	...	...
Performance Measure	1. Number of protected witness productions	1,800		1,859		2,034		(384)		1,650 **	
<b>OUTCOME</b>	2. Assaults against funded protected federal witnesses.	...		...		...		...		...	

**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 2008 Program Performance.**

The USMS does not control new case authorizations. It is OEO that authorizes new cases. Likewise, productions are also difficult to predict. Production activity by nature is responsive to requests of prosecutors and requires approval of OEO.

**C. Factors Affecting FY 2009 and FY 2010 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.

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

**PERFORMANCE MEASURE TABLE**

**Decision Unit: Protection of Witnesses**

Performance Report and Performance Plan Targets		FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008		FY 2009	FY 2010
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Performance Measure</b>	1. Number of protected witness productions	N/A	N/A	N/A	946	1,369	1,776	1,800	1,859	2,034	
<b>OUTCOME Measure</b>	2. Assaults against funded protected federal witnesses	...	...	...	...	...	...	...	...	...	...

**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 2007, there were no assaults, continuing the USMS' unblemished record for witness security.

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

As the number of participants increases, 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.

#### **c. Results of Program Assessment Reviews**

The resources for the Protection of Witnesses program were reviewed in 2008. Status updates to the recommendations are covered in the Judicial and Courthouse Security decision unit.



## E. Tactical Operations

<b>Tactical Operations TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2008 Enacted with Rescissions	167	162	\$33,873
2008 Supplementals	...	...	3,700
2008 Enacted w/Rescissions and Supplementals	167	162	37,573
2009 Enacted	173	168	35,685
Adjustments to Base and Technical Adjustments	...	...	895
2010 Current Services	173	168	36,580
2010 Program Increases	...	...	...
2010 Request	173	168	36,580
<b>Total Change 2009-2010</b>	...	...	895

### 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), and the Office of Resource Management.

#### **Special Operations Group (SOG)**

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 comprised of 80-100 volunteer Deputy Marshals who must qualify to join the unit by meeting 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 Top 15 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: Strategic National Stockpile Security Operations, the Explosive Detection Canine Program, USMS Emergency Response Operations, USMS Security Program, the Communications Center, the Emergency Operations Center, Incident Management Teams, Peer Support Program and its Critical Incident Management Teams, 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. Currently, there are 9 USMS canine teams in service.

The Critical Incident Response Team (CIRT) is a Peer Support Program (PSP) that coordinates crisis intervention services and provides USMS employees with the opportunity to receive tangible crisis intervention services and stress management education following critical incidents. The CIRT is comprised of 60 volunteer Peers who are specially trained and certified in Critical Incident Stress Management (CISM) and available for immediate deployment in response to critical incidents. In FY 2008, the CIRT responded to 96 critical incidents involving USMS employees, including numerous shooting incidents and the sudden deaths and traumatic injuries of employees.

#### **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 Table

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 2008		FY 2008		FY 2009 Requirements		Current Services Adjustments and FY 2010 Program Changes		FY 2010 Reque	
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
				196	\$33,873	196	\$33,873	202	\$35,685	...	\$895
			[\$7,850]		[\$7,850]		[\$7,100]		...		[7,1
Program Activity	1. Special Operations and Assignments	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		196	\$33,873	196	\$33,873	202	\$35,685	...	\$895	202	\$36,5
			[\$7,850]		[\$7,850]		[\$7,100]		...		[7,1
Performance Measure	1. Number of high threat and emergency situations supported through special operations and assignments	55		51		55		5			
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%		...		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 FY 2008 Program Performance.**

In FY 2007, the USMS began deploying Deputy Marshals to Kabul, Afghanistan, to secure the Afghanistan judicial complex. The deployed operational personnel train and equip a Judicial and Witness Security Protection Unit of the Counter Narcotic Police of Afghanistan, a necessary component in the development of the Criminal Justice Task Force and Central Narcotics Tribunal (CNT). These USMS personnel ensure that the new Counter Narcotic Justice Center is physically secure and that witnesses in sensitive, high-level cases to be tried by the CNT are protected from threat and harm.

Additional SOG Deputy Marshals are performing duty rotations in Baghdad, Iraq, assisting with and providing training for judicial and witness security. Although these assignments enhance the USMS response to a high-threat foreign location, they deplete the available specially-trained deputies for domestic emergency response.

Several domestic situations added to SOG activities in FY 2008, including severe flooding in the Midwest, hurricanes in the Southeast, and the Democratic and Republican National Conventions conducted prior to the November 2008 election.

### **C. Factors Affecting Selection of FY 2009 and FY 2010 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 arising out of this decision would be held in the mainland United States. 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. In May 2008, the National Weather Service released a forecast calling for an “above normal” level of hurricane activity in the Atlantic during the August-November season. By mid-September, SOG Deputy Marshals had already responded to a series of hurricane and tropical weather systems that directly hit or impacted the southern United States in rapid succession. These climate conditions are expected to continue into FY 2009.

SOG also provided support during the 2008 federal election season as candidates campaigned 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. Also, if no additional funding is appropriated for SOG activities in Afghanistan beyond the FY 2008 Supplemental Appropriations Act, the Afghanistan mission will be terminated and those Deputy Marshals will be returned to the United States and added to the pool available for domestic response. 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 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008		FY 2009	FY 2010
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Projected 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	N/A	38	46	59	55	51	55	60
<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	N/A	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 protected the Strategic National Stockpile (SNS),<sup>2</sup> continued to advance the USMS ability to respond to an emergency by instituting the Continuity of Operations (COOP)/Continuation of Government (COG) programs, and participated in several national interagency training exercises<sup>3</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 2007, the USMS conducted 59 emergency operations and in all cases deployed SOG personnel within 48 hours of a declared emergency.

#### **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. For FY 2008, the USMS responded to 51 situations requiring an emergency response and the 48-hour response time was met in all. For FY 2009, the USMS anticipates an increase to 70 situations due to the increased workload associated with the SNS.

#### **c. Results of Program Assessment Reviews**

The resources for Operations Support were reviewed in 2008. Status updates to the recommendations are covered in the Judicial and Courthouse Security decision unit.

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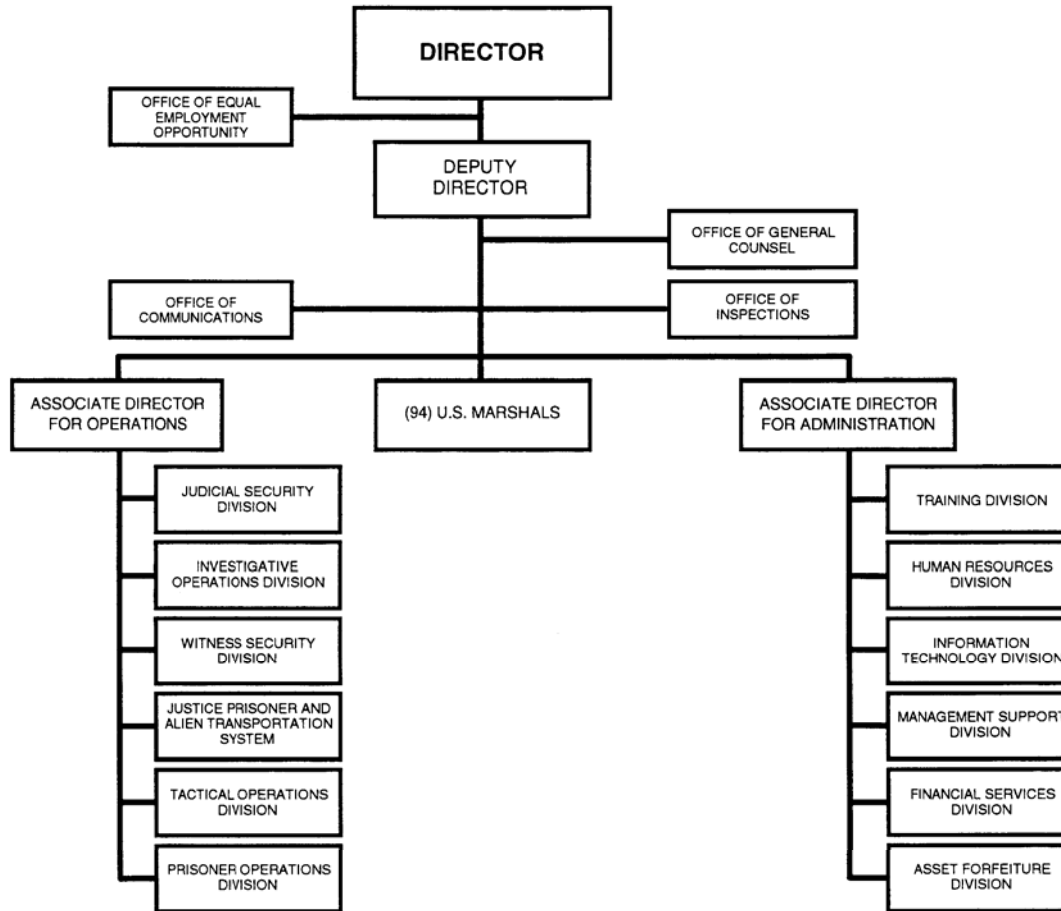
<sup>2</sup> The USMS has a reimbursable agreement with the Department of Health and Human Services (HHS) and the Centers for Disease Control and Prevention (CDC) to provide security for the SNS.

<sup>3</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.



A: Organizational Chart

UNITED STATES MARSHALS SERVICE



Approved by: *[Signature]* Date: 8-13-07  
BERTO R. GONZALES  
Attorney General

**B: Summary of Requirements - Salaries and Expenses**

**Summary of Requirements**  
 United States Marshals Service  
 Salaries and Expenses  
 (Dollars in Thousands)

	Perm. Pos.	FTE	Amount
<b>2008 Enacted (with Rescissions, direct only)</b>	4,413	4,262	864,219
2008 Supplementals	72	72	28,621
<b>Total 2008 Enacted (with Rescissions and Supplementals)</b>	<b>4,485</b>	<b>4,334</b>	<b>892,840</b>
<b>2009 Enacted (with Rescissions, direct only)</b>	4,772	4,587	950,000
2009 Supplementals			
<b>Total 2009 Enacted (with Rescissions and Supplementals)</b>	<b>4,772</b>	<b>4,587</b>	<b>950,000</b>
Adjustments to Base			
Increases:			
2010 pay raise (2.0%)	....	....	9,301
2009 pay raise annualization (3.9%)	....	....	4,865
Annualization of 2009 positions (FTE)	....	100	....
Annualization of 2009 positions (dollars)	....	....	1,400
Annualization of 2008 positions (dollars)	....	....	12,103
Restoration of Base	72	72	15,812
Retirement	....	....	592
Health Insurance	....	....	680
GSA Rent w/Antenna Charges	....	....	3,005
DHS Security Charge	....	....	916
Postage	....	....	38
Security Investigations	....	....	138
Government Printing Office	....	....	14
JUTNET Increases	....	....	5,000
Working Capital Fund Rate Increase	....	....	218
ICASS	....	....	248
Capital Security Cost Sharing	....	....	32
Education Allowance	....	....	10
Subtotal Increases	72	172	54,372
Decreases:			
Non-recrural of 2009 Supplemental			
Employees Compensation	....	....	(327)
Post Allowance - Cost of Living Allowance (COLA)	....	....	(2)
Subtotal Decreases	....	....	(329)
Total Adjustments to Base	72	172	54,043
Total Adjustments to Base and Technical Adjustments	72	172	54,043
<b>2010 Current Services</b>	<b>4,844</b>	<b>4,759</b>	<b>1,004,043</b>
Program Changes			
Increases			
Immigration Enforcement	700	350	134,345
Subtotal Increases	700	350	134,345
Total Program Changes	700	350	134,345
<b>2010 Total Request</b>	<b>5,544</b>	<b>5,109</b>	<b>1,138,388</b>
2009 - 2010 Total Change	772	522	188,388

**Summary of Requirements**  
**United States Marshals Service**  
**Salaries and Expenses**  
**(Dollars in Thousands)**

Estimates by budget activity	Total 2008 Enacted (with Rescissions and Supplementals)			2009 Enacted			2010 Adjustments to Base and Technical Adjustments			2010 Current Services			2010 Increases			2010 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Judicial & Courthouse Security	1,787	1,715	362,989	1,864	1,818	379,508	....	13	14,734	1,864	1,831	394,242	234	117	44,782	2,098	1,948	439,024
Fugitive Apprehension	1,451	1,424	290,418	1,526	1,448	304,586	72	123	29,065	1,598	1,571	333,651	233	116	44,782	1,831	1,687	378,433
Prisoner Security & Transportation	886	843	171,971	1,008	956	198,197	....	36	8,299	1,008	992	206,496	233	117	44,781	1,241	1,109	251,277
Protection of Witnesses	194	190	29,889	201	197	32,024	....	....	1,050	201	197	33,074	....	....	....	201	197	33,074
Tactical Operations	167	162	37,573	173	168	35,685	....	....	895	173	168	36,580	....	....	....	173	168	36,580
<b>Total</b>	<b>4,485</b>	<b>4,334</b>	<b>\$892,840</b>	<b>4,772</b>	<b>4,587</b>	<b>\$950,000</b>	<b>72</b>	<b>172</b>	<b>\$54,043</b>	<b>4,844</b>	<b>4,759</b>	<b>\$1,004,043</b>	<b>700</b>	<b>350</b>	<b>\$134,345</b>	<b>5,544</b>	<b>5,109</b>	<b>\$1,138,388</b>
Reimbursable FTE	....	283	....	....	335	....	....	....	....	....	335	....	....	19	....	....	354	....
Total FTE	....	4,617	....	....	4,922	....	....	172	....	....	5,094	....	....	369	....	....	5,463	....
Other FTE:																		
LEAP	....	614	....	....	639	....	....	....	....	....	639	....	....	....	....	....	639	....
Overtime	....	207	....	....	207	....	....	....	....	....	207	....	....	....	....	....	207	....
Total Comp. FTE	....	5,438	....	....	5,768	....	....	172	....	....	5,940	....	....	369	....	....	6,309	....

**Note 1:** For display purposes, the requested 700 positions and 350 FTE are spread against three decision units, however, the actual allocation of these positions depends upon the enacted amount and is likely to vary based on workload.

**Note 2:** The 2008 enacted reimbursable FTE of 292 was reduced to 283 because the Memorandum of Understanding (MOU) to fund 9 FTE in 2008 for the Operation Streamline initiative between the U.S. Border Patrol and the USMS did not materialize.

**Note 3:** After MAX locked, the USMS was notified that the reimbursable FTE related to OCDEF increased by 1 FTE bringing the total OCDEF FTE to 42, and the agency total reimbursable to 336 FTE. For display purposes, this exhibit ties to the MAX data.

**B: Summary of Requirements - Construction**

**Summary of Requirements**  
 United States Marshals Service  
 Construction  
 (Dollars in Thousands)

	Perm. Pos.	FTE	Amount
<b>2008 Enacted (with Rescissions, direct only)</b>	....	....	2,304
2008 Supplementals	....	....	....
<b>Total 2008 Enacted (with Rescissions and Supplementals)</b>	....	....	2,304
<b>2009 Enacted (with Rescissions, direct only)</b>	....	....	4,000
2009 Supplementals	....	....	....
<b>Total 2009 Enacted (with Rescissions and Supplementals)</b>	....	....	<b>4,000</b>
Program Changes			
Increases			
Construction	....	....	10,000
Subtotal Increases	....	....	10,000
Total Program Changes	....	....	10,000
<b>2010 Total Request</b>	<b>....</b>	<b>....</b>	<b>14,000</b>
2009 - 2010 Total Change	....	....	10,000

Estimates by budget activity	Total 2008 Enacted (with Rescission and Supplementals)			2009 Enacted			2010 Adjustments to Base and Technical Adjustments			2010 Current Services			2010 Increases			2010 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Construction	....	....	2,304	....	....	4,000	....	....	....	....	....	4,000	....	....	10,000	....	....	14,000
<b>Total</b>	....	....	<b>\$2,304</b>	....	....	<b>\$4,000</b>	....	....	....	....	....	<b>\$4,000</b>	....	....	<b>\$10,000</b>	....	....	<b>\$14,000</b>

**C: Program Increases/Offsets By Decision Unit - Salaries and Expenses**

**2010 Program Increases/Offsets By Decision Unit**  
 United States Marshals Service  
 (Dollars in Thousands)

Program Increases	Location of Description by Decision Unit	Judicial And Courthouse Security				Fugitive Apprehension				Prisoner Security and Transporation				Protection of Witnesses				Tactical Operations				Total Increases	
		Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount		
Immigration Enforcement	Prisoner Security & Transportation	234	176	117	44,782	233	176	116	44,782	233	176	117	44,781	....	....	....	....	....	....	....	....	....	134,345
<b>Total Program Increases</b>		<b>234</b>	<b>176</b>	<b>117</b>	<b>44,782</b>	<b>233</b>	<b>176</b>	<b>116</b>	<b>44,782</b>	<b>233</b>	<b>176</b>	<b>117</b>	<b>44,781</b>	....	....	....	....	....	....	....	....	....	<b>134,345</b>

Note: For display purposes, the requested 700 positions and 350 FTE are spread against three decision units, however, the actual allocation of these positions depends upon the enacted amount and is likely to vary based on workload.

**C: Program Increases/Offsets By Decision Unit - Construction**

Program Increases	Location of Description by Decision Unit	Construction				Total Increases
		Pos.	Agt./Atty.	FTE	Amount	
Construction	Construction	....	....	....	10,000	10,000
<b>Total Program Increases</b>		....	....	....	<b>10,000</b>	<b>10,000</b>

**D: Resources by DOJ Strategic Goal and Strategic Objective - Salaries and Expenses**

**Resources by Department of Justice Strategic Goal/Objective  
United States Marshals Service  
Salaries and Expenses**  
(Dollars in Thousands)

Strategic Goal and Strategic Objective	Total 2008 Enacted (with Rescissions and Supplementals)		2009 Enacted		2010 Current Services		2010				2010 Request	
	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Increases		Offsets		Direct, Reimb. Other FTE	Direct Amount \$000s
							Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s		
<b>Goal 1: Prevent Terrorism and Promote the Nation's Security</b> 1.2 Strengthen partnerships to prevent, deter, and respond to terrorist incidents	43	5,269	43	5,322	43	5,375	....	....	....	....	43	5,375
<b>Subtotal, Goal 1</b>	<b>43</b>	<b>5,269</b>	<b>43</b>	<b>5,322</b>	<b>43</b>	<b>5,375</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>43</b>	<b>5,375</b>
<b>Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People</b> 2.3 Prevent, suppress, and intervene in crimes against children	75	20,785	92	24,672	92	24,919	....	....	....	....	92	24,919
<b>Subtotal, Goal 2</b>	<b>75</b>	<b>20,785</b>	<b>92</b>	<b>24,672</b>	<b>92</b>	<b>24,919</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>92</b>	<b>24,919</b>
<b>Goal 3: Ensure the Fair and Efficient Administration of Justice</b> 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement 3.2 Ensure the apprehension of fugitives from justice	2,956 1,543	593,338 273,448	3,205 1,582	640,092 279,914	3,254 1,705	665,017 308,732	234 135	89,564 44,781	....	....	3,488 1,840	754,581 353,513
<b>Subtotal, Goal 3</b>	<b>4,499</b>	<b>866,786</b>	<b>4,787</b>	<b>920,006</b>	<b>4,959</b>	<b>973,749</b>	<b>369</b>	<b>134,345</b>	<b>....</b>	<b>....</b>	<b>5,328</b>	<b>1,108,094</b>
<b>GRAND TOTAL</b>	<b>4,617</b>	<b>892,840</b>	<b>4,922</b>	<b>950,000</b>	<b>5,094</b>	<b>1,004,043</b>	<b>369</b>	<b>134,345</b>	<b>....</b>	<b>....</b>	<b>5,463</b>	<b>1,138,388</b>

Note 1: For display purposes, the requested 700 positions and 350 FTE are spread against three decision units, however, the actual allocation of these positions depends upon the enacted amount and is likely to vary based on workload.

Note 2: The 2008 enacted reimbursable FTE of 292 was reduced to 283 because the Memorandum of Understanding (MOU) to fund 9 FTE in 2008 for the Operation Streamline initiative between the U.S. Border Patrol and the USMS did not materialize.

**D: Resources by DOJ Strategic Goal and Strategic Objective - Construction**

**Resources by Department of Justice Strategic Goal/Objective  
United States Marshals Service  
Construction**  
(Dollars in Thousands)

Strategic Goal and Strategic Objective	Total 2008 Enacted (with Rescissions and Supplementals)		2009 Enacted		2010 Current Services		2010				2010 Request	
	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Increases		Offsets		Direct, Reimb. Other FTE	Direct Amount \$000s
							Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s		
<b>Goal 3: Ensure the Fair and Efficient Administration of Justice</b> 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement	....	2,304	....	4,000	....	4,000	....	10,000	....	....	....	14,000
<b>Subtotal, Goal 3</b>	<b>....</b>	<b>2,304</b>	<b>....</b>	<b>4,000</b>	<b>....</b>	<b>4,000</b>	<b>....</b>	<b>10,000</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>14,000</b>
<b>GRAND TOTAL</b>	<b>....</b>	<b>2,304</b>	<b>....</b>	<b>4,000</b>	<b>....</b>	<b>4,000</b>	<b>....</b>	<b>10,000</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>14,000</b>

## **E. Justification for Base Adjustments**

### **Justification for Base Adjustments United States Marshals Service**

#### Increases

2010 pay raise. This request provides for a proposed 2.0 percent pay raise to be effective in January of 2010 (This percentage is likely to change as the budget formulation process progresses.) This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$9,301,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$7,424,000 for pay and \$1,877,000 for benefits).

Annualization of 2009 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2009 pay increase of 3.9 percent included in the 2009 President's Budget. The amount requested \$4,865,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$3,099,000 for pay and \$1,766,000 for benefits).

Annualization of additional positions approved in 2008 and 2009. This provides for the annualization of 133 additional positions appropriated in 2008 and 201 additional positions enacted in 2009. Annualization of new positions extends to 3 years to provide for entry level funding in the first year with a 2-year progression to the journeyman level. For 2008 increases, this request includes an increase of \$12,103,486 for full-year payroll costs associated with these additional positions. For 2009, this request includes a decrease of \$4,574,000 for one-time items associated with the increased positions, and an increase of \$5,974,000 for full-year costs associated with these additional positions, for a net increase of \$1,400,000.

	2008 Increases (\$000)	Annualization Required for 2010 (\$000)	2009 Increases (\$000)	Annualization Required for 2010 (\$000)
Annual salary rate of <u>201</u> new positions	3,092	8,563	9,302	3,197
Less lapse (50 %)	....	....	4,651	....
Net Compensation	3,092	8,563	4,651	3,197
Associated employee benefits	1,194	3,540	1,843	1,011
Travel	1,553	....	6,091	782
Communications/Utilities	338	....	542	979
Printing/Reproduction	....	....	11	5
Other Contractual Services:				
25.2 Other Services	10,106	....	7,238	(795)
Supplies and Materials	1,347	....	1,373	(129)
Equipment	13,621	....	9,723	(2,721)
Buildout	825	....	2,157	(929)
<b>TOTAL COSTS SUBJECT TO ANNUALIZATION</b>	<b>32,076</b>	<b>12,103</b>	<b>33,629</b>	<b>1,400</b>

Restoration of Base. This provides for the annualization of 72 additional positions appropriated in 2008 in support of the Supplemental Appropriations Act, 2008, P.L. 110-252. The additional request of \$15,812,000 includes \$5,768,000 for full-year payroll costs associated with these additional positions plus \$10,044,000 for recurring maintenance, services, software licenses, and investigative expenses.

Retirement. Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 3 percent per year. The requested increase of \$592,000 is necessary to meet our increased retirement obligations as a result of this conversion.

Health Insurance: Effective January 2008, this component's contribution to Federal employees' health insurance premiums increased by 2.3 percent. Applied against the 2009 estimate of \$29,565,217, the additional amount required is \$680,000.



General Services Administration (GSA) Rent. GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$3,005,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective in FY 2010 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. GSA provided data on the rate increases.

DHS Security Charges. The Department of Homeland Security (DHS) will continue to charge Basic Security and Building Specific Security. The requested increase of \$916,000 is required to meet our commitment to DHS, and cost estimates were developed by DHS.

Postage: Effective May 11, 2009, the Postage Service implemented a rate increase of 4.8 percent. This percentage was applied to the 2010 estimate of \$792,000 to arrive at an increase of \$38,000.

Security Investigations: The \$138,000 increase reflects payments to the Office of Personnel Management for security reinvestigations for employees requiring security clearances.

Government Printing Office (GPO): GPO provides an estimated rate increase of 4%. This percentage was applied to the FY 2009 estimate of \$350,000 to arrive at an increase of \$14,000.

JUTNet. The Justice United Telecommunications Network (JUTNet) is a new system that will provide a more reliable, secure, and economic connectivity among the many local office automation networks deployed throughout the Department, as well as a trusted environment for information sharing with other government agencies and remote users, field agents, and traveling staff personnel. JUTNet will utilize uniform security, updated encryption protocols, and eliminate network inefficiencies existing with the current systems. Funding of \$5,000,000 is required for this account.

WCF Rate Increases. Components in the DC metropolitan area use and rely on the Department's Working Capital Fund (WCF) for support services including telecommunications services, computer services, finance services, as well as internet services. The WCF continues to invest in the infrastructure supporting the telecommunications services, computer services, internet services. Concurrently, several security initiatives are being implemented and additional resources are being directed to financial management in an effort to maintain a clean audit status. Funding of \$218,000 is required for this account.

International Cooperative Administrative Support Services (ICASS). Under the ICASS, an annual charge is made by the Department of State for administrative support based on the overseas staff of each federal agency. This request of \$248,000 is based on the average cost per person from FY 2008 and FY 2009 billing for non-post and post related charges.

Overseas Capital Security Cost Sharing (CSCS) - object class 12.1 or 25.2. The Department of State is in the midst of a 14-year, \$17.5 billion embassy construction program, with a plan to build approximately 150 new diplomatic and consular compounds. State has proposed that costs be allocated through a Capital Security Cost Sharing Program in which each agency will contribute funding based on the number of positions that are authorized for overseas personnel. The total agency cost will be phased in over 5 years. The estimated cost to the Department, as provided by State, for FY 2009 is approximately \$67,000,000. The estimated CSCS cost for the USMS is \$957,215 in FY 2009, an increase of \$567,876 from FY 2008 (\$389,339). The USMS currently has 13 positions overseas, and funding of \$32,000 is requested for this account.

Education Allowance. For employees stationed abroad, components are obligated to meet the educational expenses incurred by an employee in providing adequate elementary (grades K-8) and secondary (grades 9-12) education for dependent children at post. \$10,000 reflects the change in cost to support existing staffing levels.

#### Decreases

Employees Compensation Fund. The \$327,000 decrease reflects payments to the Department of Labor for injury benefits paid in the past year under the Federal Employee Compensation Act. This estimate is based on the first quarter of prior year billing and current year estimates.

Post Allowance - Cost of Living Allowance (COLA). For employees stationed abroad, components are obligated to pay for their COLA. COLA is intended to reimburse certain excess costs and to compensate the employee for serving at a post where the cost of living, excluding the cost of quarters and the cost of education for eligible family members, is substantially higher than in the Washington, D.C. area. \$2,000 reflects the decrease in cost to support existing staffing levels.

**F: Crosswalk of 2008 Availability - Salaries and Expenses**

**Crosswalk of 2008 Availability**

United States Marshals Service  
Salaries and Expenses

(Dollars in Thousands)

Decision Unit	2008 Enacted Without Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2008 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Judicial and Courthouse Security	1,787	1,715	355,038	....	....	7,951	....	....	3,775	....	....	51,511	1,787	1,715	418,275
Fugitive Apprehension	1,379	1,352	273,448	72	72	16,970	....	....	(1,175)	....	....	6,339	1,451	1,424	295,582
Prisoner Security and Transportation	886	843	171,971	....	....	....	....	....	....	....	....	1,055	886	843	173,026
Protection of Witnesses	194	190	29,889	....	....	....	....	....	....	....	....	....	194	190	29,889
Tactical Operations	167	162	33,873	....	....	3,700	....	....	....	....	....	....	167	162	37,573
<b>TOTAL</b>	<b>4,413</b>	<b>4,262</b>	<b>864,219</b>	<b>72</b>	<b>72</b>	<b>28,621</b>	<b>....</b>	<b>....</b>	<b>2,600</b>	<b>....</b>	<b>....</b>	<b>58,905</b>	<b>4,485</b>	<b>4,334</b>	<b>954,345</b>
Reimbursable FTE	....	283	....	....	....	....	....	....	....	....	....	....	....	283	....
Total FTE	....	4,545	....	....	72	....	....	....	....	....	....	....	....	4,617	....
Other FTE	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....
LEAP	....	614	....	....	....	....	....	....	....	....	....	....	....	614	....
Overtime	....	207	....	....	....	....	....	....	....	....	....	....	....	207	....
Total Compensable FTE	....	5,366	....	....	72	....	....	....	....	....	....	....	....	5,438	....

**Note:** The 2008 enacted reimbursable FTE of 292 was reduced to 283 because the Memorandum of Understanding (MOU) to fund 9 FTE in 2008 for the Operation Streamline initiative between the U.S. Border Patrol and the USMS did not materialize.

Supplementals. The amount reflects the Global War on Terror (GWOT) P.L. 110-252 supplemental provided for the ongoing mission in Afghanistan, high-threat trial security, and enforcement of the Adam Walsh Child and Protection Safety Act.

Transfers. The amount reflects the transfer in of \$1,095,830 from 1070 8/9 High Intensity Trafficking Area (HIDTA) to 0324 8/9 S&E, and \$88,848 from 1070 7/8 HIDTA to 0324 7/8 S&E, to support fugitive task force operations. It also includes the transfer out of \$2,360,077 from 0324A S&E to 0132 8/9 Narrowband Communications to purchase radios associated with operational positions. The Attorney General authorized the transfer in of \$3,775,000 from expired Salaries and Expenses accounts to provide funds needed for the Justice Detainee Information System (JDIS).

Carryover/Recoveries. Funds were carried over from FY 2007 from the 0324X S&E, \$33,164,905; the 1020X Federal Prisoner Division (FPD), \$1,055,173; the 8603X Violent Crimes Reduction Program (VCRP), \$147,412; and 0324 7/8 S&E, \$6,154,253. Funds that were recovered from prior year unpaid obligations include \$18,346,570 (0324X - S&E); and \$37,000 (0324 7/8 - S&E).

**F: Crosswalk of 2008 Availability - Construction**

**Crosswalk of 2008 Availability**  
 United States Marshals Service  
 Construction  
 (Dollars in Thousands)

Decision Unit	2008 Enacted Without Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2008 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Construction	....	....	2,304	....	....	....	....	....	....	....	....	6,240	....	....	8,544
<b>TOTAL</b>	....	....	<b>2,304</b>	....	....	....	....	....	....	....	....	<b>6,240</b>	....	....	<b>8,544</b>

Carryover/Recoveries. Funds were carried over from FY 2007 from the 0133X Construction account (\$4,932,072). Funds that were recovered from prior year unpaid obligations include \$1,308,485 (0133X - Construction).

**G: Crosswalk of 2009 Availability - Salaries and Expenses**

**Crosswalk of 2009 Availability**

United States Marshals Service  
Salaries and Expenses  
(Dollars in Thousands)

Decision Unit	2009 Enacted			Reprogrammings / Transfers			Carryover/ Recoveries			2009 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Judicial and Courthouse Security	1,864	1,818	379,508	....	....	....	....	....	33,893	1,864	1,818	413,401
Fugitive Apprehension	1,526	1,448	304,586	....	....	540	....	....	26,478	1,526	1,448	331,604
Prisoner Security and Transportation	1,008	956	198,197	....	....	(1,110)	....	....	1,110	1,008	956	198,197
Protection of Witnesses	201	197	32,024	....	....	....	....	....	....	201	197	32,024
Tactical Operations	173	168	35,685	....	....	....	....	....	....	173	168	35,685
<b>TOTAL</b>	<b>4,772</b>	<b>4,587</b>	<b>950,000</b>	<b>....</b>	<b>....</b>	<b>(570)</b>	<b>....</b>	<b>....</b>	<b>61,481</b>	<b>4,772</b>	<b>4,587</b>	<b>1,010,911</b>
Reimbursable FTE	....	335	....	....	....	....	....	....	....	....	335	....
Total FTE	....	4,922	....	....	....	....	....	....	....	....	4,922	....
Other FTE												
LEAP	....	639	....	....	....	....	....	....	....	....	639	....
Overtime	....	207	....	....	....	....	....	....	....	....	207	....
Total Compensable FTE	....	5,768	....	....	....	....	....	....	....	....	5,768	....

**Note:** After MAX locked, the USMS was notified that the reimbursable FTE related to OCDETF increased by 1 FTE bringing the total OCDETF FTE to 42, and the agency total reimbursable to 336 FTE. For display purposes, this exhibit ties to the MAX data.

Transfers. The amount reflects the transfer out of \$1,109,806 from 1020X Federal Prisoner Division (FPD) to 0136X Office of Federal Detention Trustee (OFDT); transfer in of \$492,625 from 1070 9/10 High Intensity Trafficking Area (HIDTA) to 0324 9/10 S&E; and transfer in of \$47,000 from 1070 8/9 HIDTA to 0324 8/9 S&E.

Carryover/Recoveries. Funds were carried over from FY 2008 to the 0324X S&E (\$17,673,897); 0324 8/9 S&E (\$26,477,747); and 1020X FPD (\$1,055,074). Funds that were recovered from prior year unpaid obligations include \$16,219,444 (0324X - S&E); and \$54,734 (1020X - FPD).

**G: Crosswalk of 2009 Availability - Construction**

**Crosswalk of 2009 Availability**

United States Marshals Service

Construction

(Dollars in Thousands)

Decision Unit	2009 Enacted			Reprogrammings / Transfers			Carryover/ Recoveries			2009 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Construction	....	....	4,000	....	....	....	....	....	2,403	....	....	6,403
<b>TOTAL</b>	....	....	<b>4,000</b>	....	....	....	....	....	<b>2,403</b>	....	....	<b>6,403</b>

Carryover/Recoveries. Funds were carried over from FY 2008 from the 0133X Construction account (\$1,904,265). Funds that were recovered from prior year unpaid obligations include \$498,877 (0133X - Construction).

**H: Summary of Reimbursable Resources - Salaries and Expenses**

**Summary of Reimbursable Resources**

United States Marshals Service

Salaries and Expenses

(Dollars in Thousands)

Collections by Source	2008 Enacted			2009 Planned			2010 Request			Increase/Decrease		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Administrative Office of the U.S. Courts (AOUSC)	47	47	1,755	64	64	185	64	64	185	....	....	....
Assets Forfeiture Fund (AFF)	142	142	23,830	171	171	20,030	187	187	20,030	16	16	....
Active Response Corp (ARC)	....	....	....	6	6	....	9	9	....	3	3	....
Justice Prisoner and Alien Transportation System Revolving Fund	....	....	1,489	....	....	1,230	....	....	1,230	....	....	....
Department of State	....	....	850	....	....	100	....	....	100	....	....	....
Department of Justice	....	....	27,970	....	....	16,955	....	....	16,955	....	....	....
Executive Office of the U.S. Attorneys	....	....	2,486	....	....	1,800	....	....	1,800	....	....	....
Office of Federal Detention Trustee	....	....	1,227,697	....	....	1,292,390	....	....	1,292,390	....	....	....
Federal Law Enforcement Training Center	....	....	30	....	....	30	....	....	30	....	....	....
High Intensity Drug Trafficking Area (HIDTA)	....	....	1,100	....	....	775	....	....	1,100	....	....	325
Office of National Drug Control Policy (ONDCP)	8	8	1,890	8	8	1,850	8	8	1,850	....	....	....
U.S. Tax Court	3	3	1,933	3	3	1,933	3	3	1,933	....	....	....
OCDETF	41	41	8,896	41	41	8,900	41	41	8,900	....	....	....
Service of Process (SOP)	7	7	1,050	7	7	1,000	7	7	1,000	....	....	....
Gang Resistance Education and Training (GREAT)	1	1	889	1	1	500	1	1	500	....	....	....
Centers for Disease Control (CDC)	34	34	7,000	34	34	7,000	34	34	7,000	....	....	....
Various Federal Sources	....	....	5,642	....	....	1,060	....	....	1,060	....	....	....
<b>Budgetary Resources:</b>	<b>283</b>	<b>283</b>	<b>\$1,314,507</b>	<b>335</b>	<b>335</b>	<b>\$1,355,738</b>	<b>354</b>	<b>354</b>	<b>\$1,356,063</b>	<b>19</b>	<b>19</b>	<b>\$325</b>

**Note 1:** The 2008 enacted reimbursable FTE of 292 was reduced to 283 because the Memorandum of Understanding (MOU) to fund 9 FTE in 2008 for the Operation Streamline initiative between the U.S. Border Patrol and the USMS did not materialize.

**Note 2:** After MAX locked, the USMS was notified that the reimbursable FTE related to OCDETF increased by 1 FTE bringing the total OCDETF FTE to 42, and the agency total reimbursable to 336 FTE. For display purposes, this exhibit ties to the MAX data.

## I: Detail of Permanent Positions by Category - Salaries and Expenses

### Detail of Permanent Positions by Category

United States Marshals Service  
Salaries and Expenses

Category	Total 2008 Enacted (with Rescissions and Supplementals)		2009 Enacted		2010 Request				
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	ATBs	Program Increases	Total Pr. Changes	Total Authorized	Total Reimbursable
Intelligence Series (132)	19	2	19	2	....	....	....	19	2
Personnel Management (200-299)	41	....	41	....	....	....	....	41	....
Clerical and Office Services (300-399)	587	137	682	171	22	172	172	876	171
Accounting and Budget (500-599)	121	10	121	10	....	....	....	121	10
Attorneys (905)	13	1	13	1	....	....	....	13	1
Paralegals / Other Law (900-998)	2	....	2	....	....	....	....	2	....
Information & Arts (1000-1099)	7	....	7	....	....	....	....	7	....
Business & Industry (1100-1199)	109	19	109	19	....	....	....	109	19
Equipment/Facilities Services (1600-1699)	5	....	5	....	....	....	....	5	....
Miscellaneous Inspectors Series (1802)	98	....	98	....	....	....	....	98	....
Criminal Investigative Series (1811)	3,364	95	3,556	113	50	528	528	4,134	132
Supply Services (2000-2099)	1	....	1	....	....	....	....	1	....
Motor Vehicle Operations (5703)	6	....	6	....	....	....	....	6	....
Information Technology Mgmt (2210)	82	1	82	1	....	....	....	82	1
Security Specialists (080)	21	18	21	18	....	....	....	21	18
Miscellaneous Operations (010-099)	9	....	9	....	....	....	....	9	....
<b>Total</b>	<b>4,485</b>	<b>283</b>	<b>4,772</b>	<b>335</b>	<b>72</b>	<b>700</b>	<b>700</b>	<b>5,544</b>	<b>354</b>
Headquarters (Washington, D.C.)	470	96	470	128	22	....	....	492	128
U.S. Field	4,008	187	4,292	207	50	697	697	5,039	226
Foreign Field	7	....	10	....	....	3	3	13	....
<b>Total</b>	<b>4,485</b>	<b>283</b>	<b>4,772</b>	<b>335</b>	<b>72</b>	<b>700</b>	<b>700</b>	<b>5,544</b>	<b>354</b>

**Note 1:** The 2008 enacted reimbursable FTE of 292 was reduced to 283 because the Memorandum of Understanding (MOU) to fund 9 FTE in 2008 for the Operation Streamline initiative between the U.S. Border Patrol and the USMS did not materialize.

**Note 2:** After MAX locked, the USMS was notified that the reimbursable FTE related to OCDETF increased by 1 FTE bringing the total OCDETF FTE to 42, and the agency total reimbursable to 336 FTE. For display purposes, this exhibit ties to the MAX data.



**J: Financial Analysis of Program Changes**

**Financial Analysis of Program Changes**  
 United States Marshals Service  
 (Dollars in Thousands)

	SALARIES AND EXPENSES								CONSTRUCTION	
	Judicial and Courthouse Security		Fugitive Apprehension		Prisoner Security and Transportation		Program Changes		Construction	
	Immigration Enforcement		Immigration Enforcement		Immigration Enforcement					
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
<b>Grades:</b>										
GS-9	57	3,027	57	3,025	57	3,027	172	9,078	....	....
GS-7	176	8,331	176	8,331	176	8,331	528	24,993	....	....
Total positions & annual amount	233	11,358	233	11,356	233	11,358	700	34,071	....	....
Lapse (-)	(117)	(5,679)	(117)	(5,678)	(117)	(5,679)	(350)	(17,036)	....	....
Total FTE & personnel compensation	117	5,679	116	5,678	117	5,679	350	17,036	....	....
Personnel benefits	....	2,206	....	2,207	....	2,207	....	6,620	....	....
Travel and transportation of persons	....	6,921	....	6,920	....	6,920	....	20,761	....	....
GSA rent	....	35	....	35	....	35	....	105	....	....
Communication, rents, and utilities	....	528	....	529	....	529	....	1,586	....	....
Printing	....	12	....	11	....	11	....	34	....	....
Other services	....	11,912	....	11,912	....	11,912	....	35,736	....	10,000
Supplies and materials	....	2,523	....	2,523	....	2,523	....	7,569	....	....
Equipment	....	13,224	....	13,224	....	13,224	....	39,672	....	....
Buildout	....	1,742	....	1,742	....	1,742	....	5,226	....	....
<b>Total, 2010 program changes requested</b>	<b>117</b>	<b>44,782</b>	<b>116</b>	<b>44,781</b>	<b>117</b>	<b>44,782</b>	<b>350</b>	<b>134,345</b>	<b>....</b>	<b>10,000</b>

**Note:** For display purposes, the requested 700 positions and 350 FTE are spread against three decision units, however, the actual allocation of these positions depends upon the enacted amount and is likely to vary based on workload.

**K: Summary of Requirements by Grade - Salaries and Expenses**

**Summary of Requirements by Grade**  
 United States Marshals Service  
 Salaries and Expenses

Grades and Salary Ranges	Total 2008 Enacted (with Rescissions and Supplementals)		2009 Enacted		2010 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Executive Level IV, \$143,500	1		1		1		....	
Senior Level, \$117,787 - \$153,200	36		36		36		....	
SES, \$117,787 - \$177,000	15		15		15		....	
GS-15, \$120,830 - 153,200	134		134		134		....	
GS-14, \$102,721 - 133,543	204		204		204		....	
GS-13, \$86,927 - 113,007	875		932		1,004		72	
GS-12, \$73,100 - 95,026	1,670		1,791		1,791		....	
GS-11, \$60,989 - 79,280	780		780		780		....	
GS-10, \$55,512 - 72,164	9		9		9		....	
GS-9, \$50,408 - 65,531	287		287		459		172	
GS-8, \$45,639 - 59,333	51		51		51		....	
GS-7, \$41,210 - 53,574	408		517		1,045		528	
GS-6, \$37,084 - 48,207	3		3		3		....	
GS-5, \$33,269 - 43,251	7		7		7		....	
GS-4, \$29,736 - 38,655	4		4		4		....	
GS-3, \$26,487 - 34,431	1		1		1		....	
<b>Total, appropriated positions</b>	<b>4,485</b>		<b>4,772</b>		<b>5,544</b>		<b>772</b>	
<b>Average SES Salary</b>		<b>\$157,758</b>		<b>\$161,674</b>		<b>\$164,907</b>		
<b>Average GS Salary</b>		<b>\$77,458</b>		<b>\$80,616</b>		<b>\$78,392</b>		
<b>Average GS Grade</b>		<b>11.48</b>		<b>11.40</b>		<b>10.93</b>		

**L: Summary of Requirements by Object Class - Salaries and Expenses**

**Summary of Requirements by Object Class**  
 United States Marshals Service  
 Salaries and Expenses  
 (Dollars in Thousands)

Object Classes	2008 Actuals		2009 Enacted		2010 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Direct FTE & personnel compensation	4,260	307,634	4,564	360,498	5,086	398,689	522	38,191
11.3 Other than full-time permanent	21	12,938	23	752	23	770	....	18
11.5 Total, Other personnel compensation	821	61,435	846	67,500	846	72,446	....	4,946
<i>Law Enforcement Availability Pay (LEAP)</i>	614	11,013	639	49,993	639	53,828	....	3,835
<i>Overtime</i>	207	48,032	207	16,240	207	17,307	....	1,067
<i>Other Compensation</i>		2,390		1,267		1,311		44
11.8 Special personal services payments		9,061		11,663		11,663		....
Total	5,102	391,068	5,433	440,413	5,955	483,568	522	43,155
Other Object Classes:								
12.0 Personnel benefits		151,991		163,209		180,580		17,371
13.0 Other benefits		13		9		9		....
21.0 Travel and transportation of persons		23,729		37,874		61,555		23,681
22.0 Transportation of things		996		958		958		....
23.1 GSA rent		139,614		168,600		172,920		4,320
23.2 Moving/Lease Expirations/Contract Parking		655		6,578		6,738		160
23.3 Comm., util., & other misc. charges		22,475		23,761		25,942		2,181
24.0 Printing and reproduction		384		658		719		61
25.1 Advisory and assistance services		295		....		....		....
25.2 Other services		82,834		45,787		92,113		46,326
25.3 Purchases of goods & services from Government accounts (Antennas, DHS Sec. Etc.)		10,060		12,567		13,517		950
25.3 Purchases of goods & services from Government accounts		5,996		....		....		....
25.4 Operation and maintenance of facilities		412		....		....		....
25.5 Research and development contracts		7,041		....		....		....
25.6 Medical Care		1,627		....		....		....
25.7 Operation and maintenance of equipment		480		....		....		....
25.8 Subsistence & Support of Persons		1		....		....		....
26.0 Supplies and materials		18,666		12,298		20,115		7,817
31.0 Equipment		30,767		34,379		72,448		38,069
32.0 Buildout		306		2,683		6,980		4,297
42.0 Other		1,663		226		226		....
44.0 Refunds		2		....		....		....
92.0 Other		70		....		....		....
<b>Total obligations</b>		<b>891,145</b>		<b>950,000</b>		<b>1,138,388</b>		<b>188,388</b>
Unobligated balance, start of year		(40,522)		(45,207)		....		....
Unobligated balance, end of year		45,207		....		....		....
Recoveries of prior year obligations		(18,384)		(16,274)		....		....
Transferred to other accounts		2,360		1,110		....		....
Transferred from other accounts		(1,185)		(540)		....		....
Expired unobligated balance transfer to unexpired account		(3,775)		....		....		....
Unobligated balance expiring or withdrawn		1,083		....		....		....
<b>Total DIRECT requirements</b>		<b>906,361</b>		<b>1,010,911</b>		<b>1,138,388</b>		
Reimbursable FTE:								
Full-time permanent \1	261	1,296	335	1,356	354	1,356	19	....
23.1 GSA rent (Reimbursable)		8,350		11,390		11,390		....
25.3 DHS Security (Reimbursable) \2		....		....		....		....

**Note 1:** After MAX locked, the USMS was notified that the reimbursable FTE related to OCDETF increased by 1 FTE bringing the total OCDETF FTE to 42, and the agency total reimbursable to 336 FTE. For display purposes, this exhibit ties to the MAX data.

**Note 2:** Typically, DHS security cost for Federal Protection Services is approximately 6% of total rent bill. For reimbursement purposes, DHS security charges are rolled into the rent account.

**L: Summary of Requirements by Object Class - Construction**

**Summary of Requirements by Object Class**

United States Marshals Service

Construction

(Dollars in Thousands)

Object Classes	2008 Actuals		2009 Enacted		2010 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
Other Object Classes:								
25.2 Other services		5,616		4,000		14,000		10,000
31.0 Equipment		560		....		....		....
<b>Total obligations</b>		<b>6,176</b>		<b>4,000</b>		<b>14,000</b>		<b>10,000</b>
Unobligated balance, start of year		(4,932)		(1,904)		(2,000)		
Unobligated balance, end of year		1,904		2,000		2,000		
Recoveries of prior year obligations		(1,308)		(499)		....		
<b>Total DIRECT requirements</b>		<b>10,512</b>		<b>4,403</b>		<b>14,000</b>		
Reimbursable FTE:								
Full-time permanent		....		....		....		....
23.1 GSA rent (Reimbursable)		....		....		....		....
25.3 DHS Security (Reimbursable)		....		....		....		....