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THE UNITED STATES MARSHALS SERVICE'S WORKFORCE PLANNING AND MANAGEMENT

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THE UNITED STATES MARSHALS SERVICE'S WORKFORCE PLANNING AND MANAGEMENT

EXECUTIVE SUMMARY*

The United States Marshals Service (USMS) is the federal law enforcement agency responsible for providing security and support to the federal courts, apprehending fugitives, protecting federal witnesses, and managing assets seized by the Department of Justice (DOJ). The USMS is divided into 94 offices covering the 94 federal judicial districts and the Superior Court of the District of Columbia (D.C. Superior Court). Each USMS office is headed by a presidentially appointed U.S. Marshal.¹ The USMS's overall budget was \$801.7 million in fiscal year (FY) 2006.

As of September 15, 2006, the USMS employed 4,593 non-contract employees, with 3,506 of them assigned to its district offices and 1,087 to headquarters. The USMS also uses contract employees to perform certain tasks, such as processing and transporting prisoners. In total, the USMS expended over \$264.6 million in FY 2005 for more than 6,000 full-time and part-time contractors.²

Office of the Inspector General Audit

In this audit, the Office of the Inspector General (OIG) assessed the USMS's management of its workforce. The specific objectives of the audit were to determine whether the USMS: (1) adequately designed, tested, and implemented a workforce management plan that sufficiently assesses its human resources and capacity requirements based on current and expected workloads; (2) evaluates, monitors, and corrects, if necessary, its personnel utilization to ensure it directs appropriate resources to its highest priorities

* The full version of this report includes a limited amount of information that the United States Marshals Service (USMS) considered to be law enforcement sensitive and therefore could not be publicly released. To create this public version of the report, the OIG redacted (deleted) the portions of the full report that were considered sensitive by the USMS, and we indicated where those redactions were made.

¹ Currently, there are 94 federal judicial districts, including at least 1 district in each state, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. The U.S. Marshal for the District of Guam also oversees the District of the Northern Mariana Islands, resulting in 93 U.S. Marshals for 94 federal judicial districts. The inclusion of one non-federal district, the D.C. Superior Court, results in 94 U.S. Marshals.

² The USMS could not provide us with an exact number of contract personnel because the agency does not track the number of personnel provided through some national contracts.

and achieves its organizational objectives; (3) has sufficiently addressed pay compensation issues, including job-grade and career progression; and (4) has provided adequate and appropriate training to its operational employees.

To accomplish these objectives, we interviewed more than 180 USMS personnel, including the USMS Director and U.S. Marshals in most of the offices we visited.³ We also analyzed empirical data related to the USMS's resource allocation, utilization, and workload for the period of FYs 2000 through 2005. Finally, we conducted fieldwork at seven USMS district offices – the Central District of California, D.C. Superior Court, District of Rhode Island, Northern District of Illinois, Southern District of Florida, Southern District of New York, and Western District of Texas. Additional information about our audit scope and methodology is contained in Appendix I.

Audit Results

In FY 2006, USMS management issued a new strategic plan, re-evaluated the process by which the USMS allocates its personnel resources, and revised directives regarding the career progression of its core operational personnel. However, weaknesses remain in the integration of the USMS's strategic plan with its daily activities; the accuracy, consistency, and comprehensiveness of data that the USMS uses for resource planning efforts; the USMS's monitoring of how its personnel are utilized; the adequacy of training for USMS operational employees; and the management of the USMS's training budget.

Workforce Planning

In performing its planning activities, the USMS has faced significant challenges because the bulk of its workload is not self-initiated and instead originates from other agencies and the judicial system. We found that the USMS has recently improved its strategic planning activities and taken steps to refine the quantitative models used to determine its resource needs. However, we found some weaknesses in the execution of its planning processes and the data systems that feed these processes.

Strategic Planning Activities

According to USMS budget formulation officials, prior to January 2006 the bulk of the USMS's planning processes revolved around the preparation

³ We did not interview the U.S. Marshal for the Southern District of New York, as he was not in the district during our field visit. Additionally, we interviewed the Acting U.S. Marshal for the D.C. Superior Court.

and submission of the annual budget, rather than through the establishment of long-term goals and strategies.

In January 2006, the USMS issued a more comprehensive strategic plan for FYs 2006 through 2010. Despite being widely distributed throughout the USMS, we found that many of the field employees with whom we spoke, including supervisors, were not familiar with the strategic plan.

In addition, after the new 5-year strategic plan was issued, the USMS Director assigned each organizational unit's senior management the task of developing Unit Performance Plans detailing how each unit would plan and monitor its progress relative to the strategic plan.⁴ During our fieldwork, we found that central responsibility for ensuring that the Unit Performance Plans are complete, accurate, and meaningful had not yet been assigned. We believe that the USMS should ensure that the Unit Performance Plans provide reasonable steps for implementing and monitoring progress relative to the overall strategic plan.

Workforce Planning Models

Despite the challenge of a largely reactive workload, the USMS has developed a good model to determine its resource needs and should continue its efforts to strengthen the model. However, we found that the data systems that feed the model, and also are used in the budget decision-making process, contain weaknesses that can hinder an accurate assessment of the USMS's resource needs.

According to the USMS, the USMS began using quantitative methods to determine its resource needs in 1986. The primary model the USMS used during our review period, from FYs 2000 through 2005, was the District Budget Model (DBM).

First used in 2000 for the development of the FY 2002 budget request, the USMS developed the DBM in an attempt to quantify optimal staffing levels within district offices under ideal budget conditions. The DBM combines work standards and historical workload data from multiple sources, including narrative district assessments and the USMS's automated systems. The DBM, via various mathematical formulas, then generates the number of district personnel needed to complete tasks in a set amount of time at current workload levels and performance and safety standards.

⁴ Organizational units include headquarters components as well as district offices.

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The USMS supplemented its use of the DBM with the Workforce Equalization Model (WEM) to account for the routine difference in figures calculated by the DBM and the number of authorized full-time equivalent (FTE) positions. The USMS described the WEM as identifying what the agency can afford to provide each district if the available positions were proportionally distributed according to the DBM.

In January 2006, the USMS Director suspended use of the DBM and the WEM. Additionally, he established an internal working group to review current USMS staffing and funding resource allocation processes and to recommend potential improvements. In June 2006, the working group reported to the Director that the DBM was a valid and useful model for determining the appropriate staffing requirements of the USMS's district offices and the USMS should continue to use it as a staffing model. In addition, the working group highlighted the DBM's utilization of data from automated systems that the USMS uses to track or conduct its missions and identified the importance of data verification as a critical element of the model's integrity. The working group also recommended the use of the WEM be continued, with a modified staffing threshold, for reallocation purposes.

We concur with the working group's overall findings and believe that the USMS should continue to use the DBM and seek continual improvements to its resource planning process. Moreover, we agree with the findings that data validity is critical to the integrity of the staffing model.

Concerns with USMS Data Systems

The USMS utilizes information from a number of data systems, which feed into the DBM and the USMS's budget decisions, to track and monitor employee utilization and workload by function. While we did not perform an analysis of each of the systems, we identified several areas of concern regarding the accuracy and reliability of the data contained in three of the systems – the USM-7, the Warrant Information Network (WIN), and the Prisoner Transportation System (PTS).

During our review of these three USMS data systems, we found that only a limited number of personnel at USMS headquarters understood and could interpret the data captured in these systems. In particular, USMS headquarters program personnel responsible for issuing plans and policies that define the purpose and use of each data system were, at times, unfamiliar with the contents of the databases. In fact, we were unable to discuss fully with USMS officials the results of several of our analyses because, when we were directed by certain program officials to speak with

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an individual within another division to explain matters, the official directed us back to the program officials for the explanation.

Following is a brief discussion of the concerns we identified.

- USM-7 – We reviewed the system the USMS uses to track time spent by its workforce – the USM-7. The system utilizes a combination of program and project codes to denote the specific work activity performed. Program codes reflect broad USMS mission areas, such as court security, while project codes provide the greatest level of detail by describing specific activities. Theoretically, each project code is linked to a particular program code within the USM-7 system. However, we noted deficiencies with the codes, including missing, poorly defined, and an excessively large number (1,607) of project codes, as well as undefined program codes.

Further, in FY 2005 the USMS expended \$18.5 million to procure the services of an unknown number of personnel provided through contracts with national vendors for guard services.⁵ Although all USMS employees are required to record their time in the USM-7 by specific activity (project code), these types of contractors, who perform many of the same duties as USMS operational personnel, are not required to record their time in a manner similar to USMS operational personnel. Instead, these types of contractors use timesheets provided by the vendors, who are responsible for their maintenance. As a result, we are concerned that the USMS is unable to completely define its total workload or the total level of effort expended in each mission area in which these types of contractors are utilized. We believe that tracking the activity of these types of contractors in a manner similar to USMS operational personnel would benefit the USMS because it would provide a more accurate depiction of the total level of effort needed to accomplish the many functions of the USMS.

- Warrant Information Network (WIN) – The WIN is a computer-based, automated system used to manage records and information collected during investigations of fugitives and potential threats directed at the federal judicial system. It contains both historical and current case data for all USMS investigations. While our analysis was not intended to verify the accuracy of the system as a whole, certain irregularities came to our attention during our analysis of the WIN data.

⁵ The USMS does not maintain statistics on the number of guards provided through vendors under national contracts.

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Specifically, we identified missing district office markers, improper status indicators, and improper use of system codes. Although these inconsistencies accounted for less than 1 percent of the total number of records contained in the data file we reviewed, we believe these errors, if left unchecked, could affect the overall accuracy of the system. According to a USMS headquarters official, the USMS performs various reviews of data in the WIN throughout the year. However, our identification of these inconsistencies indicates that the system does not have adequate automated controls to ensure that these types of errors do not occur in the future and do not negatively affect USMS planning efforts.

- Prisoner Tracking System (PTS) – The PTS is a computer-based, automated system used to manage records and information related to the USMS’s handling of federal prisoners. We identified inconsistencies in the PTS that affect the USMS’s ability to accurately account for the number of prisoners it handles. Specifically, we were told that because of administrative staff shortages within the district offices and an increasing volume of prisoners, a portion of the prisoner movements are not entered into the PTS. As a result, a USMS official estimated that the district offices are capturing only about 80 percent of their prisoner transports. For example, the PTS data file indicated that the D.C. Superior Court had only 52 prisoner movements during FY 2000, but 34,503 movements during FY 2005. The primary reason for this change, according to a USMS official, was the compliance of deputies within the district to this recordkeeping requirement. Because prisoner movements represent a significant workload indicator for the USMS, it is critical for workforce planning that this system is as accurate as possible.

The errors and inconsistencies we identified in some of the data systems the USMS uses to manage its workforce call into question the validity of the data. Because its data systems directly feed its resource planning models, the USMS may be basing its resource request, allocation, and utilization decisions on inaccurate and inconsistent data.

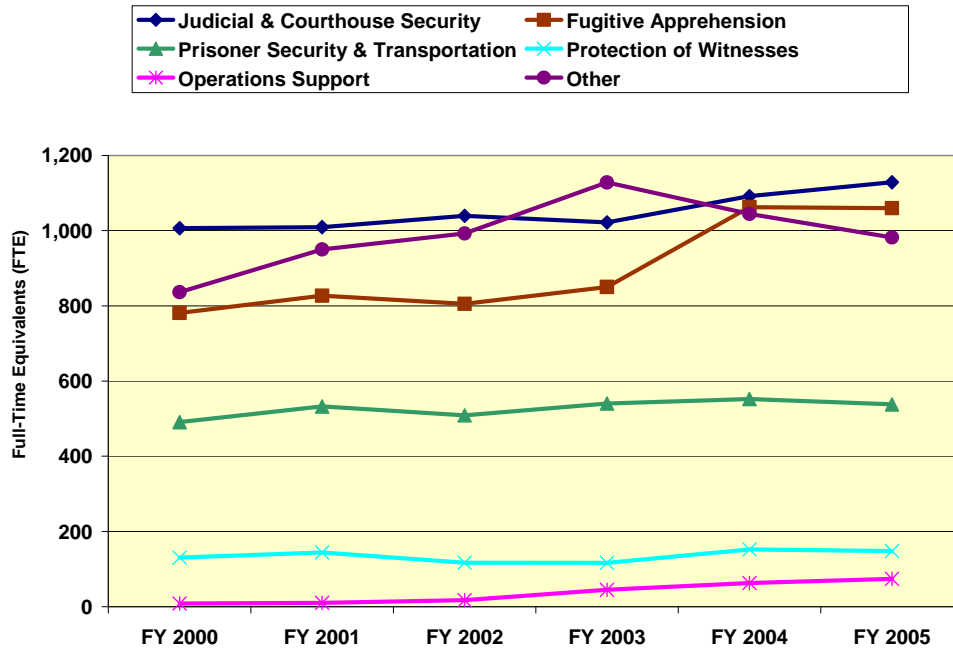
USMS Workload and Resource Utilization

To assess the USMS’s efforts to execute and evaluate its performance relative to its available workforce, we examined the USMS’s use of its personnel resources and the workload addressed between FYs 2000 and 2005.

Resources Generally Directed Towards Primary Mission Area

As shown in the following chart, during most of our review period the USMS utilized the largest portion of its operational personnel on what it considers to be its primary mission area – Judicial and Courthouse Security.

**USMS OPERATIONAL PERSONNEL UTILIZATION
FISCAL YEARS 2000 THROUGH 2005**



Source: OIG analysis of USM-7 data

USMS Does Not Regularly Review Utilization

The USMS does not allocate positions by mission or task area. Rather, each district is allocated a pool of employees that U.S. Marshals may utilize as they deem appropriate. According to several management officials at USMS headquarters and district offices, the USMS does not systematically review the utilization of resources on all aspects of USMS operations because it believes it knows how its resources are being used. However, we believe periodic reviews of resource utilization would be beneficial to USMS management to ensure that the USMS is appropriately addressing priority tasks. Regular reviews would also help to ensure that the USMS is using the most accurate personnel and workload data possible in its resource planning processes.

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During our analysis of the USMS's use of its personnel resources and workload, we identified inconsistencies in the level of effort recorded on matters related to judicial protective investigations and fugitives, as well as the potential use of USMS contractors on prohibited activities.⁶

Level of Effort Recorded on Judicial Protective Investigations – Several judicial security-related incidents in the past few years, including the murder of family members of a federal judge in Chicago, Illinois, as well as a shooting within a Georgia state courthouse, have raised the visibility and importance of investigating potential threats to federal judges, prosecutors, and jurors. The USMS conducts a protective investigation primarily in response to inappropriate communications or direct threats.⁷ Several USMS officials, including the Director, stated that the investigation of threats against the federal judiciary is one of the top priorities of the agency.

Based upon the emphasis placed on this responsibility, we expected to see a significant number of FTEs utilized in this area. However, we found that the USMS data reflects that the USMS utilized just 24 FTEs on protective investigations during FY 2005, a number that includes all 94 district offices and headquarters, including the Office of Protective Intelligence (OPI).⁸ We reviewed this data in concert with statements made by OPI officials responsible for the program and from district employees responsible for conducting the protective investigations, and we noted inconsistencies. Specifically, there appears to be a great deal of uncertainty about the amount of work the USMS is performing in the area of protective investigations. We believe that the USMS should examine the use of its resources related to protective investigations and determine if the appropriate level of effort is being expended.

⁶ According to USMS officials, these investigations are referred to as "protective investigations," although the USM-7 project code refers to them as "threat investigations."

⁷ According to the USMS, an inappropriate communication is "any communication in writing, by telephone, verbally, through an informant, or by some suspicious activity that threatens, harasses, or makes unsettling overtures of an improper nature directed toward a USMS protectee." Additionally, a threat is "any action, whether explicit or implied, of an intent to assault, resist, oppose, impede, intimidate, or interfere with any member of the federal judiciary, or other USMS protectee." For purposes of this report, we refer to all inappropriate communications/threats as "potential threats."

⁸ Established in February 2005, the mission of the OPI is to provide the USMS with protective investigation analyses. The OPI collects, analyzes, and disseminates information about groups, individuals, and activities that pose a potential threat to persons and property protected by the USMS.

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We also identified a backlog with headquarters' review of potential threats. To assist in assessing risk and to help prioritize the response to these communications, USMS headquarters is responsible for reviewing information related to each potential threat and assigning a threat-level rating.⁹ This rating is reflected in the WIN system. However, during our review of threat-related data in the WIN system, we identified a total of 211 potential threats reported to USMS district offices during FY 2005 with a rating of "0." According to the USMS, this is the default value recorded until the threat analysis is completed. The 211 unrated records as of October 2006 represent 23 percent of the 922 total potential threats recorded in FY 2005.

When we presented information on the missing mosaic ratings to a senior analyst assigned to the OPI, which is the unit responsible for rating the threats, the analyst stated that the office is continually short-staffed and that the unit is simply not able to review every potential threat in a timely manner. While the unit was aware that a backlog existed, the senior analyst expressed surprise at the extent of the backlog that we identified and acknowledged that it would be helpful if the unit performed analyses similar to ours. At the conclusion of the audit, a USMS official informed us that the USMS had resolved the backlog as of March 2007.¹⁰

Level of Effort Recorded on Fugitive Apprehension – According to USM-7 data, the USMS used 317 more operational FTEs on fugitive apprehension matters during FY 2005 than during FY 2000, which was consistent with the 45 percent increase we identified in the total number of fugitive warrants received. However, several individuals from the district offices we reviewed had contradictory viewpoints on the USMS's fugitive apprehension efforts. Personnel at many of these district offices stated that the USMS's fugitive apprehension activity had suffered because district offices were not able to devote as many deputies to fugitive work in FY 2005 as they had in FY 2000, even though their fugitive warrant workload had

⁹ During our review period, the USMS used a rating system referred to as the mosaic rating. This rating system applied an algorithmic formula to answers for 31 multiple-choice questions. While this tool was used to assist in addressing protective investigations, the USMS stated that it did not imply that inappropriate communications with low or moderate threat levels were not handled. Instead, the USMS remarked that all inappropriate communications are to be investigated and assessed commensurate with the threat level.

¹⁰ According to the USMS, it was not necessary to perform mosaic analyses on these cases in order to resolve them because the cases had already been closed by district offices without requests from district offices to the OPI for further analysis. Additionally, utilizing personnel to perform analyses on cases that had been determined by district offices to not be credible would be an inefficient use of resources.

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increased during this time. These individuals further commented that deputies often were pulled from fugitive investigations to assist with myriad court-related duties, causing a backlog on fugitive-related matters.

Possible Use of Contractors on Prohibited Activities – According to USMS policy, district offices may procure the services of contractors to perform certain activities, including securing and processing federal prisoners in the cellblock, courtroom, and during transportation; securing and transporting federal prisoners to and from medical appointments and/or hospitalization; and securing federal, seized, or forfeited property. However, these contractors are prohibited from performing other activities, including personal security details and investigative work.

During our review of historical resource utilization data, we found that some contractors had recorded time on activities that they are prohibited by USMS policy from performing. For example, USM-7 data indicated that contractors had charged time to federal felony and non-felony warrant investigations, state and local warrant investigations, cases related to the USMS's "15 Most-Wanted Fugitives," major cases, terrorist investigations, and protective investigations. Similarly, we identified several instances in which contractors had recorded time on protective details of federal judges and government officials.

In total, we computed that from FYs 2000 through 2005, USMS contractors' recording of time on restricted duties ranged from 22 to 43 FTEs per year.¹¹ USMS headquarters officials offered several possible explanations for these instances. However, these officials could not confirm that contractors had not performed prohibited activities. We believe that USMS management should regularly review the utilization of contract guards and ensure that USMS policy regarding use of contractors is being followed throughout the USMS.

USMS Operational Workforce Structure

The USMS uses several different types of operational employees to accomplish the various functions assigned to the agency.¹² In FY 2000, the USMS established a three-tiered workforce model for its operational

¹¹ We used a conservative approach for determining the number of contract guard FTEs that were not potentially used in accordance with USMS policy. The specific meaning of some time charges was not evident, and we could not determine whether they should be considered allowable or restricted duties. In these instances, we treated these time charges as being permissible.

¹² See Appendix II for a nationwide breakdown of USMS employees by position type.

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employees. According to a USMS headquarters official, the USMS took this action to more appropriately match employee skill and pay levels with job tasks after officials recognized that the USMS frequently utilized highly trained deputies to perform less complex court-related duties, including prisoner detention and transportation. This three-tiered workforce consists of Detention Enforcement Officers (DEO), Deputy U.S. Marshals (DUSM), and Criminal Investigator Deputy U.S. Marshals (CIDUSM). In addition to their assigned tasks, each position may perform the duties of the lower tier. Following is a description of the positions in ascending order.

- DEO (GS-1802-5/7) – DEO responsibilities consist primarily of processing and transporting prisoners to and from correctional facilities, medical appointments, and court proceedings.
- DUSM (GS-082-5/11) – DUSM responsibilities include supervising prisoners during court proceedings and assisting CIDUSMs with more complex investigative duties.
- CIDUSMs (GS-1811-5/12) – CIDUSMs are responsible for investigative activities, including surveillance, protective assignments, threat analysis, and witness protection.

USMS Steps to Address Career Progression and Pay Compensation

During our audit, several district representatives, including U.S. Marshals, expressed concern with the three-tiered structure as it existed from FYs 2000 through 2006 because it affected the career progression of DUSMs. Many district representatives believed that the structure had created tension among operational personnel and contributed to low morale among DUSMs. In September 2006, the USMS implemented a new directive that permits all DUSMs that meet certain requirements to non-competitively convert to a CIDUSM position. In our opinion, this recently adopted conversion program will help alleviate the problems expressed by many of the district representatives we interviewed. However, this program was only recently implemented, and we believe that the USMS must closely monitor its implementation to ensure it meets the needs of the USMS and its workforce.

During our audit, operational personnel also expressed dissatisfaction with the GS-12 journeyman level of USMS CIDUSMs. According to these individuals, criminal investigators at other DOJ components, namely the Federal of Bureau of Investigation and the Drug Enforcement Administration, attain journeyman status at the GS-13 level. The CIDUSMs believed that their duties were comparable to those performed by criminal investigators at

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these other agencies and thus should be afforded equivalent journeyman level status.

The Office of Personnel Management (OPM) formally issues all position classification standards that provide grading criteria for positions classified under the General Schedule Classification System. Although OPM provides a framework, it is ultimately the responsibility of each agency to properly classify its positions. We discussed the classification concerns with the USMS Director, who stated that he plans to reassess the classification of the USMS's criminal investigators.

Employee Training

In addition to reviewing how the USMS plans for and utilizes its personnel resources, we reviewed the USMS's efforts to train its workforce. According to USMS policy, each operational employee attends formalized, basic training at the USMS Training Academy, which is co-located at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia.¹³ Until September 2006, the USMS operated separate basic training programs for each of its operational positions – DEOs, DUSMs, and CIDUSMs. This changed at the end of FY 2006 when the training program was revamped so that all newly hired DUSMs would undergo criminal investigator training as part of their DUSM basic training.

Lack of Continued Training Opportunities

We found that the USMS generally provided adequate instruction during its basic training classes. However, a large number of operational employees we interviewed expressed concern about the lack of continued training opportunities beyond the Academy. For example, several individuals at each of the seven district offices we visited voiced concern about the lack of advanced firearms training. According to the USMS, this type of training is provided in the formal course entitled Advanced Deputy Refresher Training, which was implemented in 1993. Although the USMS intends for this training be completed by CIDUSMs after serving 5 years in this position and then every 3 years thereafter, the USMS conducted very few Advanced Deputy Refresher Training sessions during FYs 2004 and 2005. Additionally, some CIDUSMs remarked that they had only attended one Advanced Deputy Refresher Training course during their tenure as a CIDUSM, which in some cases had been at least 9 to 10 years.

¹³ FLETC serves as an interagency law enforcement training organization for over 80 federal agencies, including the USMS.

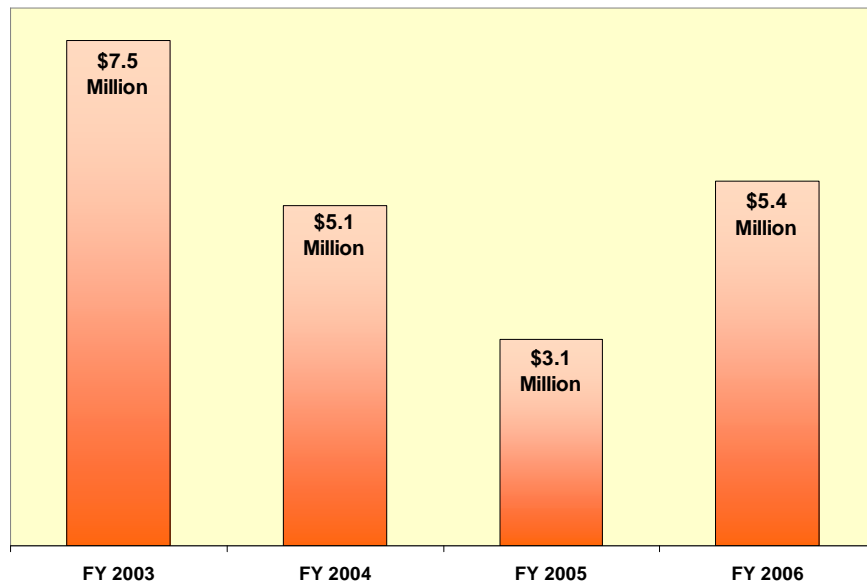
Inadequate Training Records System

We attempted to analyze empirical data to determine if USMS personnel attended mandatory training in a timely manner. However, we were unable to conduct such an analysis because the USMS did not maintain adequate documentation of the training provided or received. For example, to comply with our request for information related to the advanced deputy course completion, USMS Training Academy officials manually reviewed hard-copy documents, such as course rosters. In gathering the data, USMS officials identified significant amounts of missing, erroneous, and inconsistent information. Ultimately, we could not use the data provided because it was not sufficiently reliable. This lack of an automated system has reduced the USMS's ability to accurately assess the training needs and activities of its personnel. USMS headquarters and Training Academy officials agreed that the agency needs a mechanism for managing training information and reported that DOJ is exploring the procurement of a single system for use by all its components.

Management of USMS Training Budget

The amount of funds budgeted for USMS training matters has fluctuated since FY 2003, as shown in the following chart.

**USMS ALLOCATED TRAINING FUNDS
FISCAL YEARS 2003 THROUGH 2006**



Source: USMS Training Academy

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A senior official from the USMS Training Academy noted that FY 2003 was a “banner” year in which a sizeable amount of funds were allocated for training to accommodate a hiring push of DUSMs. This official stated that he would prefer more stable funding amounts so the Training Academy could more effectively plan for its activities.

While many operational employees generally cited lack of adequate funding as the reason for most of the training issues we identified, we found that the USMS Training Academy had a significant amount of funds that were not expended prior to making end-of-year purchases, such as ammunition and vehicles.¹⁴ Even after accounting for these purchases, the USMS recorded a surplus in training funds, which was returned to the agency’s general fund in each of these fiscal years. The following table provides details on the USMS’s training budgets from FY 2003 through FY 2006.

USMS TRAINING BUDGET RECAP FYs 2003 THROUGH 2006					
<u>FY</u>	<u>Allocation</u>	<u>Expenditures</u> ¹⁵	<u>Balance</u>	<u>End-of-Year Purchases</u>	<u>Overall Surplus</u>
2003	\$7,515,631	\$6,667,491	\$848,140	\$623,640	\$224,500
2004	\$5,058,087	\$4,705,965	\$352,122	\$168,302	\$183,820
2005	\$3,075,550	\$2,964,073	\$111,477	\$85,852	\$25,625
2006	\$5,432,467	\$5,078,636	\$353,831	\$312,524	\$41,307

Source: OIG analysis of USMS Training Academy data

Although we recognize that it is impossible for the USMS to use its entire training budget in each fiscal year, these significant end-of-year purchases and surpluses suggest that the training funds could be managed more effectively. Considering the numerous statements made to us by USMS employees indicating a need for continued training, the USMS should ensure that allocated training funds are being utilized to their greatest extent for training purposes.

¹⁴ According to a USMS Training Academy official, these end-of-year purchases may include items purchased to support the Training Academy’s response support mission. According to this official, Training Academy personnel and trainees are deployed during national emergencies, such as the September 11, 2001, terrorist attacks, and Hurricane Katrina. This requires that the Academy maintain supplies on-hand that it may need to provide an immediate response to future emergencies. The USMS official further stated that end-of-year purchases may include costs related to the Academy’s administration of the USMS’s firearms, less-than-lethal, and body armor programs.

¹⁵ This column includes those costs incurred by the USMS for Academy class expenditures, operating expenses, FLETC charges, and external training courses.

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A USMS headquarters official spoke to this issue at the conclusion of our audit and commented that when budgeting for classes, the Academy projects for a worst-case scenario. Therefore, if the cost for classes is lower than projected, the Academy will have additional funds remaining at the end of a fiscal year. Further, this official noted that it generally is not until near the end of the fiscal year that the Academy is able to adequately determine the amount of remaining funds. While we understand that the Training Academy cannot predict the amount of surplus training funds in any given fiscal year, we believe that the USMS could improve its planning so that these training funds are used to provide additional training, either external or internal, for its operational personnel.

Conclusion

During FY 2006, the USMS undertook several projects designed to address long-standing concerns at the agency, including: (1) the development and issuance of a comprehensive strategic plan; (2) the appointment of an internal USMS working group to review resource allocation processes and suggest new processes; (3) the establishment of a new USMS career track for deputies; and (4) the stated intention to review the grade structure for USMS operational positions.

In concert with the establishment of the new strategic plan, the USMS Director assigned all organizational units the task of creating Unit Performance Plans to reflect how each unit would implement the plan and measure its performance. However, we found that the USMS had not established a review mechanism to ensure that the unit plans are complete, accurate, and in line with the goals of the strategic plan.

We also identified inaccuracies and inconsistencies in data from some of the USMS's automated systems. Besides questions regarding the completeness and accuracy of the data being recorded by USMS operational personnel, we also noted that a portion of the USMS's contracted employees do not record their time in a manner similar to USMS operational personnel. The exclusion of this data, as well as the inaccuracies and inconsistencies, indicates the USMS may be unable to completely define its total workload or the total level of effort expended in each mission area.

Further, we found that only a limited number of personnel at USMS headquarters understand and can interpret the data captured in these systems. Specifically, we found that USMS headquarters program personnel responsible for issuing plans and policies that define the purpose and use of each data system were, at times, unfamiliar with the contents of the databases. Additionally, we found that USMS management does not

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routinely review resource utilization reports. As a result, the USMS could not fully explain inconsistencies we identified in the level of effort expended on protective investigation and fugitive matters, as well as the utilization of contractors.

We also identified concerns with the USMS's training program. Our review indicated that while basic operational training appears to be sound and provide a good foundation for beginning personnel, training for operational personnel beyond their initial Academy experience needs improvement. Additionally, we were unable to review empirical data related to the USMS's training efforts because the USMS lacks a system that accurately records and adequately manages its training needs and activities. Moreover, we believe that the USMS has not adequately managed its training funds. Specifically, the Training Academy returned surpluses in its training fund to the USMS general fund at the end of each of these fiscal years. These practices could indicate that all of the USMS's training needs are being met when, based on our review, they are not.

To assist the USMS in the improvement of its workforce management and planning, we offer 15 recommendations for the USMS to improve its operations, including improving the resource utilization reporting for USMS employees and contractors, enhancing USMS automated systems to help ensure data validity and integrity, and reviewing the USMS's on-going training efforts.

**THE UNITED STATES MARSHALS SERVICE'S
WORKFORCE PLANNING AND MANAGEMENT**

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CHAPTER 1: INTRODUCTION

Since its establishment in 1789, the United States Marshals Service's (USMS) primary role has been to support the federal judicial process. Since 1960, several new functions have been assigned to the USMS, such as seized asset management and protection and security of witnesses. These new functions have significantly broadened the overall mission of the USMS and added to its management complexity. This broad overall mission presents significant workforce planning and management challenges. It is therefore important for the USMS to have a strong workforce management plan.

According to the USMS Director, the USMS's highest mission priority is judicial security, which includes physically protecting courthouses, judges, and other court employees. The next highest priority after judicial security is the apprehension of fugitives. According to the Director, fugitive apprehension tasks can sometimes be delayed to allow the USMS to make short-term resource adjustments for the sake of more emerging matters.

Exhibit 1-1 lists the current mission areas and related activities of the USMS, including each organizational unit within the USMS that is primarily responsible for handling these various functions.

**EXHIBIT 1-1
USMS MISSION AREAS AND RELATED ACTIVITIES**

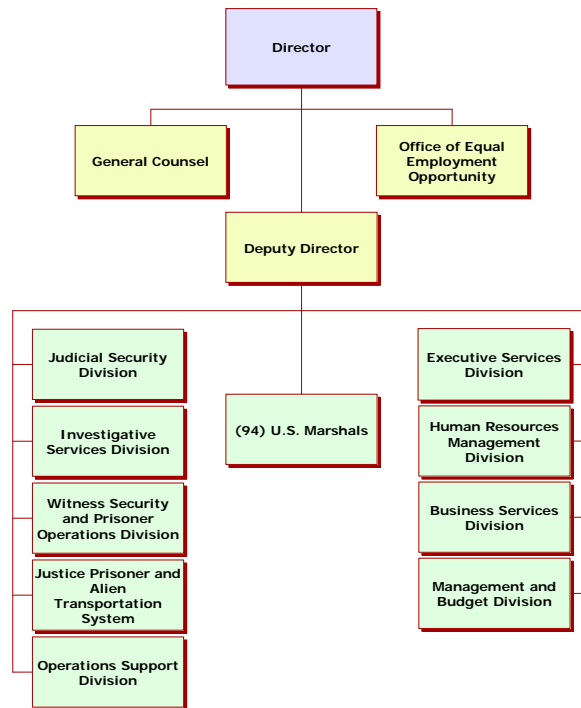
USMS Mission Area	Responsible USMS Organizational Unit	Activities
Judicial and Courthouse Security	Judicial Security Division District Offices	<ul style="list-style-type: none"> • Deputy marshals appearing in court with prisoners in custody • Courthouse facility construction and renovations • Courthouse security systems • Courtroom and courthouse security • Protective details for judges, prosecutors, and others • Threat analysis and investigations • Courthouse and residential security surveys
Fugitive Apprehension	Investigative Services Division District Offices Fugitive Task Forces (congressionally mandated or other)	<ul style="list-style-type: none"> • Domestic and international fugitive investigations • Extraditions and deportations of fugitives • Financial crime investigations • Service of process
Prisoner Security and Transportation	Witness Security and Prisoner Operations Division Justice Prisoner and Alien Transportation System District Offices	<ul style="list-style-type: none"> • Booking prisoners in the cellblock • Prisoner transportation • Jail inspections • Contract services for detention facilities and prisoner medical
Protection of Witnesses	Witness Security and Prisoner Operations Division District Offices	<ul style="list-style-type: none"> • Protecting government witnesses • Producing protected witnesses for court proceedings • Re-documenting and relocating protected witnesses
Operations Support	Operations Support Division District Offices	<ul style="list-style-type: none"> • Security, rescue, and recovery activities for natural disasters and civil disturbances • Emergency operations • Continuity of government operations • Special events designated by the Attorney General • Audits and inspections of USMS operations
Seized Asset Management	Asset Forfeiture Office District Offices	<ul style="list-style-type: none"> • Seizing assets gained by illegal means • Protection, management, and disposal of seized assets

Source: USMS

Organizational Structure

USMS headquarters, located in Arlington, Virginia, provides direction and oversight for the 94 USMS district offices.¹⁶ USMS headquarters is divided into five operational and four management and administrative divisions.¹⁷ Each division utilizes input from individual U.S. Marshals in developing the strategic objectives, management policies, and operational protocol for its respective mission area. While USMS headquarters provides oversight and assistance to each of the 94 district offices, each Presidentially appointed and Senate-confirmed U.S. Marshal traditionally operates with a significant level of autonomy. The following organizational chart highlights the USMS's divisions and lines of authority.

EXHIBIT 1-2 USMS ORGANIZATIONAL CHART



Source: USMS

¹⁶ See Appendix III for the geographical boundaries of the USMS's district offices.

¹⁷ Certain headquarters-level components are located outside of USMS headquarters in Arlington, Virginia. For instance, the USMS Training Academy is located at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, and the USMS Tactical Operations Center is stationed at Camp Beauregard, Louisiana.

USMS Workforce Composition

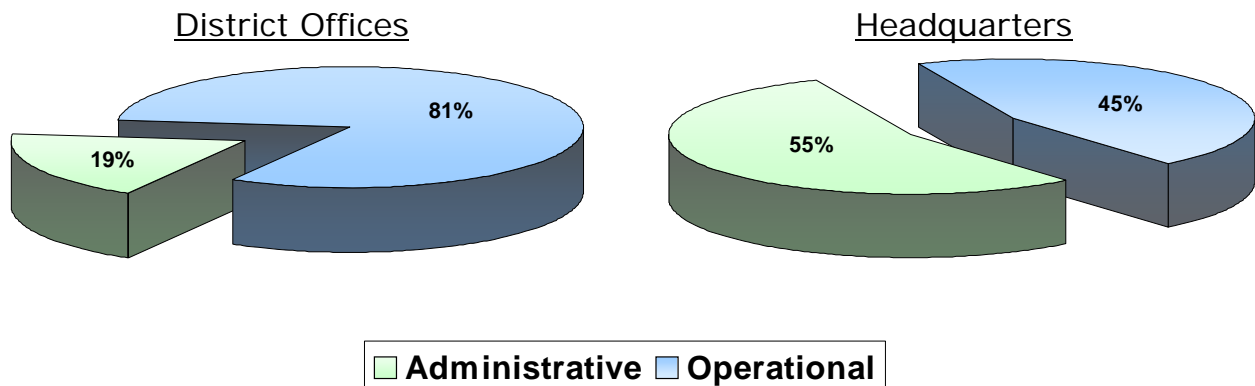
To accomplish its various responsibilities, the USMS utilizes a combination of employees and contractors. Based on our review of USMS data for personnel on board as of September 15, 2006, the USMS employed 4,593 personnel, with 3,506 of them assigned to its district offices and 1,087 to headquarters.¹⁸ The USMS's core operational staff consists of Detention Enforcement Officers (DEO), Deputy U.S. Marshals (DUSM), and Criminal Investigator Deputy U.S. Marshals (CIDUSM). The responsibilities and grade structure of these positions are as follows:

- Detention Enforcement Officer responsibilities consist primarily of processing and transporting prisoners to and from correctional facilities, medical appointments, and court proceedings. DEOs are graded GS-5 through GS-7.
- Deputy United States Marshals' responsibilities include supervising prisoners during court proceedings and assisting CIDUSMs with more complex investigative duties. DUSMs are graded GS-5 through GS-11.
- Criminal Investigator Deputy United States Marshals are responsible for investigative activities, including surveillance, protective assignments, threats endangering the federal judicial process, and witness protection. CIDUSMs are graded GS-5 through GS-12.

The USMS budgets for and allocates its positions using two basic categories: operational and administrative. In general, the operational staff performs law enforcement activities, while the administrative staff performs support functions. Exhibit 1-3 presents the composition of USMS operational and administrative employees within district offices and headquarters.

¹⁸ According to the USMS, many of the employees who are designated as headquarters employees, such as Inspectors detailed to regional fugitive task forces, members of the USMS Special Operations Group, and all Training Academy officials, are physically located throughout the United States, not at USMS headquarters.

EXHIBIT 1-3
DISTRIBUTION OF OPERATIONAL AND ADMINISTRATIVE EMPLOYEES



Source: OIG analysis of USMS data for personnel onboard as of September 15, 2006

The USMS utilizes Court Security Officers (CSO), who are contract employees with at least 3 years of prior law enforcement experience, to provide security at courthouses and federal buildings housing court operations. The USMS also utilizes other contract employees for duties such as prisoner detention and transportation, securing prisoners in court, and seized asset management. In total, the USMS expended over \$264.6 million in FY 2005 to procure the services of more than 6,390 full-time and part-time contractors.¹⁹ The USMS's overall budget was \$801.7 million in fiscal year (FY) 2006.

Prior Reports

The Department of Justice (DOJ) Office of the Inspector General (OIG) previously reviewed various programs and management areas of the USMS that pertain in some way to this review. For example, the OIG audited the USMS's use of independent contractors as guards and identified issues regarding their utilization.²⁰ In addition, the OIG audited the USMS's Prisoner Tracking System (PTS) and recommended that the USMS implement policies to enhance the integrity of the data contained in this system.²¹ The OIG also reviewed the USMS's Judicial Security process and

¹⁹ The USMS could not provide us with an exact number of contract personnel because it does not track the number of personnel provided through some national contracts.

²⁰ Department of Justice, Office of the Inspector General. *United States Marshals Service's Use of Independent Contractors as Guards*, Audit Report 05-24, May 2005.

²¹ Department of Justice, Office of the Inspector General. *Review of the United States Marshals Service Prisoner Tracking System*, Audit Report 04-29, August 2004.

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found that it failed to assess the majority of reported threats against the judiciary in a timely manner.²² Additionally, the OIG reviewed the USMS's effort to apprehend violent fugitives and reported that while the USMS apprehended more violent fugitives, both overall and per staff, the proportion of its apprehensions that involved violent fugitives did not change significantly.²³ Due to the large volume of material, a more detailed discussion of each of these reviews is contained in Appendix IV.

Audit Approach

The objectives of this audit were to determine whether the USMS:

(1) adequately designed, tested, and implemented a workforce management plan that sufficiently assesses its human resources and capacity requirements based on current and expected workloads;

(2) evaluates, monitors, and corrects, if necessary, its personnel utilization to ensure it directs appropriate resources to its highest priorities and achieves its organizational objectives;

(3) has sufficiently addressed pay compensation issues, including job-grade and career progression; and

(4) has provided adequate and appropriate training to its operational employees.

To accomplish these audit objectives, we interviewed more than 60 USMS headquarters officials, including the Director, as well as officials with DOJ's Justice Management Division (JMD), regarding the budget process, USMS budget submissions, and issues related to human capital management. In addition, we reviewed USMS internal documentation, such as manuals, planning materials, internal directives and policies, and financial reports. We also obtained and analyzed empirical data for fiscal years (FY) 2000 through 2005 related to the USMS's resource allocation, utilization, and workload. Finally, we conducted fieldwork at seven USMS district offices – the Central District of California, D.C. Superior Court, District of Rhode Island, Northern District of Illinois, Southern District of Florida, Southern District of New York, and Western District of Texas. In

²² Department of Justice, Office of the Inspector General. *Review of the United States Marshals Service Judicial Security Process*, Report I-2004-004, March 2004. The OIG is currently performing a follow-up review of this matter.

²³ Department of Justice, Office of the Inspector General. *Review of the United States Marshals Service Apprehension of Violent Fugitives*, Report I-2005-008, July 2005.

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general, the scope of our audit covered the period of FYs 2000 through 2005. However, in certain instances we expanded our scope to include FY 2006 information.

For the seven district offices in which we conducted fieldwork, we reviewed documentation, including local policies, planning materials, reports, and files applicable to our review. Additionally, we discussed each district's mission and activities with district representatives, such as the U.S. Marshal, Chief Deputy U.S. Marshal, CIDUSMs, and DUSMs. In total, we interviewed approximately 120 field personnel.

The results of our review are detailed in Chapters 2 through 5 of this report and the audit scope and methodology are presented in Appendix I. In Chapter 2, we assess the USMS's resource planning efforts, including its strategic planning and development of mathematical models to identify its personnel needs. Chapter 3 examines the USMS's efforts to evaluate and monitor its performance by analyzing its resource utilization and workload. Chapter 4 discusses the career progression and related matters of USMS operational personnel. In Chapter 5, we describe the training provided to USMS operational employees and evaluate the adequacy of this training.

CHAPTER 2: USMS WORKFORCE PLANNING

Effective planning, which includes defining the common vision of the agency and identifying the necessary steps to achieve that vision, is integral to the success of an organization. We found that during the time period covered by our review, the USMS operated under an inadequate strategic plan that lacked several key standard elements. Although the USMS issued a new strategic plan in January 2006, many district representatives with whom we spoke were unaware of the plan and the USMS's performance goals and strategies contained within it.

In performing its planning activities, the USMS faces challenges because the bulk of its workload is not self-initiated and instead originates from other agencies and the federal judicial system. Since 1995, the USMS has taken steps to develop quantitative models to determine its resource needs in association with its workload. However, we found weaknesses in the data systems that feed the USMS's workforce model and its budget development process.

Strategic Planning

In 1997, the USMS issued a 5-year strategic plan, but this plan lacked several key standard elements.²⁴ The plan did not assess current and future workload levels or outline how the USMS intended to distribute its resources among competing priorities. Further, the plan did not provide a method by which the USMS could assess the achievement of its goals and objectives. During our audit, a senior headquarters official in the USMS's Management and Budget Division stated that the plan was weak and that USMS employees reviewed it when it was first issued and then disregarded it. Moreover, another USMS headquarters official told us that until recently, the USMS's strategic planning processes revolved around the preparation and submission of the annual budget.

²⁴ According to the 1993 Government Performance and Results Act (P.L. 103-62), a strategic plan should cover a minimum of a 5-year period and contain a comprehensive mission statement, define and prioritize the organization's mission, identify key factors external to the agency that might affect its ability to achieve its goals and objectives, and assess current and future workload levels. In addition, the plan should outline the quantity and mix of resources that the organization needs to achieve its priority strategic goals and objectives. The plan should also detail the methods for measuring the progress and controlling the performance of the organization.

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In January 2006, the current USMS Director issued a more comprehensive strategic plan for FYs 2006 through 2010.²⁵ The plan is organized around six broad goals, including the USMS's five basic mission areas (Judicial and Courthouse Security, Fugitive Apprehension, Prisoner Security and Transportation, Protection of Witnesses, and Operations Support) and one overarching, cross-cutting area of Organizational Excellence that covers organizational accountability; operational excellence; information technology improvement; and human resources development, integrity, and professionalism.

To develop the new strategic plan, in October 2005 the USMS established a Strategic Planning Committee consisting of district office and headquarters personnel. The USMS Director instructed the committee to generate a plan that was realistic and could be implemented without expending additional resources. Each U.S. Marshal had the opportunity to provide feedback before the Director submitted the plan to DOJ and received approval to publish the document.

The plan was first released to USMS management at two national management conferences in early 2006. Additional copies of the plan were then mailed to each of the 94 districts, a version was posted on the USMS intranet, and an e-mail was sent to all USMS personnel. However, during our site visits to the district offices, we found that although most senior managers were aware of the strategic plan, many of the administrative employees and operational staff, including some supervisors with whom we spoke, were not familiar with it. We believe that USMS district management should better publicize the strategic plan to district employees.

When the FY 2006-2010 strategic plan was released, the USMS Director assigned each organizational unit's senior management the task of developing a Unit Performance Plan detailing how each unit would implement the overall strategic plan and monitor the unit's progress in implementing the plan.²⁶ During our fieldwork, most senior managers were aware of the Unit Performance Plans and provided us with copies of the plans for their districts. Based on our review, it appeared that most of the districts had made progress in developing these plans.

Additionally, a senior USMS headquarters official involved in the USMS's strategic planning efforts stated that the responsibility for ensuring

²⁵ Although the previous strategic plan was issued in 1997, the USMS did not develop another strategic plan until this effort in FY 2006.

²⁶ Organizational units include headquarters program offices, as well as district offices.

that the Unit Performance Plans were complete, accurate, and meaningful had not yet been assigned. For example, a senior district official told us that local management did not take the Unit Performance Plan seriously, and that they did not attempt to define objective, specific, and relevant performance measures.

To effectively implement the strategic plan, the USMS must ensure that its program and district offices establish meaningful Unit Performance Plans. We believe that the USMS should develop a process to ensure that the Unit Performance Plans provide reasonable steps for implementing and monitoring progress relative to the overall strategic plan.

Workforce Management Planning

According to the USMS, in 1986 the USMS began using quantitative methods to determine its resource needs. The USMS developed methods to assess its ability to meet current workload levels according to acceptable performance standards. In addition, the USMS has attempted to estimate future changes in its workload resulting from changes in its environment, including new legislation, new program initiatives, and resource changes in other agencies. For example, as the number of federal law enforcement agents increases, the number of individuals taken into custody is also likely to increase and result in an increased workload for the USMS.

In the formulation of its budgets for FYs 2000 through 2005, the USMS primarily employed three workforce planning models.

Uncontrollable Workload Growth and Courthouse Personnel Models

For the FY 2000 budget request, the Uncontrollable Workload Growth Model was used, which attempted to predict the level of resources that the USMS would need based upon staffing increases in other law enforcement agencies, including the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), and United States Attorneys' Offices (USAO). The underlying theory for the model was that as these agencies realize increases in staffing levels, the number of prisoners, court appearances, fugitives, and seized assets would also increase and add to the workload for the USMS. Additionally, the USMS augmented its resource planning at that time through the use of the Courthouse Personnel Model, which attempted to determine the number of additional positions needed to provide security for locations in which new courthouses were being constructed or existing courthouses were being expanded.

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District Budget and Workforce Equalization Models

Beginning with the FY 2002 budget request, the USMS began using a third model, the District Budget Model (DBM), in conjunction with its two existing models to formulate its budget request.²⁷ The DBM examines how the USMS accomplishes its district office workload within the framework of agency performance and safety practices. The model was initially developed in-house by a working group of headquarters staff, U.S. Marshals, Chief Deputy Marshals, and administrative officers.

According to the USMS, the model uses mathematical formulas and relationships to measure workload, taking into account performance, safety, and geographical variables of the district offices. In developing the DBM, the USMS established work standards by determining the length of time it takes to complete various day-to-day functions (both operational and administrative).

The DBM addresses workload associated with "core" district activities, including fugitive warrant investigations, courtroom and judicial security, prisoner processing, prisoner transportation, and service of process. However, certain activities, such as those related to the protection of witnesses and special operations, are not included in the DBM calculations because they are centrally managed at the headquarters level. The DBM combines work standards and historical workload data from multiple sources to generate the number of district personnel needed to accomplish the USMS's mission. The DBM projects staffing levels using 150 data inputs and 110 formulas.

According to the USMS, because the DBM is based on historical workload information, the resulting figures indicate the optimal level of resources for that historical period. In light of this, the USMS supplements the quantitative DBM model with qualitative information obtained from district surveys. In addition, the USMS has adjusted the DBM figures to incorporate known, future events that are not portrayed in the initial DBM computations and will require additional resources.

While the DBM represents optimal staffing, budgetary realities prevent an optimal state from ever occurring. To compensate for this, the USMS developed the Workforce Equalization Model (WEM), which sought to equalize the proportion of staff for each district based on the amount provided for USMS personnel in the annual budget. The USMS described the WEM as

²⁷ The USMS used all three models until FY 2004 when USMS management decided to stop using the Uncontrollable Workload Growth Model. According to USMS officials, the model no longer suited the agency's needs.

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identifying what the agency can afford to provide each district if the available positions were proportionally distributed according to the DBM. For example, in one fiscal year of our review period, if applied according to the WEM, the funding allowed for each USMS district office to be staffed at 73-percent. In order to reach this level, offices with authorized positions above this threshold may have been required to relinquish positions to other offices that were operating below the 73-percent threshold.²⁸

Many USMS district representatives believed the creation of the DBM was a good starting point for determining the resource needs of district offices. For example, one senior USMS official within the Management and Budget Division expressed the opinion that the DBM provided an accurate reflection of resource needs and was an effective budgetary tool that assisted the USMS with supporting its budget requests with qualitative data, as directed by the Office of Management and Budget.

However, several USMS officials criticized the allocation process using the DBM and WEM. Specifically, they expressed their displeasure that the staffing levels identified by the DBM and WEM were never actually realized in the district offices. Additionally, some were uncertain as to what items factored into the DBM.

USMS Re-evaluation of Workforce Planning Models

In January 2006, the USMS Director suspended use of the DBM and the WEM in an attempt to ensure a more balanced approach to allocating human and financial resources. The Director established a working group – the Resource Allocation Advisory Board (RAAB) – to review current USMS staffing and funding resource allocation processes and to recommend improvements. The RAAB issued a report to the Director in June 2006 and made several recommendations related to the DBM. In general, the RAAB determined that the DBM was a valid and useful model for determining the appropriate staffing requirements of the USMS's district offices and the USMS should continue to use it as a staffing model.²⁹

The RAAB concluded, however, that the WEM's threshold was not the best way to reallocate positions. The RAAB suggested raising the threshold at which offices would be required to relinquish positions to a minimum of

²⁸ According to the USMS, reallocations generally involve vacant positions rather than personnel relocations.

²⁹ The RAAB also recommended that a review be conducted to properly allocate headquarters resources because these positions are not included in the DBM.

85 percent. By doing so, the RAAB stated that the USMS would avoid deliberately placing a larger number of offices in unmanageable staffing situations. In addition, the RAAB stated that the threshold could be adjusted annually after USMS review of changes in workload and newly appropriated positions. The RAAB also noted that because the DBM is a historical model and is not predictive, data trends and district environmental factors should play a larger role in allocation and re-allocation decisions.

The RAAB noted that one strength of the DBM is its use of data from automated systems that the USMS uses to track or conduct its missions because it is unlikely that this data would be manipulated. The RAAB further recognized the importance of data verification as a critical element of the model's integrity and suggested procedures for conducting data checks.

OIG Analysis of USMS Workforce Planning

The USMS has initiated several efforts to develop quantitative models to identify its resource needs in association with its workload. Further, the USMS has proactively sought to improve its efforts to manage its personnel resources through the revision and replacement of different models throughout our review period.

We concur with the overall findings of the RAAB and believe that the USMS should continue to use the DBM and seek continual improvements to its resource planning process. Moreover, we agree with the RAAB's findings that data validity is critical to the integrity of the staffing model. Resource calculations that utilize inaccurate or unreliable data can undermine the allocation decisions that result from these calculations.

The USMS utilizes information from a number of data systems that feed into the DBM and the USMS's budget decisions to track and monitor employee utilization and workload by function. While we did not perform an analysis of each of the systems, we identified several areas of concern regarding the accuracy and reliability of the data contained in three of the systems – the USM-7, the Warrant Information Network (WIN), and the Prisoner Transportation System (PTS).

USM-7

The USMS uses the USM-7 to track the amount of time spent by all employees and some independent contractors performing various work-

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related activities.³⁰ The USM-7 supplies the DBM with data related to time spent on certain activities. In addition, the USMS uses USM-7 personnel resource utilization data in the annual budget development process.

USMS personnel complete a USM-7 form every 2 weeks and record the number of hours worked (tracked to the quarter-hour) to project codes that are attributed to the type of function or duty being performed. For example, for any 8-hour day a Deputy U.S. Marshal might record working 4 hours apprehending fugitives, 2 hours transporting prisoners for court, and 2 hours in annual leave status. The system relies upon the self-reporting of each employee. Although the USMS requires supervisors to review staff submissions, the data derived from the USM-7 system is only as valid as the information reported by USMS personnel and reviewed by the supervisor. The USMS considers the USM-7 system's data to be the best way to assess the actual time worked by USMS employees and independent contractors in specific mission areas. Further, it is the only source of empirical USMS employee resource utilization data.

Program and Project Codes – When completing the USM-7 form, individuals assign time to various project codes according to the types of tasks they have performed, such as federal felony warrant investigations. The USMS tracks its resource utilization by project codes, which is the greatest level of detail contained in the USM-7. The USM-7 system is designed so that each project code can be linked to a broader program code associated with a USMS mission area.³¹

According to documentation provided by the USMS, there are 18 possible program codes in the USM-7.³² However, we reviewed USM-7 data and found that the database contained 80 different program codes, as well as some timekeeping records for which no program code was listed. We discussed this issue with USMS headquarters officials, who stated that they believed these instances were errors of some sort. However, they were uncertain as to how this field was populated, and wondered if it was a

³⁰ Only independent contractors procured through personal services contracts record their time on the USM-7. Independent contractors procured through national vendor contracts and Court Security Officers do not record their time on the USM-7.

³¹ For example, a Criminal Investigator Deputy U.S. Marshal working on a 15 Most Wanted Fugitive investigation would record the number of hours he or she spends addressing that investigation to project code FWF2200F, which falls under the Fugitive Warrants program code.

³² Appendix V contains a listing of all 18 program codes.

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result of individuals typing in the wrong program code value or if the system automatically populated this field based on other information entered.

The USMS had a total of 1,607 project codes that were in existence between FYs 2000 through 2005. USMS headquarters officials explained that the USMS does not have distinct project code manuals for discrete time periods and that project codes change frequently as new activities or duties occur. Further, officials stated that all project codes do not apply to every district office. When a specific event occurs and a project code is subsequently created, USMS headquarters informs the applicable district offices about the existence of the new project code.

We reviewed the listing of project codes and found that many have the same or very similar descriptions. For example, there are two project codes (FWF2008F and FWF2009F) with the same description – *Gulf Coast Regional Task Force*.³³ Because of this and the sheer number of available codes, we question the ability of USMS employees to consistently select the correct project code. In fact, we were informed by USMS personnel that if an employee did not know which project code to use, they would attempt to guess or ask a fellow deputy, supervisor, or the district's administrative officer. We believe that the USMS's list of project codes could be reduced significantly, which would result in more accurate time recording and resource utilization analysis.

At the conclusion of our audit, a USMS headquarters official stated that not all 1,607 project codes were available for use during each fiscal year of our review period. Specifically, this official stated that certain project codes that were available for use in FYs 2000 through 2002 were not available for use in FYs 2003 through 2005. The official further remarked that in any given fiscal year of our review period, there were fewer than 250 project codes available for use.

We reviewed the data and did determine that no more than 231 project codes were utilized during any 1 given fiscal year of our review period. However, while we were able to determine how many project codes were *used* in each fiscal year, we were not able to determine how many project codes *could have been used* in each fiscal year. Specifically, while the USMS stated that no more than 250 project codes were available for use, the USMS could not provide us with a listing of which project codes were available for each fiscal year. Therefore, we were unable to determine

³³ The Gulf Coast Regional Fugitive Task Force's jurisdiction covers the district offices located in Alabama and Mississippi. One of the project codes was to be used by the task force members in Alabama, while the other was to be used by those working in Mississippi.

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if more than 250 project codes were available during any fiscal year or whether the project codes utilized in each fiscal year were active for those fiscal years.

At the conclusion of our audit, a USMS official spoke to this issue by stating that the USM-7's interface with the USMS's payroll system prevented personnel from charging time to discontinued project codes. However, during fieldwork, USMS headquarters officials explained that instances have occurred where individuals recorded time to project codes that were no longer in existence and that they had to amend these records to reflect the proper project codes. In light of this ambiguity, we believe it would be worthwhile for the USMS to ensure that its timekeeping system has an automated control in place to prevent time from being charged to project codes no longer in existence.

During additional analyses of USM-7 data, we found 171 instances where the program and project codes were incorrectly associated. For example, the USMS had project codes involving emergency operations that were placed under the fugitive warrants program code. Moreover, USMS analysts indicated that multiple program codes could be associated with the same project code. For example, project code TERROTHP (*Track Terrorism Activity*) at times corresponds to the "In Court with Prisoners" mission activity, while in other instances it applies to the "Judicial/Other Protection" mission activity. This illogical construct makes it impossible for the USMS to distinctly identify efforts expended in each of its mission areas.

We also identified at least 369 instances in which no project code was recorded during FY 2005. As a result, USMS management officials responsible for the analysis of the USM-7 data were uncertain as to which mission or program area these work hours applied. Although this accounted for only about 7,000 out of approximately 11.7 million total work hours, we are concerned that if left unchecked this issue could contribute to an inaccurate portrayal of resource utilization. Additionally, although USMS officials stated that they would recognize if there were significant numbers of records without project codes, there is no automated control in the USM-7 to prevent a record from being created without a project code. Therefore, we believe that implementing an automated control requiring active project codes to be entered in order to record time would eliminate this issue and assist the USMS in developing more accurate resource utilization data.

USMS headquarters officials who review USM-7 utilization data commented that program codes are essentially meaningless, and instead said they focus on the individual project codes for any type of resource utilization analysis. However, we believe that the USM-7 program codes can be of

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value to the USMS in determining its resource utilization. If coded accurately and consistently, it would be relatively simple to determine how much time was spent on each mission area. Instead, USMS personnel must review a multitude of individual project codes, which we believe could be a very arduous, time-intensive, and possibly unnecessary process.

Each of these issues with USMS program and project codes contributes to the lack of an accurate, consistent timekeeping system. This, in turn, can result in inaccurate requests for resources because the USMS relies, in part, on data from its timekeeping system for budgetary submissions. As a result, the utilization data may portray more or fewer resources addressing certain mission activities than the number actually involved in those areas.

Contractor Utilization – The USMS utilizes a large number of contractors at a significant cost to accomplish its various mission activities. Specifically, in FY 2005 the USMS expended approximately \$235.7 million to procure the services of 3,862 Court Security Officers (CSO). For the same period, the USMS expended an additional \$18.5 million to procure the services of an unknown number of personnel provided through contracts with national vendors for guard services. Further, in FY 2005 the USMS expended almost \$10.5 million on 2,528 independent contractors who performed certain activities, such as processing and transporting federal prisoners.

Despite its extensive use of contractors, only contract guards obtained through individual personal services contracts track their time in the USM-7, which identifies specific activities through project codes. The USMS does not have a mechanism for recording, in a similar manner, time worked by contractors procured through national vendor contracts who perform many of the same duties as operational personnel.³⁴ Instead, these types of contractors use timesheets provided by the vendors who are responsible for their maintenance. As a result, we are concerned that the USMS is unable to completely define its total workload or the total level of effort expended in each mission area in which contractors procured through national contracts, excluding CSOs, are utilized. We believe that tracking the activity of these types of contractors in a similar manner to USMS operational personnel would benefit the USMS because it would provide a more accurate depiction of the total level of effort needed to accomplish the many functions of the USMS.

³⁴ According to USMS officials, contracts for CSOs, which are funded by the Administrative Office of the U.S. Courts, are very detailed with clearly defined duties. Further, USMS officials stated that USMS district Contracting Officer Technical Representatives monitor the activity of CSOs in their districts to ensure that the activities defined in the contracts are fulfilled.

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Warrant Information Network

The WIN is a computer-based, automated system used to manage records and information collected during investigations of fugitives and potential threats directed at the federal judicial system. It contains both historical and current case data for all USMS investigations. All USMS facilities, including district offices, headquarters, and foreign offices, have access to the WIN. The system has several capabilities including the ability to: (1) enter, collate, and retrieve case information, including photographs; (2) access and interface with the FBI's National Crime Information Center; (3) assign cases to staff; and (4) notify district offices of action to take on shared investigations.

The OIG previously reviewed the WIN and identified vulnerabilities in 16 of the 17 areas used to assess management, operational, and technical controls in information systems.³⁵ While our analysis was not intended to verify the accuracy of the system, certain irregularities came to our attention during our analysis of the WIN data. Although these inconsistencies accounted for less than 1 percent of the total number of records contained in the data file we reviewed, we believe these errors, if left unchecked, could affect the overall accuracy of the system.³⁶ According to a USMS headquarters official, the USMS performs various reviews of data in the WIN throughout the year. However, our identification of these inconsistencies indicates that the system does not have adequate automated controls to ensure that these types of errors do not occur in the future and do not negatively affect USMS planning efforts. These issues are as follows:

- According to USMS officials, every warrant should contain a code assigning it to a district office. However, we identified 35 records that did not contain codes assigned to district offices. Instead, these warrants were assigned to USMS headquarters.³⁷
- Similarly, when a warrant is closed a district office should be associated with that closure. We identified an additional 46 warrant records that were listed as being closed by a headquarters component, not a district office.³⁷

³⁵ Department of Justice, Office of the Inspector General. *The United States Marshals Service's Warrant Information Network*, Audit Report 03-03, November 2002.

³⁶ Appendix I contains detailed information on all USMS data we reviewed.

³⁷ At the conclusion of our audit, a USMS headquarters official stated that as of FY 2005, foreign fugitive warrants can be entered into the WIN by a USMS headquarters component.

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- In addition to cataloging fugitive warrants, the WIN also tracks their status. Our review of the data file revealed that there were 38 records that were not in a closed status, but had a valid warrant closed date.
- The USMS uses an execution code to indicate the reason for closing a particular warrant record, such as a physical arrest by the USMS or the transfer of a warrant to another agency. We identified 113 fugitive warrant records in the data file with execution codes for non-fugitive warrant investigations.

Prisoner Tracking System

The PTS was implemented by the USMS in March 1993 to maintain tracking information for federal prisoners and to monitor those prisoners in various detention facilities. The PTS is also used as an informational and scheduling tool. For instance, the PTS contains information specific to each individual prisoner, including the prisoner's personal data, property, medical information, criminal information, and location. Additionally, PTS information assists USMS personnel in locating prisoners to be transported for court appearances. Moreover, this system catalogs the USMS's activity during the day-to-day processing and disposition of prisoners.

USMS headquarters officials stated that there are inconsistencies in how the 94 district offices utilize the system. Further, because of administrative staff shortages within the district offices and the increasing volume of prisoners, USMS headquarters officials stated that many prisoner movements are not entered into the PTS. A USMS official estimated that the district offices are capturing only about 80 percent of their prisoner transports. Our review of PTS information revealed an example of this lack of data entry. According to data in the PTS, the USMS D.C. Superior Court office performed 52 prisoner movements during FY 2000. The number of prisoner movements recorded progressively increased from one fiscal year to the next, reaching 5,625 in FY 2004 and 34,503 movements during FY 2005. According to USMS officials, this dramatic increase in prisoner movements was a result of a change in the USMS D.C. Superior Court office's method for processing prisoners, which resulted in more data captured in the PTS, rather than a dramatic increase in the number of prisoner movements. We believe that the USMS needs to address this known inconsistent use of the PTS to help ensure that the system provides accurate workload data for the agency's management and planning activities. Without accurate data, the USMS runs the risk of making ill-informed resource request and allocation decisions.

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We reviewed over 4 million PTS records, encompassing data for all district offices for the period FYs 2000 through 2005. We found 179,330 records (which accounts for approximately 5 percent of all records reviewed) that reflected a prisoner identification number of "0." According to USMS officials, these instances reflect "unknown" prisoners. In other words, the person did not have a USMS prisoner identification number because the individual was not yet in USMS custody. However, a "0" was entered into PTS for scheduling purposes in order to notify USMS staff that an individual might need to be processed after the hearing. USMS officials informed us that these records are excluded from analyses performed by its Management and Budget Division. In our opinion, excluding these instances from budget and workforce planning computations does not present an accurate assessment of the USMS's prisoner-related workload. Because prisoner movements represent a significant workload indicator for the USMS, it is critical for workforce planning that this system is as accurate as possible.

Although the problems identified with the USM-7, WIN, and PTS data do not account for a significant portion of the total records, we believe that, if uncorrected, they could have a significant effect on the operations of the USMS. Because these data systems directly feed the DBM and the USMS budget development process, we are concerned that the USMS may be basing its resource request, allocation, and utilization decisions on inaccurate and inconsistent data. If the systems from which the USMS obtains data to perform its planning activities are not reliable, then the USMS cannot accurately identify its needs within individual mission areas and cannot effectively plan for its future.

Chapter Summary

In reviewing the USMS's workforce planning processes, we found that the USMS has taken steps to improve its strategic planning and develop quantitative models to determine its resource needs in association with its workload. However, the USMS needs to take further steps to ensure that its strategic plan is more aggressively promoted and its Unit Performance Plan process is fully implemented.

To improve its workforce management planning, a USMS working group recently completed a review of the current model. This group concluded that the DBM was a valid tool to assess staffing requirements, in part because this model relies on data from automated systems that it believed to be accurate. We concur that data verification is important in developing an effective allocation model, but believe the USMS must do a better job of ensuring the integrity of its data systems.

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We found several areas of concern regarding the accuracy and consistency of the data contained in the USM-7, WIN, and PTS, all of which contribute to the DBM and the budgetary process. For example, we noted numerous deficiencies in the USM-7 database, which tracks resource utilization, including missing, poorly defined, and an excessively large number of project codes, as well as undefined program codes. Our review of WIN identified missing district office markers, improper status indicators, and improper use of system codes. Finally, we found that district offices were not recording prisoner movements in PTS consistently. These errors and inconsistencies could affect the USMS's planning decisions and result in an inefficient use of personnel resources.

Recommendations

We recommend that the USMS:

1. Ensure that the USMS's strategic planning efforts are improved through oversight of the Unit Performance Plan initiative and stronger promotion of the strategic plan by district management.
2. Improve its time reporting system and ensure the integrity of system data by: (1) allowing for the tracking of time by the minimum number of project codes necessary; and (2) implementing an automated control to ensure that all records entered into the time reporting system contain an active project code.
3. Ensure it has a reliable, standardized process of tracking, by activity, the time of contractors procured through national vendor contracts (other than CSOs). The process should enable the USMS to generate cumulative reports of such activity so that the USMS is able to determine the total number of resources it requires to accomplish its various mission activities.
4. Implement adequate automated controls into the WIN to ensure that: (1) warrants that have valid warrant closing dates are in a closed status, and (2) fugitive warrants are assigned a proper execution code when closed.
5. Perform regular reviews of PTS to ensure the accuracy of the information contained within this system.

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6. Review alternative options for assigning prisoner identification numbers within PTS to ensure that all prisoner movements are accurately tracked.

CHAPTER 3: USMS RESOURCE UTILIZATION AND WORKLOAD

In this chapter, we review the USMS's efforts to execute and evaluate its performance relative to its workforce. While the USMS uses several information technology systems to track resource utilization and workload, we found that it does not allocate resources to district offices for specific activities, nor does it routinely review how the utilization of its resources affects all aspects of USMS operations. Instead, district offices receive general allocations of operational and administrative positions. As a result, the USMS cannot definitively determine if its resources are being appropriately used in line with its varying priorities and responsibilities, nor can it ascertain how efficiently it is achieving its organizational objectives.

We conducted an in-depth examination of the USMS's use of its personnel resources and the workload addressed between FYs 2000 and 2005 to determine if staff were utilized in line with USMS priorities. We found that in FY 2005 the USMS expended the largest portion of its operational workforce on its highest priority – judicial and courthouse security matters. However, we found that although the USMS stated that investigating judicial threats, which is a task within the broad area of judicial and courthouse security, is a high priority and indicated the workload was rising and significant resources were being expended, USMS data indicates that minimal resources were utilized on protective investigations in FY 2005.

We obtained this data from the USMS's automated system, and as noted in Chapter 2 we identified several concerns with the accuracy and reliability of the data contained within the USMS's automated systems. However, we believe that the overall results presented in this chapter have utility for examining the USMS's resource utilization and workload.

USMS Resource Utilization

To determine the specific mission areas in which the USMS concentrated its efforts during the scope of our audit, we reviewed data from the USM-7, and organized it into six categories, as displayed in Exhibit 3-1.³⁸

³⁸ As noted, each individual assigns time to a project code according to the task they have performed. The USMS had 1,607 project codes in existence between FYs 2000 and 2005. The USMS stated that not all 1,607 codes were available for use during each year; however, the USMS could not identify the specific project codes available for use during each fiscal year. Because the USMS has no formalized system by which it assigns project codes to specific mission activities, we considered input provided by USMS personnel and manually assigned each project code to a mission activity. With the assistance of USMS personnel, we further categorized the data by organizing the USMS's mission activities in accordance with the five areas that the agency has recently proposed to use in budget formulation. We added the category entitled "Other" to capture data that did not correspond with one of these five areas (called decision units). We presented this to USMS personnel, and they concurred with our groupings.

EXHIBIT 3-1
USMS DECISION UNITS AND CORRESPONDING PROGRAM ACTIVITIES

<u>Decision Unit</u>	<u>Program</u>
Judicial and Courthouse Security	Court Security In Court with Prisoners Judicial/Other Protection Judicial Protection without Prisoners Threat Investigations Protection of the Judicial Process ³⁹
Fugitive Apprehension	Fugitive Warrants Seized Assets Service of Process
Prisoner Security and Transportation	Community Detention Receipt/Process of Prisoners In-District Movement JPATS Prisoner Movements
Protection of Witnesses	Witness Security
Operations Support	Emergency Operations Missile Escort Special Operations
Other ⁴⁰	Information Technology Management & Administration Unknown

We found that, during most of our review period, the USMS utilized the largest portion of its operational personnel on its primary mission area, Judicial and Courthouse Security. The only exception to this occurred in FY 2003, when the USMS utilized the largest portion of its operational personnel on Other matters, which according to the USMS occurred as a result of the agency’s significant hiring push in FY 2003.⁴¹ The USMS had

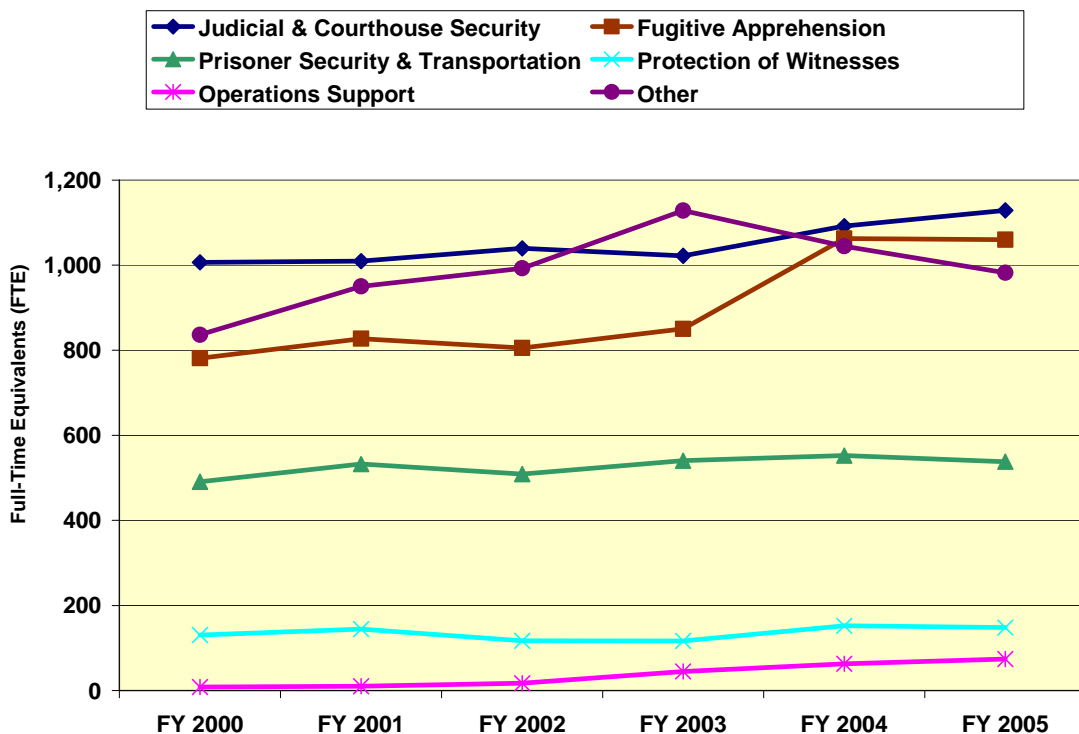
³⁹ “Protection of the Judicial Process” is not one of the 18 program codes or mission activities used by the USMS. According to USMS officials, there were some project codes that applied to more than one mission activity. In these instances, the USMS categorized them under this name. Therefore, we considered utilization data pertaining to this category to be part of the “Judicial and Courthouse Security” decision unit.

⁴⁰ The “Other” category includes two USMS mission activities (Information Technology and Management & Administration) that do not correspond to one of its five proposed budgetary decision units. Additionally, this category includes those areas that the USMS was uncertain to which decision unit the activities applied.

⁴¹ New USMS recruits attending basic training record their time on the USM-7 to a management and administration project code related to training.

1,006 operational full-time equivalent (FTE) positions addressing Judicial and Courthouse Security matters during FY 2000.⁴² This increased to 1,129 FTEs during FY 2005 – an increase of 12 percent. Similarly, between FYs 2000 and 2005 the USMS utilized a significant portion of its workforce on Fugitive Apprehension matters. The USMS’s utilization of resources in this area increased from 781 FTEs in FY 2000 to 1,060 during FY 2005, an increase of 36 percent. Exhibit 3-2 displays the number of USMS operational FTEs working in each decision unit over the course of our review period.

EXHIBIT 3-2
USMS OPERATIONAL PERSONNEL UTILIZATION
FISCAL YEARS 2000 THROUGH 2005



Source: OIG analysis of USM-7 data

In sum, the USMS expended 1,129 operational FTEs on Judicial and Courthouse Security matters during FY 2005, while using 1,060 operational FTEs on Fugitive Apprehension matters during this same period. These two areas accounted for 56 percent of the USMS operational workforce.

⁴² Individual USMS operational employees may record a percentage of their daily time on several different activities during the course of a single day or year. This means that a single FTE does not necessarily indicate 1 individual worked an entire year on a single matter; it could indicate that 4 employees each worked 25 percent of their time during the year on that specific matter. Yet in both cases the data would indicate that 1 FTE worked on that matter for the entire fiscal year.

USMS Workload

To accompany our analysis of the USMS's resource utilization, we reviewed data related to selected areas of the USMS's workload to identify the number and types of fugitive warrant investigations, the number of prisoner movements, and the number of matters related to potential threats against the federal judicial system that the USMS handled during our review period. We examined data between FYs 2000 and 2005 to identify workload changes in these areas.

Fugitive Apprehension

We analyzed the USMS's WIN system to determine the total number of warrants opened or received by the USMS during each fiscal year of our review period, as well as those closed or cleared during the same timeframe. From our analysis, we determined that the USMS received 102,371 warrants during FY 2000, and 148,693 in FY 2005, resulting in an overall increase of 46,322 warrants, or 45 percent. Similarly, the USMS closed over 56,500 more warrants in FY 2005 than in FY 2000 (94,038 warrants closed during FY 2000 rising to 150,560 warrants closed during FY 2005) – an increase of 60 percent.

We further reviewed the data according to the three types of warrants received by the USMS: Class I, Class II, and Other warrants.

- Class I warrants consist of federal felony offenses for which the USMS is primarily responsible.⁴³ Examples of Class I warrants include escaped federal prisoners, parole violators, and felony warrants that are based on investigations by agencies without powers of arrest.
- Class II warrants consist of federal misdemeanor offenses for which the USMS is primarily responsible, as well as federal felony offenses for which other law enforcement agencies maintain responsibility.
- Other Warrants consist of state and local fugitive cases.

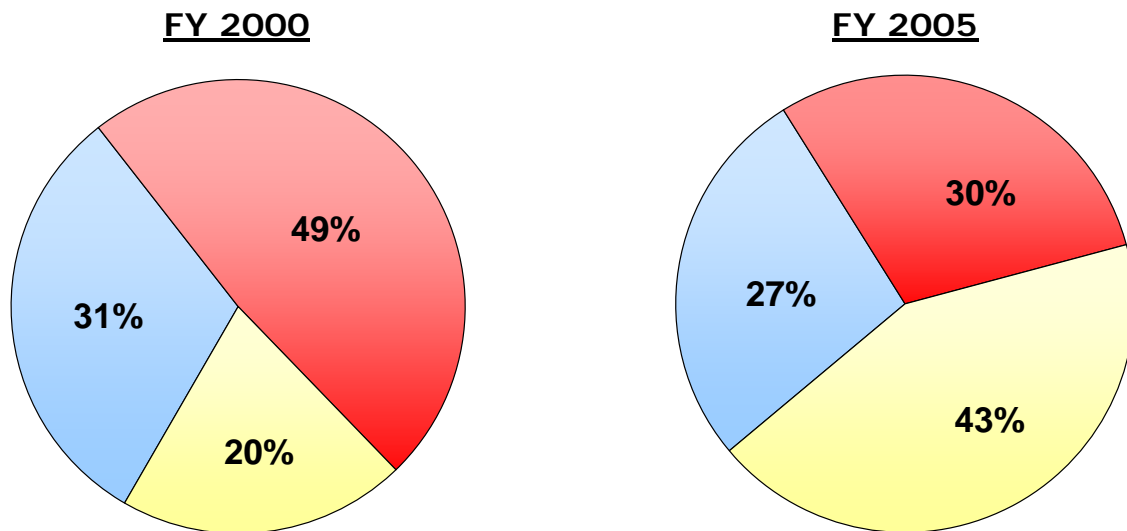
As presented in Exhibit 3-3, we compared the proportion of the total number of warrants received in each category in FY 2000 to those received in FY 2005. As reflected in this exhibit, the composition of the USMS's fugitive warrant workload has changed significantly from FY 2000 to

⁴³ In 1988, the Attorney General issued a fugitive apprehension policy. Among other items, the policy states that the FBI and DEA shall have apprehension responsibility on all arrest warrants resulting from their own investigations.

FY 2005. During FY 2000, 20 percent of the warrants received by the USMS were state and local warrants. However, for FY 2005 the proportion of state and local warrants increased to 43 percent of the total warrants received. According to USMS officials, this significant increase in state and local warrants is primarily the result of the USMS's establishment of Regional Fugitive Task Forces.⁴⁴

EXHIBIT 3-3
TYPES OF WARRANTS RECEIVED AS A PERCENTAGE OF
TOTAL WARRANT OPENINGS
FISCAL YEARS 2000 AND 2005

■ CLASS I WARRANTS ■ CLASS II WARRANTS ■ STATE/LOCAL WARRANTS



Source: OIG analysis of WIN data

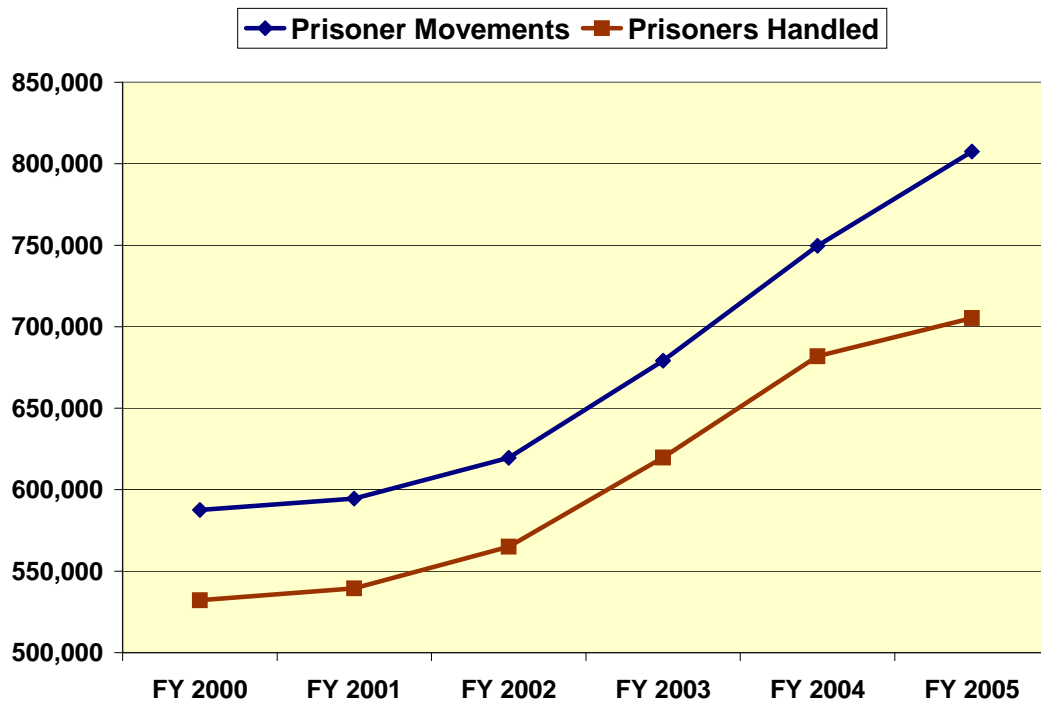
We also reviewed warrant closures. We found that the number of Class I and other warrants closed by the USMS increased from FY 2000 to FY 2005, while the number of Class II warrants closed declined during the same time period. Similarly, the most noticeable change occurred in the number of other, or state and local, warrants closed by the USMS. The USMS closed 45,622 more state and local warrants during FY 2005 than in FY 2000 – increasing from 19,535 warrants in FY 2000 to 65,157 in FY 2005. The results of this analysis mirror those identified with the change in USMS warrants received by category and indicate that the USMS is performing more work on state and local warrants.

⁴⁴ The Presidential Threat Protection Act of 2000 established Fugitive Apprehension Task Forces in designated regions of the United States. The task forces consist of federal, state, and local law enforcement authorities and are directed and coordinated by the USMS. As of FY 2007, there were six Regional Fugitive Task Forces.

Prisoner Security and Transportation

The USMS is responsible for transporting prisoners to and from court appearances as well as to health care facilities. Based on our analysis of data from the PTS, the number of prisoner movements recorded by the USMS increased between FYs 2000 and 2005, as did the number of prisoners handled, which are reflected in the following exhibit.

EXHIBIT 3-4
PRISONER MOVEMENTS RECORDED BY THE USMS AND
PRISONERS HANDLED BY THE USMS
FISCAL YEARS 2000 THROUGH 2005



Source: OIG analysis of PTS data

Specifically, we found that the USMS recorded 587,544 prisoner movements in FY 2000 and 807,476 movements in FY 2005 – an increase of almost 220,000 movements, or 37 percent. Further, we determined that the USMS reported handling 532,148 prisoners during FY 2000 and 705,341 prisoners during FY 2005.⁴⁵ This computes to an overall increase of 173,193 prisoners, or 33 percent, transported by the USMS.

⁴⁵ In analyzing the number of prisoners handled by the USMS, we concentrated our efforts on determining the number of unique prisoners transported by the USMS on a daily basis. The same prisoner may be moved multiple times during the same day, such as for an initial court appearance and then for a meeting with an attorney. In this instance, we would consider that the USMS handled one prisoner during the day.

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According to USMS headquarters officials, these increases are caused partly by a growth in prisoner population and partly by the increased use of the PTS.⁴⁶ The USMS stated that its average daily prisoner population was 34,531 during FY 2000 and 53,446 during FY 2005, which equated to a 55 percent growth.

Potential Threats to the Federal Judicial System

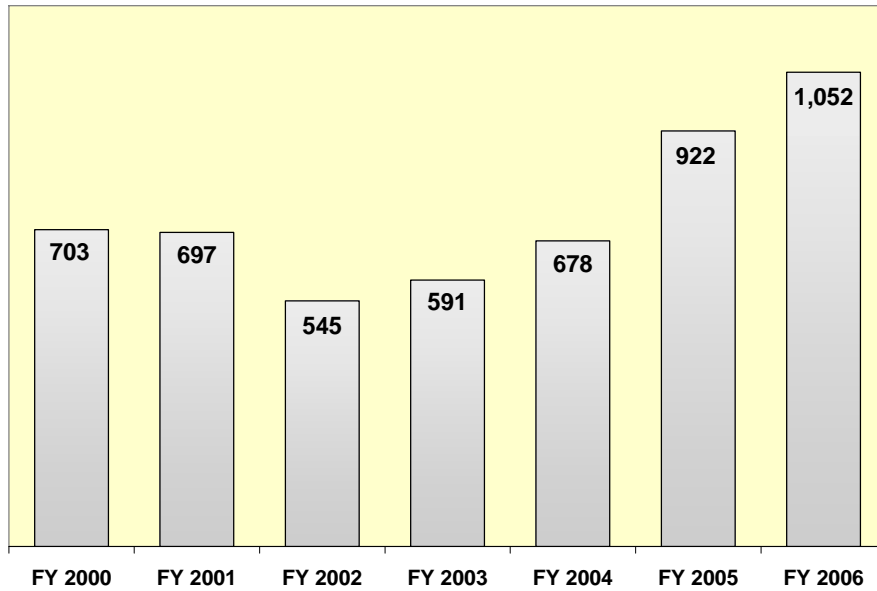
The USMS addresses potential threats to federal protectees, including federal judges, prosecutors, jurors, and other court personnel. The USMS conducts a protective investigation primarily in response to inappropriate communications or direct threats.⁴⁷ Using data from the WIN system, we determined that the total number of potential threats reported to USMS district offices more than doubled from FY 2000 to FY 2005. Specifically, we computed that USMS district offices received information on 703 potential threats during FY 2000, while receiving 922 in FY 2005 – an overall increase of 219 potential threats, or 31 percent. According to USMS officials, a portion of this increase can be attributed to the USMS's efforts in educating the judiciary on security-related topics and the USMS's responsibilities related to these matters.

Subsequent to our analyses of FYs 2000 through 2005 potential threat data, we obtained and performed similar analyses on data from FY 2006. We found that between FYs 2005 and 2006, the USMS experienced a 14-percent increase in the number of potential threats reported to USMS district offices. Moreover, the USMS received 349 more potential threats in FY 2006 than in FY 2000, an overall increase of 50 percent. Exhibit 3-5 illustrates the number of potential threats reported to USMS district offices from FYs 2000 through 2006.

⁴⁶ As reported in Chapter 2, USMS headquarters officials remarked that there were inconsistencies in how district offices recorded information in the PTS.

⁴⁷ According to the USMS, an inappropriate communication is "any communication in writing, by telephone, verbally, through an informant, or by some suspicious activity that threatens, harasses, or makes unsettling overtures of an improper nature directed toward a USMS protectee." Additionally, a threat is "any action, whether explicit or implied, of an intent to assault, resist, oppose, impede, intimidate, or interfere with any member of the federal judiciary, or other USMS protectee." For purposes of this report, we refer to all inappropriate communications/threats as "potential threats."

EXHIBIT 3-5
POTENTIAL THREATS REPORTED TO USMS DISTRICT OFFICES
FISCAL YEARS 2000 THROUGH 2006⁴⁸



Source: OIG analysis of WIN data

USMS Efforts to Monitor and Assess its Performance

The USMS does not allocate resources among its district offices according to specific mission areas, such as fugitive apprehension. Instead, the authorized positions are allocated among two position types – operational and administrative. Therefore, each district is allocated a “pool” of operational and administrative resources that the U.S. Marshal may utilize as he or she deems appropriate.

According to several management officials at USMS headquarters and the district offices we visited, they do not review overall resource utilization reports related to the activities and personnel for which they are responsible because they know how their resources are being used. Instead, they

⁴⁸ Because we focused on district office workload, we based our analysis of potential threats on the dates they were reported to USMS district offices. In contrast, the OPI bases its count of potential threats on the date the potential threat is reported to the OPI. For example, a potential threat may be reported to a USMS district office in September 2005 but not reported to the OPI until October 2005. In such a case, we would include this potential threat in our FY 2005 total, while the OPI would include this threat in its FY 2006 total. The OPI’s reported figures for our review period were 683 in FY 2000, 629 in FY 2001, 565 in FY 2002, 585 in FY 2003, 674 in FY 2004, 953 in FY 2005, and 1,111 in FY 2006.

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examine work-hour reports related to certain types of work hours, such as overtime, and specific assignments, such as the Moussaoui trial.⁴⁹

Throughout our audit, several USMS officials described how they believed the USMS was expending its personnel resources and the types and amount of work performed. However, we identified discrepancies between our analyses of USMS resource utilization and casework and the descriptions provided by various USMS personnel. We believe that these discrepancies help to illustrate that periodic reviews of resource utilization would be beneficial to USMS management to ensure that the USMS is appropriately addressing priority tasks. Regular reviews would also help to ensure that the USMS is using the most accurate personnel and workload data possible in its resource planning processes.

*Protective Investigations*⁵⁰

In the past few years, incidents including the murder of family members of a federal judge in Chicago, Illinois, as well as a shooting within a Georgia state courthouse, have raised the visibility and importance of investigating potential threats to court personnel. Congress has recognized this potential threat by funding the installation of home security systems for every federal judge, a project which is currently being overseen by the USMS. This is also reflected by the statements of several USMS officials, including the Director, who stated that the investigation of threats against the federal judiciary is a top priority of the agency.

Based upon the emphasis placed on this responsibility, we expected there to be a significant number of FTEs utilized in this area. However, we found that the USM-7 data reflects that it utilized just 24 FTEs on protective investigations during FY 2005, which includes all 94 district offices and headquarters, including the Office of Protective Intelligence (OPI).⁵¹

⁴⁹ Zacarias Moussaoui is a French citizen of Moroccan descent who was convicted of conspiring to kill Americans as part of the September 11, 2001, terrorist attacks. Tried in the Eastern District of Virginia, he was sentenced on May 4, 2006, to life in prison.

⁵⁰ According to USMS officials, investigations of threats involving the federal judiciary are referred to as "protective investigations," although the USM-7 project code refers to them as "threat investigations."

⁵¹ Established in February 2005, the mission of the OPI is to provide the USMS with aggressive and proactive protective investigation analyses. The OPI collects, analyzes, and disseminates information about groups, individuals, and activities that pose a potential threat to persons and property protected by the USMS.

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Additionally, according to the USMS data, approximately 1 of the 24 FTEs reflected work performed by USMS headquarters personnel.

When discussing the results of our analysis with an OPI official, he stated that he believes the amount of work in this area must have been underreported by USMS personnel. According to this official, the OPI had approximately five employees working solely on protective investigation matters during FY 2005. He further remarked that each district assigns its personnel to protective investigations based on what district management deems appropriate, and that some districts have specific squads detailed to this duty.

Despite the OPI official's belief that the figures were underreported, it is conceivable that only 24 FTEs in the entire USMS worked on judicial threats during FY 2005. According to several USMS district office representatives, personnel have not been able to devote as much time to protective investigations as needed because they often have to assist with other court-related duties. For example, a USMS official from [SENSITIVE INFORMATION REDACTED] commented that the caseload of [SENSITIVE INFORMATION REDACTED] addressing protective investigations ranged from 10 to 45 cases each. [SENSITIVE INFORMATION REDACTED]

Subsequent to the completion of our analysis, we obtained updated FTE data for the USMS's FY 2006 activities related to protective investigations. We found that the number of USMS personnel addressing protective investigations only marginally increased from 24 FTEs in FY 2005 to 28 FTEs in FY 2006.

Based on our review, we found a great deal of uncertainty in the amount of work the USMS is performing in the area of protective investigations. We believe that the USMS should examine the use of its resources in this area and determine if the appropriate level of effort is being expended.

We also identified a backlog with headquarters' review of potential threats. To assist in assessing risk and to help prioritize work, USMS headquarters is responsible for reviewing information related to each

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potential threat and assigning a threat-level rating.⁵² This rating is reflected in the WIN system. During our review of threat-related data in the WIN system, we identified 211 FY 2005 records with a rating of "0." According to the USMS, this is the default value recorded until the analysis is completed. The 211 unrated records as of October 2006 represent 23 percent of the 922 total potential threats recorded in FY 2005.

When we presented information on the missing mosaic ratings to a senior analyst assigned to the OPI, which is the unit responsible for identifying the ratings, the analyst stated that the office is continually short-staffed and that the unit is simply not able to review every potential threat in a timely manner. While the unit was aware that a backlog existed, the senior analyst expressed surprise at the extent of the backlog that we identified and stated that it would be helpful if the unit performed analyses similar to ours. When we subsequently analyzed FY 2006 threat-related casework data, we noted a similar backlog with USMS headquarters' review of potential threats. Specifically, we found that 766 (or 73 percent) of the 1,052 total potential threats recorded in FY 2006 had not been assigned a mosaic rating as of March 2007. However, at the conclusion of our audit, a USMS official informed us that the agency had resolved the entire backlog as of March 2007.⁵³

In addition, during our review, we identified a delay from the dates some potential threats were reported to USMS district offices and the dates that the district offices entered them into the WIN. The recording delays dated back to FY 1994, although the majority of the delays were 1 fiscal year in duration. The following table exhibits these delays.

⁵² During our review period, the USMS used a rating system referred to as the mosaic rating. This rating system applied an algorithmic formula to answers for 31 multiple-choice questions. While this tool was used to assist in addressing protective investigations, the USMS stated that it did not imply that inappropriate communications with low or moderate threat levels were not handled. Instead, the USMS remarked that all inappropriate communications are to be investigated and assessed commensurate with the threat level.

⁵³ According to the USMS, it was not necessary to perform mosaic analyses on these cases in order to resolve them because the cases had already been closed by district offices without requests from district offices to the OPI for further analysis. Additionally, utilizing personnel to perform analyses on cases that had been determined by district offices to not be credible would be an inefficient use of resources.

EXHIBIT 3-6
PRIOR FISCAL YEAR POTENTIAL THREATS
RECORDED IN FISCAL YEARS 2005 OR 2006

Recorded in FY 2005		Recorded in FY 2006	
Fiscal Year Threat was Reported	Number of Threats	Fiscal Year Threat was Reported	Number of Threats
FY 1994	0	FY 1994	1
FY 1995	0	FY 1995	1
FY 1996	1	FY 1996	1
FY 1997	1	FY 1997	1
FY 1998	0	FY 1998	4
FY 1999	0	FY 1999	0
FY 2000	1	FY 2000	1
FY 2001	1	FY 2001	1
FY 2002	3	FY 2002	0
FY 2003	1	FY 2003	1
FY 2004	20	FY 2004	1
FY 2005	N/A	FY 2005	40
TOTAL	28	TOTAL	52

Source: OIG analysis of USMS threat-related data.

The OPI offered two possible reasons for the delays noted in the preceding exhibit. Prior to FY 2005, both USMS district personnel and members of the federal judiciary did not fully understand what constituted potential threats and what the responsibilities were for addressing them. To remedy this, the USMS provided several training sessions on protective investigations to its personnel in FYs 2005 and 2006. Upon completion of this training, USMS district personnel reviewed dated materials and entered previously unreported potential threats into the WIN. Additionally, the OPI speculated that data entry errors made by USMS district personnel contributed to these delays. Specifically, one common error occurred when USMS district personnel entered the same person as both the victim and the source of the potential threat. In order to correct this problem, each record in error had to be deleted and re-entered into the data system, thus reflecting a more recent date of entry. According to the OPI, changes to the WIN have been made that now prevent this data entry error.

Fugitive Apprehension

According to USM-7 data, the USMS had 664 operational FTEs addressing fugitive apprehension matters during FY 2000, which increased to 981 operational FTEs during FY 2005 – an increase of 317 FTEs, or 48 percent. This significant increase in FTEs performing fugitive-related

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work is consistent with the increase we identified in the USMS's fugitive warrant workload. We found that the total number of fugitive warrants received by the USMS had increased by 45 percent from FY 2000 to FY 2005. Similarly, the USMS closed 60 percent more warrants in FY 2005 than in FY 2000.

In contrast to the perceived correlation between the significant increase in FTEs addressing fugitive-related matters and the increase in fugitive warrant workload, several individuals from the district offices we reviewed had contradictory viewpoints on the USMS's fugitive apprehension efforts. With the exception of [SENSITIVE INFORMATION REDACTED], personnel from each of the district offices we visited informed us that their fugitive apprehension activity had suffered during the past few years. Additionally, many of these district offices were not able to devote as many deputies to conduct fugitive apprehension work in FY 2005 as they had in FY 2000 even though their fugitive warrant workload had increased during this time. Instead, they commented that deputies often were pulled from fugitive investigations to assist with myriad court-related duties, causing a backlog on fugitive-related matters. USMS officials from [SENSITIVE INFORMATION REDACTED] also commented that they had encountered a backlog with their fugitive warrant workload due to a reduction in administrative personnel that caused deputies to perform administrative duties rather than conducting fugitive investigations.

This discrepancy between statements of USMS personnel and our review of empirical data again raises the question of whether work hours are being recorded accurately and if the USMS truly knows how its resources are being used. Exhibit 3-7 identifies the resource utilization changes of operational personnel performing fugitive-related work within the seven district offices where we conducted fieldwork. As shown, the Central District of California and Southern District of Florida had more deputies involved in fugitive-related matters during FY 2005 than during FY 2000, which is contradictory to statements made by officials at these districts.

EXHIBIT 3-7
USMS OPERATIONAL UTILIZATION ON FUGITIVE WARRANTS
FISCAL YEARS 2000 AND 2005⁵⁴

District Office	FY 2000 FTEs	FY 2005 FTEs	Change in Number	Change in Percent
Central District of California	18	25	7	39%
D.C. Superior Court	19	18	-1	-5%
District of Rhode Island	3	5	2	67%
Northern District of Illinois	15	11	-4	-27%
Southern District of Florida	19	22	3	16%
Southern District of New York	21	17	-4	-19%
Western District of Texas	20	49	29	145%

Source: OIG analysis of USM-7 data

We reviewed the changes in fugitive warrant workload within these district offices to determine if there was any correlation between the change in FTEs addressing fugitive-related matters and the change in fugitive warrants closed. Exhibit 3-8 presents information on fugitive warrants closed. In all instances, a district office that experienced an increase in the number of FTEs addressing fugitive investigations also had an increase in the number of warrants closed. Likewise, one district office (D.C. Superior Court) that used fewer operational FTEs during FY 2005 than during FY 2000 on fugitive-related matters closed fewer fugitive warrants over this same period of time. However, there were some exceptions, namely in the Northern District of Illinois and the Southern District of New York. The USM-7 data indicated that each of these district offices utilized four fewer FTEs on fugitive matters in FY 2005 than in FY 2000. In contrast, the number of warrants closed in these districts increased between FYs 2000 and 2005.

⁵⁴ Between FYs 2002 through 2003, the USMS established Regional Fugitive Task Forces covering four of the seven district offices listed in this exhibit – Central District of California, D.C. Superior Court, Northern District of Illinois, and Southern District of New York.

EXHIBIT 3-8
USMS FUGITIVE WARRANTS CLOSED
FISCAL YEARS 2000 AND 2005

District Office	FY 2000	FY 2005	Change in Number	Change in Percent
Central District of California	1,684	2,879	1,195	71%
D.C. Superior Court	3,295	2,044	-1,251	-38%
District of Rhode Island	283	342	59	21%
Northern District of Illinois	936	3,985	3,049	326%
Southern District of Florida	2,472	3,168	696	28%
Southern District of New York	1,699	1,881	182	11%
Western District of Texas	4,548	6,129	1,581	35%

Source: OIG analysis of WIN data

We believe that these inconsistencies illustrate that periodic reviews of resource utilization and workload statistics can provide USMS management with valuable information. For instance, as discussed USMS data indicated that the Southern District of New York utilized fewer operational FTEs on fugitive investigations during FY 2005 as compared to FY 2000, yet the USMS data also revealed that it had closed a significant number of fugitive warrants during this timeframe. Assuming that these figures are accurate, the Southern District of New York could be using a “best practice” technique to efficiently and effectively address its fugitive apprehension work.

Contract Guard Utilization

According to USMS directives, district offices may procure contract guards to perform certain activities, including securing and processing federal prisoners in the cellblock, courtroom, and during transportation; securing and transporting federal prisoners to and from medical appointments or hospitalization; and securing federally seized or forfeited property. However, these directives also state that contract guards are prohibited from conducting certain activities such as any type of investigation or personal security detail.⁵⁵

As shown in the following exhibit, we determined that some contract guards had recorded time on activities that they were prohibited from

⁵⁵ Contract guards involved with the Justice Prisoner and Alien Transportation Service (JPATS) may be an exception during prisoner movements involving international extraditions or witness security details. The JPATS, which is managed by the USMS, transports prisoners and aliens in federal custody within the United States and overseas using primarily air transportation. The JPATS serves not only the USMS, but also the Federal Bureau of Prisons (BOP) and the Immigration and Customs Enforcement (ICE) agency of the Department of Homeland Security (DHS).

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performing.⁵⁶ For example, the USM-7 data file indicated that contract guards worked on federal felony and non-felony warrants, 15 most wanted and major cases, terrorist investigations, and protective investigations. Similarly, we identified several instances in which contract guards had recorded time to protective details of, among others, three district court judges, Supreme Court Justices, and the Deputy Attorney General, as well as for judicial conferences and U.S. Attorneys' conferences. In total, we computed that during our review period the USMS's potential use of contract guards for restricted duties ranged from 22 to 43 FTEs.⁵⁷

**EXHIBIT 3-9
USMS CONTRACT GUARD FTEs POTENTIALLY NOT UTILIZED
IN ACCORDANCE WITH USMS DIRECTIVES
FISCAL YEARS 2000 THROUGH 2005**

Decision Unit	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Judicial & Courthouse Security	14	14	18	24	21	24
Fugitive Apprehension	6	3	5	3	17	7
Prisoner Security & Transportation	0	0	0	0	0	0
Protection of Witnesses	1	1	1	2	4	1
Operations Support	0	0	1	0	0	4
Other	<u>12</u>	<u>4</u>	<u>4</u>	<u>2</u>	<u>1</u>	<u>2</u>
Total	33	22	29	31	43	38

Source: OIG analysis of USM-7 data

We discussed this issue with each of the headquarters unit Assistant Directors. These USMS officials did not know if contractors had *performed* restricted duties or had simply *recorded their time* to project codes associated with prohibited activities. Most expressed surprise and stated that contract guards should not be used on these types of activities and none had ever received a request from a district to use these resources in this manner. However, they offered possible explanations as to why this might have occurred. For instance, the Assistant Directors suggested that a district may have used contract guards as drivers during protective details since these individuals, who are often off-duty police officers, are most familiar with the local area.

⁵⁶ As noted in Chapter 2, guards hired as independent contractors are the only contract personnel who record their time in the USM-7. Therefore, we could not review the activities of those guards procured through national vendor contracts.

⁵⁷ We used a conservative approach for determining the number of contract guard FTEs that were not potentially used in accordance with USMS policy. The specific meaning of some project codes was not evident, and an accurate determination could not be made if they should be considered allowable or restricted duties. In these instances, we treated these project codes as being permissible.

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Another common explanation provided by USMS officials for the time reporting of contract guards related to a USMS effort to track costs incurred on special assignments. They explained that contract guards are often hired in the districts to backfill positions left vacant when an operational employee is temporarily assigned to special tasks. The contractor records his work hours to the project code linked with the funding provided to the district for the special task, and because the financial and timekeeping systems are related, the result is that the contractor's time is associated with the work performed by the individual whose position has been backfilled.

Despite these possibilities, the USMS could not verify that these contract guards were being used in accordance with USMS directives. Moreover, the Assistant Directors remarked that a U.S. Marshal may have granted approval, unbeknownst to headquarters, to allow contract guards to address these activities.

When recording time, personnel should use the project code associated with the task being performed by them, not someone else. This would help the USMS to accurately determine its resource utilization. A USMS official explained that the USMS plans to expand the use of another data field in its timekeeping system to identify the actual activity personnel are performing. We believe that USMS management should regularly review the utilization of contract guards in order to ensure that they are performing in accordance with USMS policy.

Familiarity with USMS Data Systems

During our fieldwork, we found that the manipulation and interpretation of information in the USMS's automated data systems is limited to a very small number of staff at USMS headquarters. As a result, only one or two individuals from each program area were intimately familiar with the workload-related operational data systems, as well as how the districts utilized them. For example, the USMS has one headquarters-based individual who serves as the liaison with the district offices regarding the PTS. However, this individual was detailed on a temporary duty assignment for approximately 1 month during our review, and no one else was capable of fully answering our questions regarding the content and usage of the data system.

Further, we attempted to verify results of our data analyses with program officials. The program officials directed us to a single individual within the Management and Budget Division where, we were told, this individual is responsible for extracting, manipulating, and reporting all

workload-related data that is reflected in the USMS budgets. However, despite preparing the performance and workload-related reports, this official was unable to provide explanations about changes in USMS resource utilization and workload and referred us back to the program officials. We believe that the USMS should have an adequate number of staff familiar with the data systems, both to ensure continuity in the assessment of the USMS workload, as well as a contingency in the event the person who knows the system is not able to perform his or her duties.

Chapter Summary

We found that although the USMS uses several information technology systems to track resource utilization and activities by specific workload areas, it does not allocate resources to district offices in this manner. Further, USMS officials do not routinely review overall resource utilization reports related to the activities and personnel for which they are responsible. As a result, the USMS cannot definitively determine if its resources are being appropriately used in line with its varying priorities and responsibilities, nor can it ascertain how efficiently it is achieving its organizational objectives.

We believe that the USMS should frequently review resource utilization data to identify, and thereby address, any inconsistencies. For example, although the USMS stated that investigating judicial threats is a high priority and indicated the workload was rising and significant resources were being expended, USMS data indicates that only 24 operational FTEs were utilized in this area in FY 2005. By contrast, 981 operational FTEs were used on fugitive apprehension. Routine monitoring and evaluation of its workforce would also help ensure that personnel are being appropriately assigned to handle the priority areas of the agency. Moreover, these reviews, when examined in conjunction with workload statistics, can assist management in identifying any best practices or potential areas of improvement in the efficiency of the USMS.

Recommendations

We recommend that the USMS:

7. Require that resource utilization reports be generated and reviewed regularly by USMS management to ensure USMS resources are being utilized as intended. Particular attention should be paid to the area of protective investigations.
8. Ensure that there is an adequate number of staff familiar with the data systems to allow for continuity in the assessment of the USMS workload.

CHAPTER 4: PAY COMPENSATION AND CAREER PROGRESSION

The USMS uses several different types of operational employees to accomplish the various functions assigned to the agency. During our discussions with USMS operational personnel throughout FY 2006, many individuals noted their dissatisfaction with their career progression opportunities and pay compensation. In September 2006, the USMS made revisions to the career progression system for its operational workforce. We believe the USMS should closely monitor the implementation of this new system to ensure it is put into action as designed and serves the needs of the USMS and its workforce.

Three-Tiered Workforce

In FY 2000, the USMS established a three-tiered workforce model for its operational employees. According to a USMS headquarters official, the USMS took this action to more appropriately match employee skill and pay levels with job tasks after officials recognized that the USMS frequently utilized highly trained deputies to perform less complex court-related duties, including prisoner detention and transportation. This three-tiered workforce consists of Detention Enforcement Officers (DEO), Deputy U.S. Marshals (DUSM), and Criminal Investigator Deputy U.S. Marshals (CIDUSM), with each position having a tailored scope of duties.

As shown in Exhibit 4-1, the duties of these positions become successively broader and more complex. For example, Detention Enforcement Officer responsibilities consist primarily of processing and transporting prisoners. However, Deputy U.S. Marshals supervise prisoners during court proceedings and assist Criminal Investigator Deputy U.S. Marshals with more complex investigative duties. Further, CIDUSMs focus their efforts on investigative duties, including surveillance, protective assignments, threats endangering the judicial process, and protection of witnesses. Finally, each position may perform the duties of the lower tier. For example, Deputy U.S. Marshals may perform Detention Enforcement Officer duties and Criminal Investigator Deputy U.S. Marshals may perform Deputy U.S. Marshal and Detention Enforcement Officer assignments.

EXHIBIT 4-1
PRIMARY USMS OPERATIONAL POSITIONS

Criminal Investigator (CIDUSM) - GS-1811-5/12

Primary responsibilities:

- planning and conducting investigations
- obtaining and executing search warrants
- planning and maintaining surveillance
- developing and utilizing informants
- preparing investigative reports
- planning and performing protective assignments

Deputy U.S. Marshal (DUSM) GS-082-5/11

Primary responsibilities:

- producing prisoners in court
- maintaining custody of the prisoners throughout court proceedings
- planning and providing security for trials, judges, and arraignments
- gathering intelligence and developing security plans to ensure courtroom security
- planning and executing court orders for seizures
- executing civil process

Under the supervision of a criminal investigator, DUSMs may:

- *assist* in planning and making arrests
- *assist* in conducting protective detail assignments

Detention Enforcement Officer (DEO) - GS-1802-5/7

Primary responsibilities:

- processing and transporting prisoners
- conducting prisoner searches
- controlling access to and maintaining order within the detention areas
- obtaining prisoners' personal history
- preparing transportation documentation

Source: USMS

Career Progression

According to a senior USMS headquarters official, since 2003, most of the USMS's new CIDUSMs came from the DUSM ranks.⁵⁸ Since the inception of the three-tiered workforce model through September 2006, in order for DUSMs to become CIDUSMs, they had to compete for available CIDUSM positions through a formal application process. To be eligible for a CIDUSM position, applicants were required to have at least 1 year of experience as a DUSM and have a performance rating of "acceptable." Additionally, in applying for a CIDUSM position, DUSM applicants had to submit a written description of their experience performing or assisting with various USMS activities, including prisoner transportation, court security, fugitive investigations, and protective details.

During our audit, several district representatives, including U.S. Marshals, expressed concern with the three-tiered structure as it existed from FYs 2000 through 2006. Many district representatives described to us two common issues regarding compensation and career advancement that they believed created tension among operational personnel and contributed to low morale among DUSMs. Both concerns were voiced repeatedly throughout our audit, indicating the need for these areas to be reviewed for possible improvement.

The first common concern was the disparity in pay between the DUSM and CIDUSM positions.⁵⁹ The predominant criticism expressed was that the actual duties performed by DUSMs and CIDUSMs did not differ significantly enough to require a distinction between the two positions. DUSMs stated that, as a result, they often performed the same duties as CIDUSMs, albeit for less pay.

The other concern commonly expressed was that DUSMs often were unable to gain the experience necessary to be eligible for a CIDUSM position. Due to the high demands of the courts in several of the districts that we visited, DUSMs in these districts were spending most of their time handling prisoner transportation and court security. As a result, these DUSMs often

⁵⁸ According to USMS headquarters officials, DEOs have the opportunity to apply for available DUSM positions. However, most DUSM positions were not filled from the DEO ranks, but rather from outside the USMS. DEOs are hired at the district level, while DUSMs are hired through a centralized process.

⁵⁹ CIDUSMs receive law enforcement availability pay, which is a type of premium pay that is paid to federal law enforcement officers who are criminal investigators. Due to the nature of their work, criminal investigators are required to work, or be available to work, substantial amounts of "unscheduled duty," which is compensated by the premium pay rate.

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did not perform work in other mission areas, including fugitive investigations and protective details.

In September 2006, in an effort to create a highly flexible workforce capable of responding to the full range of mission requirements, the USMS implemented a new directive permitting each DUSM that meets certain requirements to non-competitively convert to a CIDUSM position. According to the USMS, this directive is also designed to: (1) ensure that successful participants have the requisite knowledge, skill, and ability to carry out CIDUSM duties; and (2) support the USMS's efforts to attract and retain a workforce capable of meeting the demands presented by the USMS's varying mission activities.

In our opinion, this recently adopted conversion program can help alleviate the problems expressed by many of the district representatives we interviewed. However, this program was only recently implemented, and we believe that the USMS must closely monitor its implementation to ensure it meets the needs of the USMS and its workforce.

Compensation

During our fieldwork, several USMS operational personnel expressed dissatisfaction with the GS-12 journeyman level of CIDUSMs. According to these individuals, criminal investigators at other DOJ components, namely the FBI and DEA, attain journeyman status at the GS-13 level. The CIDUSMs believed that their duties were comparable to those performed by criminal investigators at these other agencies and thus should be afforded equivalent journeyman level status.

The Office of Personnel Management (OPM) formally issues all position classification standards that provide grading criteria for positions classified under the General Schedule Classification System. Although OPM provides a framework, it is ultimately the responsibility of each agency to properly classify its positions. We were informed by a USMS official within the Human Resources Division that the USMS has reviewed the journeyman level status of its criminal investigators and determined that these positions were appropriately graded at the GS-12 level. However, the USMS Director informed us that he intends to reassess the classification of the USMS's criminal investigators.

Chapter Summary

The USMS established a three-tiered workforce model for its primary operational employees in FY 2000. However, during our audit several

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district representatives expressed concern with this structure as it existed from FYs 2000 through 2006.

At the end of FY 2006, the USMS implemented a new policy that changed the process for converting from a DUSM to a CIDUSM. According to the USMS, this new guideline was designed to create a more highly qualified workforce capable of responding to all mission activities. In our opinion, this new policy can help to alleviate some of the concerns of USMS district personnel regarding the career progression of the agency's operational workforce. However, because establishment of this new career path is a relatively recent occurrence, the USMS should ensure that it maintains proper oversight of the implementation of this policy to ensure that it accomplishes the purposes for which it was designed.

CHAPTER 5: USMS TRAINING

We reviewed the steps that the USMS has taken to ensure its operational employees are provided sufficient training to accomplish the organization's mission. We concluded that the USMS generally provides adequate training to its operational employees during their initial basic training. However, a backlog exists for the initial training of DEOs.⁶⁰ In addition, although a training framework and curriculum are in place for continued employee development, we determined that training for USMS operational employees after the initial training was sporadic and inadequate. Many USMS officials remarked that the inadequate amount of training was primarily caused by budget shortages. However, we believe that the USMS can more effectively manage its training budget for continued employee development.

Planning and Implementation of Training Programs

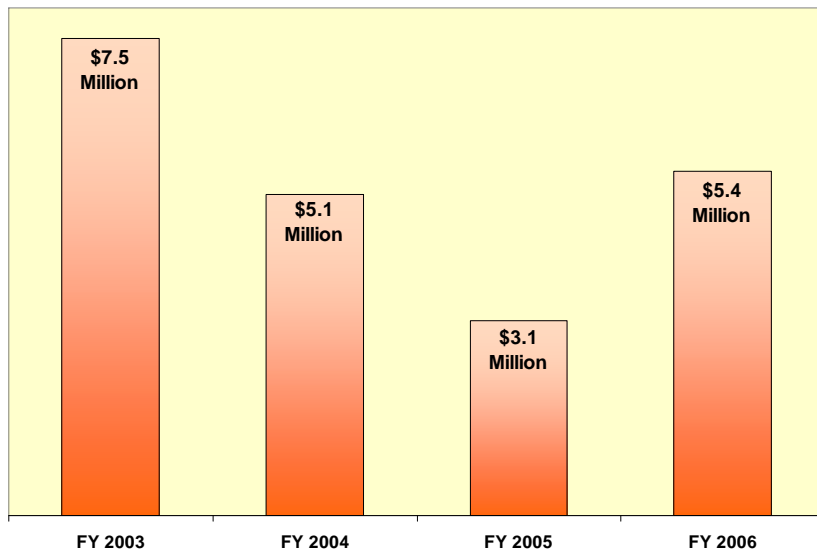
The USMS has developed a framework for its employees' basic and continuing educational needs. U.S. Marshals, Assistant Directors, and Training Academy officials share responsibility for the implementation of various USMS training programs. According to USMS directives regarding in-district training and annual retraining, office management is responsible for assessing employee training needs, identifying appropriate training opportunities and providers of training, and ensuring that all employees comply with annual training requirements. The USMS Training Academy, located at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, is responsible for all aspects of training conducted at the Academy, including the development of course content, scheduling class sessions, and administering courses.⁶¹

The amount of funds budgeted for training matters has fluctuated since FY 2003, as illustrated in Exhibit 5-1. A senior official from the USMS Training Academy noted that FY 2003 was a "banner" year in which a sizeable amount of funds were allocated for training to accommodate a hiring push of DUSMs. This official stated that he would prefer more stable funding amounts so the Training Academy could more effectively plan for its activities.

⁶⁰ A USMS official explained that the backlog for DEO initial training would be eliminated upon completion of the USMS's upcoming DEO Basic Training Course, which the USMS plans to conduct in the fourth quarter of FY 2007.

⁶¹ FLETC serves as an interagency law enforcement training facility for over 80 federal agencies, including the USMS.

EXHIBIT 5-1
USMS ALLOCATED TRAINING FUNDS
FISCAL YEARS 2003 THROUGH 2006



Source: USMS Training Academy

Since FY 2003, the USMS Training Academy has managed the USMS's training budget. Using these funds, the USMS provides basic and continued development courses at the USMS Training Academy. Additionally, these funds can be used to obtain training from external sources.

Basic Academy Training

To assess the adequacy of the initial basic training provided to operational employees, we interviewed Academy officials, trainees, and district representatives. Additionally, we reviewed course evaluations prepared by students attending the basic programs conducted during FYs 2004 and 2005, as well as examined the courses and schedules for each of the basic training programs. Based upon our review, we believe that the USMS has generally provided adequate basic training to its operational employees. However, we identified some concerns with the DEO Basic Training Program and the CIDUSM basic training program as it existed until September 2006.

Detention Enforcement Officers

According to the USMS Training Manual, all DEOs must successfully complete the DEO Basic Training Program.⁶² The course is a 4-week program at the Academy that involves classroom presentations, practical exercises, and firearms training. The course is also intended to provide an orientation to USMS policies and procedures and a comprehensive curriculum in the administrative and operational areas of prisoner handling and prisoner movement. According to one USMS Training Academy official, the USMS routinely plans for one 24-person DEO Basic Training Program per fiscal year.⁶³

As part of our review, we analyzed course evaluations prepared by 2004 and 2005 attendees of the 4-week DEO Basic Training Program. Although the attendees offered many suggestions for improvement, generally their evaluations were positive and suggested that the program had adequately prepared them for their duties as DEOs.

However, during the course of our audit, we were informed by a senior USMS Training Academy official that newly hired DEOs can experience significant delays before attending the DEO basic training course. Specifically, this official stated that delays may be encountered due to the scheduling of the basic training program, which is typically conducted once each fiscal year in the fourth quarter. As a result, a DEO hired at the end of a fiscal year may be required to attend the course at the end of the following fiscal year. In addition, if a class is full or cancelled, a DEO may be delayed from attending this training for up to 2 years, depending on the date of hire.⁶⁴

To mitigate delays in basic training for DEOs, in October 2004 the USMS developed an in-district training module to ensure that new DEOs are oriented to the essential functions of the DEO position after they are hired. Although the in-district training module provides some training to the DEOs, it is not designed to replace the DEO Basic Training Program, which all DEOs are required to attend before they can work independently.

⁶² An exception to this rule may be granted if a current DEO from another agency is offered a DEO position with the USMS and a waiver is granted by the Chief of the Training Academy.

⁶³ Between FYs 2000 and 2005, the USMS on average hired fewer than 40 DEOs per year.

⁶⁴ According to the USMS, the minimum class size is 18 students and the maximum is 24 students.

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During our fieldwork, we were not able to determine the overall backlog of DEOs in need of the 4-week DEO Basic Training Program because the USMS did not maintain centralized records that adequately supported training activities.⁶⁵ However, at the conclusion of our audit, the USMS provided us with a listing of DEOs who had not yet attended the DEO Basic Training Program. Regardless, we believe that the USMS should regularly monitor any existing backlog and explore additional methods for providing basic DEO training to appropriate individuals.

Deputy U.S. Marshals

Prior to FY 2007, all DUSM candidates were required to complete a two-phase basic training curriculum before taking on the duties of the position and being assigned to a district office. A DUSM candidate was first required to successfully complete the U.S. Marshals Service Integrated (USMSI) Training Program, which was instructed jointly by the USMS and FLETC. According to the USMS, the USMSI Training Program (Phase I) was an 8-week program intended to be an in-depth study of the law enforcement and administrative concepts that DUSMs must possess, including court security, the handling of prisoners, and personal protection.

Upon successful completion of Phase I, DUSM candidates were required to complete the DUSM Agency-Specific Follow-On Training Program (Phase II). Phase II was a 3-week training program that was intended to serve as an enhancement to the broad topics initiated in the USMSI. The objective of the training program was to provide instruction on matters directly related to the USMS's core mission of judicial security. According to the USMS, the program was also designed to emphasize hands-on training and provide new deputies with the knowledge and skills necessary to equip them for high-threat trials and prisoner handling.

Most USMS district personnel and trainees with whom we spoke stated that basic DUSM instruction was high-quality training. Specifically, several district supervisory personnel believed that the DUSMs were well-prepared to assume their duties upon exiting the Academy. This positive feedback mirrored the information provided by the trainees in the written post-training evaluations that we reviewed, which suggested that basic DUSM instruction left them feeling well-prepared and confident.

Criminal Investigator Deputy U.S. Marshals

Prior to FY 2007, all DUSMs selected for CIDUSM positions were required to successfully complete a three-part CIDUSM training program

⁶⁵ The USMS's inadequate training records are further discussed on page 54.

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before assuming the duties of the position. The first training phase was a 1-day Abbreviated Pre-Basic Training Program consisting of physical fitness testing and various law enforcement and administrative matters. Upon completion of the 1-day orientation, candidates attended FLETC's 11-week Criminal Investigator Training Program (CITP). This course covered subjects such as interviewing techniques, undercover operations, warrant execution, tactical training, firearms precision shooting, and emergency response driving. Upon the successful completion of the CITP, candidates moved on to the final 5-day phase, the Abbreviated Basic Deputy U.S. Marshal Criminal Investigator Training Program. The program focused on fugitive, background, and protective investigation techniques, as well as numerous practical exercises involving warrant investigations.

We observed a CIDUSM course in session and spoke with approximately 40 trainees regarding the quality of the training. Most of these trainees noted that much of the CIDUSM basic training was already covered in the DUSM basic training program, which they attended earlier in their careers. These individuals generally found this repetition to be inefficient and a waste of resources. In addition to the trainees, Training Academy officials recognized that much of the criminal investigator basic training program was repetitive.

In September 2006, the USMS revised its basic training programs for DUSMs and CIDUSMs, which addressed the repetitive training issue. As a result, DUSMs hired after this date are no longer required to return to the Academy for the criminal investigator training before converting to the CIDUSM level. Instead, this training is now integrated into the basic training program for newly hired DUSMs. This step should eliminate for newly hired DUSMs the apparent inefficient use of resources that resulted from the repetitive training.

Continuing Employee Training

Unlike their satisfaction with basic training, a large number of USMS district employees we interviewed during our audit, including managers and supervisors, expressed dissatisfaction or concern with the employee training opportunities that occur after completing required basic training. The following sections articulate the issues we identified in distinct employee development areas.

Three-year Development Program

Prior to September 2006, USMS directives required all new CIDUSMs to complete a 3-year developmental program, which was designed to ensure that these employees were exposed to a wide range of operational duties

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and developmental assignments, including fugitive investigations, prisoner handling, and protective details. During this period, a Field Training Officer (FTO), assigned by district management, was to supervise and evaluate the newly appointed CIDUSM. Additionally, each new CIDUSM was required to fulfill minimum time requirements in each operational program area.

While USMS directives stipulated a developmental program for new CIDUSMs, there was no equivalent program in place for new DUSMs to complete in their first, post-basic training assignments. Additionally, although the USMS had basic guidelines for the FTO program that required district officials to ensure that FTOs receive training to introduce them to the program, the USMS did not have a formal training program to ensure that USMS personnel selected to serve as FTOs were trained to be effective instructors or leaders.

The USMS's September 2006 revision of its training program also affected the USMS's 3-year developmental program. The program, which must now be completed by all newly hired DUSMs after they complete basic training, is also now a pre-requisite for advancement to a CIDUSM position. We believe this change will result in a more highly trained DUSM workforce because it will be provided with the opportunity to obtain experience in each of the USMS's mission areas. However, we believe that the USMS should consider developing a formal training program for FTOs to ensure that appropriate training is provided in a consistent fashion by qualified USMS personnel.

Advanced Training

In 1993, the USMS implemented a follow-up training course for its CIDUSM workforce referred to as Advanced Deputy Refresher Training, which was designed to reinforce the skills and broaden the knowledge of journeyman CIDUSMs. Although this training is to be completed by CIDUSMs after 5 years in this position and then every 3 years thereafter, the USMS conducted no advanced deputy training sessions during FYs 2003 and 2004, and only two sessions in FY 2005. Additionally, we were informed by many CIDUSMs that this training requirement was often not being met within the specified timeframes. For example, some CIDUSMs remarked that they had only attended one course during their tenure as a CIDUSM, which in some cases had been at least 9 to 10 years.⁶⁶

⁶⁶ We attempted to analyze empirical data to determine if USMS personnel attended advanced deputy refresher training in a timely manner. We were unable to conduct such an analysis because the USMS did not maintain adequate documentation of the training provided or received. This is further discussed on page 54.

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In general, the operational employees with whom we spoke were concerned about their lack of on-going training opportunities. Several operational personnel in the district offices we visited voiced specific concern about the lack of advanced firearms training, which is a component of the advanced deputy training. According to the advanced training curriculum, several sessions involve real-world shooting situations, such as advanced weapons proficiency, tactical shooting, reduced light firing, defensive drills with handguns, handling of weapons during building entries and room-to-room searches, and proper use of cover while firing weapons. This lack of training is detrimental to the professional development and safety of CIDUSMs, and we believe that CIDUSMs should periodically receive updates to their basic training.

In addition to the concerns about delayed Advanced Deputy Refresher Training, many district personnel commented about the lack of training opportunities from other sources. These employees stated that in order to receive any on-going training to further their development, they had to seek out hard-to-find free training or sometimes pay for the training themselves and take leave to attend.

Supervisory and Management Development

The USMS has developed formal training for its supervisory employees and senior managers. According to the USMS Training Manual, the *Introduction to Management and Leadership (IML)* course for new supervisors is intended to provide them the necessary information and tools to be effective in their new positions. For senior managers, the USMS offers a two-part training program, which focuses on ethical decision-making, conflict resolution, and leadership.

Very few of the supervisors that we interviewed had attended the IML course. We interviewed several supervisors who had been in their positions for 2 to 3 years without the benefit of the IML or any other supervisory or managerial training.

Detention Enforcement Officer Development

Although the USMS currently has a formal on-going training program for its DUSM and CIDUSM workforce, no such opportunities exist for the DEO workforce. In our opinion, the USMS should develop a formal, post-basic training plan for DEOs in order to ensure that its DEO workforce is adequately trained and kept abreast of new developments in law enforcement.

Management of Training Funds

As shown in Exhibit 5-2, the USMS’s training budget has fluctuated since FY 2003. In addition, we found that over this same time period the USMS had training funds that were not expended prior to making end-of-year purchases for items, such as ammunition and vehicles.⁶⁷ After accounting for these purchases, the USMS continued to record a surplus in training funds, which was returned to the USMS general fund in each of these fiscal years.

**EXHIBIT 5-2
USMS TRAINING BUDGET RECAP
FYs 2003 THROUGH 2006**

<u>FY</u>	<u>Allocation</u>	<u>Expenditures</u> ⁶⁸	<u>Balance</u>	<u>End-of-Year Purchases</u>	<u>Overall Surplus</u>
2003	\$7,515,631	\$6,667,491	\$848,140	\$623,640	\$224,500
2004	\$5,058,087	\$4,705,965	\$352,122	\$168,302	\$183,820
2005	\$3,075,550	\$2,964,073	\$111,477	\$85,852	\$25,625
2006	\$5,432,467	\$5,078,636	\$353,831	\$312,524	\$41,307

Source: OIG analysis of USMS Training Academy data

Many of the employees who mentioned a lack of training opportunities attributed this condition to a lack of training funds. For example, both headquarters and district office personnel stated that the Advanced Deputy Training course was frequently canceled due to lack of funding. Exhibit 5-3 details the number of Advanced Deputy Training courses scheduled and conducted from FYs 2000 through 2005, as well as the average number of participants per class during each fiscal year.

⁶⁷ According to a USMS Training Academy official, these end-of-year purchases may include items purchased to support the Training Academy’s response support mission. According to this official, Training Academy personnel and trainees are deployed during national emergencies, such as the September 11, 2001, terrorist attacks, and Hurricane Katrina. This requires that the Academy maintain supplies on-hand that it may need to provide an immediate response to future emergencies. The USMS official further stated that end-of-year purchases may include costs related to the Academy’s administration of the USMS’s firearms, less-than-lethal, and body armor programs.

⁶⁸ This column includes those costs incurred by the USMS for Academy class expenditures, operating expenses, FLETC charges, and external training courses.

EXHIBIT 5-3
OVERVIEW OF USMS ADVANCED DEPUTY TRAINING COURSES

Fiscal Year	Number of Courses Scheduled	Number of Courses Conducted	Average Number of Participants per Class
2000	7	7	41
2001	7	5	45
2002	7	5	43
2003	8	7	35
2004	7	3	31
2005	6	1	40

Source: USMS Training Academy

Although we recognize that it may be impossible for the USMS to use its entire training budget in each fiscal year, these significant end-of-year purchases and surpluses suggest that the training funds could be managed more effectively. Considering the numerous statements made to us by USMS employees indicating a need for continued training, the USMS should ensure that allocated training funds are being utilized to their greatest extent.

A USMS headquarters official spoke to this issue at the conclusion of our audit and commented that when budgeting for classes, the Academy projects for a worst-case scenario. Therefore, if the cost for classes is lower than projected, the Academy will have additional funds remaining at the end of a fiscal year. Further, this official noted that it generally is not until near the end of the fiscal year that the Academy is able to adequately determine the amount of remaining funds. While we understand that the Training Academy cannot predict the amount of surplus training funds in any given fiscal year, we believe that the USMS could improve its planning so that these training funds are used to provide additional training, either external or internal, for its operational personnel.

Inadequate Training Records

During our review of the USMS’s training efforts, we noted that the USMS lacked a comprehensive automated system for recording and tracking its employees’ training. To comply with our request for accurate information related to the advanced deputy course completion, USMS Training Academy officials manually reviewed hard-copy documents such as course rosters. In gathering the data, USMS officials identified significant amounts of missing, erroneous, and inconsistent information. Ultimately, we could not use the data provided because it was not reliable.

The lack of an automated system has reduced the USMS's ability to assess its training needs. We discussed this issue with USMS headquarters and Training Academy officials, who agreed that the agency needs a training management system and stated that they have included provisions for an automated training system in their recent budget submissions. However, funding for this item was not approved by DOJ officials. According to the USMS officials, DOJ is exploring the procurement of a single training data information system for use by all DOJ components. However, in the interim we believe that there are low-cost methods of maintaining this information, such as a spreadsheet or database, in a centralized manner in the absence of a DOJ-wide system.

Chapter Summary

We found that the USMS generally provided adequate instruction to its operational workforce during its basic training classes. In contrast, we determined that the continued employee development of its operational workforce was sporadic and inadequate. For example, the Advanced Deputy Refresher Training was to be completed by CIDUSMs after 5 years in this position and then every 3 years thereafter. However, the USMS conducted very few sessions during FYs 2004 and 2005. Moreover, many CIDUSMs who we interviewed stated that this training was not being provided within the specified timeframes. Additionally, the USMS established formalized training for its supervisory positions, but we interviewed several USMS personnel who had been supervisors for 2 to 3 years but had not received any such training.

The majority of the employees who cited a lack of training opportunities attributed this condition to a lack of training funds. We noted that the amount of funds budgeted for training between FY 2003 and FY 2006 has fluctuated greatly. However, we also found that for FY 2003 through FY 2006, the USMS Training Academy was left with a surplus in training funds at the end of the fiscal year that was returned to the USMS general fund.

Recommendations

We recommend that the USMS:

9. Develop a formalized training program for USMS operational personnel selected to be Field Training Officers to ensure that they have adequate knowledge, skills, and abilities to instruct new staff.

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10. Ensure that CIDUSMs attend the Advanced Deputy Training course within the timeframes prescribed by the USMS.
11. Ensure that newly appointed USMS supervisors attend USMS supervisory training within a reasonable period of time following their promotion.
12. Establish a procedure to periodically review the training of DEOs to identify and rectify any backlog of untrained DEOs exists.
13. Establish a continuing education program for DEOs.
14. Ensure that training funds are effectively managed and that significant surpluses are avoided.
15. Follow up with DOJ on its plans for establishing a department-wide system to record employee training. At the same time, consider developing an interim centralized system to track the training for each USMS employee.

APPENDIX I: OBJECTIVES, SCOPE, AND METHODOLOGY

Audit Objectives

Our audit objectives include determining whether the USMS: (1) adequately designed, tested, and implemented a workforce management plan that sufficiently assesses its human resources and capacity requirements based on current and expected work loads by function; (2) evaluates, monitors, and corrects, if necessary, its personnel utilization to ensure it directs appropriate resources to its highest priorities and achieves its organizational objectives; (3) has sufficiently addressed pay compensation, including job-grade and career progression; and (4) has provided adequate and appropriate training to its operational employees.

Scope and Methodology

We performed our audit in accordance with the *Government Auditing Standards* and included such tests of the records and procedures that we considered necessary to accomplish the audit objectives. We performed testing of the USMS's compliance with certain internal controls in the accomplishment of our audit objectives and include discussion on such in Chapters 2 through 5 of our report. The objectives of our audit did not require that we perform testing of the USMS's compliance with laws and regulations.

To accomplish our objectives, we interviewed officials at USMS headquarters and district offices, and reviewed empirical resource utilization and workload data.

Interviews

Much of our work centered on interviews with USMS officials at various levels within the organization, which were conducted at the headquarters and district office levels. Additionally, we interviewed DOJ Justice Management Division (JMD) officials involved with budget and human resource matters. These interviews, as well as documentation obtained during the interviews, provided perspective on the resource-related issues covered by our audit objectives. In total, we interviewed 186 USMS and DOJ officials.

Of these interviews, 50 were conducted with USMS personnel at its headquarters in Arlington, Virginia, and the Federal Law Enforcement Training Center in Glynco, Georgia. Specifically, we spoke with the USMS Director and Deputy Director, USMS Training Academy officials, as well as Assistant

Directors and other staff in several headquarters divisions, including the Investigative Services Division, Judicial Security Division, and Witness Security and Prisoner Operations Division. We also met with the Acting Assistant Attorney General for Administration, as well as JMD budget and human resources representatives.

Further, we conducted fieldwork at seven USMS district offices to obtain the district-level perspective on various issues pertaining to USMS human resources. During fieldwork, we interviewed 119 district representatives, including U.S. Marshals, Chief Deputy U.S. Marshals, deputies, and administrative staff. Following is a list of the USMS district offices visited:

- Central District of California
- Western District of Texas
- Northern District of Illinois
- District of Rhode Island
- Southern District of New York
- D.C. Superior Court
- Southern District of Florida

During our fieldwork at the seven district offices, we met with 13 USMS representatives on the Regional Fugitive Task Forces, which were located in the same jurisdictional area. Specifically, we interviewed USMS officials from the Capital Area Regional Fugitive Task Force, Great Lakes Regional Fugitive Task Force, New York / New Jersey Regional Fugitive Task Force, and Pacific Southwest Regional Fugitive Task Force.

Utilization and Workload Data

To assist in accomplishing the audit's objectives, we analyzed data provided by the USMS. Specifically, we conducted analyses of USMS data on its resource allocation, resource utilization, and casework. We requested data from the Administrative Office of the U.S. Courts (AOUSC) to provide more insight on the USMS's court-related workload. However, the AOUSC was unwilling to provide us with this information.

To examine the USMS's human resource utilization, we examined data from the USMS's USM-7 system – a module of its payroll system – for the period October 1, 1999, through September 30, 2005. The USM-7 contains work-hour data for all USMS employees, as well as for personal services contract guards. To examine the types and quantity of work addressed by the USMS during this same time period, we analyzed data from the USMS's Warrant Information Network (WIN) and Prisoner Tracking System (PTS).

Data Analysis

We performed analyses of USMS resource allocation, resource utilization, and casework data to identify trends and note significant changes in the USMS's operations from FY 2000 to FY 2005. In total, this data amounted to 12,884,978 records. As noted in the body of the report, we identified several concerns with the accuracy and reliability of the data contained within the USMS's automated systems. While we believe that these issues affect the analyses we performed, we believe that the overall results presented have utility for looking at the USMS as a whole to get a basic understanding of the agency's resource utilization and workload. We did not perform an independent, overall assessment of the reliability of the data in the USMS's automated systems.

USMS Human Resources

We conducted analyses of USMS positions (authorized or allocated levels) and full-time equivalent (resource utilization) data.

Allocated Resource Levels

We used the USMS's position data established by the Management and Budget Division to analyze the allocation of USMS resources. We obtained operational and administrative allocations for each fiscal year, for both USMS district offices and headquarters divisions for FYs 2000 through 2005. The USMS does not allocate district resources to specific mission activities, such as fugitive apprehension or judicial security. We reviewed these resource allocation levels, focusing on changes occurring between FYs 2000 and 2005. The total position data amounted to 2,034 records.

Resource Utilization Levels

USMS employees and personal services contract guards (also known as District Security Officers) record their time on the USM-7 every 2 weeks. When completing the USM-7, USMS personnel record the number of hours worked (tracked to 0.25 hours) to project codes that are attributed to the type of function or duty being performed. For example, for any 8-hour day, a Deputy might record that he worked 4 hours apprehending fugitives, 2 hours producing prisoners for court, and 2 hours in annual leave status. The USM-7 data is only as valid as the information reported by USMS personnel. However, the USMS considers the USM-7 system's data to be the best way to assess the actual amount worked by USMS employees and independent contractors in specific mission areas.

The USM-7 data run was provided in a text file, which we imported into a database file. The data run contained 7,981,715 records, each containing information within 19 different fields. Following is a listing of the fields used as part of our analyses:

<u>Field Name</u>	<u>Field Description</u>
• <i>SSN_Name</i>	Name of Employee/Contractor
• <i>Pay_period</i>	Two-digit designation of pay period
• <i>FY</i>	Identifier of fiscal year to which record applies
• <i>Fund</i>	Fund code identifying the appropriation to which a record is associated
• <i>Organization</i>	Alphanumeric designation for district office or headquarters unit
• <i>Object</i>	Object class code indicating accounting classification
• <i>Project</i>	Project code
• <i>Hours</i>	Hours spent on a particular activity
• <i>Trans_code</i>	Code indicating type of pay (e.g., regular, overtime)
• <i>Program_code</i>	USMS mission activity
• <i>Admin_ops_flag</i>	Alpha identification of personnel type (operational or administrative)

We elected to analyze resource utilization data by fiscal year. To do this, we totaled the hours for all pay periods within each fiscal year for each program and project code. Next, we divided this total by 2,087 hours to obtain the average number of personnel working on a particular program or project code in a given fiscal year. This computation provided us with the reported number of full-time equivalents (FTE) involved in the USMS's various mission activities. For example, if three deputies within a particular district office each spent one-third of their time (approximately 696 hours) on fugitive apprehension within a given fiscal year, the resource utilization for that district office (for fugitive apprehension during that fiscal year) would be equal to one operational FTE.

USMS Casework

The USMS uses many systems for tracking or measuring its casework. In particular, we focused on analyzing data contained in the USMS's Prisoner Tracking System (PTS) and Warrant Information Network (WIN).

Fugitive Warrants

For our analyses of the USMS's fugitive warrant casework, we received a data file from the WIN system, and focused on warrants received from FYs 2000 through 2005. We also reviewed warrants closed during this same time period. The data run was provided in a text file and imported into a database file containing 843,944 records, separated into the following fields used for our analyses:

<u>Field Name</u>	<u>Field Description</u>
• <i>Fid</i>	Unique fugitive identifier
• <i>War_num</i>	Warrant number
• <i>War_type</i>	Type of warrant
• <i>Mcflag</i>	Category of warrant
• <i>Origof</i>	Original offense
• <i>Ofense</i>	Offense code
• <i>Status</i>	Status of the warrant
• <i>Dist</i>	Two-digit designation for office owning the warrant
• <i>Arr_dist</i>	Three-digit designation for the arresting office
• <i>Dow</i>	Date warrant was issued (yyyy-mm-dd format)
• <i>Receiv</i>	Date warrant was received by the USMS (yyyy-mm-dd format)
• <i>Doc</i>	Date warrant was closed (yyyy-mm-dd format)
• <i>Execcd</i>	Warrant execution code (reason warrant was closed)

We confined our analysis to the data we obtained from the WIN system, and did not review individual case files to examine the actual level of effort expended on a single warrant. Thus, if a case was open during a particular timeframe, we considered it to be worked during that period.

Case Openings – The number of warrants received in a given period of time demonstrates the fugitive warrant workload that the USMS was handling. In order to conduct such an evaluation, we first organized the cases according to the fiscal years in which they were received by all USMS district offices. Then, we analyzed the difference in warrants received between FYs 2000 and 2005 by warrant type and warrant category. This analysis afforded perspective on the changes in the USMS’s level of investigative effort among various types and categories of warrants. However, it should be noted that the USMS has very little control over the type or category of warrants it is given. Instead, the USMS’s fugitive workload heavily depends on the warrants issued by the federal courts.

Case Closings – Similar to our case openings analysis, the number of warrants cleared in a given period of time demonstrates the types of cases handled or completed by the USMS. For this analysis, we first organized the cases according to the fiscal years in which they were closed by each district office. Then, we analyzed the difference in warrants cleared between FYs 2000 and 2005 by warrant type, warrant category, and reason for closure.

Prisoner Transportation

For our analyses of the USMS’s prisoner-related casework, we received a data file from the USMS’s PTS, and focused on prisoner movements conducted during FYs 2000 through 2005. Additionally, we reviewed the

level of prisoners moved by the USMS during this same period of time. We confined our casework analysis to the data we obtained from the PTS, and did not review individual case files to determine the actual level of effort expended on a single prisoner or prisoner movement. The data run was provided in a text file and imported into a database file containing 4,047,450 records, separated into the following fields:

<u>Field Name</u>	<u>Field Description</u>
• <i>Ps_pris</i>	Unique prisoner identifier
• <i>Ps_key</i>	Unique prisoner movement identifier
• <i>District_num</i>	Two-digit designation for district office performing prisoner movement
• <i>Ps_office</i>	Identifier of location within district office moving the prisoners (i.e., main office or sub-office)
• <i>Ps_date</i>	Date prisoner was transported (mm/dd/yyyy format)
• <i>Ps_time</i>	Time prisoner was transported (hh:mm format)
• <i>Ps_dest</i>	Location of where prisoner is to appear
• <i>Ps_reason</i>	Reason for the prisoner movement
• <i>Ps_sched_type</i>	Unique identifier for the type of prisoner schedule
• <i>Ps_fclty</i>	Unique identifier of the prisoner's facility of incarceration

Prisoner Movements – The number of prisoner movements conducted in a given period of time demonstrates one facet of the USMS's prisoner-related workload. In order to conduct such an evaluation, we first organized the prisoner movements according to the fiscal years in which they were conducted for each USMS district office. Then, we analyzed the difference in prisoner movements conducted between FYs 2000 and 2005 by the USMS's production codes, i.e., the reason for transporting a prisoner. This analysis afforded perspective on the changes in the USMS's level of prisoner-related casework. However, it should be noted that there are other variables that influence the number of prisoner movements, including the federal judicial system's court proceedings and the investigative efforts of other law enforcement agencies.

Prisoners Handled – Besides determining changes in the number of prisoner movements, we also reviewed the changes in the number of prisoners handled by the USMS. Specifically, we focused on prisoners whom the USMS would handle on a given day involving the transportation of a prisoner from one location to another. For example, it could involve transporting a prisoner from a correctional facility to the courthouse for an initial appearance, or transporting a prisoner from a correctional facility to a hospital for medical care.

We focused on identifying the number of unique prisoners handled during any particular day. In other words, the same prisoner could be transported multiple times during the same day, such as appearing for a

bond hearing at a courthouse and then going to a hospital for medical treatment. In these instances, we only wanted to count that the USMS handled that prisoner once during that particular day. To perform this analysis, we had to create a unique field. Specifically, we combined the USMS's prisoner identification field with the prisoner production (or transportation) date. An example of the resulting value would be 101 10/11/2002, which means that the prisoner with an identification number of 101 was transported on October 11, 2002. From this resulting value, we were able to identify those instances in which the same prisoners were transported multiple times during the same day. We excluded any such records from our analyses.

Moreover, there were several instances in which the USMS used a prisoner identification value of "0." According to USMS officials, this value indicates that there was not a USMS number for these prisoners. Further, this value may refer to the same prisoner, or it could be associated with different prisoners. Since there was no readily available way to determine if these records applied to the same prisoner, we excluded all records with such a prisoner identification value.

In order to complete our evaluation, we organized the values within our created field according to the fiscal years in which the prisoners were handled by the USMS within each district office. Then, we analyzed the difference in the number of prisoners handled between FYs 2000 and 2005. This analysis afforded another perspective on the changes in the USMS's level of prisoner-related casework. Again, it should be noted that there are other variables that influence the number of prisoners handled or transported by the USMS.

Potential Threats

For our analyses of the USMS's threat-related casework, we received a data file from the USMS's WIN system, and focused on potential threats tracked during FYs 2000 through 2005. We performed our casework analysis on the data we obtained from the WIN system, but did not review individual case files to determine the actual level of effort expended on a single potential threat. The data run was provided in a text file and imported into a database file containing 9,835 records, separated into the following fields that were used for our analyses:

<u>Field Name</u>	<u>Field Description</u>
• <i>Fid</i>	Unique subject identifier
• <i>Reported date</i>	Date potential threat was reported to the USMS (mm/dd/yyyy format)
• <i>Method char</i>	Method of delivery
• <i>Residency char</i>	Information on the subject's residency
• <i>Motive char</i>	Reason for the potential threat
• <i>Mosaic r smallint</i>	Mosaic rating
• <i>Mosaic iq smallint</i>	Mosaic information quotient
• <i>War_num char</i>	Case number of the potential threat

In conducting our evaluation of the USMS's casework with potential threats, we first organized the records according to the fiscal years in which the USMS was notified of the potential threat. Then, we analyzed the difference in potential threats received between FYs 2000 and 2005 by method of delivery, residency information, and the perceived threat level.

FY 2006 Update of Threat-Related Data

Subsequent to our analyses of FYs 2000 through 2005 threat-related data, we obtained and performed similar analyses on resource utilization and casework data from FY 2006. For our resource utilization analysis, we received a USM-7 data file, which contained 32,229 records associated with protective investigations. For our analysis of the USMS's threat-related casework, we received a data file from the USMS's WIN system containing 11,230 records and focused on those records reported to USMS district offices during FY 2006.

**APPENDIX II: USMS WORKFORCE
OFFICE AND POSITION TOTALS
AS OF SEPTEMBER 15, 2006**

USMS OFFICE	POSITIONS				Office Totals
	1802	082 ⁶⁹	1811	Other	
ALABAMA-MIDDLE					
ALABAMA-NORTHERN					
ALABAMA-SOUTHERN					
ALASKA					
ARIZONA					
ARKANSAS-EASTERN					
ARKANSAS-WESTERN					
CALIFORNIA-CENTRAL					
CALIFORNIA-EASTERN					
CALIFORNIA-NORTHERN					
CALIFORNIA-SOUTHERN					
COLORADO					
CONNECTICUT					
DELAWARE					
DISTRICT OF COLUMBIA					
FLORIDA-SOUTHERN					
FLORIDA-MIDDLE					
FLORIDA-NORTHERN					
GEORGIA-MIDDLE					
GEORGIA-NORTHERN					
GEORGIA-SOUTHERN					
GUAM					
HAWAII					
IDAHO					
ILLINOIS-CENTRAL					
ILLINOIS-NORTHERN					
ILLINOIS-SOUTHERN					
INDIANA-NORTHERN					
INDIANA-SOUTHERN					

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⁶⁹ The 082 position totals include U.S. Marshals.

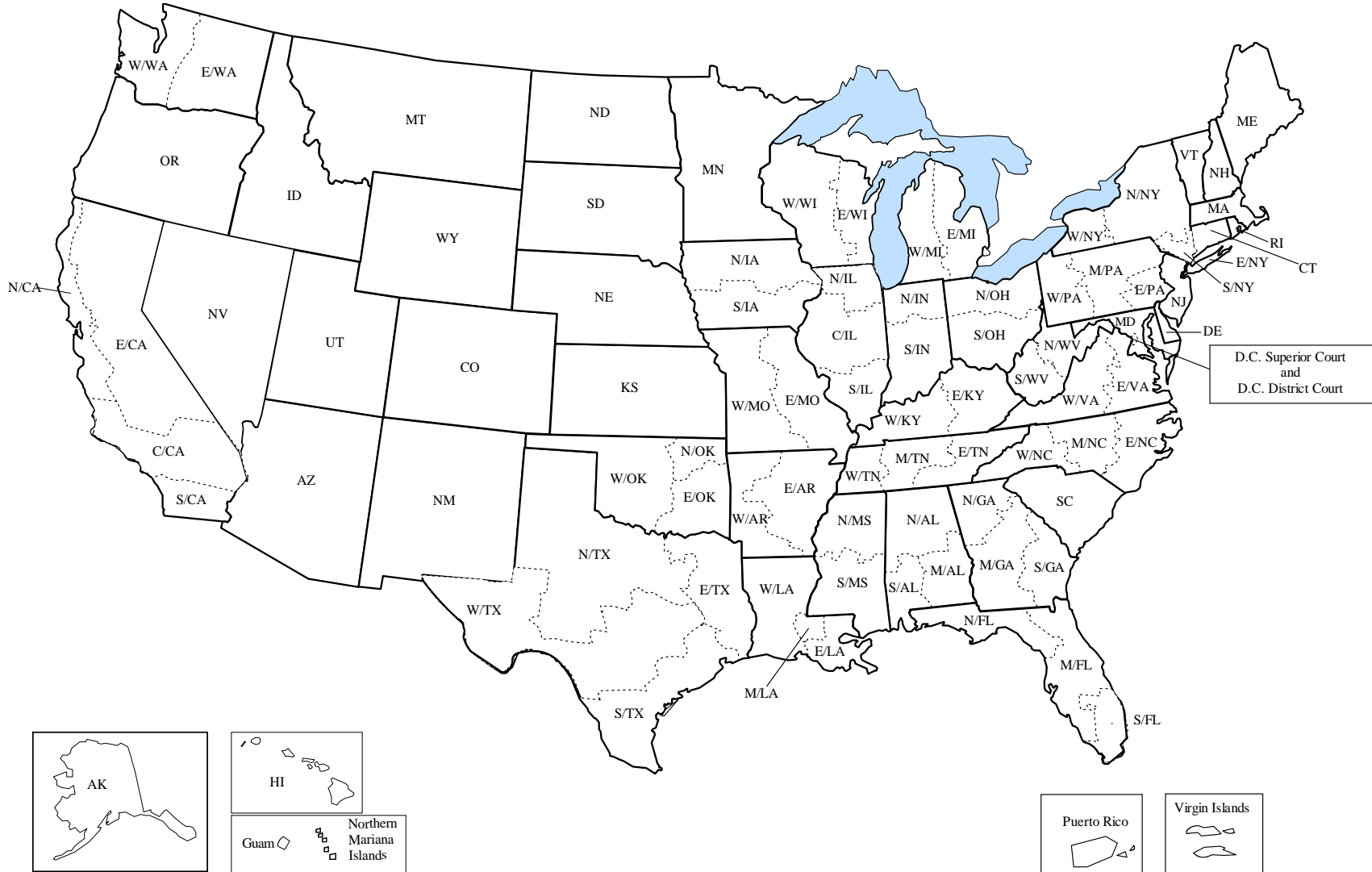
USMS OFFICE	POSITIONS				Office Totals
	1802	082	1811	Other	
IOWA-NORTHERN					
IOWA-SOUTHERN					
KANSAS					
KENTUCKY-EASTERN					
KENTUCKY-WESTERN					
LOUISIANA-EASTERN					
LOUISIANA-MIDDLE					
LOUISIANA-WESTERN					
MAINE					
MARYLAND					
MASSACHUSETTS					
MICHIGAN-EASTERN					
MICHIGAN-WESTERN					
MINNESOTA					
MISSISSIPPI-NORTHERN					
MISSISSIPPI-SOUTHERN					
MISSOURI-EASTERN					
MISSOURI-WESTERN					
MONTANA					
NEBRASKA					
NEVADA					
NEW HAMPSHIRE					
NEW JERSEY					
NEW MEXICO					
NEW YORK-EASTERN					
NEW YORK-NORTHERN					
NEW YORK-SOUTHERN					
NEW YORK-WESTERN					
NORTH CAROLINA-EASTERN					
NORTH CAROLINA-MIDDLE					
NORTH CAROLINA-WESTERN					
NORTH DAKOTA					
OHIO-NORTHERN					
OHIO-SOUTHERN					
OKLAHOMA-EASTERN					
OKLAHOMA-NORTHERN					

SENSITIVE

INFORMATION

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APPENDIX III: MAP OF USMS DISTRICT OFFICES



Source: OIG

APPENDIX IV: PRIOR REPORTS

Between FYs 2000 and 2006, the OIG conducted nine audits of USMS programs that included various aspects related to this audit. The following is a summary of each report.

USMS Financial Statement Audit

In February 2006, the OIG issued its report on the FY 2005 financial statement audit of the USMS.⁷⁰ While the USMS received an unqualified opinion on its financial statements, the auditors identified four reportable conditions, three of which were material weaknesses. The first material weakness related to the overall internal control environment, including needed improvements in the control environment, risk assessment, control activities, information and communication, and monitoring of control activities and financial transactions. The report also noted a material weakness related to the management and recording of property. The third material weakness identified deficiencies in the information system's general and application control environments and recommended improvements in the areas of segregation of duties, system software, and access controls. Furthermore, the report identified a reportable condition related to compliance issues that may have a significant affect on the USMS's internal controls with regard to the Prompt Payment Act (PPA), the Improper Payments Information Act, and the Federal Managers' Financial Integrity Act. Finally, in addition to the compliance issues discussed above, the auditors reported that the USMS's financial management systems did not substantially comply with the requirements of the Federal Financial Management Improvement Act (FFMIA).

In January 2007, the OIG issued its report on the FY 2006 financial statement audit of the USMS, which also resulted in an unqualified opinion.⁷¹ However, significant improvements were made in internal controls that resulted in the reduction of the number of reportable conditions from four to two. The FY 2006 reportable conditions, both of which were material weaknesses, identified the need for improvements regarding: (1) financial statement quality control and (2) information system general and application controls. The auditors also concluded that the USMS had repeat findings with the PPA and the FFMIA.

⁷⁰ Department of Justice, Office of the Inspector General. *United States Marshals Service Annual Financial Statement Fiscal Year 2005*, Audit Report 06-09, February 2006.

⁷¹ Department of Justice, Office of the Inspector General. *United States Marshals Service Annual Financial Statement Fiscal Year 2006*, Audit Report 07-14, January 2007.

USMS's Apprehension of Violent Fugitives

In July 2005, the OIG issued a report on the USMS's effort to apprehend violent fugitives.⁷² The OIG reported that the USMS has realized an increase in the overall number of violent fugitive apprehensions as well as an increase in the number of apprehensions of violent fugitives per staff. However, despite an increased emphasis on the apprehension of violent fugitives and the establishment of Regional Fugitive Task Forces (RFTF), the proportion of apprehensions that involved violent fugitives did not change significantly over the period of review. The USMS attributed the increase in the number of violent federal fugitives to an increased number of federal task forces that generated more fugitives. Moreover, the OIG found that the USMS investigated more federal fugitives referred from other federal agencies and that state and local law enforcement agencies requested more assistance from the USMS in the apprehension of fugitives. In addition, the OIG found that the USMS had not fully shifted its focus to violent fugitive investigations and was accepting less than high-priority cases from state and local entities. Finally, despite the RFTF's apparent efficiency and effectiveness, U.S. Marshals in the districts were reluctant to assign both staff and violent fugitive cases to the RFTF. The U.S. Marshals who were interviewed cited the following reasons for not assigning staff and cases: (1) the RFTFs are not under the U.S. Marshal's control, (2) the assignment of the more complex cases to the RFTF's might possibly deny district deputies the opportunity to develop the needed investigative skills, and (3) the negative effect on morale resulting from the perception that the district Deputy U.S. Marshals were incapable of conducting the more complex investigations.

USMS's Use of Contract Guards

In May 2005, the OIG released a report on the USMS's use of independent contractors as guards.⁷³ The OIG reported that, based on workload statistics, the USMS heavily relies on independent contractors on a daily basis for prisoner handling activities within district offices – sometimes accounting for more than 50 percent of the total hours charged for prisoner handling activities. The report stated that the USMS district offices were not adhering to formal procurement guidelines and were not maintaining complete files on the guards used. In addition, the review identified

⁷² Department of Justice, Office of the Inspector General. *Review of the United States Marshals Service Apprehension of Violent Fugitives*, Report I-2005-008, July 2005.

⁷³ Department of Justice, Office of the Inspector General. *United States Marshals Service's Use of Independent Contractor as Guards*, Audit Report 05-24, May 2005.

significant internal control weakness related to the hiring, qualifications, fitness for duty, and training of the guards. The OIG made seven recommendations, including ensuring that procurement procedures are followed, requiring contracting officers to maintain complete files, improving the training program, and exploring alternative methods for obtaining guard services.

USMS's Administration of the Witness Security Program

In March 2005, the OIG released a report on the USMS's administration of the Witness Security Program (WITSEC).⁷⁴ The OIG expressed concerns that staffing levels are not adequate to manage increasing workload levels and warned that the quality of service provided to program participants could be adversely affected. In addition, the report identified that USMS WITSEC personnel were working a considerable amount of time on non-WITSEC protective details resulting in a significant drain on WITSEC resources. Further, the OIG noted that WITSEC inspector positions have a journeyman grade level of a GS-12, while other comparable specialist positions within the USMS are at a GS-13. As a result, morale among WITSEC inspectors was low.

USMS's Prisoner Tracking System

In August 2004, the OIG issued a report on the USMS's Prisoner Tracking System (PTS) that identified significant weaknesses relative to the management and control of the PTS and major deficiencies with data accuracy and completeness included in the PTS.⁷⁵ As of May 2006, the USMS had adequately addressed 17 of the 20 recommendations resulting in their closure.

USMS's Judicial Security Process

In March 2004, the OIG released a report on its review of the USMS's judicial security process.⁷⁶ The report found that, despite a greater emphasis being placed on judicial security since September 11, 2001, the USMS failed to assess the majority of reported threats against the judiciary

⁷⁴ Department of Justice, Office of the Inspector General. *United States Marshals Service Administration of the Witness Security Program*, Audit Report 05-10, March 2005.

⁷⁵ Department of Justice, Office of the Inspector General. *United States Marshals Service's Prisoner Tracking System*, Audit Report 04-29, August 2004.

⁷⁶ Department of Justice, Office of the Inspector General. *Review of the United States Marshals Service Judicial Security Process*, Report I-2004-004, March 2004.

in a timely manner. Further, the report cited that the USMS lacked an effective intelligence program designed to collect, analyze, and disseminate intelligence related to high-threat trials and threats to the judiciary. The OIG made 6 recommendations, including assigning full-time representatives to all of the FBI's Joint Terrorism Task Forces as well as ensuring effective liaison with other intelligence agencies, and creating a centralized capability to identify, collect, analyze, and share intelligence with the district offices.

USMS's Prisoner Medical Care Program

In February 2004, the OIG issued a report on the USMS's prisoner medical care program.⁷⁷ The USMS utilized contract guards to provide security during transportation to and from external medical treatments. The report found that the USMS did not adhere to the Federal Procurement Regulations or ensure that the contract guards had the requisite qualifications, background investigations, or adequate training. Finally, the OIG noted that the operation was ill-managed, creating an environment in which the USMS could not manage the risks inherent with transporting prisoners to and from off-site health care facilities.

USMS's Warrant Information Network

In November 2002, the OIG issued a report on the USMS's Warrant Information Network (WIN).⁷⁸ The audit revealed vulnerabilities in 16 of the 17 areas used to assess management, operational, and technical controls in information systems.

USMS's Court Security Officer Program

In August 2000, the OIG issued a report on the USMS's Court Security Officer (CSO) program.⁷⁹ The report indicated that the overwhelming majority of U.S. Marshals and chief judges who were surveyed were satisfied with the performance of the CSO program. However, there were concerns related to the centralized manner in which the program was run. In addition, the OIG noted that some U.S. Marshals expressed their belief that CSOs did not receive adequate training for the duties required of them.

⁷⁷ Department of Justice, Office of the Inspector General. *United States Marshals Service's Prisoner Medical Care*, Audit Report 04-14, February 2004.

⁷⁸ Department of Justice, Office of the Inspector General. *The United States Marshals Service's Warrant Information Network*, Audit Report 03-03, November 2002.

⁷⁹ Department of Justice, Office of the Inspector General. *U.S. Marshals Service Court Security Officer Program*, Audit Report 00-21, August 2000.

APPENDIX V: USMS MISSION ACTIVITIES

PROGRAM (OR MISSION) CODE	DESCRIPTION
CS	Court Security
DP	Information Technology
DS	Community Detention
EM	Emergency Operations
FW	Fugitive Warrants
HC	In Court with Prisoners
HD	Receipt/Process of Prisoners
HI	In District Movement
HM	JPATS Prisoner Movements
MA	Management & Administration
PR	Service of Process
SG	Special Operations
SJ	Judicial/Other Protection
SR	Judicial Protection without Prisoners
SX	Missile Escort
SZ	Seized Assets
TH	Threat Investigations
WS	Witness Security

Source: USMS

APPENDIX VI: UNITED STATES MARSHALS SERVICE
RESPONSE



U.S. Department of Justice


United States Marshals Service

Office of the Director

Washington, DC 20530-1000

June 8, 2007

MEMORANDUM FOR: CARYN A. MARSKE
ACTING ASSISTANT INSPECTOR GENERAL
FOR AUDIT

FROM: 
JOHN F. CLARK
DIRECTOR

SUBJECT: Draft Audit Report – The United States Marshals
Service's Workforce Planning and Management

My staff has reviewed the subject draft report. As requested, attached are the sensitivity review and our comments addressing the report and each of its recommendations.

If you have any questions or require further information, please contact Isabel Howell, USMS Audit Liaison, at (202) 307-9744.

Attachments

cc: Carol S. Taraszka
Regional Audit Manager
Denver Regional Audit Office, OIG

Richard P. Theis
DOJ Audit Liaison

Isabel Howell
USMS Audit Liaison

**United States Marshals Service Response to OIG Draft Report:
The United States Marshals Service’s Workforce Planning and Management**

Inasmuch as the body of the report supports the rationale for the recommendations, the USMS offers the following clarifications. Recommendations 1-15 are addressed individually beginning on Page 6.

Chapter 2

Strategic Planning Issues:

The OIG cites 1995 as the year quantitative models began being used in the USMS. Quantitative models were introduced in the USMS for the distribution of resources beginning in 1986 when multiple regression models were used to allocate resources. From 2003 to present, the District Staffing Model (formerly District Budget Model) has been used.

The Unit Performance Plans (UPP) are tools for organizational units to use to implement the Strategic Plan. Although they are not managed by the headquarters, the Management and Budget Division does review them, does communicate with organizational units about them, and continues to work with management to ensure that the measures are meaningful. The UPPs were first implemented after midyear of 2006, therefore they do not yet contain a full year of data, yet they have still been extremely useful in furthering the aims of the Strategic Plan objectives. Further, the USMS has convened two Strategic Advancement Forums (SAF) to implement and monitor the progress of the Strategic Plan objectives. These forums ensure that the objectives of the Strategic Plan are adequately conveyed, advanced, and monitored.

Workforce Management Planning:

District Budget and Workforce Equalization Models

The report states that the USMS adjusts District Budget Model (DBM) figures to incorporate future events; however, that is not the case. Future events are taken into account in resource planning, but they do not affect the DBM.

The OIG states that “the USMS Director suspended use of the DBM and the WEM in an attempt to ensure a more balanced approach to allocating human and financial resources.” The statement implies dissatisfaction with the models used, however, as a new director, Director Clark wanted to take a fresh look at the resource allocation methodology, and ensure that sufficient and objective district input and critical review be considered.

USM-7

The report states that the USM-7 is “the only source of empirical USMS resource utilization data.” It is more accurate to say that it is the only empirical source of employee time resources. There are numerous empirical sources of other types of resources such as:

1. Resources go beyond employee time. Funding utilization is closely monitored through STARS. FMS is also an empirical source of resource utilization data for both labor and non-labor resource expenditures. This information is also tracked by mission by project code and can be linked to employee time in the USM-7.
2. Mission specific databases such as WIN and PTS are also used to analyze resource utilization to address specific needs. For example, the number of warrants assigned per deputy, the number of deputies assigned to courtrooms on a given day, or the number of people assigned to RFTFs.

Program and Project Codes

The report states that the USM-7 “is designed so that each project code can be linked to a broader program code associated with a USMS mission area.” The OIG believes that the program codes “can be of value to the USMS in determining its resource utilization.” This is in keeping with the recommendation to reduce the number of codes used. The USMS recognizes the need for accuracy in time reporting and as such, identifies codes that are required to maintain our ability to track resource utilization. The USMS does not use “program” codes as defined by the OIG but instead captures USMS missions through project codes.

The report identifies that multiple project codes could be associated with similar codes. The reason that Special Assignments have specific codes, (i.e. Terrorist Trials, High Threat trials, Judicial Conferences and Protection details), is that although similar to “In Court with Prisoner and Judicial/Other Protection,” they are funded in a different manner and therefore require different codes for tracking purposes. Project Codes associated with Special Assignments are missions that cannot be accomplished with district resources, for which JSD has agreed to provide additional human and financial resources to the district. These codes are utilized for JSD to fund, coordinate and report these specialized missions. The project code “In Court with Prisoner and Judicial/Other Protection” is associated with missions funded by each district’s work plan with no additional support from HQ.

Contractor Utilization

The report implies that contractors perform a broad spectrum of duties. Contract employees are used in narrowly defined mission areas that are specified by contract and monitored by Contracting Officer’s Technical Representatives (COTR). All contractors

are paid from a funded project code, and these resources are therefore easily identifiable by mission.

Chapter 3

The report states that because district offices receive general allocations of operational and administrative positions, “the USMS cannot definitively determine if its resources are being used appropriately....” The USMS gives decentralized authority and responsibility to districts to manage their overall resources according to local needs in line with the Strategic Plan and the USMS Policy Directives. The understanding is that the local authorities know better than Headquarters what the daily needs may be, and will make the most efficient use of these resources. The USMS does track all workload, accomplishments, and time utilization data associated with these resources, and determines the achievement of organizational objectives as seen through its annual Financial Statements, Quarterly Status Reports, monthly data by program area, annual data reports, annual Budget Formulation Requests (containing performance data by strategic goal), and its annual Budget Execution Plans.

USMS Resource Utilization:

Footnote 38 states that each employee assigns time to 1,607 project codes. However, as noted earlier, no more than 250 codes are active in any given fiscal year.

Footnote 39 states that “Protection of the Judicial Process” is not one of the program codes. As noted earlier, the USMS does not make use of program codes as the OIG has identified them. Each project has its own code because often a project will impact more than one USMS mission area.

Threat Investigations

The report identifies the threat number for FY 2004 as 678. The correct threat number is 553. The OIG states that data reflects 24 FTE were utilized on protective investigations. The USMS does not dispute this statistical finding; however, we believe the data is underreported due to project code definitions, organizational changes and changes in USM-7 versions. The USMS has evaluated the hours of the inspectors and intelligence research specialists who were assigned to OPI from July 1, 2005 (when JSD/OPI assumed the responsibility for protective investigations from ISD/ASU) and found that their hours were not logged appropriately toward protective investigations, but to the overall JSD mission. This broad cataloging or characterization of captured FTE for OPI continued throughout much of 2006. However, despite the broad definition, it is common knowledge that those OPI FTE utilized in FY 2005 and 2006 were almost exclusively in furtherance of the protective investigations mission.

Protective Investigations

As stated earlier, the USMS believes the FTE in this area is underreported. However, the increase in Inappropriate Communications/Threats cannot be debated. The growth of the Office of Protective Intelligence should be noted in this area to reflect that the issue is being addressed. OPI had five personnel in 2005, increased to 15 in the latter half of 2006, and 20 in 2007.

The USMS concurs with the assessment from the "official" from C/CA. However, it should also be clearly noted that every case was reviewed immediately and an assessment of the level of threat to USMS protectees was made in every case. The USMS does not concur with the inference that attention was not given to every threat made against a USMS protectee.

On October 1, 2006, OPI identified all 1,190 "pending" cases that existed (all of which had received an initial investigative review). OPI aggressively worked with the districts independently to either provide meaningful investigative updates or to articulate why cases should be closed, for every single case. Of 1,190 "pending" cases, OPI found that approximately 690 of those cases were closed by the investigating/originating districts. OPI elected not to expend precious FTE conducting a MOSAIC analysis on those cases for which the investigator and district management in the field had already determined there was no legitimate threat to be analyzed. The remaining 500 cases received the MOSAIC analysis and the analysis was disseminated to the investigating/originating district to further their investigations. This process was completed as of March 2007. Those cases which OPI elected not to conduct a MOSAIC analysis on (closed cases) were documented in the JDIS/WIN system in the narrative portion as an "Admin Closure." This was completed on May 18, 2007. Therefore, as of May 18, 2007, OPI has no "pending" or "backlogged" cases requiring analysis.

It should be highlighted that the great majority of the prior year cases in exhibit 3-6 were in the last month of the year. It is touched on, but not adequately explained. If a district does not get the information pertaining to a threat immediately, and if the district does not report via JDIS/WIN immediately, there is a lag time that can cross over months. When the lag time is in the month of September into October, it will cross fiscal years. For example from exhibit 3-6, 20 of the 28 cases reported from prior fiscal years were from 2004. OPI researched the cases and determined that all 20 of those cases came from the month of September; thus, 8 cases of 953, or less than 1 percent, truly came from a prior fiscal year. The same can be said of FY 2006 when only 12 cases of 1,111 reported actually came from a prior fiscal year.

The OIG states that "...the OPI speculated that data entry errors...contributed to these delays." OPI actually proved this reasoning to be true. In approximately 11 cases in FY 2005 and 13 cases in FY 2006, this input error occurred. OIG accurately states that this problem has been identified by OPI and subsequently rectified by USMS ITS and as a result cannot occur today.

Fugitive Apprehension

The OIG states that data from 2000 to 2005 shows that the USMS had an increase in fugitive investigation workload by 45 percent and that the USMS responded with an increase of 48 percent of FTE's dedicated to working fugitive investigations. However, the OIG interviewed employees from seven different districts and because of anecdotal information received from some of those interviews, concluded that the USMS does not address its fugitive mission correctly by failing to assign sufficient FTE's to work fugitive cases, which contradicts the empirical data noted above. The anecdotal information is further contradicted by the data from the seven districts. In Exhibit 3-7, the OIG displayed data showing that four of the seven districts examined increased their operational utilization on fugitive warrants, and three decreased. During the exit conference, the USMS explained that three districts showing a decrease in the number of FTE's (based on USM-7 data) from 2000 to 2005 were D.C. Superior Court, the Northern District of Illinois and the Southern District of New York. The explanation for this is that congressionally funded Regional Fugitive Task Forces were established between 2000 and 2005 in each of these districts. Consequently, regional fugitive task forces take the bulk of the fugitive investigation workload from the districts, which in turn, will naturally be required to dedicate fewer FTE's to working fugitive investigations.

Contract Guard Utilization

The OIG reports that a small percentage of contract guards recorded their time in areas outside of USMS directives. To investigate this issue, the OIG discussed contract guard utilization with each Assistant Director. However, Assistant Directors are not intimately familiar with the duties of the contract guards or the mechanics of the payroll interface, and therefore are not the best resource in explaining why contract guards might charge time to projects outside of their normal activities.

The USMS believes it is unlikely that guards are being used inappropriately. For example, the report identifies contract guards performing protective details, DAG details, and Supreme Court protective missions. The USMS can assure the OIG that at no time do contract guards perform these duties. As indicated in the discussion of project codes, these are HQ missions that require assistance from the districts. HQ reimburses each district with guard hire for each Deputy Marshal assigned to these protective missions. The Project Code from Special Assignments must be utilized to track all expenses associated with that particular mission. The contract guard must utilize that project code so the district can be reimbursed. It should not be interpreted as the contract guard working the protective detail, but should be viewed as the guard performing authorized duties in the district for the Deputy that is assigned to the protective mission.

Contract guards charge time to the project under which they are being paid, regardless of the type of activity they are performing. It is necessary to the management of USMS resources and reimbursable agreements that they continue to do so. If the USMS receives resources designated for the fugitive mission, and a backfill guard who would be performing prisoner related work in lieu of the deputy is used to support that mission, it is

critical that they charge their time to the fugitive mission. Anything else would result in a misreporting of resource utilization.

Chapter 4

Footnote 58 references Detention Enforcement Officers (DEOs) as applicant sources for the Deputy U.S. Marshal (DUSM) positions but continues by stating "...most DUSM positions are not filled by DEO ranks, but rather from outside the USMS." This statement is accurate, not because DEOs are not viable candidates, but because there are fewer DEOs in the USMS than vacancies typically filled each year.

USMS Comments Regarding OIG Recommendations 1-15

Recommendation 1: Ensure that the USMS’s strategic plan efforts are improved through oversight of the Unit Performance Plan initiative and stronger promotion of the strategic plan by district management.

Response: Concur. The USMS will advance the goals of the strategic plan and the Unit Performance Plans through its recently established Strategic Advancement Forums. To better coordinate resources and measure performance, the Director recently (May 11, 2007) established the Financial Management Steering Committee, whose mission is to develop a Tactical Plan by leveraging the Unit Performance Plans, Strategic Advancement Forums, and periodic formal reviews.

Recommendation 2: Improve its time reporting system and ensure the integrity of system data by: (1) allowing for the tracking of time by the minimum number of project codes necessary; and (2) implementing an automated control to ensure that all records entered into the time reporting system contain an active project code.

Response: Concur. The USMS will use the fewest codes it believes it needs in order to meet multiple reporting requirements. Although the current DOJ time-recording system allows the use of invalid codes, the USMS’s payroll interface does not allow invalid codes to be processed into its reporting systems. The USMS will work with DOJ’s Justice Management Division to better identify its time-recording requirements and will explore the availability of third party time-recording systems that might better fulfill this role.

Recommendation 3: Ensure it has a reliable, standardized process of tracking, by activity, the time of contractors procured through national vendor contracts (other than CSOs). The process should enable the USMS to generate cumulative reports of such activity so that the USMS is able to determine the total number of resources it requires to accomplish its various mission activities.

Response: Concur. The USMS will develop a system to track the time of non-CSO contractors procured through national vendor accounts.

Recommendation 4: Implement adequate automated controls into the WIN to ensure that: (1) warrants that have valid warrant closing dates are in a closed status, and (2) fugitive warrants are assigned a proper execution code when closed.

Response: Concur. In response to section (1) of this recommendation, the OIG found 38 records out of nearly 844,000 where the WIN record had a valid warrant closure date, but the record was not in closed status. Currently, automated controls are in place within the WIN programming to help ensure that this does not occur. Unfortunately, automated controls do not prevent programming bugs and data transmission errors from producing

small percentages of data anomalies in any automated system. Therefore, in addition to automated controls, the USMS performs manual data reviews and employees are repeatedly reminded of the importance of WIN data accuracy. For example, in January 2007, the Assistant Director for Investigations formalized regional support to the USMS field offices through the Criminal Information Branch which routinely reviews district and task force WIN data for accuracy. Also, as announced in an April 2007 memorandum from the Deputy Director, the USMS will convene a data validation and compliance review workgroup.

In response to section (2) of this recommendation, the OIG found 113 warrant records with an execution code for non-fugitive warrant investigations. As noted during the exit conference, there was a small window of time when execution codes for non-fugitive cases were available for selection by users closing out warrant cases. When this was discovered, the programming was corrected so that now only warrant execution codes are available for fugitive cases and threat execution codes are available for threat investigation cases. Overall, the OIG's recommendation is based on a review of 844,000 records spanning years 2000 – 2005. In the report, the OIG comments that data inconsistencies could “affect the overall accuracy of the system” while also acknowledging that the data inconsistencies noted “accounted for less than 1 percent of the total number of records.” We agree that accuracy is paramount as demonstrated by our actual data accuracy and continued control efforts.

Recommendation 5: Perform regular reviews of PTS to ensure the accuracy of the information contained within this system.

Response: Concur. The USMS agrees with the OIG that regular reviews of information contained within our databases will help ensure data accuracy. In response to the OIG's review of the Prisoner Tracking System (PTS), the USMS implemented an error tracking program. Controls were also set up to stop erroneous data from entering the database. For the newest version of PTS, data from all the 94 separate databases will be combined and reviewed to ensure completeness and accuracy.

Recommendation 6: Review alternative options for assigning prisoner identification numbers within PTS to ensure that all prisoner movements are accurately tracked.

Response: Concur. The USMS is developing policy changes to strengthen tracking of prisoner movements and eliminate the use of “0” as a prisoner identifier. The WPD will work with MBD to ensure any analyses performed on this data include all records.

Recommendation 7: Require that resource utilization reports be generated and reviewed regularly by USMS management to ensure USMS resources are being utilized as intended. Particular attention should be paid to the area of protective investigations.

Response: Concur. The USMS will create regularly generated resource utilization reports for review by USMS management.

Recommendation 8: Ensure that there is an adequate number of staff familiar with the data systems to allow for continuity in the assessment of the USMS workload.

Response: Concur. The USMS will ensure that the number of staff familiar with its data systems is sufficient to adequately assess its workload.

Recommendation 9: Develop a formalized training program for USMS operational personnel selected to be Field Training Officers to ensure that they have adequate knowledge, skills and abilities to instruct new staff.

Response: Concur. Currently, USMS districts select FTO's with at least five years of criminal investigative experience based on experience, skill level and professionalism. These FTO's, selected by district managers, serve as mentors and assist new employees with completion of the deputy development program, either accelerated for converting 082 to 1811 DUSM's or the three year program for new hire DUSM's. Current policy requires the FTO responsibility be rotated among senior deputy marshals and should be based on their specific expertise. The Training Academy will develop an FTO training program deliverable via CBT so that we can continue to utilize the breadth and depth of experience that we possess in a variety of individuals who may be assigned as an FTO. The program will be in DVD/CD Rom format and provided to every district office for viewing by assigned FTO's.

Recommendation 10: Ensure that CIDUSMs attend the Advanced Deputy Training course within the timeframes prescribed by the USMS.

Response: Concur. The USMS will change the prescribed time frames for attendance at Advanced Deputy training to more accurately reflect the amount of time it will take to conduct this training for more than 3100 eligible operational employees. Additional Instructional FTE and funding would be required to conduct more than 10 Advanced Deputy Training Programs that will be conducted in fiscal year 2007.

Recommendation 11: Ensure that newly appointed USMS supervisors attend USMS Supervisory training within a reasonable period of time following their promotion.

Response: Concur. The USMS conducts two supervisory programs for supervisors, administrative officers and headquarters inspectors. Both the Introduction to Management and Leadership (IML) and Managing for Success (MFS) programs are one week in length and delivered to eligible employees. We are delivering a minimum of two each of these programs in Fiscal Year 2007. Additionally, the Training Academy is evaluating these programs this year through a committee composed of field managers to assess alternatives, supplements or enhancements to these programs. We are exploring additional external management training programs that we could schedule new supervisors into immediately after promotion to supervisor until the next USMS program (IML/MFS) is conducted.

Recommendation 12: Establish a procedure to periodically review the training of DEOs to identify and rectify any backlog of untrained DEOs that exists.

Response: Concur. The USMS will review quarterly at a minimum the roster of newly hired DEOs in consonance with HRD to ensure that they are formally trained during their first year of employment. The USMS currently has 17 DEOs requiring training who will attend the DEO training in August of 2007. Based on the current rate of hire for DEOs, the USMS is providing timely training. The Training Academy will also continue to evaluate a DEO's previous LEO training and grant waivers where appropriate. DEO hiring is decentralized and dependent upon JPATS or District hiring. It is inefficient to train handfuls of DEOs as they are hired and we lack the instructor resources to do so.

Recommendation 13: Establish a continuing education program for DEOs.

Response: Concur. The Training Academy, will formalize through correspondence with all USMS offices the opportunity for DEOs to attend advance training programs at the FLETC and participate in external training programs. Currently, DEOs are afforded the opportunity to attend the Firearms Instructor Training Program (FITP), Prisoner Tracking System (PTS), Conditions of Confinement (CCT) and any number of external training programs approved by district management. Further, the Training Academy will explore the development of an advanced DEO training program that will provide refresher training in firearms, search and restraints, defensive tactics, PTS and JDIS.

Recommendation 14: Ensure that training funds are effectively managed and that significant surpluses are avoided.

Response: Concur. The Training Academy, in conjunction with the Management and Budget Division (MBD), will allocate funding under newly established project codes that more accurately reflect funding that is allocated for non-training expenses such as Academy operating expenses, Instructor and student training equipment, response equipment, and program administration costs for firearms, less than lethal weapons and body armor program administration. The Academy and MBD changed the methodology used for forecasting basic training class costs beginning in Fiscal Year 2007. This change will decrease to a large degree the surpluses resulting from basic training classes related to on-center lodging costs at the FLETC. It should be noted that this change created a shortage of allocated funding for our first basic class conducted in fiscal year 2007 due to increased housing costs. Additionally, student housing costs for basic classes is directly tied to the location the students are actually housed. Those determinations are made at the sole discretion of the FLETC and not within USMS control.

For clarification, the following provides a breakdown of the expenditures identified in the report for fiscal years 2003 thru 2006:

FY2003, \$623,640 End-of-Year Purchases, Overall Surplus \$224,500

- \$348,793 district ammunition for mandated Glock transition training to new USMS issued Glock pistol.
- \$101,669 student & instructor uniforms/equipment and training equipment
- \$42,394 Requirements analysis for automating Academy business processes
- \$47,000 Long Arms for Academy Response
- \$19,503 IT/Audio-Visual equipment
- \$ 9,511 for Installation of VHF Radio Tower to support USMS operations in S/GA

Majority of surplus funding was transferred to the Academy for Glock acquisition and ammunition and the remainder was returned as requested.

FY2004, \$168,302 End-of-Year Purchases, Overall Surplus \$183,820

- \$22,863 Instructional staff training equipment/uniforms
- \$51,920 Academy response equipment, long arm optics
- \$62,619 training equipment, React stunbelts, simmunition weapons
- \$30,900 IT equipment including UPS battery backup for all PC's

Surplus funding was recalled by HQ

FY2005, \$85,852 End-of-Year Purchases, Overall Surplus \$25,625

- \$18,333 Instructional staff training equipment/uniforms
- \$49,640 Academy response equipment, Pelican cases for all gear
- \$11,415 Instructor/student training equipment
- \$4,622 IT Equipment and supplies

FY2006, \$312,524 End-of-Year Purchases, Overall Surplus \$41,307

- \$18,386 Instructional staff training equipment/uniforms
- \$ 5,944 Office supplies
- \$15,893 IT equipment
- \$68,656 Academy response deployment trailers/equipment
- \$21,594 Instructor/student training equipment
- \$182,947 Replacement vehicles for training/response (replacing 1997 vehicles that have become unserviceable/cost prohibitive for repairs). Only 6 of 20 vehicle fleet replaced.

Recommendation 15: Follow up with DOJ's plans for establishing a department-wide system to record employee training. At the same time, consider developing an interim centralized system to track training for each USMS employee.

Response: Concur. The USMS is actively working with JMD in pursuit of a Learning Management System (LMS) to facilitate and track employee training. The Training Academy is also pursuing acquisition of a Training Management System. Such a system would automate Academy functions including: student/instructor record management, curriculum management, testing and evaluation, search and reporting of various data and also interface with district offices to track mandated in-district training, and firearms qualifications.

APPENDIX VII: OFFICE OF THE INSPECTOR GENERAL ANALYSIS AND SUMMARY OF ACTIONS NECESSARY TO CLOSE THE REPORT

In its response to our draft audit report, the USMS concurred with each of our recommendations and discussed the actions it has already taken and others it will implement in response to our findings. In its response, the USMS also provided clarifications to portions of our report. Before addressing the USMS's response to each of the OIG's recommendations and the actions necessary to close those recommendations, we provide the following response related to the USMS's clarifications to the draft report, using the same headings used by the USMS.

Chapter 2

Strategic Planning Issues

In its response, the USMS stated that it began using quantitative models for the distribution of resources in 1986, not 1995 as cited by the OIG in Chapter 2. As noted in our draft report, we attributed this statement to a USMS headquarters official whom we interviewed during the course of our audit. Specifically, this individual, a senior USMS headquarters official involved in the USMS's strategic planning process, provided us with a document that detailed the history of the USMS's budgetary planning processes. This document stated that until 1986 the USMS's budget requests were derived from surveys of district needs as perceived by U.S. Marshals and input from headquarters management. The document further stated that from 1987 to 1994 the budgetary requests were formulated solely by USMS headquarters program managers. Then, beginning in 1995, the USMS's budget justifications were driven largely by quantitative workload and resource models.

Considering the source and the documentation provided, we considered the 1995 date to be accurate. Moreover, during our audit no other evidence was provided that indicated 1995 was inaccurate. However, we have revised the report to reflect the information provided in the USMS's response.

The USMS also commented on its use of Unit Performance Plans, stating that they were implemented in the latter half of 2006 and therefore do not yet contain a full year of data. We recognize that the Unit Performance Plans are a recent initiative intended to be used as tools for implementing the Strategic Plan. However, as we discuss in Chapter 2,

USMS headquarters had not assigned responsibility for ensuring that the Unit Performance Plans were complete, accurate, and meaningful. Accordingly, we recommended that the USMS improve its strategic planning efforts by ensuring oversight of the Unit Performance Plan initiative, and the USMS concurred with this recommendation.

Workforce Management Planning

In its response, the USMS provided clarifying comments on its workforce planning models, time recordkeeping system (the USM-7), program and project codes associated with the USM-7, and utilization of contract guards.

District Budget and Workforce Equalization Models

The USMS stated that the District Budget Model (DBM) figures are not adjusted to incorporate future events as stated in Chapter 2. The USMS further commented that future events are taken into account in resource planning but do not affect the DBM. However, our discussion on this topic is referring to USMS resource planning. The OIG is not suggesting that the DBM figures are inaccurate or that future events are factored into the DBM calculations. Rather, since the DBM is a historical model, it does not account for future events that may require additional resources. Therefore, in some instances the DBM figures for certain district offices may have to be adjusted to account for new initiatives.

In addition, the USMS believed the report statement regarding the USMS Director's suspension of the DBM and Workforce Equalization Model (WEM) suggested his dissatisfaction with these models. The OIG did not intend that this statement be read to suggest that the USMS Director was dissatisfied with the models. In fact, the OIG based this report statement on a January 6, 2006, memorandum from the then-Acting USMS Director, which specifically states that use of the DBM and WEM was retired "...to ensure a more balanced approach to how human and financial resources are allocated..."

USM-7

In its response, the USMS commented that it does not agree with the OIG's statement that the USM-7 is the only source of empirical USMS resource utilization data. The OIG understands the USMS's position that other resource data exists and acknowledges that the USMS has several resource-related data sources. However, in this part of the report, the OIG was referring to the actual reporting of time by USMS employees, which is

tracked through the USM-7. Therefore, the OIG has modified the body of the report on page 14 to state that the USM-7 is the only source of empirical *employee* resource utilization data.

Program and Project Codes

The USMS stated that it does not use program codes as defined by the OIG. Instead, the USMS stated that it relies on project codes for tracking its time utilization by mission activity. The OIG recognizes that the USMS does not utilize its program codes to track time utilization. In fact, in the report we refer to remarks from USMS headquarters officials who characterized the existing program codes as meaningless. However, during our audit these same USMS officials informed us that the program codes contained in the USM-7 data file correlated to USMS mission activities, which are also the first two characters of USMS project codes. We believe that it may be worthwhile for the USMS to utilize the program codes because managers would be able to obtain a snapshot of employee utilization for each of the agency's broad mission areas. Therefore, we suggested in the report that the USMS could streamline its analysis of human resource utilization through the expanded use of program codes.

The USMS response also provided clarification on the report's discussion of multiple project codes that can be associated with similar codes. In its clarification, the USMS explained that special assignments have specific codes because they are funded differently than other USMS mission activities. Thus, the USMS requires different codes for tracking purposes. The USMS further explained that these project codes associated with special assignments are tasks that cannot be completed with district resources and require that additional human and financial resources be provided from headquarters.

First, our report states that a single, specific project code could be associated with multiple, broad program codes. During our analysis of the USM-7 data, we requested assistance from the USMS in defining the specific mission activity (program code) to which each project code applied. In response, the USMS indicated that some project codes were associated with one mission activity in certain instances but another mission activity in other instances. In our report, we used the project code TERROTHP (*Track Terrorism Activity*) as an example. At times, this project code corresponds to the "In Court with Prisoners" mission activity, while in other instances it applies to the "Judicial/Other Protection" mission activity. Other examples include project codes JUDCONFP (Judicial Conferences), MAJ1000P (Management and Administration – Judicial Security Division), and MAJ3000P (Headquarters Security). The OIG does not disagree with the

USMS's need to track the costs of specialized missions. However, the OIG's concern is that the USMS's current time-reporting system is cumbersome and can affect the accuracy of the data collected.

Contractor Utilization

The USMS stated in its response that contract employees perform narrowly defined tasks that are specified by contract and are monitored by Contracting Officer's Technical Representatives. Our report discloses that the USMS uses a large number of contract employees in support of its various mission activities. During fieldwork, USMS officials explained that a contractor can be used on different activities to include securing, processing, and transporting federal prisoners.

We do not dispute that a specific contract employee may perform narrowly defined tasks. However, our concern is that the USMS is unable to completely define its total workload or the total level of effort expended in each mission area in which contractors procured through national contracts, excluding Court Security Officers (CSO), are utilized because these individuals do not record their time in a manner similar to USMS operational personnel. Different contract employees may be performing different tasks and sometimes their work can overlap with that of USMS employees. If the USMS does not have a process for capturing the number of hours contractors are spending on each task, it cannot ascertain the total number of hours expended on each mission activity. To this end, we recommended that the USMS ensure that it has a reliable, standardized process of tracking, by activity, the time of contractors procured through national vendor contracts (other than CSOs). As reflected in its response to this recommendation on page 81, the USMS concurred with our recommendation.

Chapter 3

Our report discusses the allocation of operational and administrative positions to USMS district offices, as well as the utilization of those resources. We found that since the USMS does not allocate positions by mission or program area, it does not have a benchmark against which it can measure each district's use of resources. More importantly, we found that the USMS does not routinely review how the utilization of its human resources impacts all aspects of USMS operations.

The USMS commented that it does track all workload, accomplishments, and time utilization data associated with these resources. However, during our review several management officials at USMS headquarters and the district offices we visited stated that they do not

review overall resource utilization reports related to the activities and personnel for which they are responsible. Further, our analysis of USMS resource utilization data raised concerns about the accuracy of the time charged to various activities, which would have been evident if the USMS had been regularly reviewing, not just tracking, its employee utilization. As a result, we recommended that the USMS regularly generate and review resource utilization reports, and the USMS concurred with our recommendation.

Resource Utilization

As noted in the USMS's response, Footnote 38 of the draft report stated that each employee assigns time to 1,607 project codes. The USMS commented that we report in Chapter 2 that no more than 250 project codes were active in any given fiscal year. However, the OIG did not make this determination. This statement was offered by a USMS official at the conclusion of our audit. This USMS official could not provide us with any documentation to support the number of active project codes during any one fiscal year. The 1,607 figure is the number of project codes in the data file that the USMS provided to us as evidence of the codes in existence at some point between FYs 2000 and 2005. The USMS, though, could not identify the specific project codes available for use during each fiscal year of our review period.

As discussed in Chapter 2, we were able to verify the actual number of project codes to which time was charged by employees for each fiscal year. Although employees recorded time to no more than 231 project codes during any given fiscal year of our review period, the USMS could not prove that only these project codes were available for use during this timeframe. In light of the USMS's comments, we have adjusted the language in our report to clarify the discussion of the number of USMS project codes.

The USMS also commented on Footnote 39, which states that the "Protection of the Judicial Process" is not 1 of the 18 program codes or mission activities used by the USMS. In its response, the USMS stated that it does not use program codes as the OIG identified them and noted that individual project codes will frequently affect more than one USMS mission area.

During our audit, the USMS provided us with an overview of the USM-7 project codes, including the construct of a project code and what each piece of the code represents. According to USMS documentation, the first 2 characters of each project code reflect 1 of 18 USMS mission activities, and USMS officials called these 2-character identifiers "program

codes.” During our analysis of the USM-7 data, we requested assistance from the USMS in defining the specific mission activity to which each project code applied. In providing this information, the USMS noted some instances in which a determination could not be made regarding the specific mission activity to which a time record applied. At that time, the USMS explained that some project codes could not be associated with a specific mission activity because the codes encompassed multiple activities. In these instances, the USMS categorized the mission activity as “Protection of the Judicial Process” because the tasks performed applied to various areas of this decision unit. Therefore, we used this description for these records in our analysis and included the resulting utilization figures as part of the Judicial and Courthouse Security decision unit.

Threat Investigations

In its response, the USMS disagreed with the number of FY 2004 potential threats reflected in our report. Specifically, the USMS stated that the correct number of potential threats during FY 2004 is 553, not 678 as depicted in Exhibit 3-5. We do not agree that the correct figure should be 553 and believe that we have accurately reported the FY 2004 level of potential threat investigations as 678. The USMS has not provided the OIG with any information supporting the 553 figure. Moreover, the USMS Office of Protective Intelligence (OPI) informed us that the USMS’s threat-related workload totaled 674 potential threats in FY 2004. As explained in Chapter 3, the difference between our computed 678 threats and the OPI’s 674 was the timing of data entry and other factors, such as the correction of data entry errors and training issues.

At the conclusion of our audit, a senior USMS headquarters official voiced concern with the accuracy of the number of potential threat figures contained in our working draft report. We had subsequent discussions with USMS officials from the OPI to identify the difference between our computed figures and those reported by the OPI. As explained in Footnote 48 of Chapter 3, our analyses concentrated on district office workload, while the OPI’s figures were based on its workload (which was a headquarters perspective). Thus, the figures presented in Exhibit 3-5, including the 678 potential threat investigations in FY 2004, reflect those incidents reported to USMS district offices during each fiscal year of our review period. The OPI officials agreed with our plan to present OIG-computed figures in this chart. Further, it was at the OPI’s request that we included a footnote (Footnote 48) explaining these varying workload perspectives.

In its response, the USMS also referred to the OIG’s computation of 24 FTEs utilized on threat investigations during FY 2005, which the USMS

does not dispute. However, the USMS believes that this figure is underreported for various reasons, including project code definitions and organizational changes. Specifically, the USMS commented that it found personnel in the OPI had not appropriately recorded their time to the correct project code. As discussed in Chapter 3, we state that a senior OPI official believed the USMS had underreported the time charged to threat investigations. However, we believe that the USMS's time resource utilization data illustrate that the USMS should regularly review the utilization of its employees and examine its level of effort in certain areas, particularly protective investigations. As noted on page 82, the USMS concurred with our recommendation.

Protective Investigations

In addition to its comments on OPI resource utilization, the USMS response included comments on its workload related to protective investigations. The USMS included several points of clarification on protective investigations. The USMS agreed that the number of potential threats has increased. However, the USMS believes that the increase in OPI staff reflects that this increased workload is being addressed. The OIG does not discount that OPI's increase in staffing has likely resulted in more resources focusing on the USMS's increasing threat-related workload. However, as noted in the preceding paragraph, USMS data only reflected a small number of FTEs addressing this area.

Additionally, the USMS stated in its response that it agrees with the anecdotal information provided by a local USMS official we interviewed regarding the district's threat-related workload. However, the USMS believed that our report suggests that attention was not given to every threat made against a USMS protectee. The OIG disagrees that the report suggests such an inference. Our intention in this section of the report was to discuss this USMS official's viewpoint on the district's operations and to offer additional information regarding the USMS's overall effort expended on threat-related work.

Further, as discussed in Chapter 3, we identified a backlog in USMS headquarters' review of potential threats. This assessment was based upon whether headquarters had assigned a mosaic rating to each potential threat. At the conclusion of our audit, a senior USMS headquarters official stated that this backlog had been resolved as of March 2007. During subsequent discussions with OPI officials, they further explained the process undertaken by the USMS in addressing each of these cases, which mirrors what is noted in the USMS's response. Given that the OIG did not learn about this process until the conclusion of our review, we did not confirm that the backlog had, in

fact, been resolved. Instead, we adjusted our report to include the USMS's assertion that the backlog had been resolved as of March 2007, as well as the reason why assigning mosaic ratings to cases was not always necessary. The OIG believes that our report appropriately addresses this area.

During our review of potential threats reported to the USMS, we also identified delays from when potential threats were reported to USMS district offices to when they were entered into the Warrant Information Network (WIN). As noted in its response, the USMS does not believe that the OIG adequately explained these delays. Specifically, the USMS asserted that the majority of these cases were reported to USMS district offices in September and then not entered until the following fiscal year. The USMS also stated that all 20 of the cases shown in Exhibit 3-6 as being reported to a district office in FY 2004 but not entered until FY 2005 were reported to a district office in September 2004. However, based upon our analysis of USMS data, only 13 of the 20 records were reported to a district office in September 2004. The other 7 cases were reported to a district office between March 2004 and August 2004.

The USMS also commented that this same situation applies to FY 2006 and infers that all 40 cases shown as being reported to a district office in FY 2005 but not entered until FY 2006 were reported to a district office in September 2005. However, our analysis provided different results. Specifically, we determined that 20 of these 40 cases were reported to a district office between January 2005 and August 2005. Therefore, not all of the delays were due to the change in fiscal years from September to October. The OIG understands that information from these cases may not be entered instantaneously into the WIN. However, our concern is that a delay in recording case-specific data hinders the USMS headquarters' ability to compare a potential threat against other similar occurrences. As a result, a district office may not be privy to a key piece of information that it could use to help prevent a potential threat from being executed.

Following Exhibit 3-6, we present two possible explanations offered by the OPI on why the delays in entering cases in the WIN occurred – data entry errors and lack of training. In its response, the USMS refers to only the data entry errors and further states that the OPI proved this reasoning to be true. When we were provided with this information, we were told that it was the OPI's *belief* that these reasons accounted for the delays. Moreover, we were not provided with any supporting documentation to verify that these explanations were accurate. As a result, the OIG believes that the report appropriately and accurately addresses this topic.

Fugitive Apprehension

In its response, the USMS stated that based upon anecdotal information the OIG concluded the USMS does not address its fugitive mission correctly because it fails to assign sufficient FTEs to address fugitive apprehension cases. The OIG disagrees that the report reaches this conclusion. Instead, we presented the viewpoint of personnel from the majority of the USMS district offices we visited, who informed us that their fugitive mission activity had suffered over the past few years. The OIG points out in the report that these anecdotal statements conflict with our review of USMS empirical data. As a result, we recommended that the USMS regularly review the utilization of its personnel to ensure that each mission activity of the USMS is being appropriately addressed, and the USMS concurred with this recommendation.

The USMS also commented in its response that the three district offices experiencing a decrease in the number of FTEs addressing fugitive warrants were ones in which Regional Fugitive Task Forces (RFTF) had been established between FYs 2000 and 2005. The USMS further commented that district offices no longer had to devote as many of their resources to fugitive apprehension work because the RFTFs assumed the bulk of the fugitive investigation workload. We do not discount that this is a very likely reason for the decrease in these offices' FTEs. However, it does not explain why the Central District of California's FTEs addressing fugitive warrants increased from FY 2000 to FY 2005 when an RFTF was also established within this district during our review period.

Contractor Utilization

As discussed in Chapter 3, the USMS established directives on the types of duties contract guards are allowed to perform, as well as those they are prohibited from performing. Our review of USM-7 data reflected that contract guards had recorded time to restricted duties. In its response, the USMS stated that the OIG discussed these matters with USMS Assistant Directors and that these individuals were not the best sources for responding to this issue.

The OIG inquired about this matter with the Assistant Directors because they are responsible for overseeing USMS operations for distinct program areas and should have extensive knowledge about their respective areas. Moreover, if uncertain as to why this occurred, these individuals should know who in the USMS to ask for clarification. In fact, at least one Assistant Director provided us with a possible explanation after asking his staff for information related to the use of contract guards and the recording

of their time. We believe, therefore, that the Assistant Directors were a valid source and their varied explanations accurately represented the situation.

Finally, in its response the USMS presented an explanation as to why contract guards recorded time to restricted duties, an explanation we also provided in our report. In brief, contract guards are often used to backfill for deputies who are assigned to special details. These contract guards, in turn, are told to record their time to the special details to which the deputies have been assigned, not the tasks that the guards are actually performing. The OIG disagrees with this method of timekeeping, as well as the USMS's assertion that any other method would result in a misreporting of resource utilization. Instead, we believe that the current method used by the USMS overstates the actual amount of time expended on these special details and understates the time spent on other tasks. For example, a contract guard is hired to backfill for a deputy assigned to a Supreme Court detail. The deputy spends 40 hours protecting Supreme Court Justices and during this detail records his time accordingly. The contract guard, in turn, spends 40 hours transporting prisoners, yet he records all of his time to the Supreme Court detail. When determining the total level of effort expended by the USMS employee and contract guard on specific activities, the USMS will show that these 80 hours were spent on a Supreme Court detail and no time was spent on transporting prisoners.

Chapter 4

The last clarification presented by the USMS in its response pertains to Footnote 58. This footnote discusses that Detention Enforcement Officers (DEO) are eligible to apply for Deputy U.S. Marshal (DUSM) positions. We further explain that the majority of DUSM positions are not filled from the DEO ranks. The USMS agreed that this statement is factual, but provided additional insight as to why this occurs. The USMS stated that the DEOs are viable candidates for DUSM positions; however, there are fewer DEOs in the USMS than the number of vacant DUSM positions needing to be filled in a given year. The OIG included this footnote in the report for informational purposes only. We were not commenting on the process or the quality of the USMS's workforce.

Status of Recommendations

1. **Resolved.** In its response to our draft report, the USMS concurred with our recommendation to ensure its strategic planning efforts are improved through oversight of its Unit Performance Plan initiative and stronger promotion of the strategic plan by district management. The

USMS stated that it will advance the goals contained in its Strategic Plan and the Unit Performance Plans through Strategic Advancement Forums, which were recently established by the Director on May 11, 2007. Besides these Forums, the Director also created the Financial Management Steering Committee that is to develop a Tactical Plan by leveraging the Unit Performance Plans. Finally, the Director established periodic formal reviews.

To close this recommendation, please provide us with documentation on each of these recently established initiatives, including how each will ensure the USMS's strategic planning efforts are improved. Additionally, please provide the Financial Management Steering Committee's Tactical Plan and its effect on improving the oversight of the Unit Performance Plans. Further, please provide evidence that district management has more strongly promoted the Strategic Plan among district personnel.

2. **Resolved.** The USMS concurred with our recommendation to improve its time reporting system and ensure the integrity of system data by: (1) allowing for the tracking of time by the minimum number of project codes necessary, and (2) implementing an automated control to ensure that all records entered into the time reporting system contain an active project code. The USMS stated that it will use the fewest codes it believes necessary to meet multiple reporting requirements. Additionally, the USMS commented that although its payroll interface does not allow invalid project codes to be processed in its time reporting system, the current DOJ time reporting system does allow the use of invalid codes. As a result, the USMS stated that it will work with DOJ's Justice Management Division (JMD) to address this issue, as well as consider the availability of a third-party time reporting system that might better fulfill this role.

To close this recommendation, please provide evidence that the USMS has reviewed its list of project codes and identified, with explanation, those it believes to be necessary for reporting requirements. Additionally, please provide evidence that the systems involved in time reporting do not allow the use of invalid project codes.

3. **Resolved.** In its response, the USMS concurred with our recommendation to ensure that it has a reliable, standardized process of tracking, by activity, the time of contractors procured through national vendor contracts (other than Court Security Officers). Specifically, the USMS stated that it will develop a system to track the human resource utilization of this workforce.

To close this recommendation, please provide us with support that the USMS has implemented a system for tracking the human resource utilization of contractors procured through national vendor contracts, including sample utilization reports generated from this system.

4. **Resolved.** The USMS responded that it concurs with our recommendation to implement adequate automated controls into the WIN to ensure that: (1) warrants that have valid warrant closing dates are in a closed status, and (2) fugitive warrants are assigned a proper execution code when closed. The USMS commented that it currently has automated controls in place to prevent warrants having valid warrant closing dates from being in a status other than closed. The USMS also noted in its response that it now has an automated control that prevents fugitive warrants from being assigned a non-fugitive warrant execution code. However, the USMS commented that errors may still occur due to programming bugs and data transmission errors. As a result, the USMS performs manual data reviews and regularly informs employees about the importance of accurately entering data into the WIN. For example, the USMS stated that in January 2007 the Assistant Director of the Investigative Services Division formalized regionalized support to the district offices through the Criminal Information Branch, which routinely reviews the WIN data for accuracy. Moreover, the USMS announced in April 2007 that it will convene a data validation and compliance review workgroup.

To close this recommendation, please provide us evidence to support the statement that the USMS has implemented specific automated controls to prevent the specified types of errors from occurring. Further, please provide us with documentation on the guidance provided to USMS employees on the importance of WIN data accuracy. In addition, please provide support for manual WIN data reviews, including the regional support formalized by the Investigative Services Division in January 2007, as well as the data validation and compliance review workgroup announced in April 2007.

5. **Resolved.** In responding to our draft report, the USMS concurred with the OIG's recommendation to perform regular reviews of the PTS to ensure the accuracy of the information contained in the system. The USMS remarked that it implemented an error tracking program in response to the OIG's review of the PTS. Additionally, the USMS stated that it created controls to stop erroneous data from entering the database. Finally, the USMS indicated that it will combine and review

data from all 94 separate databases to ensure accuracy and completeness.

To close this recommendation, please provide us with evidence of specific controls implemented to prevent data entry errors, including the error tracking program created by the USMS. In addition, please provide documentation pertaining to the USMS's plan for combining and reviewing PTS data from all 94 databases.

6. **Resolved.** The USMS concurred with our recommendation to review alternative options for assigning prisoner identification numbers within the PTS to ensure that all prisoner movements are accurately tracked. According to its response, the USMS is developing policy changes that will strengthen the tracking of prisoner movements and eliminate the use of "0" as a prisoner identification number. Moreover, the USMS states that it will ensure that any prisoner movement analyses include all records.

To close this recommendation, please provide us with documentation on the development and dissemination of policy changes regarding the assignment of prisoner identification numbers. Moreover, please provide evidence that all prisoner movements are accounted for in USMS analyses.

7. **Resolved.** In its response to our draft report, the USMS concurred with our recommendation to generate and regularly review resource utilization reports to ensure USMS resources are being used as intended. The USMS stated that it will create regularly generated reports, which will then be reviewed by USMS management.

To close this recommendation, please provide us with evidence that the USMS has created all-encompassing resource utilization reports and that they are routinely reviewed by USMS management.

8. **Resolved.** The USMS concurred with our recommendation to ensure that there is an adequate number of staff familiar with the data systems to allow for continuity in the assessment of the USMS workload. To close this recommendation, please provide additional information on how the USMS plans to familiarize an adequate number of staff on the various data systems and confirmation that USMS has provided sufficient training to multiple personnel in order to become adept on the functionality of the data systems.

9. **Resolved.** In its response to our draft report, the USMS concurred with our recommendation to develop a formalized training program for USMS operational personnel selected to be Field Training Officers (FTO) to ensure that they have the adequate knowledge, skills, and abilities to instruct new staff. The USMS stated that district offices currently select FTOs with at least 5 years of criminal investigative experience. Further, the USMS stated that the current policy requires that FTO assignments be rotated among senior deputy marshals and this rotation be based on specific expertise of senior personnel. The USMS commented that the Training Academy will develop a FTO training program deliverable that will be provided in DVD/CD-Rom format and disseminated to every district office for viewing by assigned FTOs.

To close this recommendation, please provide us with the DVD/CD-Rom developed by the Training Academy containing formalized instruction for FTOs. In addition, provide evidence that this training program has been disseminated to all USMS district offices and that all FTOs have viewed the instructional materials.

10. **Resolved.** The USMS concurred with our recommendation to ensure that Criminal Investigator Deputy U.S. Marshals (CIDUSM) attend the Advanced Deputy Training course within the timeframes prescribed by the USMS. The USMS stated it will change the prescribed timeframes for attending this course to more accurately reflect the amount of time it will take to conduct this training for eligible CIDUSMs.

To close this recommendation, please provide us with documentation regarding the revised timeframes for completing the Advanced Deputy Training course, as well as executive management's agreement that these timeframes are acceptable. Additionally, please provide evidence that the USMS has identified when all CIDUSMs are required to attend the Advanced Deputy Training and confirmation that those CIDUSMs who are currently overdue have been scheduled for and completed this training.

11. **Resolved.** In its response to our draft report, the USMS concurred with our recommendation to ensure that newly appointed USMS supervisors attend USMS supervisory training within a reasonable period of time following their promotion. The USMS commented that it currently has two supervisory programs for its supervisors, administrative officers, and headquarters inspectors and that it is conducting at least two of these programs each during FY 2007. Moreover, the Training Academy established a committee to evaluate the effectiveness of these programs and assess alternatives or

modifications to these programs. Finally, the USMS stated that it is researching additional external management training programs that it could use for new supervisors immediately following their promotion until the next USMS supervisory training program is offered.

To close this recommendation, please provide evidence that the USMS is tracking the training activities of its supervisors, particularly newly promoted individuals, and that supervisors are completing this training within a reasonable period of time following their promotion. Further, please provide documentation on the Training Academy's assessment of the current supervisory programs, as well as the USMS's attempt to find additional external management training programs.

12. **Resolved.** The USMS concurred with our recommendation to establish a procedure to periodically review the training of Detention Enforcement Officers (DEO) to identify and rectify any backlog of untrained DEOs that exists. Specifically, the USMS stated that it will, at a minimum, review on a quarterly basis the roster of newly hired DEOs to ensure that each DEO is formally trained within 1 year of being hired. Moreover, the USMS commented that it currently has 17 DEOs who require training and are scheduled to attend this training in August 2007.

To close this recommendation, please provide us with documentation regarding the quarterly reviews conducted by the USMS related to the training of DEOs and the USMS's efforts to ensure that DEOs receive formalized training during their first year of employment. Further, please provide evidence that the 17 DEOs who have not yet attended the basic DEO training did so in August 2007.

13. **Resolved.** In its response, the USMS concurred with our recommendation to establish a continuing education program for DEOs. The USMS stated that the Training Academy will formalize the opportunity for DEOs to attend advanced training programs at the Federal Law Enforcement Training Center (FLETC), as well as attend external training programs. Additionally, the response indicated that the Training Academy will consider developing an advanced DEO training program, which will provide refresher training in several areas, including firearms, search and restraints, and defensive tactics.

To close this recommendation, please provide documentation on the Training Academy's efforts to develop an advanced DEO training program, including the instruction to be provided at the training and the timeframes in which DEOs are to attend. Additionally, please provide documentation on the USMS's availability of external training

programs for DEOs and how DEOs are notified of these programs. Finally, please provide us with the new DEO training policy that identifies DEO training requirements.

14. **Resolved.** The USMS responded that it concurred with our recommendation to ensure that training funds are effectively managed and that significant surpluses are avoided. Specifically, the USMS stated that the Training Academy and Management and Budget Division will allocate funds under newly established project codes that more accurately reflect non-training expenses, such as response equipment and costs for firearms. Moreover, the USMS commented that it has changed the methodology used for forecasting basic training class costs at the beginning of FY 2007, which is projected to reduce the surpluses resulting from these courses.

To close this recommendation, please provide us supporting documentation related to the USMS's allocation of training funds under newly created project codes, as well as the newly implemented methodology for reducing the surpluses in training funds. In addition, please provide evidence that the USMS avoided a significant surplus of training funds at the end of FY 2007.

15. **Resolved.** In its response, the USMS concurred with our recommendation to follow up with DOJ's plans for establishing a Department-wide system to record employee training, as well as to consider developing an interim centralized system to track the training of each USMS employee. The USMS stated that it is actively working with JMD on a training recordkeeping system. Further, the Training Academy is looking at acquiring a Training Management System, which would automate many Academy functions, including curriculum management, testing and evaluation, and reporting of various data. Additionally, the USMS envisions this system to interface with district offices in order to track mandated in-district training and firearms qualifications.

To close this recommendation, please provide evidence of the USMS's on-going discussions with JMD on a Learning Management System, including any resulting decisions to establish and use a Department-wide system. Additionally, please provide evidence for the USMS's research on purchasing a Training Management System and other actions to effectively track its employee training activities.