

**United States Marshals Service  
FY 2012 Performance Budget  
President's Budget**

**Salaries & Expenses and Construction Appropriations**



**February 2011**

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**United States Marshals Service  
FY 2012 President's Budget Request  
Salaries and Expenses, and Construction**

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

**A. Introduction**

The United States Marshals Service (USMS) ensures the functioning of the federal judicial process by protecting members of the judicial family (judges, attorneys, witnesses, and jurors), providing physical security in courthouses, safeguarding witnesses, transporting and producing prisoners for court proceedings, executing court orders and arrest warrants, apprehending fugitives, and seizing forfeited property. All USMS duties and responsibilities emanate from this core mission. Electronic copies of the Department of Justice's congressional budget summaries and performance plan can be viewed or downloaded from the Internet using the Internet address: <http://www.usdoj.gov/jmd/2012justification/>.

For FY 2012, the USMS requests a total of 5,674 positions, 5,585 FTE (excluding reimbursable FTE), \$1.244 billion for the Salaries and Expenses (S&E) appropriation, and \$15.625 million for the Construction appropriation, totaling \$1.259 billion.

**B. Organizational History**

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

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

The Attorney General began supervising the Marshals in 1861. The Department of Justice (DOJ) was created in 1870 and the Marshals have been under DOJ's purview since that time. The first organization to supervise Marshals nationwide, the Executive Office for United States Marshals, was established in 1956 by the Deputy Attorney General. DOJ Order 415-69 established the United States Marshals Service on May 12, 1969. On November 18, 1988, the USMS was officially established as a bureau within the Department under the authority and direction of the Attorney General with its Director appointed by the President. Prior to 1988, the Director of the USMS was appointed by the Attorney General. The most recent headquarters organizational chart is displayed in Exhibit A.

The role of the U.S. Marshals has had a profound impact on the history of this country since the time when America was expanding across the continent into the western territories. With

changes in prosecutorial emphasis over time, the mission of the USMS has transitioned as well. In more recent history, law enforcement emphasis has shifted with changing social mandates. Examples include:

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

### **C. USMS Budget**

The FY 2011 level assumes a full-year Continuing Resolution at the FY 2010 enacted level which is \$1.152 billion. Of this amount, \$1.125 billion is in the S&E appropriation and \$26.625 million is in the Construction appropriation.

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

- The Office of the Federal Detention Trustee (OFDT) provides funding for housing, transportation via the Justice Prisoner and Alien Transportation System (JPATS), medical care, and other expenses related to federal detainees;
- The Administrative Office of the United States Courts (AOUSC) provides funding for administering the Judicial Facility Security Program;

- The Assets Forfeiture Fund (AFF) provides funding for managing and disposing seized assets;
- The Fees and Expenses of Witnesses (FEW) appropriation provides funding for securing and relocating protected witnesses; and
- The Organized Crime Drug Enforcement Task Force (OCDETF) provides funding for apprehending major drug case fugitives.

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

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

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

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

- Conducting threat assessments and investigating incoming threats or inappropriate communications made against members of the judicial family, and
- Assigning Deputy Marshals to the Federal Bureau of Investigation (FBI) Joint Terrorism Task Forces to work terrorism cases and share information that may be critical to protect the federal judiciary.

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

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

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

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

## **E. Challenges**

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

### **Detention**

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

The average daily prisoner population (ADP) continues to grow and exceeded 60,500 in FY 2010. This is a 73.5 percent increase in the last ten years. In FY 2009, the USMS conducted 881,948 prisoner productions. By FY 2012, the USMS anticipates more than 1 million prisoner productions. By FY 2012, OFDT projects that the ADP will grow to 62,500 prisoners.

The increased prisoner population has created enormous administrative workload within the 94 USMS districts. Every prisoner remanded into USMS custody must be administratively tracked as they proceed through the steps of the judicial process. Additionally, the USMS must audit and certify monthly billing for each prisoner’s housing, transportation and medical expenses. The USMS accomplishes this most important side of detention through accurate data entry and



analysis in the USMS Justice Detainee Information System (JDIS) and the OFDT e-Designate and e-Move systems.

New federal law enforcement initiatives and efficiencies yield a larger number of arrests, and each federal arrest leads to additional workload for the USMS because the USMS maintains custody of all arrested individuals for the duration of a trial.

## **Financial Management**

The USMS must maximize the efficiency and effectiveness of its programs to address the increasing workload. At the same time, the USMS must also ensure that effective business processes and reliable financial systems are in place to efficiently and responsibly manage resources. Toward that end, the USMS has worked to address material weaknesses identified in annual financial management audits. Significant strides have been made to improve transparency and accountability at all levels of the organization so that all managers have a role in financial management. Some of the activities in FY 2011 include:

- Quarterly financial scorecards are issued to each Associate Director, Assistant Director and Staff Office Chief to show how timely headquarters offices are with reporting on the status of undelivered orders, the frequency and amount of unauthorized commitments, the frequency and amount of interest penalty payments, and the number of financial audit sample taken and the number of exceptions. These scorecards are briefed to the senior staff by the USMS Chief Financial Officer each quarter to determine areas for improvement and to share improved practices. The scorecard will include additional measures in the future to focus on quality in addition to timeliness.
- Additional Financial Management Training is being provided for all headquarters and district administrative officers and financial analysts beginning in January 2011.
- A full time Audit Coordination and Remediation (ACR) Team has been established and staffed to specifically identify and document the processes that have led to the material weakness and significant findings. Each area includes corrective action plans. The ACR meets with the USMS Chief Financial Officer on a weekly basis to track progress and milestones.

## II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Electronic Surveillance Capabilities	Resources to address the growing technological gap between law enforcement's electronic surveillance capabilities and the number and variety of communications devices available to the public.	8	4	\$1,519	56
Administrative Efficiencies	Resources saved through expenditures on various administrative items.	0	0	(\$954)	59
Extend Technology Refresh	Resources saved by extending the refresh rate of desktops and laptops by one year.	0	0	(\$758)	61
Reduce Physical Footprint	Resources saved by consolidating task force locations.	0	0	(\$381)	63
Task Force Consolidation	Resources saved by streamlining task force operations.	0	0	(\$239)	65
Security Cost Adjustment	Resources saved by reducing perimeter security provided on a non-reimbursable basis.	0	0	(\$5,000)	67
Construction Non-recur	Construction Appropriation	0	0	(\$11,000)	68
Rescission of Prior Year Balances	This proposal rescinds funding from available S&E No-year balances.	0	0	(\$7,200)	69

### III. Program Changes by Decision Unit to Strategic Goal

Item Name	Decision Unit	Strategic Goal	FTE	Dollars (\$\$\$)	Number and Type of Positions	
					Position Series	No. of Positions in Series
Electronic Surveillance Capabilities	Fugitive Apprehension	3	4	\$5,469	1811 300-399	6 2
Administrative Efficiencies	Judicial and Courthouse Security	3	0	(\$382)	NA	0
	Fugitive Apprehension	3	0	(\$299)	NA	0
	Prisoner Security and Transportation	3	0	(\$205)	NA	0
	Witness Protection	3	0	(\$35)	NA	0
	Tactical Operations	3	0	(\$33)	NA	0
Extend Technology Refresh	Judicial and Courthouse Security	3	0	(\$303)	NA	0
	Fugitive Apprehension	3	0	(\$238)	NA	0
	Prisoner Security and Transportation	3	0	(\$163)	NA	0
	Witness Protection	3	0	(\$28)	NA	0
	Tactical Operations	3	0	(\$26)	NA	0
Reduce Physical Footprint	Judicial and Courthouse Security	3	0	(\$152)	NA	0
	Fugitive Apprehension	3	0	(\$120)	NA	0
	Prisoner Security and Transportation	3	0	(\$82)	NA	0
	Witness Protection	3	0	(\$14)	NA	0
	Tactical Operations	3	0	(\$13)	NA	0
Task Force Consolidation	Fugitive Apprehension	3	0	(\$239)	NA	0
Security Cost Adjustment	Judicial and Courthouse Security	3	0	(\$5,000)	NA	0
Construction Non-recur	Construction	3	0	(\$11,000)	NA	0
Rescission of PY Balances	Prisoner Security and Transportation	3	0	(\$7,200)	NA	0

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

### **United States Marshals Service**

#### **Salaries and Expenses**

*For necessary expenses of the United States Marshals Service, \$1,243,570,000; of which not to exceed \$6,000 shall be available for official reception and representation expenses; and of which not to exceed \$20,000,000 shall remain available until expended.*

#### **(CANCELLATION)**

*Of the unobligated balances from prior year appropriations available under this heading, \$7,200,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

Note.—A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 111–242, as amended). The amounts included for 2011 reflect the annualized level provided by the continuing resolution.

#### **Construction**

*For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$15,625,000, to remain available until expended; of which not less than \$12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling.*

Note.—A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 111–242, as amended). The amounts included for 2011 reflect the annualized level provided by the continuing resolution.

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

Additional funding available until expended will allow the USMS to respond more quickly and effectively to critical missions and technological infrastructure requirements. The \$20,000,000 will aid USMS efforts to address the growing technological gap between law enforcement's electronic surveillance capabilities and the number and variety of communications devices available to the public.

The USMS will continue to use funds for information technology systems, but changing the appropriation language will allow the USMS to address unforeseen mission critical issues that occur throughout the year.

The Administration proposes to rescind \$7,200,000 from unobligated no-year Salaries and Expenses balances.

**Note:** The FY 2012 President's Budget uses the FY 2011 President's Budget language as a base so all language is presented as new

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## V. Decision Unit Justification

### A. Judicial and Courthouse Security

<b>Judicial and Courthouse Security (S&amp;E)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2010 Enacted with Rescissions	2,222	2,010	\$437,749
2010 Supplemental	49	49	11,821
2010 Enacted w/Rescissions and Supplementals	2,271	2,059	449,570
2011 CR	2,222	2,010	437,749
Adjustments to Base and Technical Adjustments	49	228	49,638
2012 Current Services	2,271	2,238	487,387
2012 Program Offsets	0	0	(5,837)
2012 Request	2,271	2,238	481,550
<b>Total Change 2010-2012</b>	<b>0</b>	<b>179</b>	<b>31,980</b>

<b>Judicial and Courthouse Security (Construction)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2010 Enacted with Rescissions	0	0	\$26,625
2010 Supplemental	0	0	8,000
2010 Enacted w/Rescissions and Supplementals	0	0	34,625
2011 CR	0	0	26,625
Adjustments to Base and Technical Adjustments	0	0	0
2012 Current Services	0	0	26,625
2012 Program Offsets	0	0	(11,000)
2012 Request	0	0	15,625
<b>Total Change 2010-2012</b>	<b>0</b>	<b>0</b>	<b>(19,000)</b>

<b>Judicial and Courthouse Security TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2010 Enacted with Rescissions	2,222	2,010	\$464,374
2010 Supplementals	49	49	19,821
2010 Enacted w/Rescissions and Supplementals	2,271	2,059	484,195
2011 CR	2,222	2,010	464,374
Adjustments to Base and Technical Adjustments	49	228	49,638
2012 Current Services	2,271	2,238	514,012
2012 Program Offsets	0	0	(16,837)
2012 Request	2,271	2,238	497,175
<b>Total Change 2010-2012</b>	<b>0</b>	<b>179</b>	<b>12,980</b>

<b>Judicial and Courthouse Security – Information Technology Breakout (of Decision Unit Total)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2010 Enacted with Rescissions	41	41	\$34,783
2010 Supplementals	0	0	0
2010 Enacted w/Rescissions and Supplementals	41	41	34,783
2011 CR	41	41	34,783
Adjustments to Base and Technical Adjustments	0	0	(6,209)
2012 Current Services	41	41	28,574
2012 Program Offsets	0	0	(303)
2012 Request	41	41	28,271
<b>Total Change 2011-2012</b>	<b>0</b>	<b>0</b>	<b>(6,512)</b>

## 1. Program Description

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

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

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

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



information is disseminated to districts so appropriate measures can be put into place to protect the judicial process.

The USMS and FBI work together to assess and investigate all inappropriate communications received. The FBI has responsibility for investigating threats for the purpose of prosecution. The USMS conducts protective investigations that focus on rendering the threatener harmless, regardless of the possibility for prosecution. The protective investigation involves the systematic discovery, collection, and assessment of available information. The goal of each investigation is to determine a suspect's true intent, motive, and ability to harm the targeted individual. The investigation includes a plan to render the suspect harmless with no risk to the targeted individual. These investigations are the USMS' highest priority.

The USMS also manages the Court Security Officer (CSO) Program, funded through the Court Security Appropriation from the Judiciary. There are over 5,000 CSO's who assist Deputy Marshals and the FPS with building security. Their duties include: monitoring security systems; responding to duress alarms; screening visitors at building entrances; controlling access to garages; providing perimeter security in areas not patrolled by FPS; and screening mail and packages.

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

## 2. Performance Tables

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Judicial and Courthouse Security												
DOJ Strategic Goal/Objective: I: 1.2 Strengthen partnerships to prevent, deter, and respond to terrorist incidents. III: Ensure the Fair and Efficient Administration of Justice 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.												
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)		
		FY 2010		FY 2010		FY 2011 President's Budget		Current Services Adjustments and FY 2012 Program Change		FY 2012 Request		
1. Potential threats to members of the judicial process		1,545		1,394		1,700		155		1,850		
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$ 000	FTE	\$ 000	FTE	\$ 000	FTE	\$ 000	FTE	\$ 000	
		2,085	\$ 464,374	2,085	\$ 464,374	2,085	\$ 464,374	234	\$ 32,801	2,319	\$ 497,175	
		[\$ 11,095]		[\$ 11,095]		[\$ 12,014]		[\$ 0]		[\$ 12,014]		
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE		FY 2010		FY 2010		FY 2011 P resident's Budget		Current Services Adjustments and FY 2012 Program Change		FY 2012 Request	
Program Activity	1. Judicial and Courthouse Security		FTE	\$ 000	FTE	\$ 000	FTE	\$ 000	FTE	\$ 000	FTE	\$ 000
			2,085	\$ 464,374	2,085	\$ 464,374	2,085	\$ 464,374	234	\$ 32,801	2,319	\$ 497,175
			[\$ 11,095]		[\$ 11,095]		[\$ 12,014]		[\$ 0]		[\$ 12,014]	
Performance Measure	1. Potential threats to members of the judicial process: Total investigated		1,545		1,394		1,700		150		1,850	
Performance Measure	2. Protective details provided		560		523		640		50		690	
Performance Measure	3. Percent of federal courthouse facilities meeting minimum security standards *		32%		32%		32% **		0		35% ***	
Efficiency Measure	4. Percentage/Number of potential threats assessed by the USM S Threat Management Center in one business day or less.		100%	1,545	96%	1,340	100%	1,700	NA	0	100%	1,700
Outcome	5. Assaults against Federal Judges in the courtroom (when Deputy Marshals' presence is required by USM S Policy or local District Court rule) *		0		0		0		0		0	

\* Denotes inclusion in the DOJ Quarterly Status Reports.

\*\* The NSS is conducted every 3 years with the last survey completed in 2009.

\*\*\* The USM S continues to improve the security of federal courthouse facilities. The 2009 survey showed a 3% improvement from the previous survey.

Although dependent on program funding, the USM S currently anticipates a 1% improvement in security standards per year which will be corroborated in the 2012 NSS.

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

**Workload:**

1. A potential threat is any explicit or implied communication with intent to assault, intimidate, or interfere with the federal judicial process which includes judges, prosecutors, witnesses, jurors, court staff, or their families. The communication may be written, oral, or any activity of a suspicious nature.

**Performance Measures:**

A potential threat is any explicit or implied communication with intent to assault, intimidate, or interfere with the federal judicial process which includes judges, prosecutors, witnesses, jurors, court staff, or their families. The communication may be written, oral, or any activity of a suspicious nature. All communications are investigated by both headquarters and the district offices and may lead to a protective detail. The USMS and FBI work together on all potential threats received. The USMS conducts protective investigations that focus on rendering the threatener harmless, regardless of the possibility for prosecution. The FBI has responsibility for investigating threats for the purpose of prosecution. The protective investigation is a systematic collection and assessment of available information. The investigation is to determine a suspect's true intent, motive, and ability to harm the targeted individual. The investigation includes a plan to render the suspect harmless with no risk to the targeted individual. These investigations are the USMS' highest priority due to the potential risk to the targeted individual.

2. A protective detail is a security assignment where a judge, or another member of the judicial system, is protected outside the courthouse. Protective details also involve security assignments for court-related events (such as sequestered juries or judicial conferences). Typically, personal security details are either 24 hours-a-day, 7 days-a-week, or are door-to-door (leave home until return home, or leave home until arrive at work), for the duration of a high-threat trial, a judicial conference, or other high-profile event warranting extra security. Additionally, Supreme Court Justice details are usually provided by a senior inspector whenever a Justice travels outside of the Washington, D.C. area. The Justices frequently deliver speeches at public events around the country requiring protection from the airport to the site of the speech, up to 24-hour protection details. Security details for events are set at one of four levels: (Level 1) on-site security is already in place and no USMS personnel are required; (Level 2) on-site security detail is to be provided by the host district due to a determination of an anticipated security risk that presents opportunities for disruption and violence; (Level 3) a senior inspector supervises the security when the number of judges in attendance is significant, the location of the event is in an unsecured facility or in a dangerous area, and/or the nature of the event presents opportunities for disruption and violence; or (Level 4) a Supreme Court Justice or a significant number of judges are in attendance and the anticipated security risk is determined to present substantial opportunities for disruption and violence.

3. The USMS National Security Survey (NSS) has been administered four times: 1999, 2002, 2006 and 2009. In the most recent survey, results were based on 330 facilities having prisoner movement areas. Each facility was evaluated according to the USMS “Requirements and Specifications for Special Purpose and Support Space Manual,” the “U.S. Courts Design Guide,” and the Interagency Security Criteria. The security of each facility was graded on a 100 point scale, with 80 points being the score that met minimum security requirements. In the initial 1999 survey, only 6 percent of the facilities surveyed met the minimum security requirements. In 2006, 29 percent of the facilities surveyed met the minimum security requirements showing a 23 percent increase in enhanced security over 7 years. In 2009, 32 percent of the facilities surveyed met the minimum security requirements showing only a 3 percent increase in enhanced security over the past 3 years.

4. Any potential threat directed toward a USMS protectee is given the highest priority and investigated immediately by a Deputy Marshal in the field. Based upon the Deputy Marshal’s preliminary findings, and in conjunction with district management, the threat risk is classified into one of two categories: “Expedite” or “Standard.” This categorization is for analysis purposes. The investigative report is sent to the Office of Protective Intelligence (OPI) at Headquarters while the investigation continues in the district. In some cases, the district has already initiated a protective detail. Upon receipt of the written report from the field, OPI immediately conducts an initial review and analysis, begins queries of USMS databases and databases of other law enforcement agencies, and applies the appropriate analytical tools. OPI then prioritizes and completes the process with computer-aided threat analysis software. A protective investigation classified as “Expedite” requires the OPI to have all analysis completed and reported back to the investigating district(s) within three business days. To be classified as “Expedite” it must meet one or more of the following criterion: the district has initiated a protective detail based on the “perceived” threat level; a suspect has approached a protectee’s residence; other unsettling behavior has been observed at other locations; property has been vandalized; or a person is suspected of monitoring a USMS protected facility. When potential threats are from persons documented as being associated with terrorist organizations, or from individuals or groups that have a documented history of violence against the judicial process, they are also designated as “Expedite.”

Outcome:

5. Assaults against Federal Judges in the courtroom (when Deputy Marshals’ presence is required by USMS Policy or local District Court rule) are the number of instances where a Federal Judge or Magistrate was assaulted while Deputy Marshals were in the courtroom. By USMS Policy or local District Court rule, Deputy Marshals are not required to be present in every judicial proceeding where a Federal Judge or Magistrate is seated on the bench. In some instances, even defendants in criminal cases, who are not in USMS custody (out on bond) and where no potential threats are known, are in the courtroom without a Deputy Marshal present.

**B. Factors Affecting Selection of FY 2011 - FY 2012 Plans.**

The USMS is committed to the protection of the judicial process by ensuring the safe and secure conduct of judicial proceedings and protecting federal judges, jurors and other members of the court family. This mission is accomplished by anticipating and deterring threats to the judiciary, and the continuous employment of innovative protective techniques.

PERFORMANCE MEASURE TABLE											
Decision Unit: Judicial and Courthouse Security											
Performance Report and Performance Plan Targets		FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010		FY 2011	FY 2012
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	1. Potential threats investigated	665	953	1,111	1,145	1,278	1,390	1,545	1,394	1,400	1,400
Performance Measure	2. Protective Details Provided:Personal and Event	408	484	464	487	540	473	560	523	640	690
Performance Measure	3. Percent of federal courthouse facilities meeting minimum security standards *	19%	19%	19%	29%	29%	29%	32%	32%	32% **	35% ***
Efficiency Measure	4. Percentage of potential threats assessed by the USMS Threat Management Center in 1 business day or less	N/A	N/A	N/A	4%	99%	98%	100%	96%	100%	100%
Efficiency Measure	4. Number of potential threats assessed by the USMS Threat Management Center in 1 business day or less	N/A	N/A	N/A	43	1,277	1,348	1,545	1,340	1,400	1,400
Outcome	5. Assaults against Federal Judges in the courtroom (when Deputy Marshals' presence is required by USMS Policy or local District Court rule) *	0	0	0	0	0	0	0	0	0	0

N/A = Data unavailable

\* Denotes inclusion in the DOJ Quarterly Status Reports.

\*\* The NSS is conducted every 3 years with the last survey completed in 2009.

\*\*\* The USMS continues to improve the security of federal courthouse facilities. The 2009 survey showed a 3% improvement from the previous survey. Although dependent on program funding, the USMS currently anticipates a 1% improvement in security standards per year which will be corroborated in the 2012 NSS.

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

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

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

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

As illustrated in the preceding Performance and Resources Table, the performance outcome measure for this decision unit is: assaults against Federal judges in the courtroom (when Deputy Marshals' presence is required by USMS Policy or local District Court rule). By USMS Policy or local District Court rule, Deputy Marshals are not required to be present in every judicial proceeding where a Federal Judge or Magistrate is seated on the bench. In some instances, even defendants in criminal cases, who are not in USMS custody (out on bond) and where no potential threats are known, are in the courtroom without a Deputy Marshal present. In FY 2010, the USMS met this target.

Another performance measure is percent of federal courthouse facilities meeting minimum security standards in USMS controlled space. The USMS measures this criterion through a nationwide survey conducted every 3 years. The USMS National Security Survey (NSS) has been administered four times: 1999, 2002, 2006 and 2009. In the most recent survey, results were based on 330 facilities having prisoner movement areas. Each facility was evaluated according to the USMS "Requirements and Specifications for Special Purpose and Support Space Manual," the "U.S. Courts Design Guide," and the "Interagency Security Criteria." The security of each facility was graded on a 100 point scale, with 80 points being the score which denotes the site met minimum security standards in USMS controlled space. In the initial 1999 survey, only 6 percent of the facilities surveyed met the minimum security standards. In 2006, 29 percent of the facilities surveyed met the minimum security standards, a 23 percent improvement in security over 7 years. In 2009, 32 percent of the facilities surveyed met the minimum security standards, a 3 percent improvement in security over 3 years. The 2009

National Security Survey showed improvements in security standards in USMS-controlled space nationwide. Results show critical improvements in the following major security standards areas:

- 53% have enclosed vehicle sally ports (49% in 2006, 43% in 2002, 28% in 1999);
- 67% have adequate cells in the main detention area (66% in 2006, 61% in 2002, 48% in 1999);
- 35% have an adequate number of courtroom holding cells (33% in 2006, 30% in 2002, 18% in 1999);
- 91% have monitoring capability in the main detention area (87% in 2006, 80% in 2002, 68% in 1999);
- 51% have an adequate number of prisoner/attorney interview rooms (47% in 2006, 42% in 2002, 30% in 1999); and
- 52% have secure prisoner elevators (46% in 2006, 35% in 2002, 24% in 1999).

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

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



## B. Fugitive Apprehension

<b>Fugitive Apprehension TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2010 Enacted with Rescissions	1,744	1,644	\$381,151
2010 Supplementals	25	25	7,253
2010 Enacted w/Rescissions and Supplementals	1,769	1,669	388,404
2011 CR	1,744	1,644	381,151
Adjustments to Base and Technical Adjustments	25	98	36,355
2012 Current Services	1,769	1,742	417,506
2012 Program Increases	8	4	1,519
2012 Program Offsets	0	0	(896)
2012 Request	1,777	1,746	418,129
<b>Total Change 2010-2012</b>	<b>8</b>	<b>77</b>	<b>29,725</b>

<b>Fugitive Apprehension – Information Technology Breakout (of Decision Unit Total)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2010 Enacted with Rescissions	33	33	\$28,536
2010 Supplementals	0	0	0
2010 Enacted w/Rescissions and Supplementals	33	33	28,536
2011 CR	33	33	28,536
Adjustments to Base and Technical Adjustments	(1)	(1)	(5,698)
2012 Current Services	32	32	22,838
Program Offsets	0	0	(238)
2012 Request	32	32	22,600
<b>Total Change 2010-2012</b>	<b>(1)</b>	<b>(1)</b>	<b>(5,936)</b>

### 1. Program Description

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

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

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

histories of violence pose a significant threat to public safety. Current and past fugitives targeted by this program include murderers, violent gang members, sex offenders, major drug kingpins, organized crime figures, and individuals wanted for high-profile financial crimes.

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

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

Presently, the USMS sponsors and leads through their Violent Offender Task Force (VOTF) network, 82 locally managed, multi-agency fugitive task forces throughout the country that focus their investigative efforts on felony fugitives wanted for federal, state and local crimes of violence, including sex offenders, gang members, and drug traffickers. The number of VOTFs (82) is all inclusive and represents 75 District Led Task Forces plus seven Congressionally funded Regional Fugitive Task Forces (RFTFs). Additional funding outside of the USMS for these task forces is often granted through initiatives such as the DOJ Asset Forfeiture Program, High Intensity Drug Trafficking Area (HIDTA) and Project Safe Neighborhoods programs.

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

USMS carries out its duties in partnership with state, local, tribal, and territorial law enforcement authorities and works closely with the National Center for Missing and Exploited Children (NCMEC). To further enhance its capabilities and support its state and local partners the USMS opened the National Sex Offender Targeting Center (NSOTC) in FY2010. SOIB activities also support Project Safe Childhood.

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

In addition to domestic investigations the USMS, which has statutory responsibility for all international extraditions, works to make sure that there are no safe havens for criminals who flee the territorial boundaries of the United States. Because of the globalization of crime and the immediate mobility of fugitives, an intensive effort is required to address the increasing number of fugitives from the United States who flee its territorial boundaries. In order to effectively investigate, apprehend, and extradite these fugitives back to the United States, the USMS has become a leader in the development of several international fugitive programs. The USMS Investigative Operations Division (IOD) manages foreign and international fugitive investigations, three foreign field offices, foreign law enforcement training, the Mexico and Canada Investigative Liaison programs, and the worldwide extradition program. IOD also oversees liaison positions at Interpol-United States National Central Bureau (USNCB), the Department of Justice-Office of International Affairs (OIA), the El Paso Intelligence Center (EPIC), and the Department of State- Diplomatic Security Service (DOS-DSS).

The IOD International Investigations Branch (IIB) is responsible for processing, reviewing, and coordinating investigations concerning the pursuit and apprehension of international fugitives and foreign fugitives. The USMS defines international fugitives as “fugitives wanted in the United States who have fled to foreign countries to avoid prosecution or incarceration.” The IIB staff coordinates international investigations with district field offices and other domestic law enforcement agencies to provide guidance and direction on the international process. The IIB also provides points of contact in foreign countries to facilitate these investigations. Additionally, the International Investigations Branch is responsible for oversight and coordination of the USMS Extraterritorial Investigations Policy. This policy sets forth the manner in which law enforcement activities are conducted outside of the territorial jurisdiction of the United States. Through an agreement with the DOJ Criminal Division, the USMS is responsible for investigating foreign fugitive cases referred by Interpol, DOJ-OIA, other domestic law enforcement agents stationed overseas, and through foreign embassies in the United States.

Interaction with law enforcement agencies and representatives of foreign governments occurs daily. The United States has no jurisdiction outside of its borders; therefore, the IIB relies heavily on its working relationships with foreign countries. The IIB emphasizes relationships with foreign embassies in the Washington, D.C., area and, through district offices, with consulates around the United States. The IIB staff participates in the Washington, D.C.-based Liaison Officers Association, which is comprised of foreign law enforcement officials assigned to embassies in the United States. The USMS coordinates foreign fugitive cases with these offices, thereby expanding the network of foreign law enforcement resources available to the USMS.

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

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

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

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

## 2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Fugitive Apprehension											
DOJ Strategic Goal/Objective: II. Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People. 2.3 Prevent, suppress, and intervene in crimes against children. III. Ensure the Fair and Efficient Administration of Justice. 3.2 Ensure the apprehension of fugitives from justice.											
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2010		FY 2010		FY 2011 President's Budget		Current Services Adjustments and FY 2012 Program Changes		FY 2012 Request **	
1. Number of wanted primary Federal felony fugitives *		60,000		65,909		62,500		(2,500)		60,000	
2. Assets seized in a fiscal year by all DOJ agencies *		18,350		19,900		18,533		0		18,533	
<b>Total Costs and FTE</b> (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
		1,890	\$381,151 [\$44,170]	1,890	\$381,151 [\$44,170]	1,890	\$381,151 [\$35,877]	158	\$36,978 [\$0]	2,047	\$418,129 [\$35,877]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2010		FY 2010		FY 2011 President's Budget		Current Services Adjustments and FY 2012 Program Changes		FY 2012 Request	
<b>Program Activity</b>	<b>1. Fugitive Apprehension</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>
		1,890	\$381,151 [\$44,170]	1,890	\$381,151 [\$44,170]	1,890	\$381,151 [\$35,877]	158	\$36,978 [\$0]	2,047	\$418,129 [\$35,877]
Performance Measure	1. Number of primary violent Federal felony fugitives apprehended or cleared *	15,600		18,879		16,200		(3,200)		13,000	
Performance Measure	2. Number of violent state and local felony fugitives apprehended or cleared *	52,000		52,519		54,000		(2,000)		52,000	
Efficiency Measure	3. Number of primary violent Federal and violent non-Federal felony fugitives apprehended or cleared per full cost FTE *	54		38		58		(20)		38	
Efficiency Measure	4. Number of primary Federal felony fugitives and state and local felony fugitives apprehended or cleared per full cost FTE *	75		69		79		(29)		50	
Performance Measure	5. Number of assets disposed:	19,223		19,065		19,988		0		19,988	
	a. Real property *	328		401		361		0		361	
	b. Cash *	12,850		11,995		12,978		0		12,978	
	c. Other *	6,045		6,669		6,649		0		6,649	
Performance Measure	6. Percent of real property assets sold at 85% or more of its fair market value	72%		55%		73%		0%		73%	
Efficiency Measure	7. Percent of real property assets disposed within one year of receipt of the forfeiture documentation	70%		60%		71%		0%		71%	
<b>Outcome</b>	<b>8. Number of primary violent Federal Felony and violent non-Federal felony fugitives apprehended or cleared *</b>	<b>67,600</b>		<b>71,398</b>		<b>70,200</b>		<b>(5,200)</b>		<b>65,000</b>	
<b>Outcome</b>	<b>9. Number and Percent of primary Federal felony fugitives apprehended or cleared *</b>	<b>34,000</b>	<b>56%</b>	<b>32,864</b>	<b>50%</b>	<b>35,000</b>	<b>56%</b>	<b>1,000</b>	<b>-1%</b>	<b>33,000</b>	<b>55%</b>

\* Denotes inclusion in the DOJ Quarterly Status Reports.

\*\* The FY12 performance targets are lower due to the expectation that Operation Falcon will not be conducted.

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

### Workload:

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

### Performance Measures:

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

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

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

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

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

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

Outcome:

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

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

**B. Factors Affecting FY 2011 - FY 2012 Plans.**

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

PERFORMANCE MEASURE TABLE											
Decision Unit: Fugitive Apprehension											
Performance Report and Performance Plan Targets		FY2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010		FY 2011	FY 2012
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target **
Performance Measure	1. Number of primary violent Federal felony fugitives apprehended or cleared *	11,888	13,086	12,500	12,644	18,836	22,366	15,600	18,879	16,200	13,000
Performance Measure	2. Number of violent state and local felony fugitives apprehended or cleared *	15,412	23,157	24,752	34,015	73,915	101,910	52,000	52,519	54,000	52,000
Efficiency Measure	3. Number of primary violent Federal and violent non-Federal felony fugitives apprehended or cleared per full cost FTE *	N/A	27	27	31	66	89	54	38	58	38
Efficiency Measure	4. Number of primary Federal felony fugitives and state and local felony fugitives apprehended or cleared per full cost FTE *	N/A	63	65	68	81	94	75	69	79	50
Performance Measure	5 Number of assets disposed *	22,988	16,864	17,599	18,262	19,245	19,325	19,223	19,065	19,988	19,988
Performance Measure	5.a Number of real property disposed *	527	568	538	547	372	418	328	401	361	361
Performance Measure	5.b Number of cash assets disposed *	10,817	10,936	10,693	11,137	12,872	12,723	12,850	11,995	12,978	12,978
Performance Measure	5.c Number of other assets disposed *	11,644	5,360	6,368	6,578	6,001	6,184	6,045	6,669	6,649	6,649
Performance Measure	6. Percent of real property assets sold at 85% or more of its fair market value.	79%	82%	83%	76%	69%	57%	72%	0.55	73%	73%
Efficiency Measure	7. Percent of real property assets disposed within one year of receipt of the forfeiture documentation.	80%	80%	82%	78%	68%	61%	70%	0.6	71%	71%
Outcome	8. Number of primary violent Federal Felony and violent non-Federal felony fugitives apprehended or cleared *	27,300	36,243	37,250	46,659	92,752	124,276	67,600	71,398	70,200	65,000
Outcome	9. Percent of primary Federal felony fugitives apprehended or cleared *	55%	55%	54%	55%	55%	52%	56%	50%	56%	55%
Outcome	9. Number of primary Federal felony fugitives apprehended or cleared *	29,140	30,434	30,192	33,437	34,393	32,860	34,000	32,864	35,000	33,000

\* Denotes inclusion in the DOJ Quarterly Status Reports.

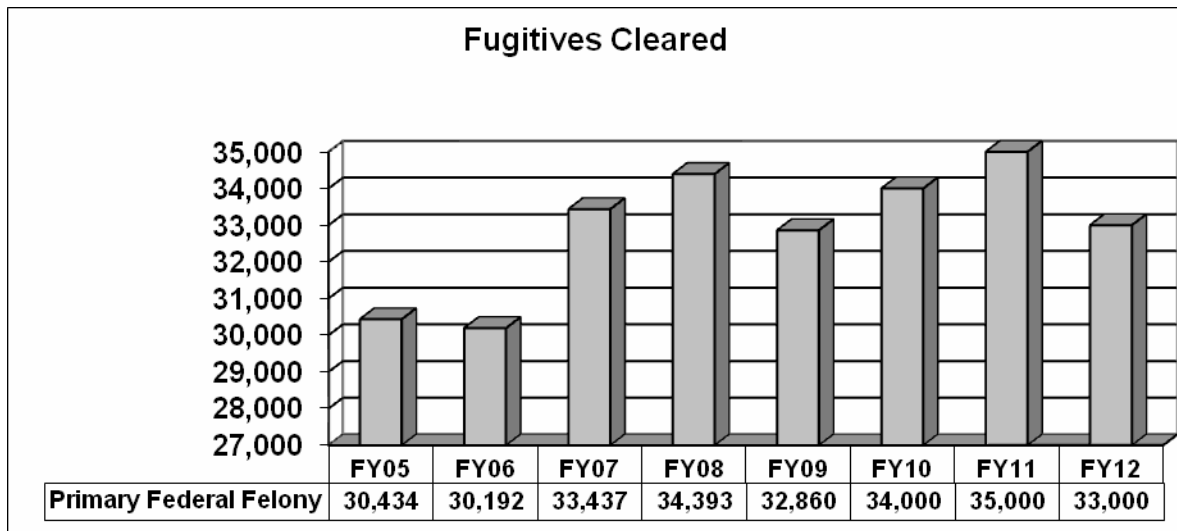
\*\* The FY12 performance targets are lower due to the expectation that Operation Falcon will not be conducted.



### 3. Performance, Resources, and Strategies

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

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



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

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

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

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

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

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

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

In FY 2010 the USMS did not conduct Operation FALCON (Federal and Local Cops Organized Nationally); however, on August 23, 2010, the Investigative Operations Division (IOD) launched an agency-wide gang enforcement initiative which lasted through the end of the fiscal year. The purpose of this operation was to engage both District and Regional Fugitive Task Force (RFTF) Operations in IOD’s overarching gang enforcement strategy. This particular gang enforcement surge aimed to identify troubled areas within the jurisdiction of the District and RFTF task forces where gang violence was high. Statistically, the Gang Surge numbers show great a success. The Gang Surge realized a 288% increase in gang member arrests compared to the previous three month average.

In FY 2009, the USMS RFTFs made a total of 41,214 arrests and cleared 51,084 warrants. In FY 2010, despite the absence of a national FALCON initiative, the USMS RFTFs arrested 41,104 fugitives and cleared 52,197 warrants. While this increase is partly attributable to the growth of the newly-established Florida/Caribbean Fugitive Task Force, it also demonstrates an overall increase in productivity by the RFTFs. Through the RFTFs, state and local agencies have a more direct approach to investigate and apprehend their highest priority fugitives, many of whom are violent, repeat offenders. The USMS’ seven RFTFs provide the foundation for a national network of USMS fugitive task forces, and enable Deputy Marshals to target and capture the most dangerous wanted persons, and make communities across the country safer.

The actual performance in the number of assets disposed is largely dependent upon the number of assets seized and forfeited by the participants in the DOJ AFP. The USMS should have a proportionate number of assets in custody at the close of each fiscal year. The first performance

measure is the number of assets disposed of in the following asset categories: a) real property; b) cash; and c) other (i.e., businesses, business inventory, financial instruments, and personal property such as vehicles, vessels, aircraft and firearms). In FY 2010, the USMS disposed of over 19,000 assets. DOJ is working on a number of new initiatives which may result in an increase in forfeiture actions and increase the pre-seizure, seizure, management, and disposition workload of the USMS. The USMS anticipates the increased workload can be sustained in FY 2011 and FY 2012

The second performance measure is the percent of real property assets sold at 85 percent or more of their fair market value. The target performance level was 72 percent in FY 2010; however, the USMS did not meet its target, instead reaching only 55 percent. This is symptomatic of the national trend in depressed real estate sales. The third performance measure is the percent of real property assets disposed of within one year of receipt of the forfeiture documentation. The target performance level was 70 percent in FY 2010; however the USMS did not meet its target, instead reaching only 60 percent. The time frame set by the USMS for disposal of real property is 12 months (365 days) based on the best practices of the real estate industry. The likely reason for the longer time frame is due to the longer time real property stayed on the market for sale.

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

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

TOG supported regional and circuit judicial conferences and other national special security events. TOG further increased performance in communication interoperability and encryption by providing over 1,000 hours of training to operational personnel, as well as classified briefings and training in technical operations for Congressional Appropriations Committees, Director of the Administrative Office of the U.S. Courts, and prosecutors and investigators from across the country. TOG signed on as a founding endorser of the Joint Communications Access Project (JCAP), a collaborative effort across major federal, state, county, and municipal technical investigative agencies to address high cost, access, standards, bandwidth, storage, buffering, decryption, and filtering issues associated with broadband and multi-access point roving data intercepts and other highly specialized aspects of electronic communications exploitation. By leveraging existing intercept capabilities, networks and experience, JCAP's goal is to demonstrate cooperative accomplishments at reduced cost without the requirement for a central electronic surveillance office.

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

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

In FY 2007, DOJ requested that the USMS conduct a comprehensive workforce evaluation to address current and future AFP workforce needs. The analysis led to a number of findings to “right size” the AFP workforce by recruiting highly skilled individuals to meet the increasing complexity of the assets managed and disposed of by the USMS. The USMS worked with DOJ to implement a number of these recommendations in FY 2009 and FY 2010. To date, some significant changes have been made, including the hiring of a staff of contractors with financial, accounting and internal controls expertise, implementation of new field position descriptions; and the opening of the new Asset Forfeiture Academy and Business of Forfeiture course.

### **c. High Priority Performance Goals**

The \$239,000 offset related to task force consolidation will have little impact on the performance measures that help support and evaluate the effectiveness of an increase in Violent Crime-focused agents. No direct reduction in the number of Deputy Marshals is being requested. The USMS will not be receiving an increase in the authorization of Violent Crime-fighting task force Deputy Marshals in FY 2011 or FY 2012, thus limiting the USMS role in the cumulative Department of Justice goal of increasing agents by 3 percent by 2012.

### C. Prisoner Security and Transportation

<b>Prisoner Security and Transportation TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2010 Enacted with Rescissions	1,194	1,085	\$235,434
2010 Supplementals	48	48	10,577
2010 Enacted w/Rescissions and Supplementals	1,242	1,133	246,011
2011 CR	1,194	1,085	235,434
Adjustments to Base and Technical Adjustments	48	141	35,516
2012 Current Services	1,242	1,226	270,950
2012 Program Offsets	0	0	(450)
2012 Rescission	0	0	(7,200)
2012 Request	1,242	1,226	263,300
<b>Total Change 2010-2012</b>	<b>0</b>	<b>93</b>	<b>17,289</b>

<b>Prisoner Security and Transportation – Information Technology Breakout (of Decision Unit Total)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2010 Enacted with Rescissions	21	21	\$17,629
2010 Supplementals	0	0	0
2010 Enacted w/Rescissions and Supplementals	21	21	17,629
2011 CR	21	21	17,629
Adjustments to Base and Technical Adjustments	0	0	(2,812)
2012 Current Services	21	21	14,817
2012 Program Offsets	0	0	(163)
2012 Request	21	21	14,654
<b>Total Change 2010-2012</b>	<b>0</b>	<b>0</b>	<b>(2,975)</b>

#### 1. Program Description

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

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

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

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

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

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

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

## 2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Prisoner Security and Transportation											
DOJ Strategic Goal/Objective: III: Ensure the Fair and Efficient Administration of Justice. 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.											
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2010		FY 2010		FY 2011 President's Budget		Current Services Adjustments and FY2012 Program Changes		FY 2012 Request	
1. Number of USMS Federal District prisoners received *				222,658		232,099		9,841		241,940	
2. Number of DC Superior Court prisoners received *				64,127		65,410		0		66,718	
3. Number of USMS Federal District prisoner productions *				882,895		929,424		0		978,404	
4. Number of DC Superior Court prisoner productions *				76,952		78,491		1,570		80,061	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		1,085	\$235,434	1,085	\$235,434	1,085	\$235,434	141	\$27,866	1,226	\$263,300
		[\$1,380,351]		[\$1,380,351]		[\$1,474,100]		\$107,969		[\$1,582,069]	
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2010		FY 2010		FY 2011 President's Budget		Current Services Adjustments and FY2012 Program Changes		FY 2012 Request	
Program Activity	1. Prisoner Security and Transportation	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		1,085	\$235,434	1,085	\$235,434	1,085	\$235,434	141	\$27,866	1,226	\$263,300
		[\$1,380,351]		[\$1,380,351]		[\$1,474,100]		\$107,969		[\$1,582,069]	
Outcome	1. Number of prisoner escapes from USMS custody outside of the courtroom *	0		3		0		0		0	

\* Denotes inclusion in the DOJ Quarterly Status Reports.

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

Workload:

1. Number of USMS Federal District prisoners received are the number of prisoners taken into USMS custody. Total prisoners received data includes the USMS District counts but does not include DC Superior Court counts (convicted (and sentenced) felons between designation and removal at the DC Superior Court).
2. Number of DC Superior Court prisoners received are the number of prisoners taken into custody by the DC Superior Court. This data includes convicted (and sentenced) felons between designation and removal.
3. Number of USMS Federal District prisoner productions are the number of times prisoners are produced for judicial proceedings, meetings with attorneys, or transported for medical care, between offices and between detention facilities. Total prisoners produced data includes the USMS District counts but does not include DC Superior Court counts.
4. Number of DC Superior Court prisoner productions are the number of times prisoners are produced for judicial proceedings, meetings with attorneys, or transported for medical care, between offices and between detention facilities. This data includes convicted (and sentenced) felons between designation and removal.

Outcome:

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

**B. Factors Affecting Selection of FY 2011 - FY 2012 Plans.**

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



**PERFORMANCE MEASURE TABLE**

**Decision Unit: Prisoner Security and Transportation**

Performance Report and Performance Plan Targets		FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010		FY2011	FY2012
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Outcome</b>	<b>1. Number of prisoner escapes from USMS custody, outside of the courtroom</b>	0	2	1	0	0	1	0	3	0	0

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

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

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

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

As illustrated in the preceding Performance and Resources Table, the performance outcome measure for this decision unit is the number of prisoner escapes from USMS custody outside of the courtroom. In FY 2010, there were three prisoner escapes; all three were quickly recaptured. The performance target is to ensure that each prisoner securely arrives at each court appearance, attorney meeting, or medical visit. The actual number of prisoner productions is driven by the requirements of the judges and AOUSC and estimated targets are based on historical data.

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

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

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

## D. Protection of Witnesses

<b>Protection of Witnesses TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2010 Enacted with Rescissions	207	200	34,167
2010 Supplementals	0	0	0
2010 Enacted w/Rescissions and Supplementals	207	200	34,167
2011 CR	207	200	34,167
Adjustments to Base and Technical Adjustments	0	3	1,204
2012 Current Services	207	203	35,371
2012 Program Offsets	0	0	(77)
2012 Request	207	203	35,294
<b>Total Change 2010-2012</b>	<b>0</b>	<b>3</b>	<b>1,127</b>

<b>Protection of Witnesses – Information Technology Breakout (of Decision Unit Total)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2010 Enacted with Rescissions	3	3	\$2,554
2010 Supplementals	0	0	0
2010 Enacted w/Rescissions and Supplementals	3	3	2,554
2011 CR	3	3	2,554
Adjustments to Base and Technical Adjustments	0	0	(535)
2012 Current Services	3	3	2,019
2012 Program Offsets	0	0	(28)
2012 Request	3	3	1,991
<b>Total Change 2010-2012</b>	<b>0</b>	<b>0</b>	<b>(563)</b>

### 1. Program Description

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

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

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

Since the inception of the WSP, more than 8,300 witnesses and over 9,800 family members have participated in the Program. The successful operation of this program is widely recognized as providing a unique and valuable tool in the government's war against organized crime, drug cartels, violent criminal gangs, and terrorist groups.

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

## 2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Protection of Witnesses											
DOJ Strategic Goal/Objective: III: Ensure the Fair and Efficient Administration of Justice. 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.											
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2010		FY 2010		FY 2011 President's Budget		Current Services Adjustments and FY 2012 Program Changes		FY 2012 Request	
1. New witnesses received		139		139		150		0		150	
2. Total witness security program participants		18,118		18,118		18,268		25		18,483	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$ 000	FTE	\$ 000	FTE	\$ 000	FTE	\$ 000	FTE	\$ 000
		200	\$ 34,167	200	\$ 34,167	200	\$ 34,167	3	\$ 1,127	203	\$ 35,294
			[\$ 0]		[\$ 0]		[\$ 0]		[\$ 0]		[\$ 0]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2010		FY 2010		FY 2011 President's Budget		Current Services Adjustments and FY 20112 Program Changes		FY 2012 Request	
Program Activity	1. Witness Security	FTE	\$ 000	FTE	\$ 000	FTE	\$ 000	FTE	\$ 000	FTE	\$ 000
		200	\$ 34,167	200	\$ 34,167	200	\$ 34,167	3	\$ 1,127	203	\$ 35,294
			[\$ 0]		[\$ 0]		[\$ 0]		[\$ 0]		[\$ 0]
Performance Measure	1. Number of protected witness productions	2,034		1,931		2,000		0		2,000	
Outcome	2. Assaults against funded protected federal witnesses.	0		0		0		0		0	

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

Workload:

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

Performance Measures:

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

Outcome:

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

**B. Factors Affecting FY 2011 - FY 2012 Plans.**

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

PERFORMANCE MEASURE TABLE											
Decision Unit: Protection of Witnesses											
Performance Report and Performance Plan Targets		FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010		FY 2011	FY 2012
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Performance Measure</b>	1. Number of protected witness productions	N/A	946	1,369	1,776	1,859	2,013	2,034	1,931	2,000	2,000
<b>Outcome</b>	2. Assaults against funded protected federal witnesses	0	0	0	0	0	0	0	0	0	0

N/A = Data unavailable

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

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

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

As illustrated in the preceding Performance and Resources Table, the performance outcome measure for this decision unit is the number of assaults against protected federal witnesses. The number of assaults against protected federal witnesses reflects the number of attacks on witnesses authorized for program participation that are receiving subsistence and housing expenses. In FY 2010, there were no assaults, continuing the USMS' unblemished record for witness security.

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

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

## E. Tactical Operations

<b>Tactical Operations TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2010 Enacted with Rescissions	177	170	\$37,262
2010 Supplemental	0	0	0
2010 Enacted w/Rescissions and Supplementals	177	170	37,262
2011 CR	177	170	37,262
Adjustments to Base and Technical Adjustments	0	2	907
2012 Current Services	177	172	38,169
2012 Program Offsets	0	0	(72)
2012 Request	177	172	38,097
<b>Total Change 2010-2012</b>	<b>0</b>	<b>2</b>	<b>835</b>

<b>Tactical Operations – Information Technology Breakout (of Decision Unit Total)</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2010 Enacted with Rescissions	3	3	\$2,787
2010 Supplementals	0	0	0
2010 Enacted w/Rescissions and Supplementals	3	3	2,787
2011 CR	3	3	2,787
Adjustments to Base and Technical Adjustments	0	0	(423)
2012 Current Services	3	3	2,364
2012 Program Offsets	0	0	(26)
2012 Request	3	3	2,338
<b>Total Change 2010-2012</b>	<b>0</b>	<b>0</b>	<b>(449)</b>

### 1. Program Description

The **Tactical Operations** decision unit includes special operations, emergency management and crisis services, strategic technology, and security programs.

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

The Emergency Operations Center (EOC) is also activated during emergency incidents involving a coordinated agency-wide response. This includes responses under the federal government's National Response Framework. The EOC is a critical element to ensure coordination and



oversight of USMS deployments to emergencies, particularly when there are other government agencies involved.

To support Deputy Marshals on operational missions, the USMS provides technical protective and wireless communications support. The Technical Protective Operations program employs state of the art technology to enhance USMS protective operations for individuals, locations, and sensitive or classified material. The Wireless Communications Program ensures the USMS has reliable, secure Land Mobile Radio communications capability to support national security events, critical incidents, continuation of government, and USMS missions.

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

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

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

The USMS also participates in the international Stabilization and Reconstruction program, working closely with DOD, DOJ, and Department of State personnel in support of Operation Enduring Freedom. SOG provides training and advice to the Counter Narcotics Judicial Center in Afghanistan. SOG also provides technologically-advanced security equipment and programs to improve judicial and witness security, helping to lay the foundation for a more effective judicial system and assisting in the stabilization of the government of Afghanistan.

In addition to SOG, the USMS also maintains an Explosive Detection Canine Program (EDCP), which provides support for the following purposes: searching for explosive devices and firearms

in the safest most expedient manner possible in consideration of the safety of the judiciary, court staff, the public, and law enforcement officers; assisting other law enforcement agencies in searching for explosive devices and firearms, resulting in active interaction and coordination with these agencies; and meeting with civic groups to give demonstrations which help the public understand the missions of the USMS.

To respond to personnel needs during and after critical incidents, the USMS offers a Peer Support Program that consists of two areas: the Employee Assistance Program (EAP) and the Critical Incident Response Team (CIRT). These programs provide USMS employees with tangible crisis intervention services and stress management education following critical incidents. The CIRT is comprised of volunteer peer counselors who are specially trained and certified in Critical Incident Stress Management and available for immediate deployment in response to critical incidents. The CIRT responds to critical incidents involving USMS employees, including shooting incidents and the sudden deaths and traumatic injuries of employees. The EAP is a confidential, voluntary program designed to assist employees and their families in dealing with personal problems that pose a threat to their health, well-being, and/or their jobs. Employees and family members have direct confidential access to the USMS EAP staff as well as the nationwide counseling and referral service.

The USMS also maintains security programs to ensure the proper handling of classified documents, the suitability of prospective and current employees, security at headquarters buildings, and the special deputation of state and local law enforcement personnel.

## 2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Tactical Operations											
DOJ Strategic Goal/Objective: III: Ensure the Fair and Efficient Operation of the Federal Justice System. 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.											
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2010		FY 2010		FY 2011 President's Budget		Current Services Adjustments and FY 2012 Program Changes		FY 2012 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		204	\$37,262	204	\$37,262	204	\$37,262	4	\$835	208	\$38,097
			[\$15,551]		[\$15,551]		[\$21,273]		\$0		[\$21,273]
Program Activity	1. Special Operations and Assignments	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		204	\$37,262	204	\$37,262	204	\$37,262	4	\$835	208	\$38,097
			[\$15,551]		[\$15,551]		[\$21,273]		\$0		[\$21,273]
Performance Measure	1. Number of high threat and emergency situations supported through special operations and assignments	60		60		65		8		73	
Performance Measure	2. Percentage of deployments of special operations/assignments staff or resources before a planned event or within 48 hours of an unforeseen emergency.	100%		100%		100%		0%		100%	

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

### Performance Measures:

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

## **B. Factors Affecting Selection of FY 2011 - FY 2012 Plans.**

The request reflects an anticipated increase in high-threat trials, including those involving terrorists and gang members to ensure additional SOG deployments necessary for district security. In addition, SOG anticipates increased participation in Regional Fugitive Task Forces across the country, especially in relation to the apprehension of non-compliant sex offenders as defined in the Adam Walsh Child Protection and Safety Act. Funding for the National Sex Offender Targeting Center became available through the FY 2008 Supplemental Appropriations Act which will increase investigation and apprehension efforts. Additional high-profile prosecutions are also expected in housing and mortgage fraud-related cases.

SOG Deputy Marshals also respond to emergency situations caused by natural disasters, including weather-related incidents and provide support during national security and other high-profile events.

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

### Southwest Border Initiatives

Increased efforts by the U.S. Immigration and Customs Enforcement (ICE) to secure the borders and to address the related crime issues, such as human trafficking, has resulted in an increased workload for USMS districts along the Southwest Border.

The arrests made often lead to complex prosecutions of individuals entrenched in criminal organizations. Such trials require added protective measures which include a tactical response. Federal courthouses can become sites of violent protests which may cause incidents of domestic terrorism. In these situations, SOG is well suited to protect the federal courts by providing tactical support for

the movement of high-threat, high-profile prisoners and witnesses to and from court proceedings. SOG is also a quick-reaction force during high-threat trials and high-risk motorcades.

#### Fugitive Apprehension

With the enactment of the Adam Walsh Child Protection and Safety Act, the apprehension of child predators and sex offenders has become an important new mission area. A percentage of wanted child predators and sex offenders will be deemed high-profile, high-risk fugitives. When there is a need for tactical resources the USMS partners with state and local law enforcement organizations as well as SOG to apprehend these individuals. Removing violent fugitives off the nation's streets continues to be a top priority for the USMS. As task force workload grows, the need for specialized tactical support also grows to ensure that officer and public safety is maintained.

Decision Unit: Tactical Operations											
Performance Report and Performance Plan Targets		FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010		FY 2011	FY 2012
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Performance Measure</b>	1. Number of high-threat and emergency situations supported through special operations and assignments	N/A	38	46	59	51	62	60	60	65	73
<b>Performance Measure</b>	2. Percentage of deployments of special operations/assignments staff or resources before a planned event or within 48 hours of an unforeseen emergency	N/A	100%	100%	100%	100%	100%	100%	100%	100%	100%

N/A = Data unavailable

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

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

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

The USMS strives to provide effective assistance to all levels of government during emergencies and disasters and at times of heightened law enforcement requirements. The USMS is able to deploy its Deputy Marshal workforce to any national emergency designated by the Attorney General. The USMS also successfully protects the Strategic National Stockpile, continues to advance its ability to respond to an emergency by instituting the COOP/ COG programs, and has participated in several national interagency training exercises<sup>1</sup>. Government authority and continuity of operation of the federal justice system must be maintained during emergencies. Professionalism of the USMS will increase through standardization of tactical operations, improved operational data management, and reduction of audit findings. In FY 2010, the USMS conducted 59 operations involving the Special Operations Group and in all cases deployed SOG personnel within 48 hours of a request for assistance.

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

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

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<sup>1</sup> These exercises included the Congressionally-mandated Top Officials exercise in April 2005, Operation Pinnacle in June 2005, and the 2007 Title Globe exercise series.

## VI. Program Increases by Item

**A. Item Name:** **Electronic Surveillance Capabilities**

Budget Decision Unit(s): Fugitive Apprehension

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

Organizational Program: U.S. Marshals Service

Component Ranking of Item: 1

Program Increase: Positions 8 Agt/Atty 6 FTE 4 Dollars \$1.519M

### Description of Item

The ability of federal, state, and local law enforcement authorities to successfully conduct lawfully-authorized electronic surveillance, in a manner that preserves both a secure, robust, and innovative communications infrastructure and protects privacy and civil liberties, is essential to combating crime and protecting public safety. Electronic surveillance not only provides otherwise unobtainable evidence of criminal activity, but also helps law enforcement authorities to prevent crimes and save lives. However, due to changes in the volume and complexity of today's communications services and technologies, law enforcement agencies face growing challenges to their ability to access, intercept, collect and process wire or electronic communications to which they are lawfully authorized.

The Department has been working to identify the challenges and propose solutions related to law enforcement's electronic surveillance capabilities. One way to help address some of these challenges is to establish a Domestic Communications Assistance Center (DCAC). The DCAC would leverage the research and development efforts of federal law enforcement, facilitate the sharing of technology between agencies, strengthen compliance with the Communications Assistance for Law Enforcement Act (CALEA); and seek to build more effective relations with the communications industry.

Within the total Department initiative, \$1,519,000 and 8 positions (6 Deputy Marshals), to be located at the Department's Domestic Communications Assistance Center, is proposed for the USMS.

### Justification

The Domestic Communications Assistance Center would strengthen and centralize Law Enforcement Coordination, Technology Sharing, CALEA Implementation, and Industry Relations. The DCAC will serve as a hub for the management of knowledge and technical expertise regarding lawful electronic surveillance, facilitate the sharing of solutions and know-how among federal, state and local law enforcement agencies, and improve relations with industry. The four operational units are:



Law Enforcement Coordination – This unit would identify law enforcement needs related to a specific communications service or provider and direct DCAC resources to address those needs. With input from federal, state, and local law enforcement, the DCAC would be directed toward addressing the more pressing needs for all of law enforcement.

Technology Sharing – This unit would serve as a resource center that can identify technical capabilities for use by federal, state and local law enforcement. In addition, the unit would assist the customer agency by making referrals to agencies with the requisite technical tools or expertise.

CALEA Implementation – This unit would be detailed from the FBI, which is currently responsible for implementing CALEA, to the DCAC. The unit would be expanded to more effectively test and evaluate CALEA-mandated solutions and identify deficiencies in industry-developed technical standards.

Industry Relations – Through this unit, the DCAC would be capable of representing consensus law enforcement positions and would focus and prioritize requests made to industry by law enforcement.

**Impact on Performance**

As technology progresses, the effectiveness of CALEA will continue to diminish. As that happens, it will seem as though the lights were turned off. Electronic surveillance capabilities and the DCAC represent one of the most significant tools available to law enforcement to attempt to maintain its current levels of electronic surveillance capabilities against new and emergent technologies. Just as the impact of CALEA ushered in more than 5,200 significant criminal arrests in FY 2009, the DCAC will ensure that this level of performance are permitted to continue; ensuring that the country continues to enjoy a fast, proficient, and well-regulated law enforcement community into the foreseeable future.

This increase will help support the USMS goal to increase fugitive apprehension efficiencies; however, it will have minimal impact on USMS ability to aid in the accomplishment of the Department of Justice’s High Priority Performance Goal, which is to increase the number of agents and prosecutors by 3 percent, in order to reduce incidents of violent crime in high crime areas by FY 2012.

**Funding**

**Base Funding**

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)
140	128	140	\$38,443	140	128	140	\$38,443	140	128	140	\$45,794

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Increased	FY 2012 Request (\$000)	FY 2013 Net Annualization (change from 2012) (\$000)	FY 2014 Net Annualization (change from 2013) (\$000)
Deputy Marshal	\$225	6	\$1,351	\$11	\$523
Administrative	\$84	2	\$168	\$102	\$69
Total		8	\$1,519	\$113	\$592

Non-Personnel Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Total	\$0	0	\$0	\$0	\$0

Total Request for this Item

	Pos	Agent	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Current Services	140	128	140	\$28,015	\$17,779	\$45,794	\$0	\$0
Increases	8	6	4	\$1,519	\$0	\$1,519	\$113	\$592
Grand Total	148	134	144	\$29,134	\$17,779	\$47,313	\$113	\$592

\*Data is based on the Technical Operations Group's (TOG) funding level.

## VII. Program Offsets by Item

### A. Item Name: Administrative Efficiencies

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

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

Component Ranking of Item: 1

Program Reduction: Positions 0 Agt/Atty 0 FTE 0 Dollars (\$954) million

#### Description of Item

The USMS would achieve these savings through each component reducing the amount it spends on various administrative items. These items include, but are not limited to: printing, publications, travel, conferences, supplies, and general equipment.

#### Summary Justification

This reduction to administrative items demonstrates that the USMS plans to institute substantive efficiencies without unduly taxing either the people or the missions of the USMS. The USMS anticipates savings in the areas of publications and printing should be achievable due to the number of publications and documents that are now publicly sourced on the Internet. The USMS is also reviewing and restricting all travel and conferences to ensure that all are appropriate for their personnel and mission.

#### Impact on Performance

This offset will have minimal impact on USMS ability to accomplish its strategic and performance goals.

### Funding

#### Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)
0	0	0	\$96,976	0	0	0	\$96,976	0	0	0	\$96,976

\*Data determined using total agency obligations for SOC 21 (travel), SOC 24 (publishing), SOC 26 (supplies), and SOC 31 (equipment).

#### Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Administrative Efficiencies	NA	NA	(\$954)	\$0	\$0
Total Non-Personnel			(\$954)	\$0	\$0

Total Request for this Item

	Pos	Agent	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Current Services	0	0	0	\$0	\$96,976	\$96,976	\$0	\$0
Decreases	0	0	0	\$0	(\$954)	(\$954)	\$0	\$0
Grand Total	0	0	0	\$0	\$96,022	\$96,022	\$0	\$0

**B. Item Name:** **Extend Technology Refresh**

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

Strategic Goal(s) & Objective(s): DOJ Strategic Goal III, Objectives 3.1 and 3.2

Organizational Program: U.S. Marshals Service

Component Ranking of Item: 2

Program Reduction: Positions 0 Agt/Atty 0 FTE 0 Dollars (\$.758) million

Description of Item

This offset reflects the savings realized by the USMS by extending the refresh rate of desktops and laptops by one year. Projected savings are based on average costs for laptops and desktops and the refresh rate for FY 2010.

Justification

While replacing technology at a slower rate is not ideal, extending the technology refresh cycle is preferable to programmatic or personnel reductions. Because many desktops and laptops are used primarily for basic office automation applications (e.g., spreadsheets and word processing), the impact of this proposal on USMS operations is expected to be minimal. The USMS' proposed offset is based on the technology refresh cycle and inventory information.

Impact on Performance

This offset will have minimal impact on USMS ability to accomplish its strategic and performance goals.

**Funding**

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)
102	0	102	\$86,289	102	0	102	\$86,289	102	0	102	\$85,531

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Extend Technology Refresh	NA	NA	(\$758)	\$0	\$0
Total Non-Personnel			(\$758)	\$0	\$0

Total Request for this Item

	Pos	Agent	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Current Services	102	0	102	\$20,005	\$53,254	\$86,289	\$0	\$0
Decreases	0	0	0	\$0	(\$758)	(\$758)	\$0	\$0
Grand Total	102	0	102	\$20,005	\$52,496	\$85,831	\$0	\$0

\*Positions are ITD personnel reporting to the Chief Information Officer (CIO).

**C. Item Name:** **Reduce Physical Footprint**

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

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

Component Ranking of Item: 3

Program Reduction: Positions 0 Agt/Atty 0 FTE 0 Dollars (\$0.381) million

Description of Item

The USMS has 94 districts with over 300 field offices throughout the United States. This offset would streamline the structure of field offices by consolidating and reducing the current number by seven locations. This offset applies only to rent, and does not include any staffing reductions. Staff at consolidated facilities would be relocated to nearby locations.

Justification

It is imperative to consider the best and most efficient use of existing resources, including whether the current geographic footprint of offices continues to make sense in an era of technology that makes communication and outreach easier than ever before. Consolidating field offices will allow the USMS to better utilize existing workspace, as well as enhance information sharing and the ability of field offices to eliminate conflicting efforts and reduce duplicate work. The USMS will also realize additional savings from the consolidation of facilities and operations services including maintenance, IT systems management, shipping, parking, and other related services

Impact on Performance

This offset will have minimal impact on USMS ability to accomplish its strategic and performance goals.

**Funding**

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)
0	0	0	\$192,573	0	0	0	\$192,573	0	0	0	\$204,580

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Reduce Physical Footprint	N/A	N/A	(\$381)	\$0	\$0
Total Non-Personnel			(\$381)	\$0	\$0

Total Request for this Item

	Pos	Agent	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Current Services	0	0	0	\$0	\$204,580	\$204,580	\$0	\$0
Decreases	0	0	0	\$0	(\$381)	(\$381)	\$0	\$0
Grand Total	0	0	0	\$0	\$204,199	\$204,199	\$0	\$0

\*Current services include GSA rent, rental payment to others, DHS security, and GSA antenna charges.



**D. Item Name: Task Force Consolidation**

Budget Decision Unit(s): Fugitive Apprehension  
 Strategic Goal(s) & Objective(s): DOJ Strategic Goal III, Objective 2.3  
DOJ Strategic Goal III, Objective 3.2  
 Organizational Program: U.S. Marshals Service

Component Ranking: 4

Program Reduction: Positions 0 Agt/Atty 0 FTE 0 Dollars (\$.239) million

Description of Item

This offset reflects the savings realized by the USMS by consolidating task forces

Justification

The Department is continually evaluating its programs and operations with the goal of achieving across-the-board economies of scale that result in increased efficiencies and cost savings. In FY 2012, DOJ is focusing on task forces as an area in which savings can be achieved. For the USMS, fugitive apprehension programs or other management efficiencies will result in offsets of \$239,000 advanced by the consolidation of 17 task force locations for a cost savings of \$14,070 per consolidation.

Impact on Performance

This offset will be applied in a manner that will have the least critical impact on the USMS Violent Offender Task Force network, which includes the 7 Regional Fugitive Task Forces as well as other effective law enforcement program efforts all in support of Presidential and Departmental goals. This offset will not pose an increased risk to health, welfare and safety of agency personnel and the general public by requiring critical reduction, limitation or elimination of essential training, equipment, analytical support, and law enforcement coordination in general.

The decrease will have minimal impact on the performance measures that help support and evaluate the effectiveness of an increase in Violent Crime focused agents as resources are strained, however no direct reduction in the number of Deputy Marshals is being requested.

**Funding**

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)	Pos	Agent	FTE	\$(000)
1,144	1,128	887	\$43,328	1,144	1,128	899	\$43,328	1,144	1,128	899	\$46,035

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Task Force Consolidation	NA	NA	(\$239)	\$0	\$0
Total Non-Personnel			(\$239)	\$0	\$0

Total Request for this Item

	Pos	Agent	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Current Services	1,144	1,128	899	\$14,339	\$31,696	\$46,035	\$0	\$0
Decreases	0	0	0	\$0	(\$239)	(\$239)	\$0	\$0
Grand Total	1,144	1,128	899	\$14,339	\$31,457	\$45,796	\$0	\$0

\*Data is based on the Violent Crime crosscut (combination of Regional and District Task Forces)

**E. Item Name:** **Security Cost Adjustment**

Budget Decision Unit(s): Judicial and Courthouse Security  
 Strategic Goal(s) & Objective(s): DOJ Strategic Goal III, Objectives 3.1 and 3.2  
 Organizational Program: U.S. Marshals Service

Component Ranking of Item: 5

Program Reduction: Positions 0 Agt/Atty 0 FTE 0 Dollars (\$5.000) million

Description of Item

The USMS proposes an offset of \$5.000 million to reduce perimeter security it provides on a non-reimbursable basis for federal complexes. The proposed offset amount funds non-personnel costs (i.e., contract guards and security equipment). The USMS does not use Deputy Marshals for the perimeter security and there is no USMS payroll expended for this program.

Justification

Providing perimeter security for federal facilities is not a USMS core mission. In this difficult budget environment, USMS cannot continue to divert base resources to this initiative. Furthermore, Federal Protective Service (FPS) charges federal agencies fees to provide comprehensive coverage of federal facilities and their occupants, including contract protective security officer and perimeter security services.

Impact on Performance

This offset will have no impact on USMS ability to accomplish its strategic and performance goals as perimeter security for federal buildings is not a core USMS mission.

**Funding**

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	Agent	FTE	(\$000)	Pos	Agent	FTE	(\$000)	Pos	Agent	FTE	(\$000)
0	0	0	\$5,000	0	0	0	\$5,000	0	0	0	\$5,000

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Security Cost Adjustment	N/A	N/A	(\$5,000)	\$0	\$0
Total Non-Personnel			(\$5,000)	\$0	\$0

Total Request for this Item

	Pos	Agent	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Current Services	0	0	0	\$0	\$5,000	\$5,000	\$0	\$0

Decreases	0	0	0	\$0	(\$5,000)	(\$5,000)	\$0	\$0
Total	0	0	0	\$0	\$0	\$0	\$0	\$0

**F. Item Name: Construction Non-recur**

Budget Decision Unit(s): Construction Appropriation  
 Strategic Goal(s) & Objective(s): DOJ Strategic Goal III, Objectives 3.1 and 3.2  
 Organizational Program: U.S. Marshals Service

Component Ranking of Item: 6

Program Reduction: Positions 0 Agt/Atty 0 FTE 0 Dollars (\$11.000) million

Description of Item

The USMS proposes an offset of \$11.000 million to reduce courthouse renovation within the Construction appropriation. Funds for courthouse security equipment and furnishings remain at the same level as in previous years.

Justification

The USMS is able to prioritize and schedule renovation projects with the General Services Administration within available funds. Offsetting funds associated with courthouse space and office space renovations will extend the time required to address existing security weaknesses. Funds used for courthouse security equipment maintenance remains at the same level which will enable the USMS to keep systems in good operating order.

Impact on Performance

This offset will have no impact on USMS ability to accomplish its strategic and performance goals related to courthouse security equipment maintenance.

**Funding**

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 Enacted				FY 2012 Current Services			
Pos	Agent	FTE	(\$000)	Pos	Agent	FTE	(\$000)	Pos	Agent	FTE	(\$000)
0	0	0	\$26,625	0	0	0	\$26,625	0	0	0	\$26,625

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Construction Non-recur	N/A	N/A	(\$11,000)	\$0	\$0
Total Non-Personnel			(\$11,000)	\$0	\$0

Total Request for this Item

	Pos	Agent	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Current Services	0	0	0	\$0	\$26,625	\$26,625	\$0	\$0
Decreases	0	0	0	\$0	(\$11,000)	(\$11,000)	\$0	\$0
Total	0	0	0	\$0	\$15,625	\$15,625	\$0	\$0



**G. Item Name:** Rescission of Prior Year Balances

Budget Decision Unit(s): Prisoner Security and Transportation  
 Strategic Goal(s) & Objective(s): DOJ Strategic Goal III, Objectives 3.1  
 Organizational Program: U.S. Marshals Service

Program Reduction: Positions 0 Agt/Atty 0 FTE 0 Dollars (\$7.200) million

Description of Item

The FY 2012 Budget process proposes a \$7.200 million in unobligated balance rescission from the Prisoner and Transportation Decision Unit in the S&E no-year account.

Justification

The Administration proposes to rescind funding set aside for information technology systems.

Impact on Performance

The proposed rescission will reduce funds supporting DOJ Strategic Goal 3, Ensure the Fair and Efficient Administration of Justice.

**Funding**

Base Funding

FY 2010 Enacted (w/resc./supps)				FY 2011 CR				FY 2012 Current Services			
Pos	Agent	FTE	(\$000)	Pos	Agent	FTE	(\$000)	Pos	Agent	FTE	(\$000)
1,242	926	1,133	\$246,011	1,194	878	1,085	\$235,434	1,242	911	1,226	\$270,950

Non-Personnel Reduction Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2012 Request (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Rescission of PY Balances	N/A	N/A	(\$7,200)	\$0	\$0
Total Non-Personnel			(\$7,200)	\$0	\$0

Total Request for this Item

	Pos	Agent	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2013 Net Annualization (\$000)	FY 2014 Net Annualization (\$000)
Current Services	1,242	911	1,226	\$165,695	\$105,255	\$270,950	\$0	\$0
Decreases	0	0	0	\$0	(\$7,200)	(\$7,200)	\$0	\$0
Total	1,242	911	1,226	\$165,695	\$98,055	\$263,750	\$0	\$0

\*Data is based on the Prisoner Security and Transportation Decision Unit totals