

**United States Marshals Service  
FY 2023 Performance Budget**

**President's Budget**

**Salaries and Expenses  
Appropriation**



**March 2022**

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## **I. United States Marshals Service Overview**

### **A. Introduction**

The United States Marshals Service (USMS) requests \$1,807,138,000 for the Salaries and Expenses (S&E) appropriation to fund 5,856 positions, 4,250 Deputy U.S. Marshals (DUSMs), 38 Attorneys, and 5,345 full time equivalent (FTE) excluding reimbursable FTE. This includes an increase of \$28,787,000 in base adjustments and program increases totaling \$137,801,000. These budget increases are the USMS’ top priority and are necessary to respond to workload trends in USMS core missions and enhance capacity to effectively address Department of Justice (DOJ) priorities and initiatives.

<b>Budget</b>	<b>Salaries &amp; Expenses</b>			
	<b>Positions</b>	<b>DUSMs</b>	<b>FTE</b>	<b>Amount (\$000)</b>
<b>FY 2021 Enacted</b>	5,244	3,894	4,976	\$1,496,000
<b>FY 2022 President’s Budget</b>	5,465	3,976	5,039	\$1,640,550
<b>FY 2023 Request</b>	5,856	4,250	5,345	\$1,807,138

### **B. Organizational Background**

#### **History**

The Judiciary Act of 1789 established the original 13 Federal judicial districts and called for appointment of a Marshal for each district. The Senate confirmed President Washington’s nomination of the first Marshals on September 26, 1789.

The Attorney General began supervising U.S. Marshals in 1861. Marshals have been under the purview of the DOJ since the Department’s creation in 1870. In 1956, the Deputy Attorney General established the Executive Office for United States Marshals as the first organization to supervise the Marshals nationwide. On May 12, 1969, DOJ Order 415-69 established the U.S. Marshals Service, with its Director appointed by the Attorney General. 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.

#### **Mission**

The USMS protects, defends, and enforces the American justice system. This mission requires the USMS to provide for the personal protection of Federal jurists, court officers, witnesses, and other threatened persons in the interests of justice; provide Federal judicial security, including the security of buildings housing the judiciary, the personal security of judicial officers, and the assessment of threats made to judicial officers; investigate and apprehend fugitives and non-

compliant sex offenders; locate and recover missing children; secure and transport Federal prisoners; execute Federal court orders; and seize and manage assets forfeited to the government.

As America's first and most versatile Federal law enforcement agency, the USMS is considered the Nation's Police Force. The USMS continues to build on its legacy of steadfast service and unique position in the country's Federal justice system. Today, the USMS is a force of approximately 5,000 deputies and civil servants who protect the judicial process, the cornerstone of American democracy. The USMS uses the influence and reach gained through its accomplished history and broad authority to collaborate with other Federal, state, local, and international law enforcement agencies, as well as with concerned citizens and members of the judiciary, to form a united front against crime.

The USMS strategic plan identifies mission challenges and strategies to mitigate these challenges. This road map guides resource investment, establishes the steps to improve operational performance, and positions the USMS to meet future challenges. Over the past few years, the USMS has successfully executed its broad mission authority even as new mandates and congressional legislation have resulted in dynamic growth across program areas. To successfully implement the strategic plan while continuing to excel in executing the mission, transformational change is required. Therefore, the plan addresses workforce and infrastructure in addition to the mission areas.

### **U.S. Marshals Perform a Wide Range of Duties**

Since 1789, Federal marshals have served the nation in a variety of vital law enforcement roles. The USMS consists of 94 district offices and personnel stationed at more than 400 locations throughout the 50 states, Puerto Rico, Guam, the Northern Mariana Islands, the U.S. Virgin Islands, and the District of Columbia. A U.S. Marshal appointed by the President or the Attorney General heads each district. The USMS headquarters is located in the Washington, D.C. area.

All USMS duties and responsibilities emanate from its core mission to ensure the safe, effective functioning of the Federal judicial process. The USMS occupies a uniquely central position in the Federal justice system and is involved in virtually every Federal law enforcement initiative.

Deputy U.S. Marshals and career employees execute the following duties nationwide, in their day-to-day assignments:

## Fugitive Apprehension

Deputy U.S. Marshals engage in critical operations to prevent violent crime and enforce the rule of law:

- conducting domestic and international fugitive investigations;
- investigating non-compliant sex offenders for violations of registration laws;
- assisting state, local, and other Federal law enforcement agencies in locating and recovering missing children;
- leading fugitive task forces comprised of local, state, and Federal, law enforcement partner agencies to apprehend violent fugitives from justice;
- planning and implementing the extradition and deportation of fugitives;
- seizing assets gained by illegal means and providing for the custody, management, and disposal of forfeited assets;
- conducting financial and technical surveillance on specific fugitive investigations; and
- executing all lawful writs, process, and orders issued under the authority of the United States (serving court papers), which is also known as service of process.



## Judicial and Courthouse Security

Deputy U.S. Marshals provide for the physical and facility security of the judicial system:



- managing defendants in custody while in court;
- protecting judges, prosecutors, jurists, witnesses, and threatened persons in the interests of justice where criminal intimidation impedes on the judicial process or any other official proceeding;
- analyzing and investigating threats and inappropriate communications made to judicial officers;
- conducting courtroom and courthouse security;
- planning courthouse facility renovations;
- managing courthouse security systems; and
- conducting courthouse and residential security surveys.





## Prisoner Security and Transportation

Deputy U.S. Marshals provide for the organized receipt, transport, and temporary care of Federal prisoners and defendants:



- fingerprinting all defendants in the Federal court system;
- securing prisoners and defendants in custody in the cellblock;
- transporting prisoners and defendants in custody between the jail and courthouse, between Federal judicial districts and states;
- receiving prisoners from other Federal law enforcement agencies;
- providing prisoner housing and other services related to Federal detainees; and
- conducting jail inspections to ensure the safety and security of its prisoners.



## Protection of Witnesses

Deputy U.S. Marshals provide a valuable tool in the battle against major criminal conspirators and organized crime:

- operating the Federal government's Witness Security Program;
- ensuring the safety of protected witnesses and their families;
- providing 24-hour protection of government witnesses while they are in designated danger areas for the purposes of testimony or court-related appearances;
- producing protected witnesses for court proceedings; and
- providing new identities with authentic documentation and relocating protected witnesses and their families.

## Operations Support

Deputy U.S. Marshals deploy to provide law enforcement assistance in a variety of tactical and emergency response scenarios:

- performing security, rescue, and recovery activities for high threat and emergency events such as natural disasters and civil disturbances;
- planning and implementing emergency operations including Continuity of Government activities;
- providing medic, canine, and tactical communication support to USMS missions;
- performing audits and inspections of U.S. Marshals operations;
- providing protection for the Strategic National Stockpile and coordination with the Centers for Disease Control and Prevention; and
- protecting America through constant readiness, incident management, operations, and training critical to mission success.



## U.S. Marshals Service Responds to Shifting Priorities

The role of the U.S. Marshals has profoundly impacted the history of the United States since the time when America was expanding across the continent into western territories. With changes in prosecutorial emphasis, the mission of the USMS has transitioned as well. More recently, law enforcement priorities have shifted with changing social mandates. Examples include:

- In the 1960s, USMSs 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. In the present day, the renewed focus on controlled substances and a nationwide opioid crisis have given rise to an increase in drug-related workload.
- The Presidential Threat Protection Act of 2000 (Public Law (P.L.) 106-544) directed the USMS to provide assistance to state and local law enforcement agencies in the location and apprehension of their most violent fugitives. As a result, the USMS increased the size and effectiveness of its regional and district-based fugitive apprehension task forces, thus providing a critical “force multiplier” effect that aids in the reduction of violent crime across the nation. District Task Forces (DTFs) and Regional Fugitive Task Forces (RFTFs) combine the efforts of Federal, state, and local law enforcement agencies to locate and apprehend the most violent fugitives under the expertise and supervision of USMS Criminal Investigators.
- Expansion of illegal immigration enforcement activities, including the implementation of Operation Streamline in 2005, increased Federal prosecutions of immigration offenders, which resulted in a significant increase to USMS workload.
- The Adam Walsh Child Protection and Safety Act of 2006 (AWA) (P.L. 109-248) strengthened Federal penalties by making the failure to register (FTR) 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.” In response, the USMS established the Sex Offender Investigative Branch (SOIB) and opened the National Sex Offender Targeting Center (NSOTC) to carry out its mission to protect the public by bringing non-compliant sex offenders to justice and targeting offenders who pose the most immediate danger to the public in general and to child victims in particular. Additionally, the Child Protection Act of 2012 (P.L. 112-206) provides additional administrative authorities to prosecutors and law enforcement agencies to further combat sex crimes involving children, including administrative subpoena authority, to the USMS Director for cases involving unregistered sex offenders.
- The Justice for Victims of Trafficking Act of 2015 (P.L. 114-22) clarified USMS authority to assist state, local, and other Federal law enforcement agencies in locating and

recovering missing children upon request. Previously, the USMS was only authorized to assist with missing child cases in which a warrant was already in place for the suspected abductor/companion. This new authority eliminated the need for a warrant, allowing the USMS to immediately support missing child cases.

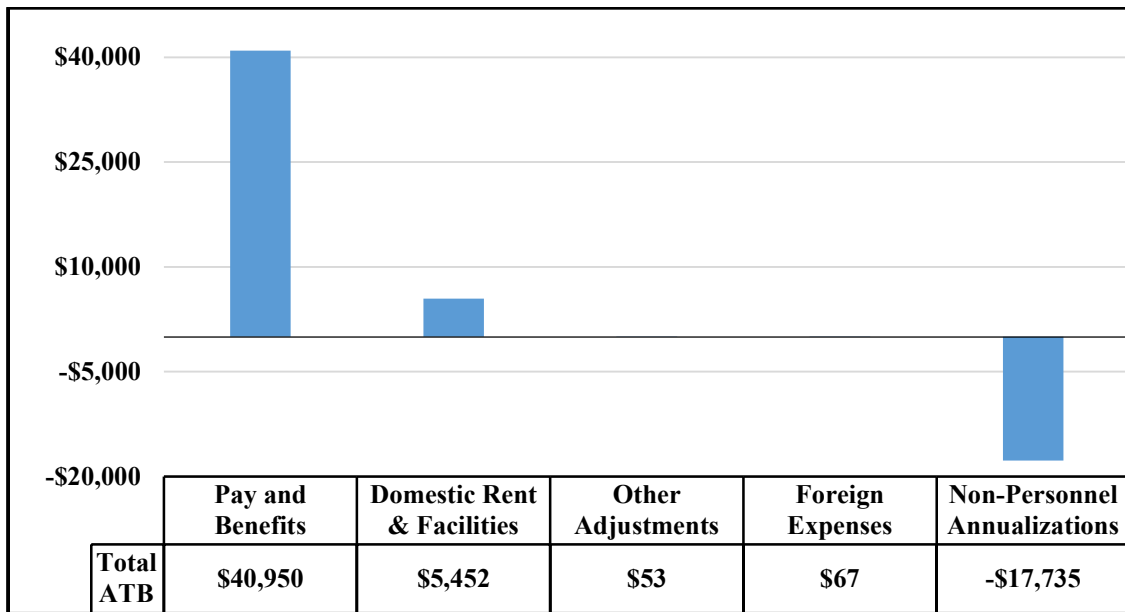
- In 2016, the International Megan’s Law to Prevent Child Exploitation and Other Sexual Crimes Through Advanced Notification of Traveling Sex Offenders (P.L. 114-119) was enacted. This law assigned a critical role in vetting and providing notification of sex offenders traveling abroad to the USMS National Sex Offender Targeting Center (NSOTC). Under the law, the Department of Homeland Security (DHS) will operate an Angel Watch Center (AWC) within Immigration and Customs Enforcement (ICE). The AWC will provide the NSOTC manifests of registered sex offenders who have scheduled travel within 72 hours. The NSOTC is then required to vet the manifests to identify “covered sex offenders” (i.e., the victim is less than 18 years of age) for the AWC.

In addition to these priorities, because more Federal resources are dedicated to apprehension and prosecution of suspected terrorists and gang members, the USMS is constantly assessing and responding to demands for high-level security required for many violent criminal and terrorist-related court proceedings.

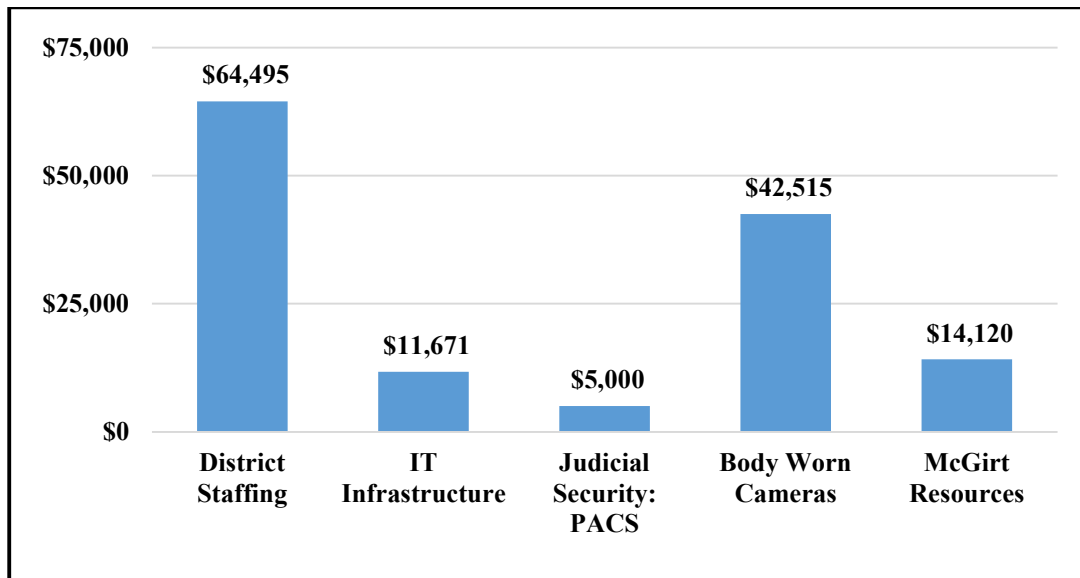
**C. USMS Budget**

The USMS funding request of \$1,807,138,000 provides the necessary resources for the USMS to maintain and enhance its core functions and increase priority areas. The charts below show the cost distribution of base adjustments and requested program increases.

**S&E Adjustments to Base  
(\$ in thousands)**



**S&E Program Increases  
(\$ in thousands)**



Total S&E technical and base adjustments for FY 2023 are \$28,787,000 and the program increase requests total \$137,801,000 for a total increase of \$166,588,000 from the FY 2022 President’s Budget.

The USMS also receives reimbursable and other indirect resources from a variety of sources. Some of the larger sources include:

- The Administrative Office of the United States Courts (AOUSC) funds administration of the Judicial Facility Security program.
- The Fees and Expenses of Witnesses (FEW) appropriation funds security and relocation of protected witnesses.
- The Assets Forfeiture Fund (AFF) funds management and disposal of seized assets.
- The Organized Crime Drug Enforcement Task Forces (OCDETF) program funds staffing and other costs related to apprehension of major drug case fugitives.

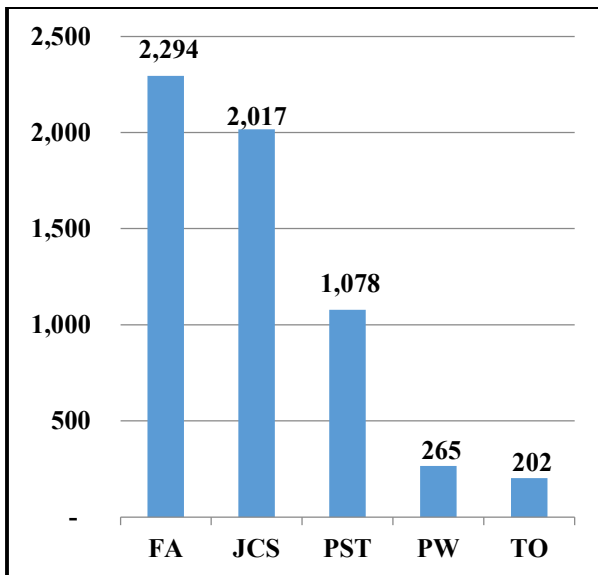
The USMS S&E budget is divided into five decision units that contain the personnel and funds organized by mission:

- **Fugitive Apprehension (FA)** – Combats violent crime in our communities nationwide by locating and apprehending Federal fugitives, egregious state or local fugitives, and non-compliant sex offenders. Creates and maintains fugitive task forces and cooperative working relationships with Federal, state, local, and foreign law enforcement agencies; develops national expertise in sophisticated technical operations; conducts psychological assessments of sex offenders; and, collects and shares criminal intelligence. This decision unit includes management and disposal of DOJ’s seized and forfeited assets.

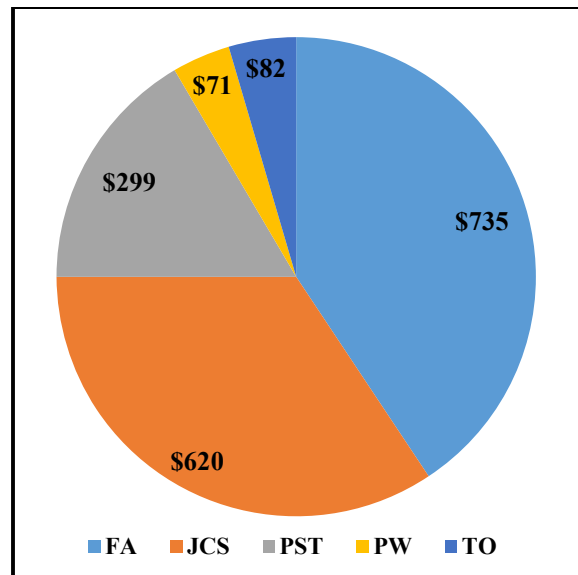
- **Judicial and Courthouse Security (JCS)** – Ensures a safe and secure environment for Federal judicial proceedings. Anticipates and deters threats to the judiciary; maintains the ability to deploy protective measures at any time; and, implements the necessary security measures for all Federal court facilities.
- **Prisoner Security and Transportation (PST)** – Ensures safe and humane custody of all Federal prisoners from time of arrest until the prisoner is acquitted, arrives at a designated Federal Bureau of Prisons facility to serve a sentence, or is otherwise ordered released from U.S. Marshal’s custody. Provides housing, medical care, and transportation throughout the United States and its territories; produces prisoners for all court-ordered appearances; and, protects their civil rights throughout the judicial process.
- **Protection of Witnesses (PW)** – 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.
- **Tactical Operations (TO)** – Ensures the USMS is able to respond immediately to any situation involving high-risk/sensitive law enforcement activities, national emergencies, civil disorders, or natural disasters. Maintains a specially trained and equipped tactical unit deployable at any time; provides explosive detection canines; operates a 24-hour Emergency Operations Center; and, ensures Incident Management Teams and Mobile Command Centers are always available.

The charts below show FY 2023 President’s Budget request by authorized positions and cost distribution by decision unit.

**Staffing by Decision Unit  
(Authorized Positions)**



**Cost by Decision Unit  
(\$ in millions)**



## **D. Sustainability**

The USMS Sustainability Report and Implementation Plan incorporates requirements set forth in Executive Order (EO) 14008, “Tackling the Climate Crisis at Home and Abroad.” The USMS is participating in the DOJ Climate Adaptation Team to focus on climate adaptation planning efforts and enhancing its collective resilience and ability to adapt to a changing climate. In addition, the USMS will continue to evaluate sustainability, energy efficiency, and environmental performance in the execution of its mission.

The USMS strives to increase energy efficiency, conserve water, and reduce greenhouse gas emissions for direct-leased facilities. The USMS continues to discuss sustainability goals and climate vulnerabilities to enhance awareness, optimize energy and environmental performance, reduce waste, enhance climate readiness of USMS facilities, and ensure a climate-ready supply of products and services. The USMS policy directive for the Environmental Management Program complies with EO 14008.

## **E. Challenges**

The USMS routinely analyzes cost savings measures for economies of scale; communicates transparently with the DOJ, Office of Management and Budget (OMB), and Congress; and pursues resources to accomplish USMS core missions, operate programs, improve detention management, ensure officer safety, fight violent crime, and provide the highest possible security for the Federal judicial process.

To achieve these priorities, the USMS and the DOJ integrate Strategic Planning and Enterprise Risk Management. Together, these tools add value by developing a plan-based approach to identify, assess, and manage risks to achieving the USMS and the DOJ goals and objectives. The USMS has identified five areas as key risks that affect prioritization, performance, and resource allocation: officer safety, health, and wellness; human capital, cybersecurity, body worn cameras, and social media.

### **Officer Safety, Health, and Wellness**

*Risk:* Increases in violent crime and declines in public perception present risks to officer health, safety, and wellness. This may lead to increased officer harm, regulation, attrition, and diminished morale. The USMS must provide enhanced physical protection to Deputy U.S. Marshals (DUSMs) who face high-risk situations while strengthening existing programs focused on peer support, stress management, and suicide prevention.

*Description:* Wearing the badge of a DUSM comes with unique hazards. Protecting those who serve is a top priority of the USMS. Since 2014, the USMS has endured at least one line of duty death each year, totaling 11 DUSM losses through 2020. Three of those deaths occurred in 2020. Sadly, over the same time-period, five Special Deputy U.S. Marshals also lost their life supporting the USMS mission – four Court Security Officers (CSOs) and one Task Force Officer (TFO).

Increased levels of violent crime and decreased public perception exacerbate DUSM workplace and personal stress levels. High stress levels have an adverse effect on a deputy's health and wellness by increasing the risk of line of duty death, anxiety, burnout, depression, and workplace errors. Stress experienced by law enforcement personnel contribute to increased risk of chronic health outcomes.

*Mitigation:* The USMS continues to invest in employee and peer support programs. The Critical Incident Response Team (CIRT) is a rapid response peer support program often cited as a model program within law enforcement. Employee support programs such as the Employee Resiliency Program (ERP) and Employee Assistance Program (EAP) are vital resources for all personnel. The USMS will establish a Total Force Fitness program to implement process changes and formally coordinate CIRT, ERP, and EAP to increase overall health, safety, and wellness of USMS personnel.

The USMS provides comprehensive law enforcement safety training to all operational employees. All DUSMs, including supervisors and managers, are required to complete 40 hours of officer safety training annually. The training includes tactical procedures, proper use of protection equipment, and leadership during operations. Each district chooses from a wide range of training options to address local needs and planning.

The USMS requires ongoing investment to build upon its successes in improving officer safety, employee health and wellness, and law enforcement partnership. Implementing the District Staffing and Recruitment enhancement will reduce the risk to USMS personnel and ensure the USMS accomplishes its strategic goals and objectives.

## **Human Capital**

*Risk:* Diversion of resources, which is sometimes required to meet unplanned, priority missions, presents a risk to the ability to fill operational vacancies. These vacancies can affect mission performance, which increases vulnerability to protectees, staff, and the public. In turn, this can lead to attrition, increased stress on personnel, and lower morale.

*Description:* The USMS workload continues to increase and the demand for DUSMs to support prisoner movements, court productions, judicial protection, and fugitive operations has presented considerable challenges to maintain effective and efficient operations. These competing demands affect mission effectiveness, task force operations, and violent crime impact, as well as officer safety, tactical, and professional training. Increased workload also escalates the need for out-of-district support to meet mission needs, increasing costs and decreasing district ability to support other DOJ initiatives.

*Mitigation:* Implementing the District Staffing and McGirt Resources enhancements will alleviate stress across the enterprise by providing additional personnel to respond to increasing workload. Additionally, these enhancements will improve USMS capacity to effectively address Department priorities and initiatives related to violent crime reduction, countering domestic terrorism, and combatting gun violence.



## **Cybersecurity**

*Risk:* Exploitation of vulnerabilities by foreign and domestic actors poses a risk to USMS information technology (IT) systems security. Security breaches could diminish protectee, officer and public safety; increase system support costs; compromise the Personally Identifiable Information (PII) of protectees; and cause unfavorable public perception.

*Description:* As a result of the SolarWinds incident in December 2020, the USMS requires an expansion of security and after-hours network monitoring support to increase the level of preparedness when responding to cybersecurity events. Identity theft and fraud can occur at the time employees enter their log-in credentials. The USMS needs to simplify and secure user account administration and log-in activities by implementing Single Sign-On (SSO) for remaining legacy applications.

*Mitigation:* Modernization of USMS law enforcement systems, such as the ongoing development and deployment of the Capture case management system in FY 2022 and FY 2023, is retiring high risk legacy IT systems. This work is improving security, management, development, operations, and maintenance. In addition, the USMS proposes to transition from owning servers, and the cost associated with them, to secure cloud-based options. Implementing the IT Infrastructure enhancement is necessary to enhance the USMS ability to manage cybersecurity risk, achieve significant cost avoidance through prevention, reduce the risk of future malicious attacks towards the network which could lead to additional data exploitation, and ensure compliance with Homeland Security Presidential Directive 12 (HSPD-12).

## **Body Worn Cameras (BWC)**

*Risk:* Resource constraints present a risk to the USMS ability to deploy a BWC program that strengthens accountability and transparency. This may lead to inconsistent mission execution that diminishes accountability, transparency, and reputation.

*Description:* In April 2021, the DOJ began development of a program that requires law enforcement officers employed by DOJ law enforcement components to utilize BWCs while serving arrest warrants, or other planned arrest operations, and during the execution of search or seizure warrants/orders. The DOJ BWC policy mandates that all captured video during USMS operations is subject to Federal records requirements and Federal disclosure rules. To expand this program, the USMS needs additional funding for the cost associated with the reviewing, approving, and storing the massive amount of data from BWCs.

*Mitigation:* Implementation of the BWC enhancement will allow the USMS to build on its existing video management solution, currently in place for the TFO BWC program, to provide capability to manage Federal BWC recordings. This enhancement will give the USMS capacity to manage the digital data; deliver a robust end-to-end solution for USMS to access, manage, and report data; and effectively establish a BWC recording disclosure process – responding to requests, performing redactions, managing video, and implementing audit capabilities.

## **Social Media**

*Risk:* Prolific use of social media by individual protectees and the aggregate social media footprint pose risks to protectees. This may lead to diminished protectee safety, degraded mission performance, and further online promulgation of conspiracy theories by malicious foreign and domestic actors.

*Description:* The use of technological tools and techniques including bots, big data, trolling, deep-fakes, and others, are meant to manipulate public opinion by spreading false, inaccurate, or misleading information. An individual can reach targeted and potentially endless audiences to achieve their goal with minimal resources.

*Mitigation:* With funding provided in FY 2021, the USMS Judicial Security Division (JSD) established a new Open Source Intelligence Unit (OSINT) to proactively review and research social media content. OSINT identifies threats and situations of concern that may be currently undetected through traditional investigative methods. Analyzing public discourse on social media, its spread (“likes”, comments, and shares), and the target audience, the USMS can effectively manage its resources appropriate to identified threats. The USMS continues to educate judges, witnesses, and other persons under the USMS’ protection on the risks associated when using a social media platform. Additionally, the USMS provides guidelines to protectees actions they can take if they feel targeted or threatened. Further investment is necessary to achieve judicial security goals and objectives and build upon the resources in the FY 2021 Enacted appropriation. Implementing the District Staffing and judicial security enhancements in the FY 2023 request will reduce the threat likelihood and mitigate any potential effects when threats do occur.

## II. Summary of Program Changes

Item Name	Description	Positions	FTE	Amount (\$000)	Page
<b>District Staffing and Recruitment</b>	Staffing enhancement to support the increasing workload in USMS District offices throughout the nation. With improved recruitment and new positions, the USMS will be able to address departmental priorities and initiatives related to violent crime reduction, countering domestic terrorism, and combatting gun violence.	280	140	\$64,495	54
<b>Information Technology Infrastructure</b>	Updates the USMS' information technology (IT) infrastructure by migrating existing on-premise infrastructure to the cloud and enhancing the operational mobile application, SHIELD.	1	1	\$11,671	64
<b>Judicial Security: Physical Access Control Systems</b>	Expands funding to upgrade and improve physical access control systems at U.S. Courthouses. Currently, many courthouses have outdated systems that no longer receive technical support by equipment manufacturers.	0	0	\$5,000	69
<b>Federal and Task Force Officer Body Worn Cameras</b>	Supports the full implementation of the TFO and Federal Officer BWC program. This initiative allows USMS deputized state and local TFOs to use BWCs while supporting the USMS and expands the program to require specifically designated DUSMs to use BWCs.	54	27	\$42,515	73
<b>McGirt Resources</b>	Provides the personnel necessary to facilitate the transfer of felony cases from Oklahoma State Court to Federal Court and for new cases expected due to the U.S. Supreme Court's <i>McGirt v. Oklahoma</i> decision.	56	28	\$14,120	84
<b>Total Request</b>		<b>391</b>	<b>196</b>	<b>\$137,801</b>	

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

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

#### **Salaries and Expenses**

For necessary expenses of the United States Marshals Service, [\$1,640,550,000] \$1,807,138,000 of which not to exceed [\$6,000] \$20,000 shall be available for official reception and representation expenses, and not to exceed \$25,000,000 shall remain available until expended.

#### **Analysis of Appropriation Language**

##### Representation Funds

The FY 2023 President's Budget Submission proposes a small increase of \$14,000 to the representation funding authority cap, for a total of \$20,000. The current authority of \$6,000 has not changed since FY 2012.

Increased representation funds will benefit the USMS and DOJ, particularly in the international investigation mission area. The USMS is the lead Federal agency that directs, coordinates, and initiates transnational fugitive investigations. Additional representation authority allows the USMS to establish and strengthen relationships with foreign law enforcement agencies. The USMS continues to work closely with its international partners outside of foreign field office locations. Increased representation authority would support USMS efforts to improve cooperation with law enforcement partners, as well as fortify and establish new relationships with visiting foreign dignitaries.

#### IV. Program Activity Justification

##### A. Judicial and Courthouse Security

<i>Judicial and Courthouse Security</i>	<b>Direct Positions</b>	<b>Estimated FTE</b>	<b>Amount (\$000)</b>
2021 Enacted (Actual)	1,722	1,634	\$513,862
2022 Annualized CR	1,722	1,634	\$513,862
Expected Change from FY 2022 CR	185	87	\$57,861
2022 President's Budget	1,907	1,721	\$571,723
Adjustments to Base and Technical Adjustments	0	92	\$13,460
2023 Current Services	1,907	1,813	\$585,183
2023 Program Increases	110	55	\$34,671
2023 Request	2,017	1,868	\$619,854
<b>Total Change 2022-2023</b>	<b>110</b>	<b>147</b>	<b>\$48,131</b>

<i>Judicial and Courthouse Security – IT Breakout (of Decision Unit Total)</i>	<b>Direct Positions</b>	<b>Estimated FTE</b>	<b>Amount (\$000)</b>
2021 Enacted	42	42	\$63,181
2022 Annualized CR / President's Budget	40	40	\$60,595
Adjustments to Base and Technical Adjustments	1	1	\$1,791
2023 Current Services	41	41	\$62,386
2023 Program Increases	0	0	\$3,911
2023 Request	41	41	\$66,297
<b>Total Change 2022-2023</b>	<b>1</b>	<b>1</b>	<b>\$5,702</b>

##### 1. Program Description

The Judicial and Courthouse Security decision unit includes personal protection of Federal jurists, court officers, and other threatened persons where criminal intimidation impedes the functioning of the judicial process or any other official proceeding, or as directed by the Attorney General; facility security, including security equipment and systems to monitor and protect Federal court facilities; and security of in-custody defendants during court proceedings.

The USMS establishes security by assessing the potential threat, developing security plans based on risks and threat levels, and assigning the level of appropriate security resources required to maintain a safe environment and protect the Federal judicial process. High-security, high-profile events such as cases involving domestic and international terrorists, domestic and international organized criminal organizations, drug traffickers, gangs, and extremist groups require extensive operational planning and support from specially trained and equipped personnel.

DUSMs are assigned to the 94 judicial districts (93 Federal districts and the Superior Court of the District of Columbia) to ensure protected members of the judicial family remain unharmed and the judicial process is unimpeded. The USMS further assigns a Judicial Security Inspector (JSI) to each district to provide specialized knowledge, skills, and competencies for evaluating security at Federal court facilities and off-site for judges, prosecutors, and other protectees. The USMS has also apportioned JSIs to each of the 12 judicial circuits to supervise protective operations when additional personal security is required due to threat-related activity.

### Protective Intelligence

The USMS and the Federal Bureau of Investigations (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 determining a suspect's true intent, motive, and ability to harm the targeted individual, regardless of the possibility for prosecution. These investigations are the USMS' highest priority and involve the systematic discovery, collection, and assessment of available information.

The USMS Office of Protective Intelligence (OPI) provides guidance and oversight to district offices for investigation of threats and inappropriate communications directed at USMS protected persons and facilities. The OPI serves as the central point of intelligence and information related to the safety and security of members of the judiciary and other USMS protectees. The protective intelligence information OPI collects, analyzes, and disseminates to districts ensures appropriate measures are put into place to protect the judicial process.

### Judicial Facility Security Program (JFSP)

The USMS administers the JFSP, which is funded by the AOUSC through its Court Security appropriation. The central JFSP mission is management of approximately 5,800 contracted court security officers who provide physical security at more than 400 court facilities throughout the nation.

In addition to maintaining physical security of Federal courthouses, the USMS develops and implements electronic security system installation plans to protect courthouses. These capabilities are critical to the safety of judicial officials, courtroom participants, the general public, and USMS personnel. Cameras, duress alarms, remote door openers, and other security devices improve overall security posture. When incidents occur, the USMS is equipped to record events, monitor personnel and prisoners, and send additional staff to identify and stabilize situations requiring a tactical response.

## 2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Judicial and Courthouse Security												
RESOURCES (\$ in thousands)			Target		Actual		Target		Changes		Requested (Total)	
			FY 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request	
Total Costs and FTE (Reimbursable: FTE are included, but costs are bracketed and not included in totals)			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			1,632	\$513,862 [\$10,613]	1,709	\$505,170 [\$8,875]	1,809	\$571,723 [\$14,626]	159	\$48,131 [-\$60]	1,968	\$619,854 [\$14,566]
Strategic Objective	Type	Performance	FY 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request	
	Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			1,632	\$513,862 [\$10,613]	1,709	\$505,170 [\$8,875]	1,809	\$571,723 [\$14,626]	159	\$48,131 [-\$60]	1,968	\$619,854 [\$14,566]
1.1	Performance Measure: Workload	Potential threats to protected persons	4,229		4,511		4,235		276		4,511	
1.1	Performance Measure: Output	Threats investigated	915		1,343		916		356		1,272	
1.1	Performance Measure: Output	Threat-based protective details	13		11		13		0		13	
1.1	Performance Measure: Outcome	Assaults against protected persons	0		0		0		0		0	

## Data Definition, Validation, Verification, and Limitations:

### Performance Measure – Workload

#### 1. Potential threats to protected person

- a. **Data Definition:** The number of any action or communication, whether explicit or implied, of intent to assault, resist, oppose, impede, intimidate, or interfere with any member of the Federal Judiciary, or other USMS protected person, in the performance of their official duties. A threat may be written, verbal, or gestured, and may be delivered directly or relayed through third parties. Threats are calculated by the number of *security incidents* – activity that requires documentation, but not further investigation (i.e. disruptive, suspicious, unauthorized persons or events); *preliminary assessment* – investigative activity that is done absent a triggering event. Requires some investigation and may require intelligence or behavioral analyses; or a *predicated protective investigation* – investigative activity where an adequate triggering event is present indicating a crime has or might take place. Success is defined as actuals below the estimate. Estimate represents maximum performance.
- b. **Data Validation and Verification:** Numbers are calculated utilizing information technology data from the JDIS and Capture. Data validated by the USMS Judicial Security Division.
- c. **Data Limitations:** This data is accessible to all districts and is updated as new information is collected. There may be a lag in the reporting of data.

### Performance Measures – Outputs, Efficiencies, and Outcomes

#### 2. Threats investigated

- a. **Data Definition:** The total number of threats that received a *preliminary assessment* – investigative activity that is done absent a triggering event. Requires some investigation and may require intelligence or behavioral analyses; or a *predicated protective investigation* – investigative activity where an adequate triggering event is present indicating a crime has or might take place. Success is defined as actuals below the target. Target represents maximum performance.
- b. **Data Validation and Verification:** Numbers are calculated utilizing information technology data from the JDIS and Capture. Data validated by the USMS Judicial Security Division.
- c. **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.

#### 3. Threat-based protective details

- a. **Data Definition:** A protective detail is a security assignment of 24-hour continuous detail or a portal-to-portal protective detail resulting from threat assessment. A protective detail can be for anyone that is under USMS protection. Success is defined as actuals below the target. Target represents maximum performance.



- b. Data Validation and Verification:** Numbers are calculated utilizing information technology data from the JDIS and Capture. Data validated by the USMS Judicial Security Division.
- c. 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.

**4. Assaults against protected persons**

- a. Data Definition:** Includes criminal assault motivated by protectee status as Federal jurists, court officers, and other threatened persons in the interest of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding or as directed by the Attorney General and in-custody defendants during court proceedings. Success is defined as the actual meeting the target.
- b. Data Validation and Verification:** Numbers are calculated utilizing information technology data from the JDIS and Capture. Data validated by the USMS Judicial Security Division.
- c. 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.

<b>PERFORMANCE MEASURE TABLE</b>						
<b>Decision Unit:</b> Judicial and Courthouse Security						
<b>Strategic Objective</b>	<b>Performance Measure</b>		<b>FY 2021</b>		<b>FY 2022</b>	<b>FY 2023</b>
			<b>Target</b>	<b>Actual</b>	<b>Target</b>	<b>Target</b>
1.1	Performance Measure: Workload	Potential threats to protected persons	4,229	4,511	4,235	4,511
1.1	Performance Measure: Output	Threats investigated	915	1,343	916	1,272
1.1	Performance Measure: Output	Threat-based protective details	13	11	13	13
1.1	Performance Measure: Outcome	Assaults against protected persons	0	0	0	0

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

The USMS maintains the integrity of the Federal judicial system by:

- 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;
- guaranteeing that Federal judges, attorneys, defendants, witnesses, jurors, and others can participate in uninterrupted court proceedings;
- assessing inappropriate communications and providing protective details to Federal

judges or other members of the judicial system;

- maintaining the custody, protection, and security of prisoners and the safety of material witnesses for appearance in court proceedings; and
- limiting opportunities for criminals to tamper with evidence or use intimidation, extortion, or bribery to corrupt judicial proceedings.

The USMS assesses the threat level at all high-risk proceedings, develops security plans, and assigns the commensurate security resources required to maintain a safe environment, including the possible temporary assignment of DUSMs from other districts to enhance security. When proceedings are deemed high-risk, the USMS JSIs and district staff develop operational plans well in advance of those proceedings.

**Measure:** Assaults against protected persons

**FY 2021 Target:** 0

**FY 2021 Actual:** 0

***Strategic Objective: Identify, Deter, and Prevent Harm to Protected Persons through Forward-Looking, Risk-Based Approaches to Protection and Intelligence***

**Expanding Open-Source Intelligence.** The USMS has taken major actions at both the institutional and procedural levels to improve threat identification, assessment, and mitigation capabilities. The JSD's newly created OSINT Unit significantly enhances threat identification capabilities and better equips the USMS to rapidly assess, investigate, and mitigate potential threats against protected persons. The OSINT Unit reviews public discussion, social media, and media exposure of judicial events to improve the USMS' ability to assign the appropriate level of resources to trials, judicial conferences, and other events impacting the judiciary. This approach better aligns resources to true needs and potentially reduces costs. The OSINT Unit also contributes to active protective investigations and prosecutions of internet threats through direct support to USMS District Threat Investigators.

**Establishing a Threat Investigation Unit (TIU).** The USMS established the TIU in March 2021. This new unit is comprised of Senior Inspectors who serve as the conduit and support apparatus for district efforts to investigate and mitigate threats directed toward protected persons and designated facilities. The TIU provides direction, management, and oversight to districts with investigative plans and threat mitigation strategies.

To institutionalize USMS investigative culture, the TIU established circuit-level engagements which include quarterly circuit conference calls and an annual conference. Circuit engagements afford districts the opportunity to present extremely complex protective investigations to staff of various judicial security offices and to obtain valuable feedback for proceeding with the investigations. These panels also develop and implement threat mitigation strategies, identify valuable lessons learned, and present unique investigative and mitigation approaches that may be useful to other districts experiencing similar protective investigation and threat management challenges. TIU personnel have also deployed nationally to provide on-site support and training to several districts.

**Delivering support through Judicial Support Centers (JSCs).** The USMS began transforming to integrated, circuit-based district support by embedding the 11th Circuit Team within the Atlanta, Georgia office as a program pilot. The JSC program is designed to provide personnel, support, and lines of communication between all USMS circuits and headquarters. These teams will enable enhanced collaboration among districts and intelligence staff, create faster response times to district needs and issues, and better manage risk.

**Centralizing district data and improving accessibility through a user-friendly platform.** Field personnel often decry the lack of readily accessible data and the need to initiate multiple communications to receive basic information. To promote more timely and efficient intelligence-sharing across districts and between the districts and headquarters, the USMS developed a Judicial District Support Hub. The Hub improves operational processes for JSIs and other DUSMs in the field by providing direct access to data, policies and regulations, information bulletins, forms, and links to headquarters personnel.

**Realizing the results of improved reporting of contraband and potential threats in courthouses.** The security incident and threat investigations workload increased from 4,261 potential threats in FY 2020 to 4,511 in FY 2021, a 5.9 percent increase. The potential threats comprise security incidents, preliminary assessments, and predicated protective investigations. Understanding the true nature of this workload is essential to providing effective judicial security; therefore, the USMS is making concerted efforts to reiterate the importance of accurate data recording and data entry by operational personnel. Data recorded for the most serious cases tends to be accurate due to the investigation that follows, while less significant security incidents often have not included complete data entry. Of the potential threats investigated this year, security incidents including contraband accounted for a significant portion of the overall total, rising 453 percent from the second to third quarter. The effectiveness of training and messaging on accurate data entry is evident by the increase in contraband entered correctly into the USMS case management system.

## B. Fugitive Apprehension

<i>Fugitive Apprehension</i>	<b>Direct Positions</b>	<b>Estimated FTE</b>	<b>Amount (\$000)</b>
2021 Enacted (Actual)	2,089	1,982	\$586,704
2022 Annualized CR	2,089	1,982	\$586,704
Expected Change from FY 2022 CR	16	-16	\$57,079
2022 President's Budget	2,105	1,966	\$643,783
Adjustments to Base and Technical Adjustments	0	8	\$12,520
2023 Current Services	2,105	1,974	\$656,303
2023 Program Increases	189	95	\$78,588
2023 Request	2,294	2,069	\$734,891
<b>Total Change 2022-2023</b>	<b>189</b>	<b>103</b>	<b>\$91,108</b>

<i>Fugitive Apprehension – IT Breakout (of Decision Unit Total)</i>	<b>Direct Positions</b>	<b>Estimated FTE</b>	<b>Amount (\$000)</b>
2021 Enacted	48	48	\$72,207
2022 Annualized CR / President's Budget	46	46	\$69,685
Adjustments to Base and Technical Adjustments	3	3	\$2,017
2023 Current Services	49	49	\$71,702
2023 Program Increases	1	1	\$25,542
2023 Request	50	50	\$97,244
<b>Total Change 2022-2023</b>	<b>4</b>	<b>4</b>	<b>\$27,559</b>

### 1. Program Description

The Fugitive Apprehension decision unit includes domestic and international fugitive investigations, fugitive extraditions and deportations, sex offender investigations, technical operations, and the management and disposal of seized and forfeited assets. The USMS is authorized to investigate such fugitive matters, both within and outside the United States, 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.

## Domestic Fugitive Investigations

The USMS is the Federal government's primary agency for apprehending fugitives and provides assistance and expertise to other Federal, state, and local law enforcement agencies in support of fugitive investigations. The USMS works aggressively to reduce violent crime through the apprehension of fugitives using a nationwide network of task forces and other investigative resources such as criminal intelligence, electronic, air, and financial surveillance.

Currently, the USMS is the lead agency for 56 district-led fugitive task forces and eight RFTFs. District task forces, composed of district USMS personnel and state and local law enforcement officers, investigate Federal felony warrants where the USMS has execution authority and egregious state and local fugitives within the district. RFTFs partner with Federal, state, and local law enforcement agencies and focus investigative resources to locate and apprehend the most egregious state and local fugitives within the task force's region, and to assist in high-profile investigations that identify criminal activities for future state and Federal prosecutions. The nationwide network of USMS fugitive task forces focuses investigative efforts and resources to combat violent crime by targeting fugitives wanted for committing violent felony offenses.

The USMS prioritizes investigation and apprehension of some of the country's most dangerous fugitives by allocating resources and funding to its 15 Most Wanted Fugitive Program and Major Case Fugitive Program. These initiatives target high-profile offenders who tend to be career criminals with histories of violence and pose a significant threat to public safety.

In addition, the USMS is responsible for most fugitive investigations conducted on behalf of OCDETF. In partnership with OCDETF, the USMS assists state and local partner agencies in apprehending numerous drug-related and organized crime felons who are eventually prosecuted at the state and Federal levels.

## International Fugitive Investigations

In addition to domestic investigations, the USMS investigates international fugitives. The globalization of crime, coupled with the immediate mobility of fugitives, requires an intensive effort to identify, locate, apprehend, and remove transnational fugitives who flee the jurisdiction of one country only to seek refuge in another. The USMS developed several international fugitive programs to effectively combat this challenge. Resources committed to this mission include four foreign field offices, six regional desks at Headquarters, and the Canada and Mexico investigative liaison programs. Additionally, the USMS oversees liaison positions at the International Criminal Police Organization (INTERPOL) – United States National Central Bureau (USNCB); the DOJ Office of International Affairs (OIA); and the DEA-led, multi-agency El Paso Intelligence Center (EPIC). The USMS also provides direction, oversight, and training on international investigations and the extradition process to Federal, state, local, and foreign law enforcement agencies and prosecutors' offices.

The USMS is the lead agency responsible for investigation and apprehension of international and foreign fugitives. Through Memoranda of Understanding with Federal law enforcement agencies and from requesting state or local agencies, the USMS has apprehension responsibility

for fugitives who leave the jurisdiction of the United States. Extraterritorial investigations are conducted in concert with other law enforcement agencies in countries lacking a USMS presence. Through agreements with USNCB, OIA, and foreign law enforcement authorities, the USMS also investigates foreign fugitives within the borders of the United States.

Of the USMS active fugitive caseload, the International Investigations Branch (IIB) has open active investigations on more than 1,000 international fugitives who have fled the United States and is also investigating over 200 fugitives wanted by foreign countries who are believed to be in the United States. The IIB also tracks fugitives who have valid U.S. warrants but cannot be returned to the United States due to limitations of bilateral treaties or cases not accepted for prosecution. These fugitives are tracked to ensure investigative due diligence for potential removal should circumstances change.

The management and execution of the U.S. Government's extradition program is a second critical mission. The USMS has statutory responsibility for conducting complex international extraditions from foreign countries to the United States on behalf of all Federal, state, and local law enforcement agencies. The USMS manages extradition logistics through strong partnerships with OIA, U.S. law enforcement personnel abroad, and foreign authorities. The USMS reciprocates by assisting foreign authorities conducting extraditions from the United States.

### Sex Offender Investigations

As the lead law enforcement agency responsible for investigating sex offender registration violations, the USMS has three distinct missions pursuant to the Adam Walsh Child Protection and Safety Act:

- Assisting state, local, tribal, and territorial authorities in the location and apprehension of non-compliant sex offenders.
- Investigating violations of 18 USC § 2250 and related offenses.
- Assisting in identification and location of sex offenders relocated due to major disasters.

To accomplish these missions, the USMS partners with State, local, military, tribal, and territorial law enforcement authorities as well as the National Center for Missing and Exploited Children (NCMEC).

The USMS established the National Sex Offender Targeting Center (NSOTC) to further enhance its capabilities and support state and local partners. The NSOTC and the USMS Sex Offender Investigation Coordinators in the field partner with the DOJ's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) and agencies such as Department of Defense (DOD), INTERPOL, the Department of State – Diplomatic Security Service (DOS-DSS), and Customs and Border Protection to identify, locate, and prosecute non-compliant sex offenders domestically and internationally. Additionally, the NSOTC now receives notification from the DOD's Military Correctional Branch when military convicted sex offenders are released, which allows enforcement officials to better identify non-compliant sex offenders for arrest and prosecution. Sex offender investigation activities also support the DOJ's National Strategy for Child Exploitation Prevention and Interdiction.

## Technical Operations

The Technical Operations Group provides the USMS, other Federal agencies, and state or local law enforcement agencies with timely and technologically advanced electronic surveillance and investigative intelligence. TOG operates from eight Regional Technical Operations Centers (RTOCs) and 21 field offices throughout the United States and Mexico. The USMS assists hundreds of other Federal, state, and local law enforcement agencies in support of thousands of the nation's most critical and time-sensitive investigations. TOG's two branches, the Electronic Surveillance Branch (ESB) and the Air Surveillance Branch (ASB), work synergistically.

The ESB provides state-of-the-art electronic surveillance assistance in fugitive investigations. It deploys sophisticated commercial and sensitive technical surveillance technologies for interception of hard-line and cellular telecommunications, Wi-Fi collection and emitter location, and Global Positioning System (GPS) and radio frequency tagging/tracking. The ESB also conducts computer and cellular exploitation and on-scene forensic extraction, photo/video surveillance, and technical surveillance sweeps to detect surreptitious monitoring devices.

The ASB provides aerial support for missions throughout the USMS using specially equipped fixed wing aircraft outfitted with advanced avionics, surveillance, and communications capabilities. The aircraft and pilots, co-located with the RTOCs, provide investigative, surveillance, and reconnaissance capabilities including still and motion aerial imagery and enhancement, aerial RF beacon tracking, mobile communication command and control, and electronic surveillance package deployment in support of fugitive investigative missions.

TOG is the USMS liaison to the U.S. Intelligence Community (IC) with respect to signal intelligence, measurement and signature intelligence, imagery intelligence, electronic intelligence, and communications intelligence. The USMS also shares its investigative tactics, techniques, and procedures with certain members of the IC and DOD. This collaborative effort has allowed all participants to enhance their capabilities and mission readiness.

## Asset Forfeiture

The USMS is the primary custodian of the DOJ's Asset Forfeiture Program (AFP), whose mission is to support the use of asset forfeiture to disrupt and dismantle criminal enterprises, deprive wrongdoers of the profits and instrumentalities of criminal activity, deter crime, and restore property to crime victims while protecting individual rights. USMS fiduciary stewardship ensures seized assets are managed and disposed of efficiently and effectively. AFP agency participants include the FBI; the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco, Firearms and Explosives; the DOS-DSS; the Defense Criminal Investigation Service; the Food and Drug Administration; the U.S. Postal Inspection Service; and each U.S. Attorneys' Office.

USMS Asset Forfeiture Financial Investigators (AFFI) proactively identify assets during investigations by working with investigative agencies and U.S. Attorneys Offices to conduct financial analyses that determine net equities of assets targeted for forfeiture, execute court orders, and assist in the physical seizure and security of the assets. AFFI positions are funded from the AFF and work exclusively in the USMS AFP.

## 2. Performance and Resource Tables

<b>PERFORMANCE AND RESOURCES TABLE</b>												
<b>Decision Unit:</b> Fugitive Apprehension												
<b>RESOURCES (\$ in thousands)</b>			<b>Target</b>		<b>Actual</b>		<b>Target</b>		<b>Changes</b>		<b>Requested (Total)</b>	
			<b>FY 2021</b>		<b>FY 2021</b>		<b>FY 2022</b>		<b>Current Services Adjustments and FY 2023 Program Changes</b>		<b>FY 2023 Request</b>	
<b>Total Costs and FTE</b> (Reimbursable: FTE are included, but costs are bracketed and not included in totals)			<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
			1,900	\$586,704 [\$671]	1,983	\$601,133 [\$604]	1,968	\$643,783 [\$671]	103	\$91,108 [\$0]	2,071	\$734,891 [\$671]
<b>Strategic Objective</b>	<b>Type</b>	<b>Performance</b>	<b>FY 2021</b>		<b>FY 2021</b>		<b>FY 2022</b>		<b>Current Services Adjustments and FY 2023 Program Changes</b>		<b>FY 2023 Request</b>	
	<b>Program Activity</b>		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
			1,900	\$586,704 [\$671]	1,983	\$601,133 [\$604]	1,968	\$643,783 [\$671]	103	\$91,108 [\$0]	2,071	\$734,891 [\$671]
3.3	KPI: Output	Percent of Federal law enforcement officers who receive use of force sustainment training within a 3-year period	14%		14%		25%		12%		37%	
3.3	KPI: Output	Percent of Federal law enforcement officers equipped with body-worn cameras and associated training.	4%		4%		14%		11%		25%	
2.3	Performance Measure: Workload	Number of Federal fugitives	56,254		55,172		57,255		2,117		59,372	
2.3	Performance Measure: Output	Number of assets received	12,480		17,269		13,700		0		13,700	
		a. Cash	9,200		13,689		10,500		0		10,500	
		b. Real Property	280		167		200		0		200	
		c. Conveyances	1,600		1,799		1,600		0		1,600	
		d. All other assets	1,400		1,614		1,400		0		1,400	



<b>Decision Unit: Fugitive Apprehension</b>							
<b>RESOURCES (\$ in thousands)</b>			<b>Target</b>	<b>Actual</b>	<b>Target</b>	<b>Changes</b>	<b>Requested (Total)</b>
<b>Strategic Objective</b>	<b>Type</b>	<b>Performance</b>	<b>FY 2021</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>Current Services Adjustments and FY 2023 Program Changes</b>	<b>FY 2023 Request</b>
2.3	Performance Measure: Output	Number of assets disposed	12,480	10,520	14,800	0	14,800
		a. Cash	9,200	8,059	11,500	0	11,500
		b. Real Property	280	227	200	0	200
		c. Conveyances	1,600	1,044	1,700	0	1,700
		d. All other assets	1,400	1,190	1,400	0	1,400
2.3	Performance Measure: Output	Comparison of value returned to the fund					
		a. Real Property	75%	89%	80%	0	80%
		b. Conveyances (vehicles, vessels, and aircraft)	60%	83%	72%	0	72%
2.3	Performance Measure: Outcome	Assets disposed within procedural timeframes by category					
		a. Real Property	70%	87%	70%	0	70%
		b. Conveyances (vehicles, vessels, and aircraft)	85%	90%	85%	0	85%
2.3	Performance Measure: Output	Noncompliant sex offender investigations	2,827	3,102	2,770	14	2,784
2.3	Performance Measure: Outcome	Number of USMS Federal and egregious non-Federal fugitives apprehended / cleared	106,800	100,723	96,855	12,275	109,130
2.3	Performance Measure: Outcome	Number and percent Federal fugitives apprehended / cleared	36,012 / 64%	33,552 / 61%	31,880 / 56%	3,404 / 3.0%	35,284 / 59%

## **Data Definition, Validation, Verification, and Limitations:**

### **Performance Measures – Workload**

#### **1. Number of Federal fugitives**

- a. Data Definition:** 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. Fugitives with multiple warrants are counted once.
- b. Data Validation and Verification:** Warrant and fugitive data is verified by a random sampling of National Crime Information Center (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.
- c. Data Limitations:** Data is accessible to all districts and updated as new information is collected. There may be a reporting lag.

#### **2. Number of assets received – includes a count of the number of assets received during the fiscal year.**

- a. Data Definition (Cash):** The count of unique cash asset IDs received into USMS custody.  
**Data Definition (Real Property):** The number of assets IDs categorized as a parcel of land that has been legally defined received into USMS custody.  
**Data Definition (Conveyances):** The total number of unique asset IDs, categorized as vehicles, vessels or aircrafts received into USMS custody.  
**Data Definition (All Other Assets):** The total number of unique asset IDs, less cash, real property, and conveyances received into USMS custody.
- b. Data Validation and Verification:** Assets are recorded by seizing agencies and verified by District Offices. Data is entered by individuals in District Offices and Headquarters and is audited by internal and external controls.
- c. Data Limitations:** Data is estimated based on the date extracted, as CATS data entry is continuous.

### **Performance Measures – Outputs, Efficiencies, and Outcomes**

#### **3. Non-compliant sex offender investigations**

- a. Data Definition:** Opened investigations of violators of the Adam Walsh Child Protection and Safety Act that reach the level of the Attorney General’s Guidelines for Conducting Domestic Investigations.
- b. Data Validation and Verification:** Office of Compliance Review (OCR) annual Self-Assessment Guide review of cases to DOJ and USMS policy and procedures. OCR also conducts annual on-site inspections of Districts and Divisions each year.

- c. **Data Limitations:** Data entry often lags behind operations causing a delay in timely and accurate information. This lag varies by office size, staffing and other intangibles.

#### 4. Number of assets disposed

- a. **Data Definition (Cash):** The count of unique cash asset IDs in USMS custody.

**Data Definition (Real Property):** The number of assets IDs categorized as a parcel of land that has been legally defined disposed.

**Data Definition (Conveyances):** The number of assets ID's categorized as vehicles, vessels or aircrafts disposed.

**Data Definition (All Other Assets):** The total number of unique asset IDs, less cash, real property, and conveyances disposed.

- b. **Data Validation and Verification:** Assets are recorded by seizing agencies and verified by District Offices. Data is entered by individuals in District Offices and Headquarters and is audited by internal and external controls
- c. **Data Limitations:** Data is estimated based on the date extracted, as CATS data entry is continuous.

#### 5. Comparison of value returned to the fund

**Data Definition (Real Property):** The percent proceeds returned to the fund through the sale of Real Property. The percentage is calculated as sale value of the asset at disposal, less management and disposition fees; divided by appraised value.

**Data Definition (Vehicles):** The percent proceeds returned to the fund through the sale of Vehicles. The percentage is calculated as sale value of the asset at disposal, less management and disposition fees; divided by the appraised value.

- a. **Data Validation and Verification:** Assets are recorded by seizing agencies and verified by District Offices. Data is entered by individuals in District Offices and Headquarters and is audited by internal and external controls.
- b. **Data Limitations:** Data is estimated based on the date extracted, as CATS data entry is continuous.

#### 6. Assets disposed within procedural timeframes by category

- a. **Data Definition (Real Property):** The number of real property assets disposed within established procedural timeframes, divided by the total number of real property assets disposed.

**Data Definition (Conveyances) [Vehicles, Vessels and Aircraft]:** The number of conveyances disposed within established procedural timeframes, divided by the total number of conveyances disposed.

- b. **Data Validation and Verification:** Data is estimated based on date extracted, as CATS data entry is continuous.

- c. **Data Limitations:** Data is estimated based on the date extracted, as CATS data entry is continuous.

**7. Number of USMS Federal and egregious non-federal fugitives apprehended/cleared**

- a. **Data Definition:** Includes physical arrest, directed arrest, surrender, dismissal, and arrest by another agency, when a Federal fugitive is taken into custody on a detainment order, and warrants that are dismissed to the other cleared categories. It also includes egregious non-federal felony fugitives, including targeted state and local fugitives with an offense code of homicide, kidnapping, sexual assault, robbery, assault, threats, arson, extortion, burglary, vehicle theft, dangerous drugs, sex offenses, obscenity, family offenses, obstructing the police, escape, obstruction of justice, weapon offenses, and/or crime against persons.
- b. **Data Validation and Verification:** See Federal fugitives (warrants) above. Prior to assigning state and local warrants, the Supervisory Deputy U.S. Marshal or designee is responsible for reviewing each case to verify it meets above criteria.
- c. **Data Limitations:** Data is accessible to all districts and updated as new info is collected. There may be a reporting lag.

**8. Number and percent of Federal fugitives apprehended/cleared**

- a. **Data Definition:** Percent cleared is calculated as the number of cleared fugitives divided by the sum of received fugitives (fugitives with a warrant issued during the fiscal year) and on-hand fugitives (fugitives with active warrants at the start of the fiscal year).
- b. **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.
- c. **Data Limitations:** Data is accessible to all districts and updated as new info is collected. There may be a reporting lag.

## PERFORMANCE MEASURE TABLE

**Decision Unit:** Fugitive Apprehension

Strategic Objective	Performance Measure		FY 2021		FY 2022	FY 2023
			Target	Actual	Target	Target
3.3	Key Performance Indicator	Percent of Federal law enforcement officers who receive use of force sustainment training within a 3-year period	14%	14%	25%	37%
3.3	Key Performance Indicator	Percent of Federal law enforcement officers equipped with body-worn cameras and associated training	4%	4%	14%	14%
2.3	Performance Measure: Workload	Number of Federal fugitives	56,254	55,172	57,255	59,372
2.3	Performance Measure: Output	Number of assets received	12,480	17,269	13,700	13,700
		a. Cash	9,200	13,689	10,500	10,500
		b. Real Property	280	167	200	200
		c. Conveyances	1,600	1,799	1,600	1,600
		d. All other assets	1,400	1,614	1,400	1,400
2.3	Performance Measure: Output	Number of assets disposed	12,480	10,520	14,800	14,800
		a. Cash	9,200	8,059	11,500	11,500
		b. Real Property	280	227	200	200
		c. Conveyances	1,600	1,044	1,700	1,700
		d. All other assets	1,400	1,190	1,400	1,400
2.3	Performance Measure: Output	Comparison of value returned to the fund				
		a. Real Property b. Conveyances (vehicles, vessels, and aircraft)	75% 60%	89% 83%	80% 72%	80% 72%
2.3	Performance Measure: Outcome	Assets disposed within procedural timelines by category				
		a. Real Property b. Conveyances (vehicles, vessels, and aircraft)	70% 85%	87% 90%	70% 85%	70% 85%
2.3	Performance Measure: Output	Non-compliant sex offender investigations	2,827	3,102	2,770	2,784
2.3	Performance Measure: Outcome	Number of USMS Federal and egregious non-federal fugitives apprehended / cleared	106,800	100,723	96,855	109,130
2.3	Performance Measure: Outcome	Number and percent Federal fugitives apprehended / cleared	36,012 / 64%	33,552 / 61%	31,880 / 56%	35,284 / 59%

### 3. Performance, Resources, and Strategies

One challenge facing the fugitive apprehension program is the volume of program responsibility. To achieve the greatest public protection with available resources, the fugitive program focuses on the most egregious Federal, state, and local offenders. This requires strategic selection of state and local fugitive cases. Current measures focus on cases in which the USMS holds primary arresting authority and on cases that have a greater impact on public safety, making them a USMS fugitive apprehension priority.

**Measure:** Number of USMS Federal and egregious non-federal fugitives apprehended/cleared

**FY 2021 Target:** 106,800

**FY 2021 Actual:** 100,723

**Measure:** Number and percent of USMS Federal fugitives apprehended/cleared

**FY 2021 Target:** 36,012 / 64%

**FY 2021 Actual:** 33,552 / 61%

#### ***Strategic Objective: Expand Investigative Capabilities through a Combination of Technology and Strategic Partnerships***

The USMS furthered its commitment to combat gang-related violence by conducting 31 counter-gang initiatives nationwide. This represents a 65 percent increase from FY 2020 despite a national pandemic. The USMS counter-gang objectives, Operation Triple Beam and Operation Washout, provide immediate relief to communities suffering from gang-related violence. Warrant-based arrests of known gang members, as well as gathering and sharing street-level intelligence, support larger-scale criminal investigations in collaboration with local, state, and Federal partner agencies.

USMS Regional Fugitive Task Forces (RFTFs) partner with more than 600 Federal, state, and local law enforcement agencies, which assign over 1,700 TFOs to support the USMS. RFTFs bring investigative assistance, tactical equipment, vehicles, financial and electronic surveillance, and other technical assistance to bear as they successfully leverage the multijurisdictional investigative authority of the USMS to pursue fugitives on a local, regional, national, and international level. The RFTFs supported Operation Legend and the Summer Initiative during FY 2021, as directed by the Department, in conjunction with their ongoing mission to locate and apprehend the country's most violent fugitives.

#### **Asset Forfeiture**

Asset forfeiture targeting is becoming increasingly complex, creating the need for greater collaboration at all phases of a case. Successful forfeiture requires a cadre of trained individuals with specialized skills and a focus on pre-seizure planning to permit evaluation of the assets seized and the potential value returned to the Department's Assets Forfeiture Fund. Continued focus on evaluation of the type of assets seized, effective management of inventory, and timely

disposal ensure the highest return to the fund for reinvestment in state and local law enforcement and the community.

**Measure:** Comparison of value returned to the fund

**FY 2021 Target:**

Real Property: 75%

Conveyances: 60%

**FY 2021 Actual:**

Real Property: 89%

Conveyances: 83%

***Strategic Objective: Promote Effective and Efficient Governance and Asset and Vendor Management***

**Achieving financial excellence through integrity and due diligence.** The global pandemic led the Federal Government to maximize telework, causing the DOJ's external auditor to start the FY 2020 annual financial audit one month later than usual. As a result, less time was available to program offices for gathering and providing supporting documentation. Despite this challenge, the USMS earned an Unmodified Opinion for the financial audit. This is the highest-ranking audit opinion; in the auditor's opinion, USMS financial statements were presented in accordance with applicable financial reporting framework. The USMS did not receive any Notices of Findings and Recommendations, Significant Deficiencies, or Material Weaknesses. USMS financial management is accurate and contributed to achieving the DOJ's Unmodified Opinion goal.

**Supporting international partners.** The USMS international asset forfeiture caseload includes 71 active cases in 37 countries, and a growing number of countries are focused on the impactful use of forfeiture. The USMS presented virtual and in-person training in multiple different venues, to a total of 39 international delegations and over 500 virtual attendees from countries including Romania, Slovakia, Malaysia, Grenada, South Africa, Ukraine, Serbia, Bosnia, Croatia, Peru, Costa Rica, Chile, Colombia, Mexico, and Uruguay. These training sessions educated foreign delegations on the USMS role in asset forfeiture and created a meaningful environment to foster collaboration.

### C. Prisoner Security and Transportation

<i>Prisoner Security and Transportation</i>	<b>Direct Positions</b>	<b>Estimated FTE</b>	<b>Amount (\$000)</b>
2021 Enacted (Actual)	1,012	961	\$264,254
2022 Annualized CR	1,012	961	\$264,254
Expected Change from FY 2022 CR	0	-13	\$12,043
2022 President's Budget	1,012	948	\$276,297
Adjustments to Base and Technical Adjustments	0	0	\$5,734
2023 Current Services	1,012	948	\$282,031
2023 Program Increases	66	33	\$17,405
2023 Request	1,078	981	\$299,436
<b>Total Change 2022-2023</b>	<b>66</b>	<b>33</b>	<b>\$23,139</b>

<i>Prisoner Security and Transportation – IT Breakout (of Decision Unit Total)</i>	<b>Direct Positions</b>	<b>Estimated FTE</b>	<b>Amount (\$000)</b>
2021 Enacted	21	21	\$31,590
2022 Annualized CR / President's Budget	20	20	\$30,298
Adjustments to Base and Technical Adjustments	1	1	\$866
2023 Current Services	21	21	\$31,164
2023 Program Increases	0	0	\$2,011
2023 Request	21	21	\$33,175
<b>Total Change 2022-2023</b>	<b>1</b>	<b>1</b>	<b>\$2,877</b>

#### 1. Program Description

The Prisoner Security and Transportation decision unit is complex and multi-layered, both in scope and execution. The USMS oversees all operational detention management matters pertaining to individuals remanded to the custody of the Attorney General. The USMS ensures the secure care and custody of these individuals throughout the judicial process, which includes sustenance, necessary medical care, secure lodging and transportation, evaluating conditions of confinement, and protection of civil rights. Every detainee in USMS custody must be processed by a DUSM or security personnel. This includes processing prisoners in the cellblock (prisoner



intake) and securing the cellblock area; transporting prisoners (by ground or air); and locating confinement that provides cost-effective, safe, secure, and humane detention services.

### Prisoner Processing and Securing the Cellblock

Prisoner processing includes interviewing the prisoner to gather personal, arrest, prosecution, and medical information; fingerprinting and photographing the prisoner; entering/placing the data and records into an internal electronic database and the prisoner file; and sending the electronic fingerprint information to the FBI Integrated Automated Fingerprint Identification System. The USMS tracks prisoners primarily in a database from the point a prisoner is received until released from USMS custody or sentenced to the Federal Bureau of Prisons (BOP) for service of sentence.

The cellblock is the secured area for holding prisoners in the courthouse before and after they are scheduled to appear in their court proceedings. Security personnel follow strict safety protocols in the cellblocks to ensure the safety of USMS employees and all members of the judicial process, including prisoners. Prior to entrance into the cellblock, security personnel search prisoners and their belongings to ensure that prisoners and their property are free of contraband. Security personnel 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. While in the cellblock, security personnel must observe and count the prisoners at regular intervals.

### Prisoner Transportation

The USMS is responsible for transporting prisoners to and from judicial proceedings. Producing prisoners for court and detention-related activities requires USMS coordination with the U.S. Courts, Probation and Pretrial Service Offices, the BOP, U.S. Attorneys, and other law enforcement agencies.

Some jails agree to transport prisoners to and from courthouses at specified rates through an Intergovernmental Agreement (IGA) for guard services, other prisoners are transported by USMS operational personnel and contract guards. Security personnel coordinate with jails to prepare prisoners for transport, search prisoners prior to transport, and properly restrain prisoners during transportation.

In addition, the USMS transports prisoners between detention facilities for attorney visits, to and from medical appointments when necessary, and to a designated BOP facility after sentencing. When prisoners are wanted in multiple districts for Federal violations, the USMS transports prisoners to the requesting district upon completion of the court process in the home district.

Finally, the USMS operates and maintains the fleet of aircraft that comprise the Justice Prisoner and Alien Transportation System (JPATS). JPATS is a revolving fund – total operating costs are reimbursed by its customer agencies, primarily the USMS Federal Prisoner Detention (FPD) appropriation and the BOP. JPATS coordinates movement of most Federal prisoners and detainees in the custody of the USMS and the BOP. JPATS also transports DOD, and state and local prisoners on a reimbursable, space-available basis. A separate JPATS congressional justification documents its FY 2023 planned activities and the revolving fund in more detail.

### Prisoner Confinement and Services

The USMS must ensure sufficient resources are available to house and care for detainees in its custody. The USMS Conditions of Confinement Program ensures Federal detainees are confined securely and humanely and to protect their statutory and constitutional rights. Security personnel conduct annual reviews of all active IGA facilities. Additionally, detention facility inspections are required before the USMS enters into an IGA with a facility to house prisoners.

The costs associated with care of Federal detainees in private, state, and local facilities are funded from the FPD appropriation. FPD resources are expended from the time a prisoner is brought into USMS custody through termination of the criminal proceeding: either release from custody or commitment to BOP. Detention resources provide for detainee housing and subsistence, health care and medical guards, intra-district transportation, JPATS transportation, process improvements, and incidental costs associated with prisoner housing and transportation such as prisoner meals while in transit and prisoner clothing. A separate FPD congressional justification documents its FY 2023 funding request in more detail.

## 2. Performance and Resource Table

PERFORMANCE AND RESOURCES TABLE												
<b>Decision Unit:</b> Prisoner Security and Transportation												
RESOURCES (\$ in thousands)			Target		Actual		Target		Changes		Requested (Total)	
			FY 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request	
Total Costs and FTE (Reimbursable: FTE are included, but costs are bracketed and not included in totals)			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			919	\$264,254 [\$0]	961	\$269,258 [\$0]	948	\$276,297 [\$0]	33	\$23,139 [\$0]	981	\$299,436 [\$0]
Strategic Objective	Type	Performance	FY 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request	
	Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			919	\$264,254 [\$0]	961	\$269,258 [\$0]	948	\$276,297 [\$0]	33	\$23,139 [\$0]	981	\$299,436 [\$0]
5.2	Performance Measure: Workload	Average daily prisoner population	61,115		63,687		63,155		-5,902		57,253	
5.2	Performance Measure: Outcome	Percent of monitoring reviews completed for active IGAs	100%		100%		100%		100%		100%	
5.2	Performance Measure: Outcome	Total prisoner productions	689,809		466,717		838,910		37,382		876,292	
5.2	Performance Measure: Outcome	Average detention cost (housing, medical, and indirect transportation)*	\$104.04		\$101.30		\$99.84		\$4.26		\$104.10	

\* Reported as part of the USMS FPD appropriation. ADP actuals may vary slightly, because S&E reports ADP recorded at the end of each fiscal year. FPD continually adjusts actual ADP reported based on corrections to available data that may occur after the end of the fiscal year.

## **Data Definition, Validation, Verification, and Limitations:**

### **Performance Measures – Workload**

#### **1. Average daily prisoner population**

- a. Data Definition:** Average Daily Prisoner Population is calculated on a per capita, per day basis.
- b. Data Validation and Verification:** Data is maintained by Capture. Monthly data from Capture relating to paid detention beds is verified each month by completing a comparison, by district, between obligation data being reported out of UFMS and prisoner program data reported from Capture.
- c. Data Limitations:** Limited by the timely entry of prisoner data into Capture.

### **Performance Measures – Outputs, Efficiencies, and Outcomes**

#### **2. Percent of monitoring reviews completed for active IGAs**

- a. Data Definition:** Percentage of IGA facilities used by the USMS to house prisoners with a completed monitoring review.
- b. Data Validation and Verification:** Each year USMS personnel run reports comparing the facilities that should be inspected to those that were inspected.
- c. Data Limitations:** Limited by the timely entry of monitoring review results and identifying the appropriate facilities.

#### **3. Total prisoner productions**

- a. Data Definition:** Total prisoners produced data combines both the USMS District counts and DC Superior Court counts and includes the number of times prisoners are produced for judicial proceedings, meetings with attorneys, or transported for medical care, between offices and between detention facilities.
- b. Data Validation and Verification:** USMS District data is maintained by Capture. DC Superior Court data is maintained by a locally managed database and is updated daily. DC Superior Court will be transitioning to Capture in the near future.
- c. Data Limitations:** Limited by the timely entry of prisoner data into Capture and DC Superior Court's database, as appropriate. For DC Superior Court, more than 95 percent of prisoner productions are entered into the system on the same day they occur.

#### **4. Average detention cost (housing, medical, and in-district transportation)**

- a. Data Definition:** Total detention costs represent the aggregation of paid jail costs and health care costs on a per capita, per day basis.
- b. Data Validation and Verification:** Data reported is validated and verified against monthly reports describing district-level jail utilization and housing costs prepared by the

USMS. In accordance with generally accepted accounting principles, the USMS routinely monitors its financial data for new obligations and de-obligations.

- c. **Data Limitations:** Maintaining prisoner movement data is a labor-intensive process. The reliability of the reported data is often compromised by time lags between the actual movement of prisoners and data entry of those events into Capture. Accordingly, it is often necessary to delay reporting of official statistics several weeks to ensure that prisoner movement records have been properly updated. Data reported reflect the anticipated cost of services provided to USMS prisoners. If the actual cost is different from the anticipated cost, additional funds may need to be obligated or obligated funds, de-obligated. Due to the time lag between the rendering of services and the payment of invoices, several weeks may lapse before the actual cost of health care services provided to an individual prisoner can be determined.

<b>PERFORMANCE MEASURE TABLE</b>						
<b>Decision Unit: Prisoner Security and Transportation</b>						
<b>Strategic Objective</b>	<b>Performance Measure</b>		<b>FY 2021</b>		<b>FY 2022</b>	<b>FY 2023</b>
			<b>Target</b>	<b>Actual</b>	<b>Target</b>	<b>Target</b>
5.2	Performance Measure: Workload	Average daily prisoner population	61,115	63,687	63,155	57,253
5.2	Performance Measure: Outcome	Percent of monitoring reviews completed for active IGAs	100%	100%	100%	100%
5.2	Performance Measure: Outcome	Total prisoner productions	689,809	466,717	838,910	876,292
5.2	Performance Measure: Outcome	Average detention cost (housing, medical, and indirect transportation)*	\$104.04	\$101.30	\$99.84	\$104.10

\* Reported as part of the USMS FPD appropriation. ADP actuals may vary slightly, because S&E reports ADP recorded at the end of each fiscal year. FPD continually adjusts actual ADP reported based on corrections to available data that may occur after the end of the fiscal year.

### 3. Performance, Resources, and Strategies

The USMS assures 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. Efficient management of detention resources necessitates that the USMS continuously analyze the courts' need for prisoners in relation to detention facility location and cost. This evaluation results in strategic movement of prisoners to various detention facilities as their cases progress. Prisoners are moved to closer facilities when they are more often needed to appear for court (for example, pretrial prisoners). Prisoners are moved to more distant facilities (which are often less costly) as their need to appear in court decreases. The USMS annually

reviews every detention facility it utilizes to ensure conditions of confinement are humane and provide adequate security.

**Measure:** Detention cost – per capita, per day (including housing, medical, and in-district transportation)

**FY 2021 Target:** \$104.04

**FY 2021 Actual:** \$101.30

***Strategic Objective: Deliver Secure, Modern, and Efficient Prisoner Detention and Transportation Operations***

**Navigating the pandemic.** The pandemic presented a major detention challenge: access to COVID-19 testing and vaccinations. Because the hundreds of state and local facilities housing USMS detainees did not have consistent access to testing and vaccinations, the BOP established COVID-19 testing and quarantine protocols that mandate separation of tested and non-tested prisoners on both ground and air transports. This mandate prevented transportation of USMS prisoners with BOP prisoners on the same vehicles, which doubled the number of trips needed to deliver prisoners to their destination and created disruptions and backlogs in prisoner transport. JPATS completed 4,742 flight hours in FY 2021, a record level, while transporting over 92,000 prisoners by air.

#### D. Protection of Witnesses

<i>Protection of Witnesses</i>	<b>Direct Positions</b>	<b>Estimated FTE</b>	<b>Amount (\$000)</b>
2021 Enacted (Actual)	249	236	\$63,245
2022 Annualized CR	249	236	\$63,245
Expected Change from FY 2022 CR	0	-3	\$2,774
2022 President's Budget	249	233	\$66,019
Adjustments to Base and Technical Adjustments	0	0	\$1,279
2023 Current Services	249	233	\$67,298
2023 Program Increases	16	8	\$4,129
2023 Request	265	241	\$71,427
<b>Total Change 2022-2023</b>	<b>16</b>	<b>8</b>	<b>\$5,408</b>

<i>Protection of Witnesses – IT Breakout (of Decision Unit Total)</i>	<b>Direct Positions</b>	<b>Estimated FTE</b>	<b>Amount (\$000)</b>
2021 Enacted	5	5	\$7,522
2022 Annualized CR / President's Budget	5	5	\$7,574
Adjustments to Base and Technical Adjustments	0	0	\$207
2023 Current Services	5	5	\$7,781
2023 Program Increases	0	0	\$481
2023 Request	5	5	\$8,262
<b>Total Change 2022-2023</b>	<b>0</b>	<b>0</b>	<b>\$688</b>

#### 1. Program Description

The Witness Security Program (WSP) protects government witnesses whose lives are threatened due to their testimony against major criminals such as organized crime members, terrorists, and drug traffickers. The program provides physical security during trial proceedings, creates new identities, and relocates witnesses and their families after trial. The WSP is a unique, valuable tool in the war against organized crime, terrorism, drug cartels, and violent criminal gangs.

Three DOJ components collaboratively administer the WSP. The Criminal Division's Office of Enforcement Operations authorizes the entry of witnesses into the program. The BOP protects

witnesses incarcerated in Federal prison facilities. The USMS protects civilian witnesses and their families, providing protection, relocation, re-identification, and assistance with housing, medical care, job training, and employment until they become self-sufficient.



## 2. Performance and Resource Tables

<b>PERFORMANCE AND RESOURCES TABLE</b>												
<b>Decision Unit:</b> Protection of Witnesses												
<b>RESOURCES (\$ in thousands)</b>			<b>Target</b>		<b>Actual</b>		<b>Target</b>		<b>Changes</b>		<b>Requested (Total)</b>	
			<b>FY 2021</b>		<b>FY 2021</b>		<b>FY 2022</b>		<b>Current Services Adjustments and FY 2023 Program Changes</b>		<b>FY 2023 Request</b>	
<b>Total Costs and FTE</b> (Reimbursable: FTE are included, but costs are bracketed and not included in totals)			<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
			225	\$63,245 [\$285]	236	\$65,066 [\$138]	233	\$66,019 [\$285]	8	\$5,408 [\$0]	241	\$71,427 [\$285]
<b>Strategic Objective</b>	<b>Type</b>	<b>Performance</b>	<b>FY 2021</b>		<b>FY 2021</b>		<b>FY 2022</b>		<b>Current Services Adjustments and FY 2023 Program Changes</b>		<b>FY 2023 Request</b>	
	<b>Program Activity</b>		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
			225	\$63,245 [\$285]	236	\$65,066 [\$138]	233	\$66,019 [\$285]	8	\$5,408 [\$0]	241	\$71,427 [\$285]
2.1	Performance Measure: Workload	Total number of witness security program participants	19,129		19,083		19,165		0		19,165	
2.1	Performance Measure: Output	Protection services required / provided for witnesses (includes court productions)	2,366		2,050		2,150		-559		1,591	
2.1	Performance Measure: Outcome	Security breaches mitigated	136		28		136		Retire		Retire	
2.1	Performance Measure: Outcome	Participant compliance	85%		96%		85%		0		85%	

## **Data Definition, Validation, Verification, and Limitations:**

### **Performance Measures – Workload**

#### **1. Total number of witness security program participants:**

- a. Data Definition:** The total number of program participants, including immediate family members.
- b. Data Validation and Verification:** Case managers ensure the accuracy of data submitted to headquarters.
- c. Data Limitations:** Case management provides data on a monthly basis.

### **Performance Measures – Outputs, Efficiencies, and Outcomes**

#### **2. Protective services required/provided for witnesses (includes court productions):**

- a. Data Definition:** Total number of witness productions, prisoner witness transports, prisoner witness family visits, preliminary interviews, temporary relocations, documentation initiations, documentation services (delivery-other), and breach investigations.
- b. Data Validation and Verification:** Regional managers ensure the accuracy of data submitted to headquarters.
- c. Data Limitations:** Witness Security Division (WSD) regions provide data to headquarters on a monthly basis.

#### **3. Security breaches mitigated (Retire in FY 2023):**

- a. Data Definition:** An action taken to mitigate a reported or detected event capable of compromising the identity, location, or general security of a protected witness.
- b. Data Validation and Verification:** Validation occurs when the actions taken have been documented, reviewed, and approved. Verification occurs when internal audits are conducted to identify the efficiency and effectiveness of the actions taken.
- c. Data Limitations:** The total number of security breaches is dependent upon the number of breaches reported or detected. Actions to mitigate the security breaches only occur when security breaches are detected or reported. A substantial number of security breaches are believed to be unreported or undetected.

#### **4. Participant Compliance (Proposed for FY 2023):**

- a. Data Definition:** The percentage of active, relocated Program participants whose identity, location, or general security has not been compromised.
- b. Data Validation and Verification:** Validation occurs when the security incident that triggered the compromise is documented, reviewed, and approved. Verification occurs when internal audits examine procedures for consistency and effectiveness and when managers review case activities for lessons learned and best practices.

- c. **Data Limitations:** The compliance percentage depends on the number of security incidents detected for the Program’s population of active and relocated participants. The compliance percentage may include participants with security incidents the Program has not detected.

<b>PERFORMANCE MEASURE TABLE</b>						
<b>Decision Unit:</b> Protection of Witnesses						
<b>Strategic Objective</b>	<b>Performance Measure</b>		<b>FY 2021</b>		<b>FY 2022</b>	<b>FY 2023</b>
			<b>Target</b>	<b>Actual</b>	<b>Target</b>	<b>Target</b>
2.1	Performance Measure: Workload	Total number of witness security program participants	19,129	19,083	19,165	19,165
2.1	Performance Measure: Output	Protection services required / provided for witnesses (includes court productions)	2,366	2,050	2,150	1,591
2.1	Performance Measure: Outcome	Security breaches mitigated	136	28	136	Retire
2.1	Performance Measure: Outcome	Participant compliance	85%	96%	85%	85%

### 3. Performance, Resources, and Strategies

The USMS must provide critical protective services to witnesses who testify in direct support of significant DOJ prosecutorial efforts against organized crime, international drug trafficking organizations, violent street gangs, and international terrorist groups. The USMS continues to examine WSP methodologies to ensure it provides effective protection and security services to protected witnesses and authorized participants while also exercising cost efficiencies.

**Measure:** Security breaches mitigated (Retire in FY 2023)

**FY 2021 Target:** 136

**FY 2021 Actual:** 28

**Measure:** Participant Compliance (Proposed for FY 2023):

**FY 2021 Target:** 85%

**FY 2021 Actual:** 96%

***Strategic Objective: Strengthen the Agency’s Ability to Protect Sensitive and Vital Information, Technology, and Infrastructure against Threats***

**Improving witnesses’ chance of success.** Entering the Witness Security Program can be stressful, as participants are uprooted from their lives, relocated, and told to strip all connections with their previous lives. They can no longer practice their original professions or participate in any unique

hobbies that may identify them. Ensuring participants are financially independent aids in alleviating stress and increases the likelihood of a safe transition to their new lives.

Today's protected witnesses are diverse and represent various generations, educational backgrounds, and cultures – while some come from a life of crime, others are only bystanders who were in the wrong place at the wrong time. For witnesses to adapt to life in the Witness Security Program, the USMS must understand and address their individual needs. Identifying those needs requires the USMS to constantly research the latest assessment tools and integrate them into the Program. After considerable analysis, the USMS recognized an opportunity to augment its witness assessment processes with a new tool to gain insights into preferences, tendencies, skills, and motivations. The agency created a structured and voluntary process for witnesses to complete the assessment, and in April 2021 trained its personnel to apply it. The USMS began conducting the new assessments during the last quarter of FY 2021. Results confirmed the new tool added significant value and helped protection specialists align Program services to individual participant needs.

Rapid technological changes are revolutionizing banking and personal finance. Many people need help understanding the latest terms and processes for managing money. For protected witnesses, this knowledge is especially critical as they learn to live in new communities. The USMS updated guidance for protected witnesses to include current methods for managing money and tools for budgeting. In April 2021, the USMS trained its protection specialists to present this and other financial guidance to witnesses. Reports indicate that the financial materials were helpful and well-received. By broadening its range of services to include the latest financial tools and trends, the USMS provides witnesses with a foundation to thrive in the safety of their new communities.

## E. Tactical Operations

<i>Tactical Operations</i>	<b>Direct Positions</b>	<b>Estimated FTE</b>	<b>Amount (\$000)</b>
2021 Enacted (Actual)	172	163	\$67,935
2022 Annualized CR	172	163	\$67,935
Expected Change from FY 2022 CR	20	8	\$14,793
2022 President's Budget	192	171	\$82,728
Adjustments to Base and Technical Adjustments	0	10	(\$4,206)
2023 Current Services	192	181	\$78,522
2023 Program Increases	10	5	\$3,008
2023 Request	202	186	\$81,530
<b>Total Change 2022-2023</b>	<b>10</b>	<b>15</b>	<b>(\$1,198)</b>

<i>Tactical Operations – IT Breakout (of Decision Unit Total)</i>	<b>Direct Positions</b>	<b>Estimated FTE</b>	<b>Amount (\$000)</b>
2021 Enacted	5	5	\$7,522
2022 Annualized CR / President's Budget	5	5	\$7,574
Adjustments to Base and Technical Adjustments	0	0	\$259
2023 Current Services	5	5	\$7,833
2023 Program Increases	0	0	\$517
2023 Request	5	5	\$8,350
<b>Total Change 2022-2023</b>	<b>0</b>	<b>0</b>	<b>\$776</b>

### 1. Program Description

The Tactical Operations decision unit includes special operations and emergency management and response.

#### Special Operations

The Special Operations Group (SOG) supports the DOJ and other government agencies with a highly trained, rapidly deployable corps of law enforcement officers specializing in tactical response. Based

at the SOG Tactical Center in Camp Beauregard, Louisiana, the unit is an elite group of DUSMs who meet high qualification standards and complete rigorous training in a variety of specialties. SOG supports all U.S. judicial districts by assisting with high-risk, sensitive law enforcement operations including protective details, national emergencies, civil disturbances, and national disasters. Military, Federal, state, local, and foreign law enforcement groups often call upon SOG for training due to the extensive training of its members in various tactical specialties.

SOG also oversees the Operational Medic Support Unit (OMSU), which is composed of both SOG medics and collateral duty DUSM medics. The OMSU manages, trains, and equips DUSMs who possess a current Emergency Medical Technician (EMT) or EMT-Paramedic certification.

### Emergency Management and Response

All USMS operational missions that fall under emergency management and response are coordinated through the USMS Communications Center and the Emergency Operations Center (EOC). The Communications Center operates around the clock to ensure interagency and intra-agency flow of communication. It provides assistance to DUSMs in the field who are tracking fugitives, developing leads, and confirming warrants. It also receives, tracks, and disseminates all significant incidents and classified information relevant to the USMS.

The EOC is activated during emergency incidents that require a coordinated agency-wide response, including responses under the National Response Framework. The EOC is a critical element to ensure coordination and oversight of USMS deployments during emergencies, particularly when other government agencies are also involved.

In addition to the EOC, emergency management officials maintain the Continuity of Operations (COOP) plan for the USMS Headquarters and coordinate the COOP plans of all 94 districts in accordance with Federal continuity directives and DOJ Order 1900.8.

The USMS also oversees Incident Management Teams that are trained under the principles and doctrines of the National Incident Management System and the Incident Command System, in accordance with Homeland Security Presidential Directive 5. These teams deploy in support of USMS operations when an incident or event exceeds the capabilities of the district's or division's resources or when multiple districts or divisions are affected.

## 2. Performance and Resource Tables

<b>PERFORMANCE AND RESOURCES TABLE</b>												
<b>Decision Unit:</b> Tactical Operations												
<b>RESOURCES (\$ in thousands)</b>			<b>Target</b>		<b>Actual</b>		<b>Target</b>		<b>Changes</b>		<b>Requested (Total)</b>	
			<b>FY 2021</b>		<b>FY 2021</b>		<b>FY 2022</b>		<b>Current Services Adjustments and FY 2023 Program Changes</b>		<b>FY 2023 Request</b>	
<b>Total Costs and FTE</b> (Reimbursable: FTE are included, but costs are bracketed and not included in totals)			<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
			219	\$67,935 [\$29,299]	208	\$63,313 [\$27,623]	231	\$82,728 [\$28,322]	-8	-\$1,198 [60]	223	\$81,530 [\$28,382]
<b>Strategic Objective</b>	<b>Type</b>	<b>Performance</b>	<b>FY 2021</b>		<b>FY 2021</b>		<b>FY 2022</b>		<b>Current Services Adjustments and FY 2023 Program Changes</b>		<b>FY 2023 Request</b>	
	<b>Program Activity</b>		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
			219	\$67,935 [\$29,299]	208	\$63,313 [\$27,623]	231	\$82,728 [\$28,322]	-8	-\$1,198 [60]	223	\$81,530 [\$28,382]
2.1	Performance Measure: Output	Number of special operational hours dedicated to high-threat and emergency situations	34,306		28,948		33,250		-418		32,832	

**Data Definition, Validation, Verification, and Limitations:**

**Performance Measures – Outputs, Efficiencies, and Outcomes**

**1. Number of special operation hours dedicated to high-threat and emergency situations – New (see note above)**

- a. Data Definition:** The number of hours USMS SOG members expended in response to a high threat or emergency event. Success is defined as actuals below the target. Target represents maximum performance.
- b. Data Validation:** Hours are validated against financial and special assignment data.
- c. Data Limitation:** Hours are tracked via a manual process.

<b>PERFORMANCE MEASURE TABLE</b>						
<b>Decision Unit:</b> Tactical Operations						
<b>Strategic Objective</b>	<b>Performance Measure</b>		<b>FY 2021</b>		<b>FY 2022</b>	<b>FY 2023</b>
			<b>Target</b>	<b>Actual</b>	<b>Target</b>	<b>Target</b>
2.1	Performance Measure: Workload	Number of special operational hours dedicated to high-threat and emergency situations	34,306	28,948	33,250	32,832

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

The USMS provides effective assistance to all levels of government during emergencies, disasters, and times of heightened law enforcement requirements. The USMS deploys personnel and equipment in response to extraordinary district requirements, ensuring adequate resources are provided to maintain the integrity of the judicial process. The USMS is committed to:

- improving its capability to deploy personnel and equipment in response to terrorist acts, natural disasters, and other external missions directed by the Attorney General;
- maintaining operational readiness for efficient movement of people and equipment; and
- coordinating communication between the Strategic National Stockpile Security Operations Unit and the Centers for Disease Control and Prevention to ensure adequate dissemination of intelligence information to thwart or respond to terrorist activities.

**Measure:** Number of special operation hours dedicated to high-threat and emergency situations

**FY 2021 Target:** 34,306

**FY 2021 Actual:** 28,948



***Strategic Objective: Mitigate Officer Safety Risk across all Mission Areas***

**Upgrading the USMS Individual First Aid Kits (IFAKs).** The USMS Operational Medical Support Unit (OMSU) upgraded the IFAK to include pressure bandages, chest seals, and an improved tourniquet. Operational personnel are often placed in situations with a high potential for violence; therefore, the IFAKS are specifically tailored to allow deputies to treat life-threatening injuries that law enforcement and civilians might reasonably encounter during critical events. IFAKS enhance the mission of the USMS, help safeguard against security threats, and ensure safety through innovation. USMS personnel have also used IFAKS to treat injured members of the public who have suffered traumatic injuries. The OMSU can attribute life-saving measures to the skill of its medics and Deputy Trauma Course graduates who performed interventions utilizing their IFAKS during FY 2021.

**Ensuring the safe delivery of COVID-19 vaccines to America's communities and around the world.** The USMS maintains a Memorandum of Agreement with the U.S. Department of Health and Human Services (HHS) to provide security for the national repository of medical countermeasures. In conjunction with the White House COVID-19 Response Team, the Department of Defense, and HHS, the USMS provided security for transport of COVID-19 vaccines from manufacturing facilities to distribution sites. This effort resulted in the successful delivery of over 400 million vaccine doses in the United States.

The USMS reacted with a multifaceted approach as the lead security agency for the COVID-19 vaccine response. Not a traditional USMS mission, this effort constituted a massive undertaking and required significant district support. Personnel deployed nationwide to establish command and control for the comprehensive logistics plans. These security missions, which required USMS personnel to perform nationwide physical convoy security escorts, occurred daily throughout most of FY 2021 – including weekends and holidays – in all types of weather (even blinding snowstorms and blizzards).

Early in the pandemic, USMS personnel supported national quarantine and repatriation operations at five sites across the United States. Regional law enforcement coordinators and field coordinators have supported the Federal Emergency Management Agency's Regional Response Coordination Centers throughout the pandemic, and continue to support planning and preparation for additional pandemic response. USMS personnel also supported the Dover, Delaware federal vaccination site. Additionally, the agency replenished critical personal protective equipment that was unavailable through normal channels, for USMS continuity sites during the COVID-19 response.

In March 2021, the USMS entered into a reimbursable agreement with the HHS to provide additional personnel to support this initiative through July 15, 2021. Approximately two months into the operation, HHS requested that the USMS increase the number of deputy marshals to support additional missions. Since July 2021, the USMS has pivoted certain missions to international deliveries, ensuring the secure delivery of more than 600 million vaccines to countries worldwide via bilateral and country direct missions.

## V. Program Increases by Item

**Item Name:** **District Staffing and Recruitment**

Budget Decision Unit: Judicial and Courthouse Security  
Fugitive Apprehension  
Prisoner Security and Transportation  
Protection of Witnesses  
Tactical Operations

Organizational Program: District Affairs  
Human Resources Division

Program Increase: Positions 280 Agt/Atty 198 FTE 140 Dollars \$64,495,000

### Description of Item

The USMS requests 280 positions (195 DUSMs and 3 attorneys) and \$64,495,000 to respond to increasing workload in USMS district offices nationwide. As these increases have occurred, the USMS has implemented temporary solutions to meet workload requirements. These measures are unsustainable and impact operational effectiveness. The request will enhance capacity to effectively address Department priorities and initiatives related to violent crime reduction, countering domestic terrorism, and combating gun violence.

To support agency hiring and diversity initiatives, the USMS also proposes establishing a National Recruitment and Strategic Outreach Branch to facilitate hiring by attracting the highest caliber applicants. Dedicated recruiters will reinforce the agency's recruitment strategy with an enhanced focus on female and minority candidates to increase the diversity of the DUSM applicant pool.

### Justification

#### **District Staffing – 268 positions (198 DUSMs and 3 Attorneys) and \$63,083,000**

In recent years, workload has increased across the range of USMS missions, and current demand for DUSMs to support prisoner movements, court productions, judicial protection, and fugitive operations presents considerable challenges to maintain effective and efficient district operations. As demand increases for these core services and new Department initiatives, USMS district staffing must increase to meet these demands while simultaneously ensuring mission effectiveness; maintaining task force operations, addressing the impact of violent crime; providing appropriate levels of officer safety, tactical, and professional training; reducing reliance on out-of-district support to meet mission needs; protecting the rule of law and providing safety and security for judicial officials; enabling districts to provide resources for key DOJ initiatives such as countering domestic terrorism and combating gun violence; and

decreasing the need for operational employees to perform administrative work functions and supervisors to cover non-supervisory duties.

The USMS workload is predominantly driven by external agencies that expect the USMS to match their input of prisoners, detainees, witnesses, protected persons, threats, facilities, and fugitives with the staffing necessary to produce the desired output of safe and efficient prisoner detention and transport, witness and judicial safety, courthouse and courtroom security, criminal and threat investigation, and fugitive apprehension. Whether the focus is on reducing violent crime and promoting public safety, countering domestic terrorism, or other priorities, the USMS' broad responsibilities throughout the judicial process clearly make it a pivotal agency in any law enforcement initiative.

As the Department surges resources to violent crime reduction, combating domestic terrorism, and ensuring the safety and security of USMS protectees, significant consideration to the increased demand for USMS services must be a part of any strategy.

### *Judicial and Courthouse Security*

The Court Security Act of 2007 gave the USMS authority over security requirements for the judicial branch to include investigating threats and providing protective details. With the expansion of internet-facilitated communication, availability of online information, and a fluctuating political climate, the USMS needs to perform offensive and defensive operations to protect the judiciary daily.

Even during the COVID-19 pandemic, demands for judicial and courtroom security have been extensive. Protective responsibilities include more than 61,400 personnel, including approximately 2,700 Federal judges, 866 facilities, and 43 million square feet of occupied space. To accomplish this core requirement, the USMS personnel oversees approximately 5,400 CSOs, 1,653 home intrusion systems, and 500,000 pieces of security equipment. In just FY 2020, other judicial security measures included conducting approximately 288 judicial travel briefs and 37 judicial trainings, investigating 1,048 threats, evaluating 4,261 inappropriate communications or threats to protected persons, and performing six threat-based and 466 risk-based protection details.

To meet the increase in judicial security demand, districts have requested support from Headquarters or moved district personnel from other offices, shifting internal and adjacent district operations and incurring temporary duty (TDY) expenses. In FY 2020, a total of 545 DUSM deployments were required to perform judicial and courtroom security in other districts.

On July 19, 2020, an assailant went to the New Jersey home of U.S. District Judge Esther Salas and shot and killed her 20-year-old son and critically wounded her husband. This unfortunate event, along with a 46 percent increase in threats and inappropriate communications over the last three years, has escalated the conversation concerning protective measures for Federal judges and helped shed light on weaknesses in Federal law enforcement's response capabilities.

Additional district personnel will provide more judicial security coverage for courtrooms and courthouses, ensure that district JSIs have the maximum available time to provide dedicated support for specialized duties such as security briefings to judges, judicial staff, and judicial nominees, and reduce reliance on TDY. These briefings provide knowledge and security practices that, if implemented, effectively aid in ensuring their safety while outside the courthouse.

### Fugitive Apprehension

Under the Presidential Threat Protection Act of 2000, the USMS has a leadership role in reducing violent crime through its partnerships with state, local, and Federal law enforcement agencies to establish fugitive task forces. The success of these USMS-led task forces stems from the application of myriad investigative skills and technical solutions to track, locate, and arrest violent fugitives.



In FY 2019, USMS enforcement operations resulted in the apprehension or clearance of over 133,000 warrants for over 114,000 fugitives nationwide. These included 4,343 fugitives wanted for homicide-related charges, 1,014 OCDETF fugitives, 5,824 gang members, and 11,053 sex offenders. The USMS also seized 4,165 firearms, nearly \$12 million in U.S. currency, and approximately 2,000 kilograms of illegal narcotics.

Despite this success, the number of open warrants that meet the USMS Standard Operating Procedures (SOP) criteria for serious or violent crimes continues to increase. From FY 2017 to FY 2019, the USMS saw an approximate four percent growth in the number of new Federal warrants. At the start of FY 2019, the USMS had primary arrest authority on approximately 19,400 Federal warrants, of which approximately 13,600 (or 75 percent) had been open for more than one year. On an average day in 2021, the NCIC contained over 1,345,000 active felony warrants from state, county, and city agencies, of which approximately 807,000 met USMS SOP criteria for either the current charge or the original charge as serious or violent in nature. Of these, over 13,700 were for homicide, over 37,000 were for kidnapping or robbery, and over 69,000 were for sexual crimes.

The USMS closure rate is exceptionally high, at more than 90 percent of newly arriving cases closed within one year. However, the very small number of cases which remain unresolved each year has accumulated over several decades; now, they represent a majority of the Federal warrant workload. With additional personnel, the USMS will be able to dedicate resources to addressing older warrants and reducing violent crime by maintaining district task force operations and sustaining state and local violent fugitive apprehensions.

In addition to fugitive operations, after the passage of the Adam Walsh Child Protection and Safety Act of 2006 (AWA), the USMS began investigating National Sex Offender Registry violations. In February 2007, the National Center for Missing and Exploited Children (NCMEC) published a nationwide registered sex offender population of 603,245. According to NCMEC, the number now stands at 938,545, a 55.5 percent increase.

The USMS conducts more than 3,100 AWA investigations annually, and has trained many of its DUSMs to perform these investigations as a collateral duty in response to the growth in the sex offender population. Today, nearly 30 percent of all sex offender investigations are conducted by personnel not directly assigned to the sex offender investigative mission. However, due to adjusted needs in other high priority areas, the number of investigations performed by collateral duty DUSMs has shifted. Between FY 2014 and FY 2019, the number of investigations opened by collateral duty DUSMs decreased 35 percent, from 1,324 to 863. Their share of the total number of AWA investigations dropped from 41 percent of the total to 31 percent over the same time frame. In FY 2019, the USMS opened nearly 500 fewer investigations compared to FY 2014. With increased district personnel, the USMS can increase the number of collateral duty DUSMs towards this important need.

The 2015 passage of the Justice for Victims of Trafficking Act (JVTA), authorized the USMS to use its fugitive tracking and apprehension capabilities to find and recover missing and endangered children. Since 2015, the USMS has applied its investigative and technical skills to aid in the recovery of more than 1,700 missing children, using existing skills and relationships to serve as a key partner. With additional district personnel, the USMS can further advance its contribution to the safe recovery of children.

#### *Prisoner Security and Transportation*

The USMS is responsible for the safe, secure, and humane housing of Federal prisoners. In recent years, the number of prisoners received into USMS custody for pretrial detention has substantially increased. From FY 2012 through 2019, the number of prisoners received into USMS increased by 20 percent, from 207,000 to 250,000 annually. Although the number of prisoners received decreased during the COVID-19 pandemic, the USMS expects it will return to pre-COVID levels.

The number of prisoners received directly affects workload associated with prisoner security and transportation. As the number of prisoners received by the USMS increases, additional resources are required to effect daily prisoner productions for routine court appearances, attorney-client meetings, and prisoner medical. From FY 2012 through 2019, the number of prisoner productions effected by the USMS increased by 10 percent, from 905,000 to 993,000. As enforcement initiatives, prosecutions, and court proceedings return to pre-COVID levels, prisoner security and transportation requirements will do so as well.

The USMS does not operate its own detention facilities. Accordingly, as detention population increased in recent years, the USMS has dispersed its population into more detention

facilities. Expanded facility usage requires additional resources for prisoner transport, thereby further increasing workload associated with general detention management and prisoner transportation. The USMS also expects increased workload associated with Executive Order 14006, which directs the DOJ to discontinue the use of private detention facilities to house Federal prisoners and pretrial detainees. Private detention facilities are generally used in districts with insufficient Federal, state, or local detention space to meet USMS operational requirements; discontinuing the use of these facilities requires the USMS to further disperse its detainees into Federal, state, or local facilities more distant from supported courthouses.

### Protection of Witnesses

The USMS ensures the safety of protected witnesses and their families by providing secure housing and transportation of witnesses while in the Witness Security Program. The USMS also provides 24-hour protection to all witnesses while they are in designated danger areas for the purposes of testimony and court-related appearances.

The WSP are accountable for a plethora of services, and face several challenges that require increased staffing to resolve: program growth, aging protectee population, changing demographics, and proliferation of biometrics. Since FY 2013, the number of program participants has increased by more than 600 individuals. As the participant population ages and grows, changing demographics of program participants have generated additional requirements for resource-intensive services related to foreign national documentation, vocational training, and enhanced security protocols. Furthermore, the proliferation of biometrics technology in commercial and law enforcement environments has complicated the witness protection mission, necessitating the need for more effort and planning to conduct operations safely.

### Tactical Operations

USMS tactical operations include special operations and emergency management; these programs are national in scope and are designed to preserve the rights of American citizens. Safe, effective tactical operations require training and developing personnel able to perform high-risk, sensitive law enforcement operations including protective details, response to national emergencies, civil disturbances, and national disasters as well as organizing and managing the assets necessary to respond to such events. These specialized programs rely on district support; members predominantly serve in a collateral duty role in addition to their primary district core missions. Increasing demand for core services places significant stress on the ability of USMS to effectively train and bring these specialized services to bear at the time and place of greatest need, thereby decreasing operational flexibility and responsiveness.

In FY 2020, the USMS deployed over 800 personnel nationwide to secure and protect Federal courthouses during riots and protests. The USMS also supported HHS quarantine orders pursuant to an interagency request and Attorney General Order. Over 250 USMS personnel deployed to five different sites to enforce the quarantine orders for travelers coming to the United States from China. Beginning in December 2020, the USMS continued to support HHS with coronavirus vaccine distribution.

From FY 2017 to present, the USMS has deployed DUSMs to 15 natural disasters to include hurricanes, wildfires and earthquakes. In the emergency response role, DUSMs are engaged in both pre-incident and post-incident situations to provide force and critical infrastructure protection, security planning, technical assistance, and general law enforcement assistance. Additional district personnel will allow the USMS to continue to provide specialized tactical operations support whenever requested by the Attorney General.

### Operational Support

The USMS further requests 70 operational support positions, including three attorneys. Increasing operational workloads also mean an increased need for operational support. Additionally, a large influx of new operational positions will create more program management and administrative duties. The USMS will need more information technology specialists, management and support professionals, human resource professionals, accountants, and attorneys to support the operational workforce. The USMS believes a 4:1 position ratio between operational and operational support is appropriate based on historical trends. These operational support positions are essential; without them, operational employees are diverted from duties that require direct involvement of a sworn law enforcement officer to respond to purely administrative requirements. The operational support request enhances the operational workforce and maximizes their ability to perform USMS core missions and support DOJ law enforcement initiatives.

### **National Recruitment and Strategic Outreach Branch – 12 positions and \$1,412,000**



To support USMS hiring and diversity initiatives, and more effectively conduct outreach to potential candidates, the USMS requests the creation of a National Recruitment and Strategic Outreach Branch, headed by a Recruitment Officer and staffed with 10 regional recruiters plus one management analyst.

Regional recruiters would perform a number of specialized external recruiting and internal coordination duties, including:

- Validate USMS recruitment metrics and focus on diversity in gender, race, and background to meet the overall recruitment strategy.
- Work with the USMS Office of Public Affairs (OPA) on social media updates, upgrades, and dynamic digital platform development.
- Communicate with the pool of recruited applicants, to reduce the loss of qualified candidates by maintaining their engagement with and preparation for joining the USMS as they await final offer letters and FLETC seats.
- Work with District Recruitment Officers nationwide and the headquarters Human Resources Division to strategize networking to targeted candidate sources, such as colleges, universities, and affinity groups.
- Participate in military transition assistance program briefings to servicemembers who are returning to civilian life.
- Confer with the Training Division on the quality and caliber of candidates who attend initial training at the Federal Law Enforcement Training Centers (FLETC) in Glynco, Georgia, to identify where the most-qualified candidates were recruited and emphasize those sources in the future.
- Collaborate with fellow DOJ law enforcement organizations to leverage limited dollars and combine efforts to host recruitment events.

Dedicated recruiters will also collaborate with OPA to build a cutting-edge, executable recruitment plan for the agency that elevates USMS presence at events and brings awareness to the agency in a tangible way. This office will provide recruitment subject matter experts to team with the Office of Public Affairs to expand the USMS virtual presence, with both social media and paid media approaches. Social media is essential in today's job search process and is the most effective avenue for USMS to reach target audiences. Additionally, a dynamic USMS digital footprint on platforms such as LinkedIn and Google will help build awareness among targeted potential applicants of the USMS as a preferred career destination. All of these efforts will expand the application pool, simultaneously attracting the highest caliber applicants and increasing the agency's focus on women and minorities to improve diversity within the pool. To support initial collaboration between the recruitment team and OPA, the USMS requests \$200,000 for recruitment outreach costs.

Finally, this office will be key to executive decision-making regarding workforce funding and class seating decisions by providing real-time management reports on all aspects of recruiting. Dedicated reporting will ensure the USMS meets external audit requirements by analyzing results across the recruitment and hiring process. This approach will evaluate the campaign's effectiveness, identify areas for improvement, and ensure diversity among applicants.

A dedicated recruiting and outreach program will have the following benefits:

- Increased ability to track metrics and use them to ensure USMS' recruiting investment is effective and reaching the proper audience of the highest caliber applicants.



- Increased communication with applicants throughout the recruitment and hiring to ensure a more cost-efficient process as unsuitable candidates would opt-out earlier, allowing the qualified and motivated candidates to move forward in the process.
- Increased ability to reach a larger, more diverse, targeted audience of possible applicants.
- Improved, digital promotional materials and frequently asked questions (FAQs) about the hiring process that will reduce the volume of applicant questions directed at the staff, allowing those personnel to dedicate more time and resources to other agency objectives.
- Dedicated overall full-time focus on recruitment of DUSMs, ensuring a ready pool of talent is available to fill USMS law enforcement openings.

### **Impact on Performance**

The USMS has experienced a nine percent decrease in personnel since FY 2011 while key workload measures are currently higher or projected to be higher by FY 2023. The requested personnel will help the USMS continue to meet its responsibilities in the most effective and efficient manner possible, without assuming unnecessary risk to the safety of its personnel, protectees, and those placed in its care. This request is essential to meet increased demand in mandated missions as well as projections indicating that workload will escalate in the future.

In July 2005, the Office of the Inspector General (OIG) issued a report that evaluated USMS fugitive task forces' apprehension of violent fugitives and analyzed trends in fugitive apprehensions. Over the span of four years, the analysis showed the USMS increased the number of violent fugitives apprehended by 51 percent. The OIG concluded that the USMS' performance improved primarily because of increased full-time investigators dedicated to violent fugitive investigations. To further improve the USMS' effectiveness in apprehending violent fugitives and to reduce the number of violent fugitives at large, the OIG recommended that the USMS consider devoting additional resources to the fugitive mission. USMS analysis has determined that the impact of each new position dedicated to a fugitive task force equates to approximately 35-45 state, local, and Federal fugitive cases closed.

The staffing increase supports multiple Strategic Objectives in the Department's Strategic Plan, including: 1.1, Protect Our Democratic Institutions; 2.1, Protect National Security; 2.3, Combat Violent Crime and Gun Violence; and 5.2, Maintain a Safe and Humane Prison System. The request provides the USMS flexibility to effectively accomplish current missions while contributing to emerging initiatives related to violent crime reduction, countering domestic terrorism, and combating gun violence that directly affect the safety and security of our communities. When the USMS meets its core obligations, it will also be better positioned to assist state, local, and tribal agencies with locating and apprehending their most dangerous fugitives residing inside and outside the United States.

## Funding

### 1. Base Funding

FY 2021 Enacted				FY 2022 President's Budget				FY 2023 Current Services			
Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)
3,590	2,878	3,231	\$1,018,921	3,771	2,928	3,322	\$1,060,680	3,771	2,928	3,412	\$1,095,847

### 2. Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position* (\$000)			FY 2023 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Emergency Management Specialist (0089)	2	\$101	\$144	\$207	\$202	\$86	\$126
Clinical Psychologist (0180)	2	\$101	\$144	\$207	\$202	\$86	\$126
Intelligence Research Specialist (0132)	13	\$101	\$144	\$207	\$1,313	\$559	\$819
Personnel Management (0200-0299)	10	\$101	\$144	\$207	\$1,010	\$430	\$630
Clerical & Office Services (0300-0399)	29	\$101	\$144	\$207	\$2,929	\$1,247	\$1,827
Accounting and Budget (0500-0599)	10	\$101	\$144	\$207	\$1,010	\$430	\$630
Attorney (0905)	3	\$146	\$215	\$232	\$438	\$207	\$51
Business & Industry (1100-1199)	7	\$101	\$144	\$207	\$707	\$301	\$441
Statistician (1530)	1	\$101	\$144	\$207	\$101	\$43	\$63
Education & Training (1700-1799)	1	\$101	\$144	\$207	\$101	\$43	\$63
Criminal Investigator (1811)	195	\$285	\$233	\$346	\$55,575	-\$10,140	\$22,035
IT Management (2210-2299)	7	\$101	\$144	\$207	\$707	\$301	\$441
<b>Total Personnel</b>	<b>280</b>				<b>\$64,295</b>	<b>-\$6,407</b>	<b>\$27,252</b>

\* Annual Costs per Position:

1st Year Adjusted Cost assumes hiring at the minimum grade level and applies a 50 percent lapse to pay and benefits, reflecting the distribution of hiring new personnel throughout an entire year.

2nd Year Adjusted Cost restores the pay and benefits lapse, removes one-time only costs that are applicable only to the first year, and assumes an increase in pay grade where applicable.

3rd Year Full Cost (Modular) is the standardized full-year cost for each position which includes pay and benefits at the full performance or journeyman level, equipment, training, and miscellaneous expenses.

**3. Non-Personnel Increase/Reduction Cost Summary**

Non-Personnel Item	FY 2023 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Recruitment/Outreach	\$200	\$200	1	-\$200	\$0
<b>Total Non-Personnel</b>	<b>\$200</b>	<b>\$0</b>	<b>0</b>	<b>-\$200</b>	<b>\$0</b>

**4. Justification for Non-Personnel Annualizations:** Not applicable.

**5. Total Request for this Item**

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/ Atty	FTE	Personnel	Non-Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	3,771	2,928	3,412	\$1,095,847	\$0	\$1,095,847	\$13,214	
Increases	280	195/3	140	\$64,295	\$200	\$64,495	-\$6,607	\$27,252
<b>Grand Total</b>	<b>4,051</b>	<b>3,123/3</b>	<b>3,552</b>	<b>\$1,160,142</b>	<b>\$200</b>	<b>\$1,160,342</b>	<b>\$6,607</b>	<b>\$27,252</b>

**6. Affected Crosscuts:** Not applicable.

**Item Name:** **Information Technology Infrastructure**

Budget Decision Unit: Judicial and Courthouse Security  
Fugitive Apprehension  
Prisoner Security and Transportation  
Protection of Witnesses  
Tactical Operations

Organizational Program: Information Technology Division  
Investigative Operations Division

Program Increase: Positions 1 Agt/Atty 1 FTE 1 Dollars \$11,671,000

### **Description of Item**

The USMS requests \$11,671,000 to update critical information technology (IT) infrastructure. Requested funding will transition the USMS' IT infrastructure from on-premise USMS hardware to the cloud. In addition, the request enhances the operational mobile application, SHIELD, by adding additional functionality related to judicial security.

### **Justification**

#### **Migrate to the Cloud – \$7,570,000**

In early FY 2021, the FBI announced plans to consolidate current tenants of the legacy portion of its Pocatello, Idaho data center into new modern infrastructure at its adjacent facility (Grey Wolf) by May 2022. In addition, existing USMS on-premise infrastructure and hardware in Pocatello was already scheduled to become unsupported in FY 2024 and would require a costly equipment refresh. Due to the pending consolidation and equipment lifecycle replacement requirements, a USMS review of all IT services and options determined that cloud migration is the most cost-effective option for its future needs. This strategy eliminates the need for hardware refreshment, reduces facility overhead, simplifies application modernization, and enables surge processing power/storage.

Without additional funding, the USMS IT mission is at risk for a range of negative outcomes:

- Unplanned system outages that will affect the ability to meet mission requirements.
- Higher risk of cybersecurity incidents due to outdated hardware at data centers.
- Inability to improve systems reliability, scalability, anytime/anywhere access to data, or rapidly adopt newly available application and service features.
- Limited data storage growth capacity and loss of data due to inadequate storage. Current USMS growth rate is 15-20 percent, compared to industry rate of 5 percent.

- Loss of access to new services, as many vendors are eliminating capabilities and reducing features for products not hosted in the cloud.
- Inefficient and high costs to perform a technology refresh, which would cost an estimated \$16.0 million for new servers and storage. Relocating to another data center would cost \$2.5 million and significantly disrupt critical operational applications.

### **SHIELD – one position (one DUSM) and \$4,101,000**

A critical tool utilized by USMS, other Federal agencies, and task force partners, SHIELD is an integrated mobile application and biometric scanner which allows law enforcement personnel to fingerprint detained persons immediately on scene and return queries from a variety of NCIC queries, such as criminal history, photo, warrants, terrorist watch list, etc. The USMS encounters many individuals who do not carry identification or provide misinformation about their identity. These situations can lead to missed opportunities to apprehend suspects or mistaken identities. The SHIELD application provides immediate risk reduction and increases the likelihood of appropriate arrest.



SHIELD information also facilitates field interviews, interrogations, and officer safety. The tool is currently deployed to 1,261 users, including all DUSMs conducting investigative work and many task force partners. The application was used 153,824 times in FY 2020, averaging approximately 12,819 queries per month. This broad use is a testament to the application's utility.

Although the SHIELD tool has proven to be exceptionally valuable, the program has no dedicated personnel and the application itself has limitations. One significant avenue for improvement is to update biometric scanners and improve the application that operates the scanners. Current scanners will need to be replaced with the latest biometric technology within the next three years. Additional enhancements within the funding request include:

- **Judicial Security:** SHIELD can leverage the ability to place agency internal judicial security information on a mobile platform. This enhancement will make security information that is currently available only in a physical location quickly available when it is needed most by DUSMs in the field. The enhancement will require the security level of SHIELD to be upgraded moderate to high; this additional work entails modifications to the existing platform that cannot be accommodated under the current contract. .
- **Geospatial:** SHIELD can be upgraded to capture geo-temporal data about each biometric scan. This would add significantly to USMS data and analytics capacity. Currently, the

USMS has no way to track where contacts are made, or where arrests occur. Without this information, the agency cannot see patterns over time, learn about the flight behavior of fugitives (or subsets of fugitives), or use predictive modeling to anticipate where fugitives will flee. With a geospatial capture element built into SHIELD, USMS will quickly build a data warehouse which will resolve this gap in knowledge and serve as a powerful tool for enhancing the speed and efficiency of the USMS in the near future.

- Enterprise searches: Currently, operational planning often requires specific sets of targets be searched within multiple intelligence tools (including SHIELD) immediately prior to arrest. For example, deputies must reaffirm that an individual is still wanted just prior to breaching a door, ensure no new intelligence or risk information is available, and obtain other insights to update their tactical plan. These searches are often distinct and serial searches can take a large amount of time (e.g., 20-40 minutes). These delays are especially intrusive and costly when multiple target pool must be searched over the course of many contacts per day. A solution is available to combine these searches, quickly execute them just prior to target contact, and deliver data in an easy-to-process format. This approach will save time and improve cognitive attention in the field.

*Program Costs, \$3,816,000:* The USMS requests \$3,393,000 for development and deployment of an enhanced version of SHIELD, including \$250,000 for the annual maintenance and development contract. The USMS requests \$173,000 to fund one contractor to monitor access, training, audit records, and assist with reports related to the program.

*Program Manager, \$285,000:* One DUSM would serve as the program manager, field tester, and training liaison.

Additional funding and personnel will allow the USMS to pursue these innovative technologies to enhance the USMS mission and provide increased officer safety.

### **Impact on Performance**

This program increase supports the Department's Strategic Plan, Strategic Objective 1.2 – Promote Good Government, by ensuring the USMS can effectively enable cloud migration and enhance operational applications. Without this funding, the USMS will be unable to improve system stability or increase network capacity.

## Funding

### 1. Base Funding

FY 2021 Enacted				FY 2022 President's Budget				FY 2023 Current Services			
Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)
120	0	120	\$171,987	121	0	121	\$169,172	121	0	121	\$169,931

### 2. Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position* (\$000)			FY 2023 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Criminal Investigative (1811)	1	\$285	\$233	\$346	\$285	-\$52	\$113
<b>Total Personnel</b>	<b>11</b>				<b>\$285</b>	<b>-\$52</b>	<b>\$113</b>

\* Annual Costs per Position:

1st Year Adjusted Cost assumes hiring at the minimum grade level and applies a 50 percent lapse to pay and benefits, reflecting the distribution of hiring new personnel throughout an entire year.

2nd Year Adjusted Cost restores the pay and benefits lapse, removes one-time only costs that are applicable only to the first year, and assumes an increase in pay grade where applicable.

3rd Year Full Cost (Modular) is the standardized full-year cost for each position which includes pay and benefits at the full performance or journeyman level, equipment, training, and miscellaneous expenses.

### 3. Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	FY 2023 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Cloud Hosting	\$5,285	\$5,285	1	-\$280	\$75
Cloud – Migration and Program Management	\$1,992	\$1,992	1	-\$1,127	-\$649
Cloud – Hardware/ Software/O&M	\$293	\$293	1	\$319	\$256
SHIELD – Application Development	\$3,393	\$3,393	1	-\$3,036	-\$357
SHIELD – Contract Support and Maintenance	\$423	\$423	1	\$21	\$0
<b>Total Non-Personnel</b>	<b>\$11,386</b>			<b>-\$4,103</b>	<b>-\$675</b>

**4. Justification for Non-Personnel Annualizations**

The USMS Cloud Migration initiative requires cloud hosting, migration and program management plus hardware and software purchases, totaling \$7,570,000. The implementation costs recur at a reduced rate in FY 2024 (less \$1,088,000) and FY 2025 (less \$318,000) during the transition to steady state.

The USMS’ SHIELD application will be further enhanced and implemented to multiple resources. The development and implementation costs are \$3,393,000. The full requirement is \$3,750,000, therefore for FY 2024, \$357,000 will be retained in base. A contract is necessary to oversee the implementation and the USMS will use Palantir for support at \$250,000 the first year and a 5 percent increase applied to annual recurrence for a total of \$263,000 ( $\$250,000 \times 1.05 = \$263,000$ ) annually. Contract support is also necessary to oversee the application roll-out and provide servicing and maintenance at \$173,000. Contract support also recurs with a 5 percent increase ( $\$173,000 \times 1.05 = \$181,000$ ).

**5. Total Request for this Item**

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	121	0	121	\$23,173	\$146,758	\$169,931	\$0	\$0
Increases	1	1	1	\$285	\$11,386	\$11,671	-\$4,155	-\$562
<b>Grand Total</b>	<b>122</b>	<b>1</b>	<b>122</b>	<b>\$23,458</b>	<b>\$158,144</b>	<b>\$181,602</b>	<b>-\$4,155</b>	<b>-\$562</b>

**6. Affected Crosscuts:** Not applicable.



**Item Name:** **Judicial Security: Physical Access Control Systems**

Budget Decision Unit: Judicial and Courthouse Security

Organizational Program: Judicial Security Division

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$5,000,000

### **Description of Item**

The USMS requests **\$5,000,000** for the Physical Access Control Systems (PACS) in USMS-controlled space (detention, holding cells, and district offices) within U.S. Courthouses. This will allow USMS to coordinate necessary security improvements with currently scheduled AOUSC projects, reducing the overall cost and increasing the effectiveness and efficiency of the security systems.

### **Justification**

PACS refers to systems for controlling and restricting entrance to and within USMS facilities. The USMS achieves physical access control through guards, mechanical means such as locks and keys, and through technological means such as personal identity verification (PIV) access control systems. The USMS is required to install PIV access control systems in accordance with Homeland Security Presidential Directive-12 (HSPD-12).

The HSPD-12 directive requires all executive branch agencies to adopt common, reliable, and interoperable identification standards for employees and contractors. The Federal Judiciary is exempt from HSPD-12 requirements, so the AOUSC does not always use the same PIV systems used by the USMS. When funding is available, the USMS coordinates with the AOUSC to schedule security system upgrades and replacements at the same time to reduce costs. These systems are essential for the protection of facilities and personnel involved with the judicial process.

The USMS has identified over 100 locations that are at-risk, with 53 of these requiring immediate upgrades. The USMS averages three catastrophic security systems failures a year with another three experiencing major malfunctions. It is crucial to the safety of USMS employees, judicial family, detainees, and the public that our aging PACS systems be upgraded. Current industry standards maintain a maximum life span of ten years before upgrades are required. The average USMS PACS system is 15 years old and no longer receives technical support by equipment manufactures.

In FY 2023, the Federal Judiciary has funded approximately 30 PACS projects for the judiciary at over \$42,000,000. The USMS can only participate in a limited number of these projects due to funding constraints. The requested funding will allow the USMS to upgrade PACS in approximately an additional five locations a year.

In 2023, the USMS plans to upgrade PACS at the following courthouse locations, subject to change as funding and operational conditions warrant:

- Bridgeport, CT
- Greensboro, NC
- Memphis, TN
- Tacoma, WA
- Birmingham, AL

Currently, the USMS cannot keep pace with the judiciary so the USMS issues separate task orders to install equipment at a later time. Separate task orders mean that equipment terminates into two separate PACS control panels. By coordinating installation and equipment orders, one control panel that can accommodate eight doors could be installed rather than two control panels that can accommodate four doors, thereby saving funds on a second panel, duplicate design efforts, and reduced materials and labor. The USMS and the security vendor estimate that potential cost avoidance through collaboration would range from four to eight percent for each project because of the reduced number of components, reduced labor cost due to more efficient installation, and reduced travel and programming support. Equally important is the reduced disruption to district operations by scheduling one security upgrade instead of two.

### **Impact on Performance**

The funding increase supports the Department's Strategic Plan, Strategic Objective 1.1 – Protect Our Democratic Institutions, by allowing the USMS to improve security at courthouses throughout the country. The request will allow the USMS to update its outdated access systems to serviceable technology.

## Funding

### 1. Base Funding

FY 2021 Enacted				FY 2022 President's Budget				FY 2023 Current Services			
Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)
0	0	0	\$4,992	0	0	0	\$4,992	0	0	0	\$4,992

### 2. Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position* (\$000)			FY 2023 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
N/A	0	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total Personnel</b>	<b>0</b>				<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* Annual Costs per Position:

1st Year Adjusted Cost assumes hiring at the minimum grade level and applies a 50 percent lapse to pay and benefits, reflecting the distribution of hiring new personnel throughout an entire year.

2nd Year Adjusted Cost restores the pay and benefits lapse, removes one-time only costs that are applicable only to the first year, and assumes an increase in pay grade where applicable.

3rd Year Full Cost (Modular) is the standardized full-year cost for each position which includes pay and benefits at the full performance or journeyman level, equipment, training, and miscellaneous expenses.

### 3. Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	FY 2023 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2024 (Net Change from 2023)	FY 2025 (Net Change from 2024)
Physical Access Control Systems (PACS)	\$5,000	\$5,000	1	\$0	\$0
<b>Total Non-Personnel</b>	<b>\$5,000</b>			<b>\$0</b>	<b>\$0</b>

### 4. Justification for Non-Personnel Annualizations

The PACS systems and installation and annual maintenance will cost \$5,000,000 annually and fully recur.

**5. Total Request for this Item**

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	0	0	0	\$0	\$4,992	\$4,992	\$0	\$0
Increases	0	0	0	\$0	\$5,000	\$5,000	\$0	\$0
<b>Grand Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$9,992</b>	<b>\$9,992</b>	<b>\$0</b>	<b>\$0</b>

**6. Affected Crosscuts:** Counterterrorism, Domestic Terrorism, and National Security.

**Item Name:** **Federal and Task Force Officer: Body Worn Cameras**

Budget Decision Unit: Fugitive Apprehension

Organizational Program: Body Worn Camera Program Office  
Investigative Operations Division  
Information Technology Division  
Office of General Counsel  
Office of Professional Responsibility  
Training Division

Program Increase: Positions 54 Agt/Atty 39 FTE 27 Dollars \$42,515,000

### **Description of Item**

The USMS requests 54 positions (32 DUSMs and 7 attorneys) and \$42,515,000 to support the implementation of the DOJ Task Force Officer (TFO) and Federal Officer Body Worn Camera (BWC) program. This initiative will allow deputized state and local TFOs to use BWCs while supporting the USMS enforcement mission and expands the program to require specifically designated DUSMs to use BWCs while performing certain USMS enforcement operations.

### **Justification**

#### **Task Force Officer BWC – 3 positions (2 DUSMs) and \$5,141,000**

Effective November 1, 2019, the DOJ authorized a pilot program to allow Federally-deputized TFOs from state and local agencies with mandated BWC policies to use BWCs while serving arrest warrants, conducting other planned arrest operations, and during the execution of search warrants.

The DOJ TFO BWC interim policy asserts video captured during USMS operations is subject to Federal records requirements where a copy may be required to be maintained. Deputized TFOs may be required by their parent agency to wear BWCs and potentially capture video during USMS enforcement operations.



Funding will allow the USMS to implement a video management solution that will provide capability for TFOs to share BWC recordings as digital data; deliver a robust end-to-end solution for USMS to access, manage, and report data in response to an authorized request; and perform redaction, video management, and audit capabilities.

The pilot program has demonstrated that the USMS will review, approve, and maintain a new Memorandum of Understanding that discusses the BWC authorization and practices. The pilot program has already shown that the data collection from TFOs will be time-consuming: District Supervisors or Task Force Commanders will have to request BWC data from TFOs, label BWC data, and review BWC data within a storage cloud service. The USMS estimates that by the end of FY 2022, the TFO BWC program will encompass 275 of the 1,585 non-Federal Task Force Partner Agencies (17.4 percent) and 1,143 of the 3,708 TFOs (30.8 percent).

The full implementation of the TFO program will include headquarters and 150 district sites. The request includes the following:

- \$671,000 for two DUSMs and one administrative position
- \$4,050,000 for 22 contractors
- \$420,000 for travel costs

The full requirement for the TFO BWC initiative, including two DUSMs and one administrative support specialist, is \$9.5 million. The FY 2022 President's Budget request included \$4.4 million for the TFO BWC initiative; therefore, this request expands the TFO BWC initiative by building on that initial funding.

### **Federal Officer BWC – 51 positions (30 DUSMs and 7 Attorneys) and \$37,374,000**

Beginning in April 2021, the DOJ initiated a program to require officers employed by DOJ law enforcement components to utilize BWCs while serving arrest warrants, conducting other planned arrest operations, and executing search or seizure warrants and orders. As with video captured during TFO BWC usage, DOJ policy mandates that all DUSM BWC video captured during USMS operations is subject to Federal records requirements and Federal disclosure rules.

Funding will allow the USMS to enhance the video management solution currently in place for the TFO BWC Program to incorporate management of Federal BWC recordings as digital data. The USMS BWC program will deliver a robust end-to-end solution to access, manage, and report data; to make timely BWC recording disclosures in response to requests; and to perform redaction, video management, and audit capabilities. The BWC program impacts district task forces and multiple USMS divisions: the Investigative Operations Division (IOD), Office of General Counsel (OGC), Information Technology Division (ITD), Office of Professional Responsibility (OPR), and the Training Division (TD).

The USMS will be responsible for review, approval, and storage of a vast amount of data – likely more than one petabyte (1,000 terabytes, or 1 million gigabytes) of relevant video data annually. Approximately 4,000 DUSMs nationwide are subject to this new program. USMS District Supervisors and Task Force Commanders will have to ensure that BWC data from each DUSM are uploaded, managed, and documented appropriately. All video captured during USMS BWC operations is subject to storage and management for at least 180 days; the USMS currently estimates 35 to 40 percent of that footage will be subject to storage for even longer.

BWC Program Office, 22 positions (10 DUSMs) and \$6,672,000

To establish a USMS Program Office and provide executive-level oversight, management, external reporting, and continuing development of the USMS BWC enterprise program, the USMS requests 22 positions (10 DUSMs) and \$6,672,000. This office will centrally manage all USMS policy and oversee BWC implementation, management, and safeguards within the entire USMS mission set.



The BWC Program Office will manage the entire spectrum of USMS BWC use including policy oversight, development and update of standard operating procedures, creation of a user guide, as well as the scaled deployment of the program to the USMS user community.

Successful implementation, management, and reporting on the Federal Officer BWC Program requires adequate personnel and resources to ensure the USMS complies with BWC-related laws, regulations, and DOJ policies and guidance.

While each of the affected divisions requires personnel to accomplish their own specific BWC duties, the Program Office will house the senior-level component official who is responsible for BWC implementation and oversight throughout the USMS.

- *Program Management, 10 positions (10 DUSMs) and \$2,850,000.*

The requested DUSMs will manage and implement the USMS Federal Officer and TFO BWC Program for arrest operations and execution of court orders related to search and seizure. These missions are the focus of current DOJ Federal Officer BWC guidance and require a new office for central program management. BWC data will create an enormous new pool of information subject to internal and external reports and audits. These DUSMs are also necessary to ensure that USMS meets all crime data reporting requirements and provides timely response to DOJ and Congressional requests.

- *Management and Program Analysts, 4 positions and \$404,000.*

Management analysts will provide operational support within the BWC program. These positions will manage all financial aspects of the program, maintain property records, and complete other program management tasks.

- Information Management Unit Specialists, 5 positions and \$505,000.

The Information Management Unit Specialists will provide headquarters and field support for the technical and functional operations of the Federal Officer BWC and the BWC Video Management System. These specialists will provide supervisors and DUSMs daily support for their documentation and management of BWC recordings and will further track upload issues that must be elevated to ITD support personnel.

- Data Science Support, 1 position and \$101,000.

One Operations Research Analyst will perform research, data collection, and statistical analysis concerning BWC usage. Research findings and analytics will inform USMS policies and procedures and identify challenges and resource inefficiencies and areas for improvement. Collecting and releasing statistical information about BWC footage also promotes transparency. These positions will allow IOD to forecast operational needs, analyze and translate evaluations into cost-benefit metrics, and design evaluations and experiments to assess the financial impact of implementing the BWC program for purposes of budget formulation and resource requests. This position will also assist in preparing of required reports requested by DOJ, Congress, or other governmental entities.

- Public Affairs Specialist, 1 position and \$101,000.

One Public Affairs Specialist will be the principal news media point of contact. The Office of Public Affairs is responsible for ensuring that the public is informed about USMS activities and the priorities and policies of the Director. With introduction of the BWC program, the USMS expects the number of public affairs inquiries to increase.

- Information Technology (IT) Program Manager, 1 position and \$101,000.

One information technology program manager will be the point of contact between the BWC program office and the ITD. This position will be responsible for hardware, software, and licenses.

- Contract Support, \$2,610,000.

The USMS requests 14 contractors to assist the BWC Review Team.

#### Investigative Operations Division – 8 positions (8 DUSMs) and \$2,280,000

The USMS requests eight DUSMs assigned to the RFTF structure to support the additional workload created by the implementation of a BWC program. These Supervisory Inspectors will be distributed within the eight existing RFTFs to manage increased duties at the supervisory level that are a natural evolution of adding BWC to the tools utilized by operational personnel. The area covered by these personnel consists of 136 USMS Senior Inspectors and 1,700 TFOs from 600 Federal, state, and local partners, and covers 34 Federal judicial districts, the District of Columbia, and 15 states. These supervisory personnel will provide the increased first-line supervision that BWC mandates.



Training Division – 5 positions (4 DUSMs) and \$2,636,000

The USMS requests five positions for BWC training-related resources. Implementing the BWC program will improve the high-quality public service expected of the USMS, and will also promote the perceived legitimacy and sense of procedural justice that communities demand from law enforcement agencies. To ensure these goals are achieved, BWC implementation must begin with a properly developed and delivered training program. The BWC training curriculum will cover topics such as policy, legal considerations, privacy rights, civil liberties, use of force, and force review.



The USMS Training Division (TD) will be responsible to deliver initial BWC training to both Basic Deputy U.S. Marshal students and existing operational employees, and to field a robust program for subsequent sustainment. Functional training delivery will include scenario-based exercises focusing on equipment operation, downloading recorded data, supervisory review processes, evidentiary procedures, and other relevant topics. BWC implementation will impact numerous TD programs and require additional resources to ensure a

professional training foundation for the BWC program while also allowing for an enhanced training methodology to combine BWC with the fundamentals of policy, tactics, equipment, de-escalation, and use-of-force practices.

- *Training Management, 4 positions (4 DUSMs) and \$1,140,000.*

The USMS requests four DUSMs to support programmatic oversight, management, and implementation of BWC training. Training must be developed, delivered, and sustained in concordance with legal updates, policy reviews, officer safety trends, and accreditation mandates. Initial BWC training for new employees will be conducted through the Basic Deputy U.S. Marshal Integrated course taught by the National Training Academy, increasing the instructor demand for that course. Initial and sustainment BWC training for existing personnel is the responsibility of the Training Division's Law Enforcement Safety Training Branch (LESTB). Additionally, the LESTB will maintain programmatic oversight to ensure BWC training is integrated with de-escalation, control tactics, and use of force concepts to maximize training for these topics that possess high agency risk.

- *Administrative Support, 1 position and \$101,000.*

The USMS requests one management analyst to oversee purchase, tracking, repair, and replacement of BWC training equipment, as well as other administrative duties related to the program. Examples include procuring authorized items, assisting with audit-related

functions, equipment support, and assisting with reporting and correspondence. In addition, this position will provide support for program requirements related to Instructional System Design standards for development, delivery, and periodic review of training material. The TD must abide by these standards to maintain the USMS Training Academy's accreditation from the Federal Law Enforcement Training Accreditation (FLETA) Board.

- Contract Support, \$1,395,000.

The USMS requests \$1,050,000 to fund seven contractors to support the instructor training team. BWC training implementation and sustainment will require significant field-based instructional time to ensure consistency and compliance. The additional expert contract instructors will improve the delivery of field-based BWC instruction and the deployment of equipment. An additional \$300,000 for travel and \$45,000 for equipment is required for the instruction team.

Office of General Counsel – 7 positions (7 attorneys) and \$1,022,000

The USMS requests seven Associate General Counsel positions to support the USMS OGC. Nationwide deployment of BWCs will impact OGC and its Freedom of Information/Privacy Act (FOI/PA) unit significantly and require substantial resources to meet new legal obligations.

At present, the DOJ TFO BWC policy is limited to planned searches and arrests. This request is based on the Office of the Deputy Attorney General's current expectation that the scope of the BWC deployment for Federal officers will be the same, except for the additional authorization to record prior to approaching a subject or premises and after the scene is secured if the officer is confronted with an individual or other exigent circumstances that could lead to the use of force. OGC will be manage all external requests for dissemination of BWC footage, whether that request comes from another component within DOJ, a Federal agency, a state law enforcement authority, a private bar attorney, and/or a member of the public.

The primary impact on OGC will be the need for more personnel to review and redact the large volume of video footage captured by Federal officers wearing BWCs. Additional attorneys are necessary to ensure legal standards are correctly applied when redacting footage for release outside of the USMS, and to answer any legal questions arising from the request for footage in connection with criminal and civil discovery.

Attorneys will be required to oversee the contractors who process the BWC footage for external release, advise the contractors regarding the applicable legal standard or policy aspects to apply, and answer any questions the contractors may have. Additionally, attorneys must review footage in cases where there is a request for expedited release and when that footage captured a sensitive investigative technique (or other law enforcement sensitive information).

Furthermore, attorneys in OGC will be tasked with addressing the entire spectrum of legal challenges that a BWC program may generate for any Federal agency. Legal challenges will

likely go beyond those specific to footage generated during an enforcement operation, to include USMS policies, procedures, release of information, and internal protocols.

At present, OGC only possesses one information disclosure attorney and a small team of three contractors for the TFO BWC program. OGC requires additional personnel to properly staff these new program requirements and best serve the USMS operational divisions affected by a nationwide BWC program.

Office of Professional Responsibility – 8 positions (8 DUSMs) and \$3,687,000

- Internal Affairs, 3 positions (3 DUSMs) and \$1,480,000.

The OPR Internal Affairs Branch (OPR-IA) will require additional personnel and contractor resources to incorporate the BWC program into the processing and investigation of misconduct complaints involving allegations of excessive force, employee conduct and property damage during arrest endeavors, and civil rights violations. To successfully incorporate BWC analysis into OPR-IA operations, each investigative team requires one Senior Inspector and BWC contract analysts, totaling three Senior Inspectors and four contract analysts.

At present, OPR-IA receives a significant volume of complaints from internal and external sources daily. The use of BWC analysis in these investigations benefits both the missions of OPR-IA and OGC. The BWC program will allow OPR-IA to conduct more thorough and comprehensive investigations into these types of allegations. The program will also enable OGC to streamline the discovery process in criminal and civil litigation and the processing of FOIA requests related to these matters.

OPR-IA has strict aging milestones for the opening, processing, and closing of all misconduct investigations. At the Intake stage, additional personnel are required to analyze incoming BWC footage and process the footage and related materials for investigation. At the investigation stage, BWC analysts would be responsible for the analysis and preparation of BWC material for the new SIs, who would be responsible for handling all investigations.

OPR-IA staffing is already limited. Incorporating the new BWC program into the investigation of excessive force allegations will promote greater transparency and accountability within the DOJ and to the public. However, to adopt the program while still maintaining OPR-IA's high standards for comprehensive, timely investigations, these positions and funding are required to handle the additional workload.

- Force Review Branch, 5 positions (5 DUSMs) and \$2,207,000.

The OPR Force Review Branch (OPR-FRB) will require additional personnel and contractor resources to incorporate the BWC program into the processing, examination, referral, and reporting of USMS uses of force during arrest or search endeavors. OPR-FRB must perform these duties for every USMS use of force regardless of the mission

under which that force was applied. The addition of BWC footage will allow greater transparency but also an increased set of responsibilities for this office. The USMS requests seven DUSMs and five contract analysts to successfully incorporate BWC analysis into OPR-FRB operations.

OPR-FRB receives at least 600 use of force (UOF) incidents each fiscal year. OPR-FRB ensures all UOF incidents are thoroughly, objectively, and independently examined without prejudice, bias, or favor. OPR-FRB has strict time requirements to conduct reviews, prepare for the Shooting Review Board (SRB) and the Less-Than-Lethal Review Board (LTLRB), and make referrals to the DOJ OIG and Civil Rights Division when appropriate. At the review stage, SIs will be required to analyze and process incoming BWC footage and related materials for review and presentation to the SRB and/or the LTLRB. At the process stage, BWC analysts would be responsible for the retrieval, analysis, preparation, and distribution of BWC footage for the SIs, who are responsible for handling and presenting the reviews.

Implementing the BWC program creates an additional set of responsibilities within OPR-FRB. Senior Inspectors will have to review all body camera footage that captures UOF by DUSMs and TFOs, which will significantly increase the amount of time needed to thoroughly review all incidents. OPR-FRB does not currently have enough personnel for full coverage in every region, and the branch only has one administrative employee to support the entire staff who is not able to assist with BWC program management.

#### Information Technology (IT) Division – 1 position (0 DUSMs) and \$21,077,000

The USMS requests one IT Program Manager, \$101,000, for full IT-related implementation of the Federal Officer BWC program. This includes \$4,490,000 in hardware costs to provide DUSMs with basic BWC equipment, including a limited supply of spare devices. IT software costs of \$3,071,000 include licenses for Relativity and FOIA express to support requested staff and data being tracked, network and access control, and reporting. Contract support for \$2,887,000 for 10 contractors and equipment is included. Finally, in \$10,218,000 in IT services are needed for network expansions for video upload, installation support, support for IT system documentation, IT cyber security support, IT technical system contractor support for Axon and Relativity, Axon support services, interoperability support for cameras, and travel for IT support team. An additional \$310,000 is needed in travel for IT contract support.

#### **Impact on Performance**

This program increase supports the Department's Strategic Plan, Strategic Objective 3.3 – Reform and Strengthen the Criminal and Juvenile Justice Systems to Ensure Fair and Just Treatment, by expanding the trial BWC program to equip both TFOs and DUSMs with BWCs to wear during USMS operations. The BWC initiative is especially important due to the new DOJ BWC policy. Video capture during USMS operations is subject to Federal records management requirements, where data must be retained, preserved, and appropriately managed.

## Funding

### 1. Base Funding

FY 2021 Enacted				FY 2022 President's Budget				FY 2023 Current Services			
Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)
0	0	0	\$0	0	0	0	\$4,400	0	0	0	\$4,400

### 2. Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position* (\$000)			FY 2023 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Information Management Unit Specialist (0301)	5	\$101	\$144	\$207	\$505	\$215	\$315
Management & Program Analyst (0343)	5	\$101	\$144	\$207	\$505	\$215	\$315
Attorney (0905)	7	\$146	\$215	\$232	\$1,022	\$483	\$119
Public Affairs Specialist (1035)	1	\$101	\$144	\$207	\$101	\$43	\$63
Operations Research Analyst (1515)	1	\$101	\$144	\$207	\$101	\$43	\$63
Instructional Systems Design Specialist (1750)	1	\$101	\$144	\$207	\$101	\$43	\$63
Criminal Investigative Series (1811)	32	\$285	\$233	\$346	\$9,120	-\$1,664	\$3,616
IT Program Manager (2030)	2	\$101	\$144	\$207	\$202	\$86	\$126
<b>Total Personnel</b>	<b>54</b>				<b>\$11,657</b>	<b>-\$536</b>	<b>\$4,680</b>

\* Annual Costs per Position:

1st Year Adjusted Cost assumes hiring at the minimum grade level and applies a 50 percent lapse to pay and benefits, reflecting the distribution of hiring new personnel throughout an entire year.

2nd Year Adjusted Cost restores the pay and benefits lapse, removes one-time only costs that are applicable only to the first year, and assumes an increase in pay grade where applicable.

3rd Year Full Cost (Modular) is the standardized full-year cost for each position which includes pay and benefits at the full performance or journeyman level, equipment, training, and miscellaneous expenses.

### 3. Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	FY 2023 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
TFO Contract Support – IOD	\$2,340	\$180	13	\$117	\$0
TFO Contract Support – OGC	\$1,710	\$190	9	\$86	\$0
TFO BWC Travel – IOD	\$420	\$20	21	\$0	\$0
Fed Contract Support – Program Office	\$2,520	\$180	14	\$126	\$0
Fed Contract Support – TD	\$1,050	\$150	7	\$53	\$0
Fed Contract Support – OPR-IA	\$600	\$150	4	\$30	\$0
Fed Contract Support – OPR-FRB	\$750	\$150	5	\$38	\$0
Fed Contract Support – eDiscovery	\$672	\$336	2	\$34	\$0
Fed Contract Support – Tech Support	\$864	\$288	3	\$43	\$0
Fed Contract Support – ITD Support	\$711	\$237	3	\$36	\$0
Fed Contract Support – BWC Support	\$576	\$288	2	\$29	\$0
Fed Contract Support – Equipment	\$256	\$6.4	40	-\$128	\$0
Fed BWC Software	\$3,071	\$3,071	1	\$250	\$0
Hardware (A3, Dock, Mount, Evergreen CERP)	\$4,490	\$2	2,245	\$449	\$0
Fed BWC ITD Services	\$10,218	\$10,218	1	\$7,023	\$0
Fed BWC Travel - TD	\$300	\$300	1	\$0	\$0
Fed BWC Travel - ITD	\$310	\$310	1	\$0	\$0
<b>Total Non-Personnel</b>	<b>\$30,858</b>			<b>\$8,186</b>	<b>\$0</b>

### 4. Justification for Non-Personnel Annualizations

Contractor support is necessary for the TFO BWC program in IOD and OGC. Twenty-two contractors are requested for a total cost of \$4,050,000. This amount recurs with a five percent increase of \$203,000 applied. Due to the volume of BWCs implemented, the TFO BWC program requires travel for support, training, and servicing of equipment provided by contract support; twenty-one contractors at a cost of \$20,000 totals \$420,000. This amount fully recurs.

The Federal BWC program will require contract support in the BWC Program Office, TD, OGC, OPR, and ITD. Forty contractors are requested for a total cost of \$7,743,000. This amount recurs with a five percent increase of \$389,000 applied. Each contractor will require new

equipment at a cost of \$6,400 each, for a total of \$256,000. This amount recurs annually at \$3,200 each, a total of \$128,000 for 40 contractors (a reduction of \$128,000 in year two).

The Federal BWC program initiative requires software and licensing purchases of \$3,071,000 as part of the Axon Camera support, including FOIA licensing, Geospatial capability reporting, Continuity of Operations (COOP) digital workspace support, and network access control and support. This amount recurs with an increase of \$250,000, for a total of \$3,321,000.

The Federal BWC program require hardware purchases for 4,490 Axon Camera sets, including cameras, mounts, docks and warranty. In the first year, 2,245 cameras will be purchased, with an additional 2,245 in the following year. Assuming a replacement cycle of two years, this amount is expected to recur annually with an additional 10 percent (225 cameras) added due to normal usage through the year. Each set costs \$2,000 for a total of \$4,490,000 annually. Including the additional 10 percent adds \$449,000 for a total recurrence of \$4,939,000.

The Federal BWC program also requires ITD support services to ensure data integrity of the capture and storage of recorded data, including vendor and network support costs at full implementation. After first year funding to support initial BWC purchases (50 percent of the total required for all DUSMs), a second year annualization of \$7,023,000 is required to fully fund service requirements for the entire program. This amount fully recurs thereafter.

Due to the volume of BWCs implemented, the Federal BWC program requires travel necessary for support, training, and servicing of equipment. TD will require \$300,000 in travel costs and ITD will require \$310,000 annually, for a total of \$610,000. These amounts fully recur.

**5. Total Request for this Item**

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/ Atty	FTE	Personnel	Non-Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	0	0	0	\$0	\$4,400	\$4,400	\$0	\$0
Increases	54	32/7	27	\$11,657	\$30,858	\$42,515	\$7,650	\$4,680
<b>Grand Total</b>	<b>54</b>	<b>32/7</b>	<b>27</b>	<b>\$11,657</b>	<b>\$35,258</b>	<b>\$46,915</b>	<b>\$7,650</b>	<b>\$4,680</b>

**6. Affected Crosscuts:** Civil Rights, Federal Criminal Justice Reform, and State and Local Law Enforcement Support.

**Item Name:** McGirt Resources

Budget Decision Unit: Judicial and Courthouse Security  
Fugitive Apprehension  
Prisoner Security and Transportation  
Protection of Witnesses  
Tactical Operations

Organizational Program: District Affairs

Program Increase: Positions 56 Agt/Atty 46 FTE 28 Dollars \$14,120,000

### **Description of Item**

The USMS requests 56 positions (46 DUSMs) and \$14,120,000 to provide the personnel necessary to facilitate the transfer of felony cases from Oklahoma State Court to Federal Court and for new cases resulting from to the Supreme Court decision in *McGirt v. Oklahoma*. The influx of Federal detainees requires additional DUSMs to manage court productions, prisoner and judicial security, and prisoner transportation. This request provides funding specific to for district positions in the Eastern, Northern, and Western Districts of Oklahoma.

### **Justification**

On July 9, 2020, the Supreme Court held in its *McGirt v. Oklahoma* decision that Congress never disestablished the Muscogee (Creek) Nation. Therefore, the area in question remained “Indian country” and offenses committed there are not within the jurisdiction of the State of Oklahoma. This ruling created an immediate shift of criminal jurisdiction from the State of Oklahoma to Federal or tribal government in cases where a Native American is involved, either as a defendant or a victim, for offenses committed within those historical boundaries. Although McGirt applied only to the Muscogee (Creek) Nation, on March 11, 2021, the Oklahoma Court of Criminal Appeals extended the McGirt principles to the Cherokee Nation and Chickasaw Nation; the Choctaw and Seminole Tribes were reaffirmed on April 1, 2021.

All five territories encompass approximately 32,000 square miles, or 45 percent of the State of Oklahoma, including the city of Tulsa. Total population within the combined borders is roughly 1.9 million, with approximately 420,000 enrolled tribal members. Federal judicial districts in Oklahoma are now responsible for addressing:

- All new cases involving Native American defendants and victims;
- All pending state prosecutions involving Native American defendants and victims;
- Native Americans imprisoned in state prisons who may challenge their state felony convictions based on lack of jurisdiction; and,
- Non-Native American defendants jailed in state prisons who committed crimes against Native American victims.



The *McGirt v. Oklahoma* ruling has an immediate impact on the USMS workload in Oklahoma. The USMS is responsible for the safe, secure, and humane housing of all Federal prisoners. The USMS will be required to provide detention bedspace to all prisoners remanded to the custody of the Attorney General; these costs are funded through the FPD appropriation. However, costs will also accrue to the Salaries and Expenses appropriation: judicial security, DUSM mission sets, detainee transportation, and operational support. All detainees are transported between correctional facilities and courthouses by DUSMs. Once at the courthouse, DUSMs provide the security for all judicial proceedings. The increase of cases in Federal jurisdiction will create corresponding increases in fugitive apprehension, tactical operations, and witness protection workloads. All of these responsibilities entail the need for additional operational support.

**District Staffing – 56 positions (46 DUSMs) and \$14,120,000**

<b>Salaries &amp; Expenses</b> (\$ in thousands)			
<b>District</b>	<b>DUSM</b>	<b>Admin</b>	<b>Cost</b>
Eastern District of Oklahoma (E/OK)	28	6	\$8,586
Northern District of Oklahoma (N/OK)	15	4	\$4,679
Western District of Oklahoma (W/OK)	3	0	\$855
<b>Subtotal</b>	<b>56</b>	<b>10</b>	<b>\$14,120</b>

Using the number of new indictments projected by the Executive Office of the U.S. Attorneys, the USMS extrapolated workload for a variety of mission areas using the USMS District Staffing Model (DSM). The USMS estimates that 56 DUSMs will be required to accomplish the work associated with the new indictments. The 56 DUSMs will distributed throughout the Oklahoma judicial districts:

- E/OK: 24 DUSMs, 4 Supervisory DUSMs
- N/OK: 13 DUSMs, 2 Supervisory DUSMs
- W/OK: 3 DUSMs

Utilizing the DSM personnel ratio for operational to operational support suggests an additional need for 10 operational support personnel, similarly distributed to the three judicial districts:

- E/OK: 6 administrative positions
- N/OK: 4 administrative positions
- W/OK: 0 administrative position

Today, all three districts have staffing concerns at the current workload. The McGirt ruling can reasonably be expected to create a significant impact on court productions, prisoner security, and transportation. The greatest immediate impact will be felt in E/OK and N/OK, as these districts have the largest footprint of Native American territory throughout the state.

- The Eastern District of Oklahoma detainee population has increased 328 percent since July 2020. These numbers continue to rise as the entire district is considered Indian Country. The United States Attorney's Office (USAO) has received and is currently prosecuting over 110 murders. For comparison, the USAO prosecuted a total of five murder cases over the last ten years.
- The Northern District of Oklahoma detainee population has increased 195 percent since July 2020. Over 70 percent of the Northern District is considered Indian Country. Prosecutions and prisoner numbers are expected to continue to rise. The USAO has received and is prosecuting over 100 murder cases.
- The Western District of Oklahoma has seen a noticeable increase in its detainee population since February 2021, when five western Oklahoma counties were recognized as Indian Country. These numbers continue to rise as more cases are heard in the district.

### **Impact on Performance**

The funding increase supports the Department's Strategic Plan, Strategic Objective 2.6 – Protect Vulnerable Communities, by allowing the USMS to continue to perform its missions effectively and efficiently without assuming unnecessary risk to the safety of USMS personnel, protectees, detainees, or the public. This request is essential to meet the increased demand in USMS mandated missions due to the *McGirt v. Oklahoma* ruling.

## Funding

### 1. Base Funding

FY 2021 Enacted				FY 2022 President's Budget				FY 2023 Current Services			
Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)	Pos	Agt/Atty	FTE	Amount (\$000)
0	0	0	\$0	0	0	0	\$8,700	0	0	0	\$0

### 2. Personnel Increase Cost Summary

Type of Position/Series	Positions Requested	Annual Costs per Position* (\$000)			FY 2023 Request (\$000)	Annualizations (\$000)	
		1st Year Adjusted Cost	2nd Year Adjusted Cost	3rd Year Full Cost (Modular)		FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Clerical and Office Svcs (0300-0399)	10	\$101	\$144	\$207	\$1,010	\$430	\$630
Criminal Investigative (1811)	46	\$285	\$233	\$346	\$13,110	-\$2,392	\$5,198
<b>Total Personnel</b>	<b>56</b>				<b>\$14,120</b>	<b>-\$1,962</b>	<b>\$5,828</b>

\* Annual Costs per Position:

1st Year Adjusted Cost assumes hiring at the minimum grade level and applies a 50 percent lapse to pay and benefits, reflecting the distribution of hiring new personnel throughout an entire year.

2nd Year Adjusted Cost restores the pay and benefits lapse, removes one-time only costs that are applicable only to the first year, and assumes an increase in pay grade where applicable.

3rd Year Full Cost (Modular) is the standardized full-year cost for each position which includes pay and benefits at the full performance or journeyman level, equipment, training, and miscellaneous expenses.

### 3. Non-Personnel Increase/Reduction Cost Summary

Non-Personnel Item	FY 2023 Request (\$000)	Unit Cost (\$000)	Quantity	Annualizations (\$000)	
				FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
N/A	\$0	\$0	0	\$0	\$0
<b>Total Non-Personnel</b>	<b>\$0</b>			<b>\$0</b>	<b>\$0</b>

4. Justification for Non-Personnel Annualizations: Not applicable.

**5. Total Request for this Item**

Category	Positions			Amount Requested (\$000)			Annualizations (\$000)	
	Count	Agt/Atty	FTE	Personnel	Non-Personnel	Total	FY 2024 (net change from 2023)	FY 2025 (net change from 2024)
Current Services	0	0	0	\$0	\$0	\$0	\$0	\$0
Increases	56	46	28	\$14,120	\$0	\$14,120	-\$1,962	\$5,828
<b>Grand Total</b>	<b>56</b>	<b>46</b>	<b>28</b>	<b>\$14,120</b>	<b>\$0</b>	<b>\$14,120</b>	<b>-\$1,962</b>	<b>\$5,828</b>

**6. Affected Crosscuts:** Indian Country, Missing and Murdered Indigenous Women, and Violent Crime.