THE UNITED STATES MARSHALS SERVICE'S MANAGEMENT OF THE JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM

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EXECUTIVE SUMMARY

The Justice Prisoner and Alien Transportation System (JPATS) transports prisoners and aliens in federal custody within the United States and overseas using primarily air transportation. JPATS also performs scheduling, security, and medical functions in support of prisoner transportation. Managed by the United States Marshals Service (USMS), 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).[1] JPATS also provides occasional air transport for military, state, and local law enforcement agencies, and for the federal government's response to crises such as the hurricanes of 2005.[2]

The Department of Justice (DOJ) Office of the Inspector General (OIG) conducted this audit of JPATS to evaluate the USMS's: (1) ability to effectively manage the risks inherent in prisoner movements to ensure safe and efficient transport, and (2) coordination with its three primary customers regarding the movement of prisoners and aliens.

Background

JPATS was created on October 1, 1995, by the merger of the USMS National Prisoner Transportation System and the Air Transport Branch of the former Immigration and Naturalization Service (INS). The merger resulted from a study by the DOJ's Justice Management Division (JMD) conducted at the request of the Attorney General, who sought to consolidate similar programs that transported individuals on a regular basis.

[1] In this report, we use "customers" to denote the three principal agencies that use JPATS on a regular basis: the USMS, the BOP, and ICE.

[2] JPATS transports prisoners and aliens by air through its own fleet of service-owned and leased airplanes. Although JPATS assists in the scheduling of ground transport for the BOP and the USMS, it does not own or operate the motor vehicle fleets used by those two agencies. JPATS also is not involved in any aspects of the ground transport of aliens under the jurisdiction of ICE.

In fiscal year (FY) 2005, JPATS completed 305,649 prisoner movements.[3]

JPATS PRISONER MOVEMENTS BY ORIGINATING AGENCY AND MODE OF TRANSPORTATION FY 2005[4]

Mode	USMS	ICE	BOP	Non-Federal[5]	Other Agencies[6]	TOTAL
Large Aircraft	57,035	95,511	23,662	3,176	6	179,390
Small Aircraft	2,181	365	8	4	0	2,558
Other Modes[7]	78,032	91	44,777	797	4	123,701
TOTAL	**137,248**	**95,967**	**68,447**	**3,977**	**10**	**305,649**

Source: JPATS

JPATS regularly serves approximately 40 domestic and international cities, plus other locations on an as-needed basis. Prisoner and alien movements are authorized for a variety of reasons, including pre-trial hearings and competency examinations; trial; pre-sentence study and observation; delivery to an institution to serve sentence; transfer between institutions; delivery of criminal aliens to a deportation center; removal of aliens; transfer of non-federal detainees; transfer of military prisoners; and other missions such as secured transport of witnesses, extraditions, national emergencies, and natural disasters.

[3] According to JPATS, within each mode of transportation, a movement is the transport of a prisoner or alien from an initial departure location to the destination, regardless of how many intermediate stops are made.

[4] See Appendix III for JPATS air movements by fiscal year and by customers, as well as a breakdown of deportations to foreign countries.

[5] In FY 2005, a total of 858 requests were made to transport non-federal prisoners through JPATS; these requests generally came from state or local law enforcement agencies. See Appendices IV and V for non-federal prisoner movements in FYs 2004 and 2005.

[6] Other agencies include prisoners moved for the military or for other civilian federal agencies such as the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA).

[7] Other modes include commercial air, cars, vans, buses, and air charters.

Organizationally, JPATS is headed by an Assistant Director who reports to the Deputy Director of the USMS.[8] Headquartered in Kansas City, Missouri, JPATS maintains air fleet hubs in: (1) Oklahoma City, Oklahoma; (2) Alexandria, Louisiana; (3) Mesa, Arizona; and (4) St. Croix, United States Virgin Islands (U.S. Virgin Islands). The hub in Oklahoma City, Oklahoma, manages the overall flight operations and transports prisoners under the jurisdiction of the USMS and the BOP. The hubs in Alexandria, Louisiana, and Mesa, Arizona, transport aliens under the jurisdiction of ICE.[9] The hub in St. Croix, U.S. Virgin Islands, primarily services the USMS and, to a lesser degree, aliens for ICE. For the past several years JPATS has been planning for a new hub in Aguadilla, Puerto Rico, which became operational in June 2006.

To help JPATS coordinate with the three main participating agencies (the BOP, the USMS, and ICE), the JPATS Executive Committee (JEC) was created in FY 2000. The JEC, chaired by the Assistant Attorney General for Administration, consists of the Assistant Director of JPATS, the Federal Detention Trustee from the Office of the Federal Detention Trustee (OFDT), and three members each from the USMS, the BOP, and ICE.[10] The JEC meets on a quarterly basis to discuss issues facing JPATS and its customers.

JPATS transports prisoners and aliens by air through a fleet of three government-owned and six leased aircraft, as detailed in the following table.

[8] A significant change of personnel occurred during our audit, when the Assistant Director of JPATS retired in January 2006. Between January and April 2006, a USMS headquarters official served as the acting Assistant Director of JPATS. Since April 2006, the Chief of Business Management Branch of JPATS has been serving as the acting Assistant Director. In this report, the "Assistant Director" refers to the official who served in that role until his retirement in January 2006.

[9] ICE transports aliens through JPATS to detention facilities and immigration hearings throughout the continental United States, and to Central America and the Caribbean for deportations. JPATS provides only a portion of the transportation needs of ICE. According to ICE officials, although JPATS provided 95,292 movements in FY 2005, ICE used commercial airlines as well as chartered flights to meet the remainder of its alien transportation needs. In FY 2005, ICE purchased 62,017 tickets from private sources at a cost of approximately $63.7 million.

[10] According to the Federal Detention Trustee, the OFDT participates in the JEC because JPATS's operations and the transport of prisoners affect day-to-day detention bed-space requirements.

JPATS AIR FLEET COMPOSITION AND CAPACITY

[SENSITIVE INFORMATION REDACTED]

Source: JPATS

Staff and Funding Source

The staff of JPATS, as of FY 2006, consisted of 117 permanent employees and 212 contractors. Permanent staff includes 32 pilots, 25 security officers, and 13 maintenance personnel, with the remainder consisting of management and administrative staff. Contractors are primarily flight security officers under personal service contracts, flight nurses from the United States Public Health Service, and aircraft and building maintenance personnel.

Prior to FY 1999, JPATS was funded from the USMS's annual appropriated budget. In FY 1999, JPATS began operating on a revolving fund instead of an appropriated budget, in part to ensure uninterrupted transport of prisoners and aliens through a "pay-as-you-use" concept. This means the agencies that use JPATS's services – primarily the BOP, ICE, and the USMS – pay for the services they receive, and those payments are placed into a revolving fund that is used to pay for JPATS operations. Revolving funds do not have fiscal year limitations like most appropriated funds.

When JPATS began operating as a revolving fund in FY 1999, it charged its customers based on a cost-per-seat basis. In FY 2003, JPATS switched its method of reimbursement and now charges its customers by the number of flight hours rather than the number of seats used. This change

improved the allocation of costs without affecting the prices paid by customers.

Because JPATS is entirely supported by its customers through a revolving fund, the "pay-as-you-use" concept relieves JPATS from the financial crunch at the end of the fiscal year that it experienced under an appropriated budget. However, our interviews with customers disclosed problems and issues associated with the exclusive use of a revolving fund in operating the program.

For example, the USMS curtailed its usage of JPATS and thereby temporarily reduced its contributions into JPATS revolving fund in both FYs 2004 and 2005 to cover shortfalls in its own budget. In addition, the BOP chartered its own medical airlifts because it found vendors who charged one-half the cost that JPATS charges for its small airplanes.[11] The amount ICE pays to JPATS is high because ICE has to pay the cost for round-trip deportation flights to foreign countries, even though the return flight is usually empty. Prior to FY 2006, JPATS explored selling seats on these return flights to other federal agencies, but this option proved to be too expensive because potential customers were required to pay for the entire cost of the return flight, even if only one seat was filled. In FY 2006, the JEC approved a new pricing policy for return flights from overseas deportations under which agencies will be charged only for seats actually used and the remainder of the flight costs will be borne by ICE.

Inherent Risks in Management Controls

According to a USMS Directive, JPATS's goals are to ensure that prisoners or aliens appear in court when needed, are transferred efficiently to a new correctional or detention facility, or are deported at the first opportunity.[12] Given the variety of transportation needs and the nature of the individuals being transported, inherent risks exist in managing a transportation system like JPATS. The first objective in our audit was to evaluate the USMS's ability to effectively manage the risks inherent in JPATS's prisoner movements to ensure safe and efficient transport. To examine this issue, we reviewed budgetary issues, capacity planning, the leasing of aircraft, and the efficiency of scheduling prisoners and aliens onto JPATS flights. Further, as discussed in the subsequent section, we examined

[11] When chartering medical flights through other vendors from FYs 2003 through 2005, the BOP spent a total of about $19.8 million during the three fiscal years.

[12] USMS Directive 16.3.

safety and security risks by reviewing the adequacy of JPATS security staffing and the adherence to crew rest requirements.

Budget Issues

According to a JMD official, a revolving fund is the ideal choice to operate a program when the level of required service cannot be predicted accurately. JPATS meets this criterion because the requirements of the federal judiciary are subject to frequent changes, and the number of prisoner and alien movements is difficult to predict. When JPATS operated with appropriated funds, the program ran out of money each year toward the end of the fiscal year and had to rely on an infusion of funds from the USMS to continue operations. Switching to a revolving fund was intended to eliminate end-of-year shortages and allow JPATS to continue operating as long as the customers are able to pay its expenses.

The original Memorandum of Understanding (MOU) for JPATS's revolving fund outlined the responsibilities of the participating agencies. The three major customer agencies agreed to Reimbursable Agreements as their guarantee to pay for the services received from JPATS. The customers also agreed to provide JPATS with annual estimates of anticipated movements as a part of the planning process for each fiscal year. Further, the customers agreed to keep all parties informed when the original estimates had to be modified. As the provider of services, JPATS agreed to develop cost estimates and pricing strategies based on the requirements of the customer agencies.

We reviewed this budgetary process and found that JPATS, along with the BOP and ICE, generally adhered to the stipulations of the MOU. However, the USMS did not adhere to the requirements of the MOU when it decided to unilaterally reduce its flight hours in FY 2005. This issue is discussed in detail in the chapter of this report entitled "Coordination Among the Agencies," sub section "*Proper Intervention by the JEC."*

Recognizing that the use of a revolving fund to finance JPATS operations has both advantages and disadvantages, we explored possibilities to minimize the disadvantages. One possible alternative to the revolving fund would be a "hybrid" budget model that combines appropriated monies with a revolving fund. The Federal Aviation Administration (FAA) employs a

hybrid budget model for its "Hangar Six Program."[13] If JPATS were to receive some appropriated funding under a hybrid model, it could budget these funds for fixed costs –salaries and benefits of full-time employees and office rent that support its infrastructure– and bill customers only for variable costs such as fuel, overtime, and aircraft maintenance. Such a model would significantly reduce the hourly rate that JPATS currently charges its customers. We recommend that the USMS and the JEC consider this hybrid funding model.

Capacity Planning

According to JPATS officials, the overall demand for prisoner and alien transportation has grown over the past six years, as shown in the following table.

JPATS AIR MOVEMENTS FROM 2000 THROUGH 2005

Customer	2000	2001	2002	2003	2004	2005	Percentage Change from 2000 to 2005
USMS	51,702	52,601	54,789	59,820	63,721	62,402	21%
BOP	26,091	24,586	25,793	26,014	23,532	23,670	-9%
ICE/INS	74,693	75,530	82,103	89,373	89,269	95,876	28%
Total	152,486	152,717	162,685	175,207	176,522	181,948	19%

Source: JPATS

Given that JPATS is focused on providing transportation services to its customers, it is important for JPATS to be a demand- or need-driven organization. This means that JPATS and its operations should be directly linked to the level of service that customers need in order to safely and economically transport prisoners and aliens. To assess JPATS's ability to plan for capacity in order to fulfill customers' needs for prisoner and alien transport, we interviewed JPATS officials and examined relevant documents in two categories. First, we examined whether JPATS has conducted long-range plans to address anticipated changes in passenger movements based on historical trends. Second, we reviewed flight manifest records to determine whether the capacity of JPATS's air fleet is being optimally used to maintain an efficient operation.

[13] Hangar Six flights transport FAA officials, take National Transportation Safety Board (NTSB) personnel to crash sites, and provide transportation for air marshals in emergency cases. Non-FAA customers pay Hangar Six for services received.

Based on the pattern of past growth and expected future demands, it is critical that JPATS adequately plans for its future capacity needs. By not planning for future capacity needs, JPATS could be caught off guard by changes in demand and customer needs and find itself in a position where it cannot transport prisoners and aliens in an efficient and effective manner.

An important element in any capacity planning effort is the ability to forecast or predict future needs. According to JPATS management, however, JPATS does not forecast or project prisoner and alien movements more than one year into the future.[14] The closest that JPATS came to having multi-year forecasting capability was contained in its 1997 five-year strategic plan. The plan described the proposed development of a model to forecast and predict JPATS's future transportation demands based on the number of prisoners and aliens in the federal prison system and those awaiting trial or adjudication. The purpose of the model was to link historical trends that affect demand with projections for future needs. However, the strategic plan was not adopted upon its issuance, resulting in the abandonment of the proposed forecasting model.[15] According to the Assistant Director of JPATS, material in the 1997 strategic plan was believed to be obsolete by the time the plan was completed. Yet, we believe that the specific forecasting project was not obsolete, and the proposed model would have provided a mechanism for JPATS to assess its future needs in air transport and develop any necessary strategy and plans to fulfill those needs.

When we asked JPATS management whether it is actively planning for future capacity needs, the Assistant Director stated that JPATS does not plan for future capacity needs because aviation programs change frequently and are subject to many variables which would render such planning obsolete by the time it is completed. We disagree and believe that the difficulty in performing capacity planning is outweighed by the benefits including giving JPATS the ability to plan for future increases in demand and incorporate changes to its operations, if needed, in areas such as infrastructure, air fleet, or personnel.

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[14] According to JPATS officials, before the start of each fiscal year JPATS obtains from its customers projected prisoner movements for the upcoming fiscal year and budgetary information for the upcoming three years. These projected movements are used to establish the JPATS budget and revolving fund. However, in our discussion regarding capacity planning we are focusing on forecasting models that extend beyond one year.

[15] Upon the expiration of the five-year strategic-plan in 2002, JPATS did not develop a new strategic plan.

Further, we asked the Assistant Director of JPATS what is being planned for JPATS to cope with the anticipated rise in prisoner and alien movements. He told the OIG that JPATS is capable of meeting the increase in customers' demand for transportation services. Specifically, he said that JPATS would lease additional planes on an emergency basis and hire more contract guards to serve customers. In our opinion, this illustrates the need for longer-term capacity planning because leasing additional planes on an emergency basis is not only reactive, but is also more expensive compared to longer-term aircraft leases.

A consequence resulting from the lack of capacity planning has been the under-utilization of available seats on JPATS aircraft. We reviewed data from 1,034 flights between FY 2004 and the first quarter of FY 2006 (not counting empty return flights from overseas deportations). We found that 74 percent of the seats were filled on flights originating from Oklahoma City, Oklahoma, but only about 49 percent were filled on flights originating from Alexandria, Louisiana, and 45 percent were filled on flights from Mesa, Arizona. On the daily night-loop flights that depart from Mesa, Arizona, each Monday through Friday, the under-utilization of seats was even more pronounced.[16] Despite the more frequent processing of illegal aliens in the region, only about 43 percent of the seats were filled for the 81 flights we reviewed in FY 2004, and approximately 34 percent were filled for the 79 flights we reviewed in FY 2005.

Overall, we noted consistent low usage of seats in flights that transported aliens. While we understand that, given the needs of its customers, JPATS is not always going to fly at full capacity, there are steps JPATS can take to decrease the number of empty seats on its flights. For example, JPATS could consider reducing the number of night loop flights it offers. This would result in fewer, but more full, flights per week.

Investing in Aviation Resources

Currently, JPATS leases its large aircraft under a short-term contract. However, recent studies performed by the Government Accountability Office (GAO) and the OFDT indicate that purchasing aircraft yields the most savings for an aviation program on a long-term basis. If funding for

[16] The "night loop" flight originates in Mesa, Arizona, in the late afternoon and proceeds to several locations in the western United States to move aliens to detention centers and pick up aliens being transported to drop-off points near the Mexican border for deportation. The flight returns to Mesa, Arizona late at night.

purchase is not available, the GAO's 2004 study suggests that long-term leases provide more savings than short-term leases.[17] Yet, at the time of our review, JPATS obtained all of its large aircraft using short-term leases. We believe that JPATS should explore the more economical option of long-term leases to meet its aircraft needs.

JPATS operates six large aircrafts obtained with a short-term lease awarded in late 2004 which it renewed in late 2005 for one additional year. According to our interviews with 23 JPATS pilots, 20 believed that these leased aircraft have operated well and have been maintained adequately by the contractor. Of the remaining three pilots, two provided a negative response, while one pilot did not answer our question.[18]

Although feedback from JPATS's pilots was generally positive on the quality of airplanes leased under short-term arrangements, recent studies have shown that purchasing aircraft is the best option for aviation programs. In its 2004 report, the GAO explored the following methods of acquiring aircrafts: (1) purchase, (2) short- or long-term leases, and (3) lease-to-purchase, where the programs remit lease payments and eventually own the planes at the end of the lease. According to the GAO's analysis, purchasing is the most economical option over the course of the aircraft's useful life and short-term leases in one-year increments are the most expensive option.

Despite the savings that could be realized through purchasing aircraft, most federal air transportation programs have chosen operating leases, in part because of how these expenses are reported in an agency's budget. According to the GAO's analysis, operating leases seem "cheaper" because programs are required to record only the annual lease payment in the budget. By contrast, for lease-to-purchase options programs must record the net present value over the entire life of the contract, a significantly higher figure than operating leases.

The OFDT reached a similar conclusion in its 2003 study, *Aircraft Replacement Procurement Strategy for the Justice Prisoner and Alien*

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[17] In June 2004, the GAO issued its report, *Federal Aircraft: Inaccurate Cost Data and Weakness in Fleet Management Planning Hamper Cost Effective Operations.* This report examined seven federal aviation programs in terms of data accuracy, methods of acquiring aircraft, and operational and safety standards.

[18] Of the two negative responses, one pilot stated that the contractor is probably doing the minimum requirements on maintenance to get by, while the other pilot said that the contractor appeared to not take actions on minor maintenance issues until these developed into more significant concerns.

Transportation System (JPATS). In comparing the option to lease and purchase, the OFDT stated that although short-term leases appear attractive because of the low cost on a short-term basis, they provide no ownership of the assets at the end of the terms. The OFDT also identified the Boeing 737-700 as a possible candidate for purchase. This aircraft would cost $49 million, with a useful life of 30 years. The study by the OFDT compared the cost of purchasing six such aircraft with leasing similar type of planes, as follows.

COMPARISON BETWEEN PURCHASING AND LEASING SIX AIRCRAFT

	Type of aircraft	Age of aircraft	Estimated total cost over 30-year life cycle (with maintenance)
Purchase	Boeing 737-700	New	$540 Million
Ten-Year Lease	Boeing 737-300	8 Years or Under	$840 Million

Source: OFDT

Based on the above analysis, the OFDT concluded that purchasing the aircraft would cost more in the short-term, but operating leases do not offer ownership of the assets and cost more in the long-term. Nevertheless, the OFDT conceded that because "funding is not available for the purchase of aircraft; therefore, leasing remains the only option to modernize the JPATS fleet."

JPATS officials told the OIG that they recognized the benefits of purchasing versus leasing aircraft. However, they said that JPATS must rely on operating leases because of the exorbitant initial outlay of capital required to purchase planes. Of the various lease options, JPATS had attempted to procure its air fleet through a long-term lease in 2002 that would be cheaper than the current short-term leases. However, that attempt was unsuccessful and had to be aborted in 2003.[19]

As of the time of this audit, JPATS officials stated that they are renewing their efforts to procure leased planes on a long-term basis with assistance from JMD. Additionally, JPATS has announced a new contracting officer position, which would increase the total number of contracting officers from two to three and ensure more adequate staffing for such a major procurement project.

[19] JPATS began the solicitation for a long-term lease of large aircraft in 2002. The initial solicitation and a subsequent revision resulted in two protests. One protest involved disagreement with the performance requirements specified in the solicitation, while the other protest involved restrictive competition.

Scheduling Efficiency

The JPATS scheduling process for prisoners begins with an electronic request from the BOP or the USMS to JPATS's Automated Prisoner Scheduling System (APSS). First implemented in April 2000, APSS is an automated scheduling system utilized by JPATS, the BOP, and the USMS to schedule and transport prisoners efficiently. The system electronically receives transportation requests from the BOP and the USMS, which includes basic data on the passenger, movement type and requirements, and medical or security issues. After evaluating the requests, JPATS schedules the passenger movements upon considering each movement's priority.

We found that JPATS's implementation of APSS has enhanced the ability of JPATS, the BOP, and the USMS in processing movement requests by automating the process and reducing the amount of manual word processing that was needed under the previous method. Prior to implementation of APSS in April 2000, JPATS relied on a manual scheduling method that required excessive data entry to generate trip reports. By storing requests in a database, APSS has enhanced the BOP's and the USMS's ability to create, modify, query, report, and archive prisoner transportation information. APSS has also reduced the amount of time needed to process transportation requests and ensured that flights are as full as possible. Although the actual scheduling of passenger movements is not "automatic" and requires review of various criteria, JPATS schedulers we interviewed unanimously endorsed the conversion from manual scheduling to APSS.

However, ICE does not use APSS to schedule alien movements, but rather uses the system after-the-fact to enter passenger data for billing purposes. Instead of electronically scheduling its passengers using APSS, ICE detention centers and Service Processing Centers forward passenger lists to JPATS hubs via facsimile on the day of the flight. JPATS staff forwards those lists to JPATS Headquarters in Kansas City, Missouri, where the names are manually entered into APSS after the flight.

As discussed earlier, flights containing BOP or USMS prisoners are generally more full than those for ICE aliens. When we asked ICE officials why they do not fully utilize APSS, they stated that the agency generally has too short of a lead time to electronically schedule aliens in APSS. According to ICE, its lead time for flights within the continental United States is the day of the flight and one week for foreign flights.

Although we recognize that the short lead time for domestic flights may not always allow for advanced electronic scheduling, we believe that the one-week lead time on foreign flights provides enough time to electronically schedule those passengers using APSS. Benefits from using APSS include less data entry and flights that were more full.

In addition, we believe the JPATS scheduling process could be enhanced by providing security officers with an electronic manifest to be used during flight missions. Currently, security officers at the hub print out the flight manifest report from APSS before flight missions in order to schedule a crew of security officers and to take the manifest aboard the aircraft to verify the passenger list along the stops. We noted that scheduled passenger lists on flight manifest reports are frequently updated manually by the security crew on the day of the flight due to last-minute changes. We believe that an electronic manifest would improve the security officers' ability to update the actual number of passengers loaded and unloaded at each stop, as well as determining available seats to cope with unexpected new passengers throughout the flight mission.

Safety and Security Risks

We also evaluated the adequacy of JPATS's controls to minimize safety and security risks inherent in transporting prisoners and aliens. To determine whether JPATS has sufficient controls in these areas and identify areas for improvement, we interviewed JPATS and agency officials and reviewed relevant documentation and data.

Safety Controls

We reviewed safety and security controls by examining JPATS's policies in these areas and testing whether it was adhering to them. JPATS is a public aircraft operation and therefore, according to the FAA, is not subject to FAA regulations.[20] However, JPATS voluntarily follows most FAA rules and has also developed its own Flight Operations Procedures and Manuals (FOPM) to reduce safety risks.

The FOPM requires JPATS to operate at airports with adequate services, including an operational control tower. Deviations from this policy

[20] Pub. L. No. 106-181 (2000) defines public aircraft as an "aircraft owned by the Government," and states that "transport of prisoners, detainees, and illegal aliens" is a qualifying governmental function.

require a waiver from the JPATS Chief of Flight Operations. We found that JPATS complied with this requirement, except in Mesa, Arizona. JPATS has a late flight each weeknight that returns to the Mesa, Arizona, hangar around midnight. The control tower at the Mesa, Arizona's Williams Gateway Airport shuts down each day at 9:00 p.m. Although no safety incidents had occurred in Mesa, Arizona hub as a result of a lack of operational control tower for the return flight, the risk of navigating the airspace without an operational control tower increases the potential that other aircraft in the area will not see the JPATS flight on its approach, which may lead to a collision.

According to JPATS management, it has requested that ICE change the evening flights with daytime flights, in part, to address the safety issues at the Mesa airport. However, ICE has not been willing to change its evening flights to daytime flights, because the evening flights enabled the agency to synchronize with the schedule of immigration courts and deport aliens immediately after the adjudication process is complete.

Additionally, we reviewed documentation on pilots' credentials required by the JPATS FOPM and were able to locate the pilot licenses for each of JPATS's 32 pilots. Moreover, with one exception, the pilots' background checks were favorable and up-to-date. The exception involved a pilot whose re-investigation was interrupted by a military tour in Iraq as a reservist in 2003. However, we found that four JPATS pilots did not have current annual medical certificates on file, and four pilots did not have their most recent training records on file.[21]

Another important safety control is crew rest. Under a JPATS Program Directive, pilots, full-time Air Enforcement Officers (AEOs), and contract Air Security Officers (ASOs) are entitled to a specific number of hours of rest depending on the length of the flight duty, as shown in the following table.[22]

[21] The missing medical and training certificates were all located upon a follow-up visit in April 2006.

[22] JPATS voluntarily implements a policy on crew rest, even though it is not required to do so as a Public Aircraft program. A direct comparison of rest requirements between JPATS and civilian operators is not possible because of the methodology employed by each. JPATS, for instance, includes pre- and post-flight activities in calculating duty periods for pilots; the FAA excludes these in its policy.

DUTY DAY AND ENTITLED CREW REST

Duty Period in Hours		1 to 14	15	16	16 or more
Entitled Crew Rest in Hours	Pilot	12	13	14	24
	AEO and ASO	9	12	12	24

Source: JPATS Program Directive No. 4, Revision 5

JPATS's policy addresses crew rest by adjusting the daily flight schedules, assigning a new crew, or, in rare instances, issuing waivers to allow employees to fly without their prescribed rest periods. We found that JPATS does not maintain records to show whether it is adhering to its crew rest policies, including the specific instances when it has issued waivers.

Despite the lack of a system to track crew rest, we reviewed time-and-attendance records for a sample of 27 employees, representing a total of 1,248 flight assignments. We found 57 instances where JPATS crew members appeared to have not received the entitled rest prescribed by JPATS policy.[23] While the number of instances appears small in our sample (4.57 percent), we believe that the absence of an effective system to monitor the crew rest requirement presents a weakness in management controls that should be addressed by JPATS.

We also reviewed a variety of documentation related to the safety of JPATS flight operations and found no accidents resulting in fatalities since the program began in 1995. The only noteworthy aviation safety event was an accident in October 2003 that involved a tire explosion on a leased JPATS aircraft that landed at the Chicago O'Hare International Airport. All passengers on board were evacuated without injuries, and an internal investigation by JPATS concluded that defects within the leased aircraft caused the mishap.

Security Controls

Security on JPATS flights is a critical issue when transporting prisoners and aliens. JPATS's Cabin Security Crew Policy and Procedures Manual (Cabin Manual), most recently updated in January 2004, addresses security issues related to the transport of prisoners and aliens. [SENSITIVE INFORMATION REDACTED]

[23] Although the time-and-attendance records represented the best available information in lieu of a specific tracking system, we could not definitively determine from these records the amount of time spent by crew members on a flight mission. The amount of time that a crew member spends on a flight mission is necessary to calculate the entitled crew rest.

Because JPATS does not maintain information on security crew size in an electronic database, we found no easy method to assess whether JPATS is adhering to this ratio on any given flight. In lieu of more definitive records, we analyzed flight manifests to determine whether JPATS was complying with the required [SENSITIVE INFORMATION REDACTED] ratio. In total, we reviewed a sample of 1,028 flights and found 130 (13 percent) that exceeded the required security ratio. We believe this deviation from JPATS policy should be corrected because it exposes JPATS operations to potential security threats when transporting prisoners or aliens.

In addition to security on flights, JPATS assigns [SENSITIVE INFORMATION REDACTED] security guards at its hubs and hangars [SENSITIVE INFORMATION REDACTED]. We found, however, that JPATS was unable to schedule sufficient security officers at hangars on a routine basis. [SENSITIVE INFORMATION REDACTED] While security aboard its flights is JPATS's foremost objective, leaving the hangars understaffed or unstaffed increases safety and security risks to its facilities on the ground, including equipment, aircraft, employees, and contractors.

[SENSITIVE INFORMATION REDACTED]

Coordination Among Participating Agencies

Successful transport of prisoners and aliens requires coordination among all the parties involved in JPATS operations. In our second audit

objective, we evaluated the adequacy of JPATS's coordination with its customers by determining whether JPATS had a mechanism for coordinating all participating agencies at an administrative level to ensure that the concerns of all parties are addressed. Further, we interviewed the Assistant Attorney General for Administration, who chairs the JEC, and the Federal Detention Trustee as well as representatives from the USMS, the BOP, ICE, and JPATS to obtain their perspectives on coordination.

Overall, we found mixed results in our examination of the coordination between JPATS and its customer agencies. We believe that the JEC serves as the primary mechanism for participating agencies to meet and discuss matters of mutual interest. For example, in 2005 the JEC appropriately intervened to address a situation that had the potential of adversely affecting coordination. In early 2005, the USMS unilaterally decreased by 150 its projected flight hours of 1,850 because of a budgetary shortfall. This was contrary to the 1998 MOU that requires customers to notify JPATS and the other participating agencies of changes to their estimated usage. The reduction of available flights required the BOP to delay movements of certain prisoners or re-schedule their movements through its bus system, which was already experiencing budget restraints and staff reduction.

When the JEC learned of the USMS's actions, it convened an emergency meeting to address the situation. The matter was resolved when the JEC directed the USMS to follow through on its commitment to its projected flight hours and reimbursement to JPATS. As a result of the JEC's intervention, the USMS's actions did not significantly affect other customers.

A situation that we believe requires the attention of JPATS management involved the BOP at the JPATS hub in Oklahoma City, Oklahoma. JPATS uses the BOP Federal Transfer Center, located at the Will Rogers World Airport in Oklahoma City, Oklahoma to house prisoners on a temporary basis while they are in the process of being transported around the country. During our site visit in the summer of 2005, we found that this facility was operating at full capacity with 1,350 male inmates and 118 female inmates. The approximate average stay for these prisoners ranged from 10 to 13 days in FYs 2004 and 2005. According to JPATS management, there is no benchmark for how long a prisoner should stay at the FTC. Because the facility operated at full capacity, the lack of bed space affected JPATS's ability to transport prisoners, especially those that required

layover housing.[24] JPATS becomes less efficient and more costly when overnight housing is lacking. Specifically, if JPATS does not have access to beds for housing prisoners overnight, it cannot group prisoners destined for the same location on a single flight and thereby take advantage of economies of scale.

To address this problem, the OFDT worked with the USMS to obtain an agreement with a local county correctional facility that had an additional 240 beds available. Although this resolved the problem of insufficient bed space for in-transit prisoners, we believe that JPATS should establish a benchmark for the length of layover stays at the FTC. Furthermore, JPATS should work through the JEC to examine how it can help reduce the length of stay for in-transit prisoners being housed at the transfer center.

Recommendations

Our audit report contains 15 recommendations to the USMS regarding JPATS related to better management of the revolving fund, capacity planning, and scheduling. We also make several recommendations related to the safety of JPATS's flight operations as well as security controls. We believe that implementation of these recommendations can improve the efficiency and security of JPATS operations.

[24] When JPATS picks up BOP or USMS prisoners at a location, the final destination for those prisoners may not necessarily be on the itinerary for that day, but rather on the itinerary for a flight the next day or several days later. In such circumstances, JPATS needs to house the in-transit prisoners until they arrive at their final destination. The BOP Federal Transfer Center is used for this purpose.

THE UNITED STATES MARSHALS SERVICE'S MANAGEMENT OF THE JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM

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CHAPTER 1: INTRODUCTION

The Justice Prisoner and Alien Transportation System (JPATS) transports prisoners and aliens in federal custody within the United States and overseas. JPATS also performs scheduling, security, and medical functions in support of prisoner transportation. Managed by the United States Marshals Service (USMS), 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).[25] To a limited extent, it provides service for the military and state and local law enforcement organizations. JPATS also provides occasional air transportation in support of the USMS Witness Security Program and for the federal government's response to national crises, such as the terrorist attacks of September 11, 2001, and the hurricanes of 2005.[26]

The Department of Justice (DOJ), Office of the Inspector General (OIG) conducted this audit to evaluate the USMS's: (1) ability to effectively manage the inherent risks in prisoner movements to ensure safe and efficient transport, and (2) coordination with its three primary customers regarding the movement of prisoners and aliens.[27]

Background

JPATS transports prisoners between judicial districts and correctional institutions in the United States and other countries through its leased and owned aircraft, as well as with the motor vehicle fleet of its customers.[28] According to the USMS, JPATS completed 305,649 total prisoner movements

[25] In this report we use the term "customers" to denote the three principal agencies that use JPATS on a regular basis: the USMS, the BOP, and ICE.

[26] For Hurricanes Katrina and Rita in 2005, JPATS participated in the relief efforts by conducting a total of 27 flights, which transported 3,510 victims, 62 Air Force medics, and 35 Air Marshals.

[27] See Appendix I for a more detailed description of our audit objectives, scope, and methodology.

[28] See Appendix II for a map showing the air and ground routes that transport the primary customers of JPATS. JPATS transports prisoners and aliens by air through its fleet of service-owned and leased airplanes. Although JPATS assists in the scheduling of ground transport for the BOP and the USMS, it does not own or operate the motor vehicle fleets used by those two agencies. JPATS also is not involved in any aspects of the ground transport of aliens under the jurisdiction of ICE.

in fiscal year (FY) 2005.[29] The following table provides a breakdown of those movements by the originating agency and mode of transportation.

JPATS PRISONER MOVEMENTS BY ORIGINATING AGENCY AND MODE OF TRANSPORTATION FY 2005[30]

Mode	USMS	ICE	BOP	Non-Federal[31]	Other Agencies[32]	TOTAL
Large Aircraft	57,035	95,511	23,662	3,176	6	179,390
Small Aircraft	2,181	365	8	4	0	2,558
Other Modes[33]	78,032	91	44,777	797	4	123,701
TOTAL	**137,248**	**95,967**	**68,447**	**3,977**	**10**	**305,649**

Source: JPATS

JPATS regularly serves approximately 40 domestic and international cities, plus other locations on an as-needed basis. Prisoner and alien movements are authorized for a variety of reasons, including: pre-trial hearings and competency examinations, trial, pre-sentence study and observation, delivery to an institution to serve sentence, transfer between institutions, delivery of criminal aliens to a deportation center, removal of aliens, transfer of non-federal detainees, transfer of military prisoners, and other missions such as secured transport of witnesses, extraditions, national emergencies, and natural disasters.

[29] According to JPATS, within each mode of transportation, a movement is the transport of a prisoner or alien from an initial departure location to the destination, regardless of how many intermediate stops are made.

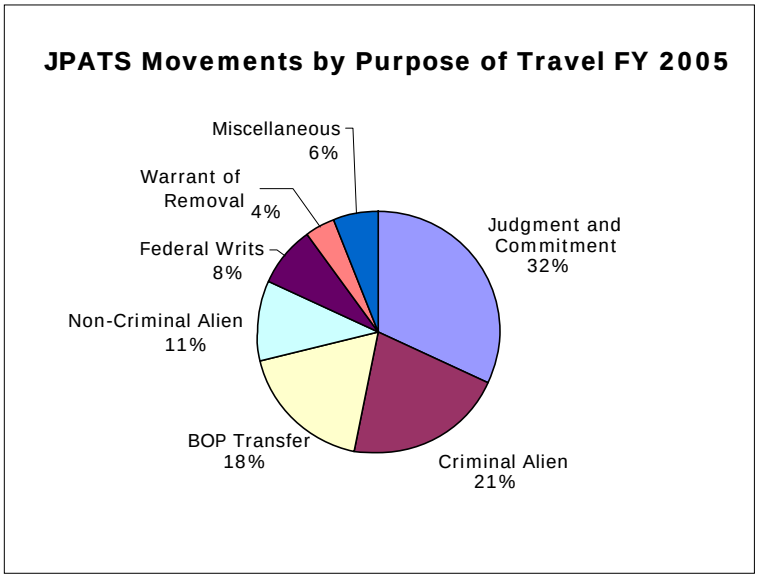
[30] See Appendix III for JPATS air movements by fiscal year and by customers, as well as a breakdown of deportations to foreign countries.

[31] In FY 2005, a total of 858 requests were made to transport non-federal prisoners through JPATS; these requests generally came from state or local law enforcement agencies. See Appendices IV and V for non-federal prisoner movements in FYs 2004 and 2005.

[32] Other agencies include prisoners moved for the military or for other civilian federal agencies such as the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA).

[33] Other modes include commercial air, cars, vans, buses, and air charters.

The following pie-chart displays USMS data on the breakdown of the FY 2005 prisoner movements by purpose of travel.[34]



Source: JPATS

Overview of JPATS

This section provides an overview of JPATS, including its history, organization, staff, budget, and oversight.

History

JPATS was created on October 1, 1995, by the merger of the USMS National Prisoner Transportation System and the Air Transport Branch of the former United States Immigration and Naturalization Service (INS). The merger was in response to recommendations made by the Management and Planning Staff (MPS) of the Justice Management Division (JMD), which was directed by the Attorney General to conduct a study on the aviation programs within DOJ. Specifically, the MPS study: (1) examined the inventory of the air fleets of DOJ, (2) reviewed how each fleet was used, and (3) explored possibilities of consolidating aviation programs for efficiency. The scope of the MPS's review included the aviation programs at the USMS,

[34] The six percent of Miscellaneous in the pie-chart includes one percent for court orders, one percent for non-federal entities that requested JPATS services, and four percent for all others.

the DEA, the FBI, and the former INS, which had two aviation programs: the Air Transportation Branch and the Border Patrol.[35]

The MPS identified the aviation programs at the USMS and the former INS's Air Transportation Branch as likely candidates for a merger. The primary reason was that both programs transport individuals on a regular basis: the USMS provided air transport for prisoners, while the Air Transportation Branch provided air transportation for illegal and criminal aliens throughout the United States. The other aviation programs did not have similar functions and were considered unique and unsuitable for consolidation. The air operations at the DEA performed surveillance and undercover investigations and aerial photography. The FBI's aircraft operations also performed aerial surveillance and photography, as well as transporting FBI personnel and equipment. The mission of the Border Patrol's aviation program was to detect and apprehend aliens and smugglers of aliens as well as stop narcotics trafficking through the use of aerial surveillance.

The MPS study recommended the merger of the air operations of the USMS and the former INS because it would generate savings and avoid "duplicative investments in aircraft resources." This merger occurred in October 1995, with the new organization named the Justice Prisoner and Alien Transportation System.

Organization

JPATS is headed by an Assistant Director of the USMS who reports to the USMS Deputy Director.[36] JPATS is comprised of three branches: business management, flight operations, and scheduling and security. The Business Management Branch includes administrative, accounting, and procurement functions. The Flight Operations Branch manages the overall aviation program. The Operations Branch of Security and Scheduling oversees all security and scheduling issues.

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[35] At the time of the study, the BOP relied on the aviation services provided by the USMS; the BOP did not have its own aviation program.

[36] A significant change of personnel occurred during our audit, when the Assistant Director of JPATS retired in January 2006. Between January and April 2006, a USMS headquarters official served as the acting Assistant Director of JPATS. Since April 2006, the Chief of Business Management Branch of JPATS has been serving as the acting Assistant Director. In this report, the "Assistant Director" refers to the official who served in that role until his retirement in January 2006.

JPATS locations currently include its headquarters in Kansas City, Missouri, and four air fleet hubs in Oklahoma City, Oklahoma; Alexandria, Louisiana; Mesa, Arizona; and St. Croix, U.S. Virgin Islands. The Kansas City headquarters provides business and scheduling functions. The BOP and ICE maintain liaisons at the Kansas City location to consult on issues relating to the transport of prisoners and aliens.

The hub in Oklahoma City, Oklahoma transports prisoners under the jurisdiction of the USMS and the BOP and also manages flight operations for all the hubs. The hubs in Mesa, Arizona and Alexandria, Louisiana serve as the bases for flight missions involving aliens under the jurisdiction of ICE. The office in St. Croix, U.S. Virgin Islands transports federal prisoners for the USMS and, less frequently, aliens for ICE. For the past several years JPATS has been planning for a new hub in Aguadilla, Puerto Rico, which became operational in June 2006.[37]

Staff

JPATS employs both permanent staff and contractors. Permanent staff includes managers and operational employees in budget and accounting, administration, information technology, flight operation, security, and scheduling. Contractors include nurses from the United States Public Health Service, flight security officers under personal contracts, aircraft maintenance staff, and building maintenance personnel.

[37] In accordance with Section 605 of the Annual Appropriation Act, JPATS submitted its Congressional Relocation Report (CRR) for the Aguadilla project in 2003. A CRR notifies the Congress on the opening, closing, and relocating of programs. Both houses of Congress approved the CRR for the Aguadilla project in fall of 2004.

As of October 2005, JPATS employed 117 full-time employees and 212 contractors, as shown in the following table.

JPATS STAFFING AS OF OCTOBER 2005

Managers	10
Administrative and Business Personnel	15
Information Technology Personnel	4
Security Personnel	25
Transportation Schedulers	18
Aircraft Maintenance & Flight-Following Personnel	13
Pilots	32
Subtotal – Onboard Full-time Staffing	***117***
U.S. Public Health Service Flight Nurses	13
Contract Flight Security	160
Contract Aircraft Maintenance Personnel	35
Contract Building Maintenance Personnel	2
Contract Information Technology Personnel	2
Subtotal – Nurses and Contract Personnel	***212***
TOTAL JPATS ONBOARD STAFFING	**329**

Source: JPATS

Funding

From its inception in 1995, JPATS operated on appropriated funds that were a part of the USMS's annual budget. Beginning in FY 1999, however, JPATS received $5 million to initialize a new type of funding mechanism called a revolving fund.[38] Since that initial infusion of money, the JPATS revolving fund is maintained entirely from customers who pay for services received. The intent of JPATS's revolving fund was for it to cover all of the transportation expenses related to the movement of prisoners and aliens and to ensure consistent funding throughout the fiscal year. Before the revolving fund was established, appropriated funds for JPATS needed to be augmented from other sources within the USMS each year to ensure that the transportation of prisoners and aliens would not be interrupted. Issues relating to the management of the revolving fund are discussed in greater

[38] According to the President's FY 1999 budget submission to Congress, the USMS requested $10 million to initialize the JPATS revolving fund; however, Congress appropriated $5 million.

detail later in this report, in the "Inherent Risks in Management Controls" chapter, section entitled "Budget Issues."

The responsibilities of JPATS, its customers — the USMS, the BOP, and the former INS — and JMD were outlined in a memorandum of understanding (MOU) signed in July 1998. The three primary customers promised to provide Reimbursable Agreements as their guarantee to pay for services received from JPATS and these payments constituted the agencies' contribution to the revolving fund. As the provider of services, JPATS agreed to develop cost estimates and pricing strategies based on its customers' requirements.

Initially, JPATS charged its customers by the number of seats used. Since FY 2003, it has billed according to the flight hours used. This change improved the allocation of costs without affecting the prices paid by customers. The following table shows the revenue and expenses for JPATS in FYs 2004 and 2005.

JPATS REVENUE AND EXPENSES

	CATEGORY	FY 2004	FY 2005
REVENUE	BOP	$ 6,336,123	$ 7,690,501
	ICE	43,012,930	55,003,313
	USMS	24,831,976	23,653,511
	Non-Federal	736,366	752,222
	WITSEC, Miscellaneous	575,179	257,680
	TOTAL REVENUE	*$ 75,492,574*	*$ 87,357,227*
EXPENSES	Personnel/Training	17,909,727	17,658,244
	Aircraft Fuel	18,087,797	21,161,629
	Aircraft Maintenance	2,755,931	1,763,757
	Aircraft Leasing	30,838,280	38,289,655
	All Other Expenses	9,358,430	8,185,459
	TOTAL EXPENSES	*78,950,165*	*87,058,744*
	PROFIT/(LOSS)	**($3,457,591)**	**$ 298,483**

Source: JPATS

Oversight

The JPATS Executive Committee (JEC) serves as the primary mechanism for coordinating activities of the participating agencies. Created in FY 2000, the JEC is chaired by DOJ's Assistant Attorney General for Administration. The JEC consists of the Assistant Director of JPATS, the Detention Trustee from the Office of the Federal Detention Trustee (OFDT),

and three representatives each from the USMS, the BOP, and ICE.[39] According to its charter, the JEC assists JPATS with executive guidance to ensure that the operations meet the needs of the customers and are appropriate in cost and scope. The JEC meets on a quarterly basis.

The OFDT interacts with JPATS through the JEC on operational and administrative issues. For instance, at the behest of the OFDT, a contract auditing firm began a review in the summer of 2005 that focused on determining an appropriate staff for JPATS given its current workload. This review was still in progress as of July 2006.

Besides the JEC and the OFDT, several outside bodies also formulate policies that affect JPATS. The Federal Aviation Administration (FAA) is responsible for the safety of civil aviation, but because JPATS operates under the Public Aircraft provision, it is exempt from many FAA rules and regulations that apply to commercial airlines. However, JPATS management has chosen to adhere to most FAA rules and regulations that relate to aviation safety, operations, and maintenance.

The General Services Administration (GSA) also provides guidance for federal civilian agencies that operate aviation programs. The Interagency Committee on Aviation Policy (ICAP), created by the GSA, consists of representatives of federal aviation programs and provides services such as the Aviation Resources Management Survey (ARMS). ARMS inspections are conducted by ICAP committee members who examine both administrative and operational aspects of federal aviation programs. JPATS voluntarily submits to an ARMS inspection every 4 years.

In addition, the Office of Management and Budget (OMB) Circular A-126, *Improving the Management and Use of Government Aircraft*, provides the principal guidance for management of federal aviation programs and for travel on government aircraft.

The Transportation Process

Significant changes since the late 1990s have transformed how JPATS transports prisoners and aliens. Besides the revolving fund, JPATS has automated the scheduling process, and has also switched to an entirely leased fleet of large aircraft. The following section provides an overview of

[39] The 1994 JMD study that led to the creation of JPATS recommended the formation of an oversight body. In FY 1999, a JPATS Advisory Committee was created that eventually served as a model for the JEC.

JPATS's transportation process in its three stages: scheduling for the BOP and the USMS, transporting scheduled individuals, and billing for services provided. Because ICE differs fundamentally in its operations from the USMS and the BOP, the scheduling of ICE movements will be discussed separately.

Scheduling for the BOP and the USMS

In April 2000, JPATS converted from a manual scheduling method to its Automated Prisoners Scheduling System (APSS). APSS is an automated scheduling system utilized by JPATS, the BOP, and the USMS to schedule and transport prisoners efficiently. The system electronically receives transportation requests from the BOP and the USMS, while JPATS personnel use the system to generate trip itineraries. When using the new system, the BOP and the USMS initialize a request for movement by transmitting data through the Justice Detainee Information System to APSS. The required data include: the full name and identification number of the prisoner, date of birth, gender, age, and race; the origin and destination of the required movement; the date when the prisoner will be available for travel and deadline, if any, for completing the travel; and medical condition and security level of the prisoner.

Upon receipt of the request for a prisoner movement, JPATS considers the following criteria in scheduling the request through APSS:

- The BOP typically moves prisoners by bus instead of air to reduce costs when the distance of travel is under [SENSITIVE INFORMATION REDACTED] miles.[40]

- Federal judiciary processes under the Speedy Trial Act (18 U.S.C. § 3161) must be executed in 10 days and receive high priority from JPATS. Judiciary processes that meet this criterion include Warrant of Removal, Study and Observation, and the return of Study and Observation.[41]

[40] The BOP maintains a fleet of 100 buses that 15 BOP institutions dispatch on a regular basis. The BOP conducted a total of 2,648 bus trips in FY 2004 and 2,745 in FY 2005.

[41] See Appendix VI for a list of federal judiciary processes frequently requested by the USMS for movements by JPATS.

- Movements of prisoners for disciplinary causes require immediate attention from JPATS.

- Movements of prisoners for medical reasons require consultation with a contract nurse from the U.S. Public Health Service to identify requirements for transporting the prisoner.

APSS tracks the requests by using tables that show seat-limits for both the air and ground fleet. JPATS issues its weekly flight schedule on the Thursday preceding the week of departure, although changes may still be made in APSS until the day before departure.[42]

Scheduling for ICE

ICE transports aliens through JPATS to locations in the continental United States (CONUS), Central America, and the Caribbean. The CONUS flights accomplish two goals: (1) transferring aliens among detention facilities for a wide range of reasons, including administrative purposes such as immigration hearings and interviews, and (2) transporting aliens of Mexican origin to an airlift location near the border for deportation via buses.[43] The foreign flights consist entirely of overseas movements to remove deportees.

ICE requests a movement when: (1) the Immigration Courts have completed the adjudication of a case, and (2) a foreign consulate issues a travel document for its citizens. ICE does not use APSS for transmitting requests for movements. Instead, it sends its Form I-216, Record of Persons and Property Transferred, which is essentially a passenger list, via facsimile to the hubs on the day of the flight.

According to ICE officials, ICE has not automated its scheduling method because it typically does not know who will be available for

[42] See Appendix VII for the weekly flight schedules of JPATS' six large planes at the Oklahoma City, Oklahoma; Alexandria, Louisiana; and Mesa, Arizona hubs.

[43] JPATS movements of aliens under ICE jurisdiction accounts for only a portion of ICE's transportation requirements. According to ICE data, JPATS provided 95,292 movements during FY 2005. In that same timeframe, ICE purchased 62,017 tickets in the amount of $63,741,543 to address movements of aliens that the agency elected to conduct outside JPATS.

movement more than one day in advance.[44] In order to save detention costs, ICE moves aliens as soon as they are ready for transport. According to the ICE liaison to JPATS, the routes of ICE flights have been well-established to allow its detention centers to communicate with one another regarding the number of seats available on flights. ICE posts its forthcoming weekly flight schedules each Wednesday.

Transporting Scheduled Individuals

Once the scheduling process is complete, the transportation process shifts to JPATS's Flight Operations Branch and the Security Section. The Flight Operations Branch schedules pilots who are qualified and available for flight missions, ensures that the Contracting Officers' Technical Representatives monitor the maintenance of the aircraft provided by the contractors, and manages the Flight Following office in Oklahoma City, Oklahoma that tracks the progress of all JPATS flights. The Security Section is responsible for scheduling the security guards aboard the flights, either full-time Air Enforcement Officers (AEOs) or contract Air Security Officers (ASOs).

Using its six large leased aircraft, JPATS transports prisoners and aliens from Oklahoma City, Oklahoma; Alexandria, Louisiana; and Mesa, Arizona to locations in CONUS, Central America, and the Caribbean.[45] [SENSITIVE INFORMATION REDACTED][46] [SENSITIVE INFORMATION REDACTED]

The flight and security crews complete two documents that serve as permanent records of a flight mission:

- The flight crew completes a flight log, which records the serial number of the aircraft, the name of the flight crew, the number of stops (also known as "legs") completed, the time of arrival and departure of all legs, and fuel usage.

[44] For CONUS flights, ICE does not know the aliens who will be available for movement until the date of the flight. For foreign missions, ICE schedules deportees one week prior to the departure because the foreign government must receive prior notice of the return of its citizens.

[45] The composition and seating capacity of the current fleet is displayed in Appendix VIII. JPATS used to operate a combination of leased and service-owned large aircraft, until it sold its service-owned large aircraft in 2004.

[46] [SENSITIVE INFORMATION REDACTED]

- The security crew completes a daily log, which records the names of the security officers, and the number of passengers loaded, dropped, and on-board at each leg.

As stated earlier, the hub in Oklahoma City, Oklahoma primarily transports federal prisoners under the jurisdiction of the USMS and the BOP. To facilitate the transport of these federal prisoners, the BOP Federal Transfer Center serves as a layover facility. Opened in 1995 and operated by the BOP, the transfer center is at the Will Rogers World Airport in Oklahoma City, Oklahoma near the JPATS hub.

Billing for Services Provided

After flight missions have been completed, JPATS reconciles the passenger list through APSS in order to close out the trip. Upon closure, data from APSS is downloaded to the JPATS Cost Accounting System (JCAS), which generates billing reports based on the flight hours from the flight log. The JACS issues billing reports on a monthly basis.

JPATS participates in the Intra-governmental Payment and Collection (IPAC) system of the Department of the Treasury. The IPAC provides a mechanism for federal agencies to make reimbursements through electronic transfer of funds. JPATS receives reimbursements for its services by drawing funds directly from the accounts of its customers, as long as JPATS possesses a properly executed Reimbursable Agreement.

Prior Reviews

JPATS and specific aspects of its operations have been frequently examined. Although we provide a more comprehensive list of reviews and studies in Appendix IX, we highlight in this section some of the more significant reviews of JPATS and its operations.

The last OIG review of the overall JPATS operation was completed in 1997, Report number I-97-05, *The Justice Prisoner and Alien Transportation System*. In that review, we identified a lack of efficiency in JPATS's deportation flights and the slow progress that was being made with the creation and implementation of the automated scheduling system. We made five recommendations to improve the overall development of the automated scheduling system and improve JPATS's ability to account for operational costs.

Based on JPATS's substantial growth in is operations and finances, the JEC unanimously approved a management review to determine its efficiency and effectiveness. JMD performed this broad and comprehensive review of JPATS and issued a report, dated March 2003, *A Management Review of the Justice Prisoner and Alien Transportation System (JPATS)*. JMD found weaknesses in the areas of management oversight, operations, support, and administration. As a result, JMD made 41 recommendations to JPATS for improvements in each of these areas.

The GSA, through its Interagency Committee for Aviation Policy, Aviation Resource Management Survey program, reviewed JPATS's overall operations and issued a report, dated October 7, 2002, *Factual ARMS Report of the Justice Prisoner and Alien Transportation System (JPATS)*. This review found weaknesses related to security controls at JPATS hangars and documentation problems related to aircraft usage and maintenance. Although the report did not include recommendations, JPATS officials addressed weaknesses identified in the report by implementing corrective actions, some of which were in process during our review.

Audit Approach

The objectives of this audit were to evaluate the USMS's: (1) ability to effectively manage the risks inherent in prisoner movements to ensure safe and efficient transport, and (2) coordination with its three primary customers regarding the movement of prisoners and aliens.

To pursue the first objective, we reviewed JPATS's budget model and determined how it affects each customer. Also, we interviewed JPATS officials regarding their efforts to plan for future capacity needs and their decision to lease aircraft. We reviewed JPATS automated scheduling system and how it was being used by its customers. Further, we sampled the views of JPATS employees in order to identify relevant issues relating to the safety and security of JPATS operation. We reviewed the transportation process and focused our testing on the scheduling process, adequacy of security personnel levels, and the reporting of safety and security incidents. We visited JPATS hubs and reviewed manifest reports and time-and-attendance records to assess safety and security controls.

To accomplish the second objective, we interviewed JPATS officials to identify mechanisms for coordination and agencies who interact with the program on a regular basis for the transport of prisoners and aliens. We also obtained applicable manuals and policies from JPATS and other agencies related to coordination issues.

Chapter 2 details our review of JPATS's management controls over its budget, capacity, leasing of aircraft, and scheduling. In order to evaluate the sufficiency of controls, we examined the strength and weaknesses of the new budget model, the adequacy for capacity planning, the strategy for investing in aviation resources, and the efficiency of the scheduling process.

Chapter 3 includes our analysis of the risks associated with safety and security in JPATS's operations. Specifically, we reviewed the Public Aircraft provision and how JPATS interprets its exempt status from regulations imposed on civilian aviation industry. To examine whether the air transport is conducted safely, we reviewed the credentials of the pilots, selection of airports with adequate facilities and services, time-and-attendance records of crew members for compliance with crew rest policies, and aviation safety reports. Further, we evaluated the adequacy of the security personnel both aboard the aircraft and at hangars. We also examined the relevancy of seat configuration on planes and evaluated various reports that serve to document incidents relating to security concerns.

In Chapter 4, we examine issues pertaining to coordination between JPATS and its customers. We reviewed the structure of the JPATS Executive Committee, the principal method for agencies to communicate on issues affecting operation of JPATS. We also explored the importance of liaisons from the customer agency and why the lack of a liaison from the USMS is a weakness in coordinating that agency's transportation issues with JPATS.

CHAPTER 2: INHERENT RISKS IN MANAGEGMENT CONTROLS

JPATS needs to improve management controls in budgeting, capacity planning, procurement of aircraft, and scheduling. Exclusive reliance on a "pay-as-you-go" revolving fund to reimburse JPATS for the full cost of its operations has frustrated customers and caused them to look elsewhere for transportation services to reduce costs. In addition, the lack of adequate capacity planning has resulted in the under-utilization of some JPATS aircraft, particularly on routes that primarily serve the needs of ICE. JPATS has entered into short-term leases to obtain its six large aircraft. However, JPATS can realize savings if it enters into long-term rather than short-term leases. Furthermore, the scheduling of JPATS flights has been hampered by the unwillingness of ICE to use JPATS's automated scheduling system. These deficiencies have led to inefficient use of resources and strained relationships between JPATS and its customers.

Since the late 1990s, JPATS has undergone significant changes, including: adopting a new budget model, switching to an entirely leased fleet of large aircraft, and automating the scheduling process. These changes fundamentally transformed how JPATS does business. While JPATS successfully implemented its automated system of scheduling prisoners, we found problems in JPATS's transition to a new budget model, the lack of capacity planning for future needs, and the use of short-term rather than less expensive long-term aircraft leases. We reviewed the management of these significant challenges and have identified areas for continued improvement.

Budget Issues

As previously stated, JPATS began operating on a revolving fund instead of appropriated monies in FY 1999. According to one JMD official, a revolving fund is the ideal choice to operate a program when the level of required service cannot be predicted accurately. JPATS meets this criterion because the requirements of the federal judiciary are subject to frequent changes, and the number of prisoner and alien movements is difficult to predict. When JPATS operated with appropriated funds, the program encountered difficulties in that it ran out of money each year toward the end of the fiscal year and had to rely on an infusion of funds from the USMS to continue operations. Switching to a revolving fund was intended to

eliminate the perennial end-of-year shortages and allow the operation to continue as long as the customers are able to pay the expenses.

The original MOU for the JPATS revolving fund outlined the responsibilities of the participating agencies. The three major customer agencies agreed to provide Reimbursable Agreements as their guarantee to pay for services received from JPATS. The customers also agreed to provide JPATS with annual estimates of anticipated movements as a part of the planning process for each fiscal year. Further, the customers agreed to keep all parties informed when the original estimates had to be modified. As the provider of services, JPATS agreed to develop cost estimates and pricing strategies based on the requirements of the customer agencies. We reviewed the budgetary process and found that JPATS has adhered to the stipulations of the MOU. Generally, customers also adhered to the stipulations of the MOU, with one exception relating to the USMS, which we discuss in the *USMS: Budget Shortfalls* sub-section below and more fully in Chapter 4.

JPATS follows the accounting method published in OMB Circular A-126, *Improving the Management and Use of Government Aircraft* to recover both the fixed and variable costs of its operations.[47] Initially, JPATS charged its customers on a cost-per-seat basis. Beginning in FY 2003, JPATS changed its pricing strategy by charging its customers for the number of flight hours. This change resulted from an external study that recommended adopting an activity-based costing method to charge customers a more accurate amount for the actual use of services. Under this costing method, JPATS calculates the hourly rate based on the estimated flight hours required by customers for the forthcoming fiscal year. According to the JPATS budget analyst, prices were not affected by the change in allocation methodology from cost-per-seat to an hourly rate. However, the hourly rate prices represented a better allocation of costs than the cost-per-seat prices.

Besides computing the hourly rates for its customers prior to each fiscal year, JPATS also holds a mid-year pricing conference where JPATS and customer officials review the amount of services already rendered for that fiscal year and the remaining requirements. If the requirements for the

[47] OMB Circular A-126 defines variable costs as "costs that vary depending on how much the aircraft are used," and fixed costs as any expenses "that result from owning and support[ing] the aircraft and that do not vary according to aircraft usage." A JPATS official defined fixed costs as expenses of the infrastructure that are required to support the program; these expenses must be paid regardless of the usage of the aircraft. The fixed costs of JPATS may be further divided into four sub-categories: (1) fixed direct costs, (2) general and administrative, (3) overhead, and (4) scheduling.

remainder of the fiscal year change, JPATS recalculates rates to ensure accurate billing and full recovery of its costs.

Although the revolving fund was intended to address JPATS's financial shortfall, our review identified problems associated with this budget method that are different for each customer.

USMS: Budget Shortfalls

For three consecutive fiscal years beginning in FY 2003, the USMS had to cope with budget shortfalls that affected its usage of JPATS. The amounts of the shortfalls were $3.0 million in FY 2003, $7.0 million in FY 2004, and $9.9 million in FY 2005.

A budget official at USMS headquarters stated that the USMS account used to reimburse JPATS for its services is vulnerable because of the size of the account, which generally ranks among the top three programs in terms of expense in the USMS's budget.[48] When an agency-wide budget shortfall occurs, this budget official said the amount allocated for JPATS inevitably decreases.

In FY 2003, the USMS had an overall budget shortfall of $3 million, as well as an additional $3 million reduction specifically targeted at the usage of JPATS. According to the USMS headquarters budget official, the FY 2003 budget was approved late in spring 2003 and did not have a noticeable impact on the usage of JPATS services by the USMS District offices.

In FY 2004, the USMS resolved the shortfall by allowing its district offices to continue using JPATS funds with no restrictions until funds designated for JPATS usage were depleted. When the funding ran out in September, the final month of the fiscal year, the USMS prioritized the use of JPATS for court-mandated movements and paid for these movements using USMS discretionary funds.

In FY 2005, the USMS modified its approach to address another budget shortfall. Instead of allowing unrestricted use of JPATS throughout the year, the USMS in January 2005 reduced its estimated flight hours and cut its funding to the district offices for air transportation by about 10 percent. This strategy was intended to allow for the transportation to

[48] The top three programs in the USMS budget are employee salary and benefits, rent payments to the GSA for offices at federal courthouses, and funding to reimburse JPATS for transporting USMS prisoners.

continue for the remainder of the fiscal year, albeit at a reduced level. In May 2005, however, the USMS reverted to the original number of flight hours after it reallocated funding from human resources to JPATS services.[49]

BOP: Selective Use of JPATS

The BOP selectively transports prisoners under its jurisdiction through JPATS in order to manage transportation costs. In addition, the BOP operates the Federal Transfer Center, a facility in Oklahoma City, Oklahoma, near the JPATS hub, that provides layover lodging for both BOP and USMS prisoners that are in the process of being transported by JPATS. During our audit field work, we noted the following practices adopted by the BOP to determine the most economical mode of movements to accomplish its goals.

Bus Fleet. As noted earlier, the BOP has determined that inmate movements of less than [SENSITIVE INFORMATION REDACTED] miles are best achieved through its bus system. Movements above [SENSITIVE INFORMATION REDACTED] miles are occasionally conducted by bus when the departing and arrival points fall within the BOP's normal bus routes.

Medical Charters. Most of the time, the BOP charters its own medical airlifts instead of using the small planes owned by JPATS that operate out of the hub in Oklahoma City, Oklahoma.[50] These airlifts transport prisoners from BOP institutions to the agency's medical facilities.[51] According to BOP officials, it can arrange charter services at half the rate charged by JPATS. Besides the expense, BOP officials also stated that chartering a non-JPATS airplane has proven more convenient for scheduling purposes. The following table shows the amount spent by the BOP in medical airlifts outside of JPATS from FYs 2003 to 2005.

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[49] A USMS headquarters budget official informed us that in order to pay for movements of prisoners by JPATS, the USMS reallocated funds originally set for travel, training, and quality step increases. A hiring freeze was also used to provide the districts more funding for JPATS.

[50] The two small planes at the Oklahoma City, Oklahoma hub transported a total of 1,932 passengers in FY 2004, including 1,894 from the USMS, 27 from the BOP, 3 from ICE, and 8 from non-federal sources. In FY 2005, the same planes transported a total of 879 passengers, including 868 from the USMS, 8 from the BOP, and 3 from non-federal sources.

[51] The BOP's medical facilities are located in Butner, North Carolina; Carswell, Texas; Devens, Massachusetts; Lexington, Kentucky; Rochester, Minnesota; and Springfield, Missouri.

COST OF BOP MEDICAL AIRLIFTS
FY 2003 TO FY 2005

Fiscal year	Medical Airlifts
2003	$ 6,748,295
2004	6,964,395
2005	6,101,556
TOTAL	**$19,814,246**

Source: BOP

ICE: Attempting to Fill Empty Seats

Since the inception of JPATS in 1995, ICE has experienced tremendous growth in air movements and has become JPATS's largest customer and contributor to the revolving fund. The number of air movements to transport ICE's aliens increased 826 percent since 1995. Because JPATS is funded entirely by its revolving fund, it must recover the entire hourly rate, even when seats are empty, as is the case when ICE's deportation flights return to the JPATS hubs empty. During our audit, the ICE's liaison to JPATS and ICE's chief of air transport expressed their frustration at how much their agency is being charged by JPATS.

Flight missions on behalf of ICE often have empty seats, especially on the return flight from overseas deportation missions and, to a lesser degree, on certain CONUS flights that depart with an empty cabin and pick up passengers at various points en route. The empty flight segments are costly to ICE, which must pay the full cost of the entire flight.

In the past, JPATS explored selling unused seats on ICE missions to other federal agencies. However, this option has not yet proved practical, mostly because those other agencies would have to pay for the entire plane, regardless of the number of passengers. Under an alternative approach approved in late 2005 by the JEC, JPATS now charges other agencies only for seats actually used and bills the cost of the empty seats to ICE.

Alternative to the Revolving Fund

One possible funding alternative for JPATS that emerged during our audit is the "hybrid" budget model that would combine appropriated and revolving funds. The FAA employs a hybrid budget for its Hangar Six Program, which serves the aviation needs of both the FAA and other federal

agencies.[52] The program's funding comes from an annual congressional appropriation for fixed costs and payments from user agencies that receive aviation services.

According to JPATS officials, if JPATS received appropriated funding to adopt the hybrid model, it would budget for fixed costs – expenses that support its infrastructure – through an annual appropriation and would bill customers only for variable costs. Such a model would significantly reduce the hourly rate that JPATS charges its customers. To illustrate such reductions, the following table shows the FY 2005 rates by flight hour charged by JPATS by customer and type of aircraft.

FY 2005 JPATS RATES[53]

Customer	Aircraft Frame	Fixed Costs		Variable Cost		Total Rate by Flight Hour
		Dollars	Percent	Dollars	Percent	
BOP	Large	$ 5,248	55	$ 4,306	45	**$ 9,554**
USMS	Large	5,248	55	4,306	45	**9,554**
ICE	Large	5,166	64	2,922	36	**8,088**
Non-Federal	Large	5,248	55	4,306	45	**9,554**
USMS	Small: Oklahoma City	2,693	58	1,972	42	**4,665**
ICE	Small: St. Croix	1,673	82	361	18	**2,034**
USMS	Small: St. Croix	1,673	82	361	18	**2,034**

Source: OIG analysis of JPATS data

As shown in the table above, fixed costs account for 64 percent of the hourly rate in FY 2005 for ICE. Under a hybrid model, JPATS would rely on

[52] Examples of the missions conducted by Hangar Six include transporting FAA officials to events; delivering NTSB personnel to crash sites; transporting explosive materials used by the Transportation Security Administration's canine training programs; and assisting in emergencies, such as providing transportation for air marshals guarding flights since September 11, 2001.

[53] The table shows the rates per flight hour charged by JPATS, as well as the percentage of the fixed and variable costs of the total rate. The hourly rate must be recovered in its entirety by JPATS, whether a seat is occupied or empty. When a plane is used by one customer, that customer is responsible for the entire amount. When a plane is used by more than one customer, the rate is proportionally charged to each agency, depending on how many seats are used. This ratio of occupancy is then used to spread the cost of the empty seats proportionally to the customers sharing the same flight.

appropriations for that 64 percent of the total rate while charging ICE for the remaining 36 percent. Similarly, the hybrid model would reduce the rate charged for the use of small planes at the hub in Oklahoma City, Oklahoma by 58 percent, which represents the fixed costs portion. This reduction may provide a possible incentive for the BOP to consider using JPATS instead of chartering medical airlifts from private vendors. Overall, the total costs for the program would not change by switching to a hybrid model, but it would lessen the financial burden currently borne by JPATS's customers by appropriating fixed costs directly to the JPATS account. The resulting lower rates would encourage customers to increase their use of JPATS, thereby reducing the number of empty seats and providing a more efficient use of federal aircraft.

Capacity Planning

According to JPATS officials, the demand for prisoner and alien transportation has grown since 2000, as shown in the following table.

JPATS AIR MOVEMENTS FROM 2000 THROUGH 2005

Customer	2000	2001	2002	2003	2004	2005	Percentage Change from 2000 to 2005
USMS	51,702	52,601	54,789	59,820	63,721	62,402	21%
BOP	26,091	24,586	25,793	26,014	23,532	23,670	-9%
ICE/INS	74,693	75,530	82,103	89,373	89,269	95,876	28%
Total	152,486	152,717	162,685	175,207	176,522	181,948	19%

Source: JPATS

Because JPATS is focused on providing transportation services to its customers, it is important for JPATS to be a demand or need-driven organization. This means that JPATS and its operations should be directly linked to the level of service that customers need in order to safely and economically transport prisoners and aliens. To assess JPATS's ability to plan for capacity in order to fulfill customers' needs for prisoner and alien transport, we interviewed JPATS officials and evaluated relevant documents in two categories. First, we examined whether JPATS has conducted long-range plans to address anticipated changes in passenger movements based on historical trends. Second, we reviewed flight manifest records to determine whether the capacity of JPATS's air fleet is being optimally used to maintain an efficient operation.

Long-Term Capacity Planning

Based on the pattern of past growth and expected future demands, it is critical that JPATS adequately plan for its future capacity needs. By not planning for future capacity needs, JPATS may be caught off guard by changes in demand and customer needs and find itself in a position where it cannot transport prisoners and aliens in an efficient and effective manner.

An important element in any capacity planning effort is the ability to forecast future needs. According to JPATS management, JPATS does not forecast or project prisoner and alien movements more than one year into the future.[54] The closest that JPATS came to having multi-year forecasting capability was contained in its 1997 five-year strategic plan. The plan described the proposed development of a model to forecast and predict JPATS's future transportation demands based on the number of prisoners and aliens in the federal prison system and those awaiting trial or adjudication. The purpose of the model was to link historical trends that affect demand with projections for future needs. However, JPATS did not develop the forecasting model upon the issuance of the strategic plan.[55]

According to the Assistant Director of JPATS, information in the 1997 strategic plan was believed to be obsolete by the time the plan was completed. However, regarding the specific forecasting project, we disagree that its concept was obsolete, because the proposed model would have provided a mechanism for JPATS to assess its future needs in air transport and develop necessary strategies and plans to fulfill those needs.

We asked JPATS management whether it is actively planning for future capacity needs. According to JPATS's Assistant Director, JPATS does not plan for future capacity needs because aviation programs change frequently and are subject to many variables which would render such planning obsolete by the time it is completed. We disagree and believe that the difficulty in performing capacity planning is outweighed by the benefits that can be realized from such an effort. The benefits include JPATS having the ability to plan for future increases in demand and thereby incorporate

[54] According to JPATS officials, before the start of each fiscal year JPATS obtains from its customers projected prisoner movements for the upcoming fiscal year and budgetary information for the upcoming three years. These projected movements are used to establish the JPATS budget and revolving fund. However, in our discussion regarding capacity planning, we are focusing on forecasting models that extend beyond one year.

[55] Upon the expiration of the five-year strategic-plan in 2002, JPATS did not develop a new strategic plan.

changes to its operations, if needed, in areas such as infrastructure, air fleet, or personnel rather than reacting at the last minute.

Further, we asked the Assistant Director of JPATS what is being planned for JPATS to cope with the anticipated rise in prisoner and alien movements. He told the OIG that JPATS is capable of meeting the increase in customers' demand for transportation services. Specifically, he said that JPATS would lease additional planes on an emergency basis and hire more contract guards to serve customers. In our opinion, this illustrates the need for longer-term capacity planning because leasing additional planes on an emergency basis is not only reactive, but is also more expensive compared to longer-term aircraft leases.

Overall Use of Air Fleet

In reviewing capacity planning, we also examined the efficiency of passenger loads on JPATS's flights. One consequence resulting from the lack of capacity planning has been the under-utilization of available seats on JPATS aircraft. The table below shows the use of available seats on the six large leased planes at the three major JPATS hubs.

OVERALL USE OF AVAILABLE SEATS ON JPATS FLIGHT MISSIONS[56]

	Oklahoma City		Alexandria		Mesa	
	Number of Flights	Average Percentage Use of Seats	Number of Flights	Average Percentage Use of Seats	Number of Flights	Average Percentage Use of Seats
Oct 2003	36	80.8	44	50.8	40	50.3
Jan 2004	35	75.0	37	57.2	39	47.2
Apr 2004	41	80.4	42	53.4	40	49.4
Jul 2004	35	78.3	37	44.8	41	46.0
Subtotal	***147***	***78.7***	***160***	***51.6***	***160***	***48.2***
Oct 2004	30	76.0	38	47.9	42	42.9
Jan 2005	27	76.7	35	41.5	39	39.1
Apr 2005	35	65.0	42	47.0	39	42.9
Jul 2005	38	57.3	43	45.3	40	43.8
Subtotal	***130***	***67.7***	***158***	***45.5***	***160***	***42.2***
Oct 2005	38	79.2	39	55.7	42	44.0
Total	**315**	**74.2**	**357**	**49.4**	**362**	**45.1**

Source: OIG analysis of JPATS accounting data

The noticeably higher occupancy of flights originating from Oklahoma City, Oklahoma indicates a more efficient use of available seats by the USMS and the BOP. Even after removing the empty segments from the deportation flights, our audit disclosed a lower usage of available seats on ICE missions originating at Alexandria, Louisiana and Mesa, Arizona than on USMS and BOP missions.

In our analysis, we noted another issue in the current flight schedule of ICE missions. One of the two large planes from the Mesa, Arizona hub currently flies each weeknight to regularly scheduled west coast locations to transfer detainees among the ICE facilities and to deport illegal aliens of Mexican origin.[57] Although JPATS officials stated that the west coast is generally considered as a region with a high number of illegal aliens, our analysis shows a generally low usage of available seats on these flights.

[56] Our scope included the first month of each fiscal quarter, starting with October 2003 and ending with October 2005. We relied on the accounting reports used by JPATS for billing purposes to determine the number of passengers on board. In calculating the percentage of use of seats we did not include segments of ICE missions with an empty cabin when returning from overseas deportation flights, and certain CONUS missions that leave the hub empty and pick up prisoners or aliens at subsequent stops.

OVERALL USE OF SEATS ON THE MESA, ARIZONA EVENING FLIGHTS[58]

Month	Number of Flights	Percentage Use of Seats
Oct 2003	20	43.7
Jan 2004	19	43.2
Apr 2004	21	43.3
Jul 2004	21	39.8
Subtotal FY 2004	***81***	***42.5***
Oct 2004	20	32.2
Jan 2005	21	35.3
Apr 2005	18	32.9
July 2005	20	33.9
Subtotal FY 2005	***79***	***33.6***
Oct 2005	20	31.2
TOTAL	**180**	**37.3**

Source: OIG analysis of JPATS data

OMB Circular A-126 requires federal agencies to "use their aircraft in the most cost-effective way to meet their requirements." The low usage of the available seats on the Mesa, Arizona evening flights – less than 45 percent full, on average, during any of the months reviewed – points to a possible inefficiency in JPATS's operations. While the program's objective is to transport the prisoners and aliens according to the requirements of the customer agencies, we believe JPATS should review the use of its aircraft and amend flight schedules to maintain a more optimal use of its resources.

Investing in Aviation Resources

JPATS provides air transport for prisoners and aliens through its fleet of large and small aircraft. As mentioned in the previous chapter, JPATS transitioned from service-owned and leased large aircraft in the late 1990s to an entirely leased fleet of large aircraft today. Currently, JPATS leases its

[57] The "night loop" flight originates in Mesa, Arizona, in the late afternoon and proceeds to several locations in the western United States to move aliens to detention centers and pick up aliens being transported to drop-off points near the Mexican border for deportation. The flight returns to Mesa, Arizona late at night.

[58] Our scope included the first month of each fiscal quarter, starting with October 2003 and ending with October 2005.

large aircraft on a one-year short-term basis. However, recent studies performed by the GAO and the OFDT indicate that on a long-term basis, purchasing the aircraft yields the most savings for an aviation program. If funding for purchase is not available, the GAO study suggests that long-term leases provide more savings than short-term leases.[59]

JPATS operates its air transport on a short-term lease awarded in late 2004; the fleet from this lease includes two Boeing 737-400s for the Oklahoma City, Oklahoma hub; two Boeing 737-300s for the Alexandria, Louisiana hub, and two McDonnell Douglas MD-83s for the Mesa, Arizona hub. The lease has a one-year base with the option to renew for two additional terms, each renewal lasting one year. In late 2005, JPATS renewed this term contract for another year.

According to our interviews with 23 JPATS pilots, 20 believed that these leased aircraft have operated well and have been maintained adequately by the contractor.[60] Of the remaining three pilots, two provided a negative response, while one pilot did not answer our question.[61]

Despite the generally positive feedback from JPATS's pilots on the quality of airplanes leased under short-term arrangements, recent studies have shown that purchasing aircraft is the best option for aviation programs. In its 2004 report, the GAO explored the following methods of acquiring aircrafts: (1) purchase, (2) operating leases on short- or long-term, and (3) lease-to-purchase, where the programs remit lease payments and eventually own the planes at the end of the lease. According to the GAO's analysis, purchasing is the most economical option over the course of the assets' useful life. The GAO cited a 2003 study by a GSA's consultant that based its analysis on an aircraft purchased at $10 million. Such a purchased aircraft would have a net cost of $3.5 million at the end of ten years after deducting the residual value of the asset. The same aircraft would have cost $5.5 million at the end of the same period for a five-year lease-to-purchase

[59] In June 2004, the GAO issued its report, *Federal Aircraft: Inaccurate Cost Data and Weakness in Fleet Management Planning Hamper Cost Effective Operations.* This report examined seven federal aviation programs in terms of data accuracy, methods of acquiring aircraft, and operational and safety standards.

[60] Our sample consists of 10 pilots from the Oklahoma City, Oklahoma hub; 8 pilots from the Alexandria, Louisiana hub; and 5 pilots from the Mesa, Arizona hub.

[61] Of the two negative responses, one pilot stated that the contractor is probably doing the minimum requirements on maintenance to get by, while the other pilot said that the contractor appeared to not take actions on minor maintenance issues until these developed into more significant concerns.

option; $9.6 million for a ten-year operating lease; and $18 million for ten terms of one-year operating lease. Based on these figures, a short-term lease in one-year increments would be the most expensive option.

Despite the savings that may be realized through purchasing assets such as aircraft, most federal air transportation programs have chosen operating leases, in part, because of how these expenses are reported in an agency's budget. According to the GAO's analysis, operating leases seem "cheaper" because programs are required to record only the annual lease payment for the budget authority. By contrast, for lease-to-purchase options, programs must record the net present value over the entire life of the contract, a significantly higher figure than operating leases.

The OFDT reached a similar conclusion in its 2003 study, *Aircraft Replacement Procurement Strategy for the Justice Prisoner and Alien Transportation System (JPATS)*. In comparing the option to lease and purchase, the OFDT states that although short-term leases appear attractive because of the low cost on a short-term basis, they provide no ownership of the assets at the end of the terms. The OFDT also identified the Boeing 737-700 as a possible candidate for purchase. This aircraft would cost $49 million per aircraft, with a useful life of 30 years. The study by the OFDT compared the cost of purchasing six such aircraft with leasing similar type of planes, as follows.

COMPARISON BETWEEN PURCHASING AND LEASING SIX AIRCRAFT

	Type of aircraft	Age of aircraft	Estimated total cost over 30-year life cycle (with maintenance)
Purchase	Boeing 737-700	New	$540 Million
Ten-Year Lease	Boeing 737-300	8 Years or Under	$840 Million

Source: OFDT

Based on the above analysis, the OFDT concluded that purchasing the aircraft would cost more in the short-term, but operating leases do not offer ownership of the assets and cost more in the long-term. Nevertheless, the OFDT conceded that because "funding is not available for the purchase of aircraft; therefore, leasing remains the only option to modernize the JPATS fleet."

JPATS officials told the OIG that they recognized the benefits of purchasing the aircraft instead of leasing. However, they said that JPATS must rely on operating leases because of the exorbitant initial outlay of capital required to purchase planes. Of the various lease options, JPATS had

attempted to procure its air fleet through a long-term lease in 2002 that would be cheaper than the current short-term lease, but that attempt was unsuccessful and had to be aborted in 2003.[62]

As of the time of this audit, JPATS officials stated that they are renewing their efforts to procure leased planes on a long-term basis with assistance from JMD. Additionally, JPATS has announced a new contracting officer position to increase the total number of contracting officers from two to three, which would ensure more adequate staffing for such a major procurement project.

Scheduling Efficiency

Even before the creation of JPATS in 1995, the USMS recognized the need to automate the scheduling process for prisoner transportation. Prior to implementation of APSS in April 2000, the BOP and the USMS transmitted requests for prisoner movements to JPATS and a teletype machine transferred the incoming data to index cards. JPATS schedulers then typed the data onto itineraries and manifests. Modifying original requests was a cumbersome process, requiring schedulers to annotate changes in longhand and manually search for requests through long stacks of index cards.

The switch to APSS in April 2000 enhanced the scheduling process by storing the transportation request information in a database, which eliminated extraneous word processing and enabled the BOP and the USMS to access the application directly through the Justice Detainee Information System. APSS allowed schedulers to arrange movements, modify and update requests, generate a variety of reports, and query information stored inside the database. Originally designed solely to schedule air transportation, APSS was also adapted to schedule ground movements soon after its initial deployment. Since its inception, APSS has been continually upgraded to reflect changes in JPATS operations.

Scheduling Practices for the USMS and the BOP

APSS is employed in two fundamentally different ways by the customer agencies. For USMS and BOP prisoners, the scheduling process

[62] JPATS began the solicitation for a long-term lease of large aircraft in 2002. The initial solicitation and a subsequent revision resulted in two protests. One protest involved disagreement with the performance requirements specified in the solicitation, while the other protest involved restrictive competition.

begins when a USMS district office or a BOP institution electronically submits a request to JPATS headquarters and ends when a scheduler lists the individual on a flight manifest.

Although the name of the application includes the word "automated," APSS does not generate trip itinerary automatically. Instead, the schedulers must consider each request and apply their knowledge of the federal judicial processes to schedule an individual in the best and most efficient way. The supervisors of the Scheduling Section told us it takes approximately three years for a new scheduler to master the complexity of the criteria used in arranging prisoner transportation. Nevertheless, the 13 schedulers who arrange movements for the USMS and the BOP unanimously endorsed the conversion to APSS because the application greatly streamlined the scheduling process. APSS has helped JPATS by reducing the amount of time needed to process transportation requests and ensure that flights are as full as possible.

In addition, the scheduling process may be enhanced by providing security officers with electronic manifest during flight missions. Currently, APSS generates an initial flight manifest and allows for as many revisions (called "supplements") as needed until the day before a trip. On the day of a trip, the security crew prints out the most updated supplement from APSS before the flight mission to verify the number of passengers on each leg. Our review of the manifests and supplements at the Oklahoma City, Oklahoma hub found that these reports were frequently updated in longhand by the security crew because of last-minute changes. The following table shows the frequency of such on-the-spot revisions in our sample.

FREQUENCY OF LAST-MINUTE CHANGES TO THE FLIGHT MISSIONS SCHEDULED BY APSS[63]

Fiscal Year	Month	Number of Flight Missions	Number of Legs	Number of Legs Requiring Changes	Changes in Percentage
2004	Oct 2003	36	127	107	84
	Jan 2004	36	128	94	73
	Apr 2004	41	143	125	87
	Jul 2004	35	132	121	92
	Subtotal	***148***	***530***	***447***	***84***
2005	Oct 2004	32	114	97	85
	Jan 2005	27	96	90	94
	Apr 2005	35	133	72	54
	Jul 2005	38	140	74	53
	Subtotal	***132***	***483***	***333***	***69***
2006	Oct 2005	38	164	113	69
TOTAL		**318**	**1,177**	**893**	**76**

Source: JPATS Flight Manifests

The frequent last-minute changes to the manifests demonstrate the fluid nature of JPATS service, with the USMS and the BOP routinely transporting a different number of prisoners than originally planned. At present, the security officers aboard the aircraft annotate in ink all such revisions to the manifests. We also noted that security officers performed mathematical computations on manifest reports in order to account for the number of passengers and available seats. We believe that having an electronic manifest would facilitate the process of updating passenger information during the flight. The electronic manifest would assist security officers in planning for available seats and coping with unexpected new passengers during the flight.

At the conclusion of each flight, the annotated manifest is forwarded to JPATS headquarters where the schedulers record changes from the

[63] Our scope included the first month of each fiscal quarter, starting with October 2003 and ending with October 2005. We reviewed the number of passengers on board during each segment of the flight missions in these months. The passenger count from APSS reports provided the number originally scheduled, while the passenger count from the billing report showed the number actually transported. We counted a leg as one that required change when the data from the two sources disagreed.

annotated manifests into APSS. After a flight mission is updated in APSS, the information is downloaded to JPATS Cost Accounting System (JCAS) in order to initiate the billing process. To ensure that JPATS bills its customers accurately, JCAS generates reports showing actual passengers transported and flight hours used that are reviewed for accuracy by customer liaisons to JPATS.

We believe that it may be advantageous to provide an electronic flight manifest to the security crew on the day of the flight and to permit them editing functions. The frequent changes to the original manifests point to a potential scenario that could hamper JPATS flight missions. For example, if all legs on a flight encountered last-minute additions, the passenger cabin could become full early in the planned itinerary. Such a situation could conceivably require JPATS to reject new passengers at later segments of the same flights. Our interviews with JPATS' Chief Inspector of Operations as well as the BOP liaison to JPATS revealed that JPATS has not denied prisoners from boarding in this scenario; nevertheless, the potential for such occurrences exist. An electronic manifest would provide security officers with better knowledge of the seating requirements at subsequent stops and would enable them to better coordinate with the USMS and the BOP. Also, having security officers electronically update the flight manifests would result in a more up-to-date APSS, save time for the schedulers that review flight missions in APSS, and help ensure that the billings are accurate.

ICE: Limited Use of APSS

Although use of APSS has proven beneficial for the BOP and the USMS, the application is used only on a limited basis by ICE, which still relies mainly on a manual method of scheduling. According to ICE officials, they have no plans to migrate to APSS.

On the day of the flight missions, ICE offices forward a passenger list by facsimile to JPATS hubs in either Alexandria, Louisiana, or Mesa, Arizona and the hubs forward these lists to JPATS headquarters in Kansas City. Two JPATS schedulers at the headquarters enter the passenger information into a module within APSS after the flight has been completed. This module only tracks the passengers transported because it is not designed to schedule an individual on a trip. At the conclusion of each ICE flight mission, the schedulers reconcile the passenger information they receive from the security officers on the flight with the data initially entered into APSS. Upon completion, the flight missions are closed out and passenger data are downloaded to the JPATS Cost Accounting System for billing purposes.

As discussed earlier, flights for BOP and USMS prisoners are more fully scheduled than those for ICE aliens. When we asked ICE officials why they do not fully utilize APSS, they stated that the agency generally has too short of a lead time to electronically schedule aliens in APSS. Specifically, an ICE official told us that ICE does not use APSS more extensively because it often does not know which aliens will be ready for domestic transport until the date of the mission. However, for international deportation flights ICE must give the foreign government one week's notice of the names of its citizens who will be returned. Although we understand that the short lead time for domestic flights may not always allow for advanced electronic scheduling, we believe that the one-week lead time on foreign flights provides enough time to electronically schedule those passengers into APSS, which will save data entry and result in flights that are more full.

Conclusion

Our review concluded that JPATS needs to improve its management controls in budget, capacity planning, leasing arrangements, and scheduling. The transition from an appropriated budget to a revolving fund has generated new concerns on finances for the customers: the high hourly rate forces BOP to look elsewhere for its medical flights, while the pricing strategy requires ICE to pay for empty seats. In examining these budget issues, we identified an alternative "hybrid" budget model that, if implemented, would noticeably reduce customer costs.

In addition, based on historical trends it is anticipated that customers' future capacity needs will increase, but we found that JPATS has not been actively planning in this area. Furthermore, we identified several areas for improvement in how JPATS utilizes its fleet of airplanes. Specifically, ICE flights tend to have a lower rate of usage than flights containing USMS and BOP prisoners, suggesting a pattern of inefficient use of aviation resources. In reviewing the current leasing arrangements, we concluded that JPATS could save money by switching to long-term rather than short-term leases for its aircraft. Finally, the transition to an automated scheduling method has benefited the USMS and the BOP, but limited participation by ICE reduces optimal use of the JPATS fleet.

Recommendations

We recommend the USMS:

1. Work with the JEC to explore the possibility of instituting a hybrid budget model to fund JPATS through both an annual appropriation and payments from customers based on usage.

2. Ensure that JPATS performs long-term capacity planning, including the development of a forecasting model to project future needs in prisoner and alien transport and the resources to meet those needs.

3. Work through the JEC to revise the flight schedules of ICE to reflect actual needs and improve the efficient use of available seats.

4. Replace its short-term leases for large aircraft with less expensive long-term leases.

5. Work through the JEC to encourage ICE to schedule overseas flights in APSS.

6. Provide security crew members with online editing access to APSS for updating the flight manifest.

CHAPTER 3: INHERENT RISKS IN SAFETY AND SECURITY

JPATS lacks sufficient controls to ensure that it properly enforces the regulations it has developed on safety and security. For example, JPATS does not have an adequate mechanism to determine whether it meets its objective of maintaining a ratio of [SENSITIVE INFORMATION REDACTED] to every [SENSITIVE INFORMATION REDACTED] passengers. Our review of 1,028 flights showed 130 flights where the number of security crew on board was below the required ratio. Furthermore, we found that the hangars were chronically understaffed. [SENSITIVE INFORMATION REDACTED] Similarly, we did not find a reliable system for JPATS to monitor the required rest period for crew members so that flights were staffed by well-rested employees. Of the 1,248 flight assignments that we reviewed, we noted 57 where the crew members appeared not have received the appropriate rest period. These deficiencies expose JPATS operations to safety and security risks.

JPATS faces risks in transporting prisoners and aliens that fall into two categories: safety of the flight operations and security controls of the program. To evaluate the safety of the aviation program, we interviewed employees of the flight operations and examined a variety of documentation that included:

- pilots' qualifications
- service limitations
- crew rest records
- aviation safety records
- the Public Aircraft provision.

We also assessed the security controls of the program by interviewing employees in the Security Branch; obtaining policies, manuals, and reports; and examining flight manifests. In this assessment, we focused on the following topics:

- adequate size of security crews
- [SENSITIVE INFORMATION REDACTED]
- reporting security incidents.

Overall, we found that JPATS has inadequate controls to ensure that it fulfills its safety and security objectives.[64] Specifically, we identified the following significant security and safety issues: security crew size on airplanes was inadequate on 130 out of 1,028 flights we reviewed, security crews at JPATS hangers were chronically understaffed for [SENSITIVE INFORMATION REDACTED] of the shifts we reviewed, and there was no reliable system for monitoring required rest periods for crew members. In addition to these significant findings, we identified other areas for improvement, such as maintaining credentials for pilots and tracking security incidents.

The Public Aircraft Provision

JPATS operates its air transportation as public aircraft and is therefore exempt from most of the regulations imposed on civilian aircraft by the FAA. Pub. L. No. 106-181 (2000) defines "public aircraft" as "an aircraft used only for the United States Government," and lists the "transport of prisoners, detainees, and illegal aliens" as one of the eligible governmental functions. However, JPATS has voluntarily implemented policies to mirror most of the requirements followed by civilian aviation operators. According to the officials we interviewed, JPATS followed these aviation policies to reduce the safety and security risks of an aviation program, and to reduce the liability of the government in the event of mishaps.[65]

JPATS has developed its own Flight Operations Procedures and Manual (FOPM), which contains the principal internal regulations relating to its air transportation. JPATS also seeks to adhere to FAA regulations on qualifications of flight-crew members, aircraft operations, reporting of accidents and incidents, survival equipment, training, and aircraft maintenance.

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[64] See Appendix X for JPATS' safety philosophy.

[65] The National Transportation Safety Board's (NTSB) October 2001 report, *Public Aircraft Safety* NTSB/SS-01/01, the most recent of such reviews, consulted two major agencies that maintain statistics on public aircraft: the FAA and the GSA. Based on the FAA data from 1996 to 1999, the NTSB calculated an accident rate of 3.66 per 100,000 flight hours for non-military, non-intelligence public aircraft. Using the GSA data from the same period, the NTSB calculated an accident rate of 4.58 per 100,000 flight hours for non-military, non-intelligence federal aircraft. The JPATS flew a total of 11,746 flight hours in FY 2004, and 10,517 flight hours in FY 2005.

Pilots' Qualifications

JPATS pilots must possess the following documents to prove their professional qualification: a pilot's license, a current Second Class Airman Medical Certificate, and evidence of completion of an FAA-approved flight and ground school.[66] The FOPM requires pilots to receive annual recurrent training for each type of aircraft flown. The FOPM further states that pilots who fail to complete the recurrent training will be barred from piloting a specific type of aircraft until the deficiency has been remedied.

The documentation of pilots' professional qualifications is centrally maintained at JPATS's Oklahoma City, Oklahoma office where a JPATS pilot has the collateral duty of maintaining the records. We reviewed records for 32 pilots: [SENSITIVE INFORMATION REDACTED] from Oklahoma City, Oklahoma; [SENSITIVE INFORMATION REDACTED] from Alexandria, Louisiana; [SENSITIVE INFORMATION REDACTED] from Mesa, Arizona; and [SENSITIVE INFORMATION REDACTED] from St. Croix, U.S. Virgin Islands. The results of our review are as follows.

- Pilots' Licenses. We located current pilots' licenses for all JPATS pilots.

- Medical Certificates. We were unable to locate the current medical certificates for one pilot from Alexandria, Louisiana and three pilots from Mesa, Arizona.

- Training Records. We were unable to locate the most recent recurrent training records for one pilot from Oklahoma City, Oklahoma and three pilots from Mesa, Arizona.

During our follow-up review in April 2006, the missing medical certificates and training records were located by JPATS.

Nevertheless, JPATS has no formal procedure or controls to ensure that the central files for pilots are complete. In our judgment, JPATS needs a system to ensure that complete records of pilots' credentials are maintained so as to provide assurance that flight missions are conducted by qualified professionals. Complete documentation on pilots would also assist JPATS management in monitoring the training, health, and professional standing of its pilots.

[66] According to the FAA, a Second Class Airman Medical Certificate is valid for one year plus the remaining days of the month when the medical examination is administered.

Background Investigation

The USMS classifies JPATS pilots in the High Risk group in terms of position sensitivity. According to the USMS policy, employees in the High Risk group are required to undergo a successful background investigation prior to their initial appointment, followed by reinvestigation every 5 years.

When we examined the personnel files of the 32 pilots, the files showed evidence of favorable results from background investigations by the Office of Personnel Management (OPM). None of the files noted any security concerns from their personal background or prior employment that would disqualify them from performing their present duties. Furthermore, all but one of the 32 pilots were investigated or reinvestigated in a timely manner. The one exception involved a pilot who was also a military reservist, whose re-investigation was interrupted by a military tour to Iraq in 2003.[67]

Service Limitations at the Mesa, Arizona Airport

To ensure that JPATS conducts its flights at airports that provide the necessary services and safety controls, the FOPM does not authorize any operations at airports that lack operating control towers and fire rescue systems. The FOPM states that deviation from this policy requires a waiver from the Chief of Flight Operations.

We identified one significant deviation from this policy. The Williams Gateway Airport in Mesa, Arizona, which serves as a JPATS hub does not have a control tower that operates on a 24-hour basis.[68] Furthermore, the Airport relies on a local fire station three minutes away for aircraft rescue and fire fighting services. JPATS operated from this airport without a waiver for more than four years, from January 2001 to November 2005. JPATS began operating in Mesa, Arizona, in July 2000 as a pilot project to replace

[67] The most recently completed investigation of this pilot occurred in 1997, and OPM contacted him in October 2002 for reinvestigation. When OPM contacted him again in early 2003 to correct the required paperwork, he had already been activated for military duty. OPM re-initiated the investigation in March 2006.

[68] The FAA codifies its certification requirements of airports in 14 CFR § 139. To become a certified facility under 14 CFR § 139, an airport must undergo and pass a series of reviews conducted by the FAA, including inspections on administrative functions, movement area, aircraft rescue, firefighting, fueling facilities, and night operations. The Williams Gateway Airport in Mesa, Arizona, received limited certification in accordance with 14 CFR § 139 in March 1999.

El Paso, Texas, as a hub for transporting aliens in the custody of the former INS. JPATS began this pilot project even though the Mesa, Arizona airport did not have a control tower that operated on a 24-hour basis. Consequently, JPATS Assistant Director issued a waiver in June 2000 for 120 days. The waiver stated that an extension could be granted if the inadequacies continued to exist at the end of the term.

During our audit, JPATS was unable to provide evidence of an extension to the June 2000 waiver. In November 2005, while our audit was in progress, the Chief of Flight Operations issued a new waiver so that JPATS could continue to operate from the Mesa, Arizona airport indefinitely despite the limited hours of the control tower. However, the issuance of a waiver did nothing to address the inherent risk in operating night flights through an airport that lacks the services of a control tower.

During our audit period, the control tower at the Williams Gateway Airport operated between 6:00 a.m. and 9:00 p.m. daily. After 9:00 p.m., pilots must communicate directly with each other or rely on the control tower at the nearby airport in Phoenix to navigate local air space. The limited hours of the control tower at Mesa, Arizona poses a potential safety risk because the Mesa, Arizona hub schedules evening flights from Monday through Friday. These flights return to Mesa, Arizona around midnight.

Although no safety incidents had occurred in Mesa, Arizona as a result of this shortcoming, the risk of navigating the airspace without an operational control tower at night when visibility is considerably lower than during the day increases the potential that other aircraft in the area will not see the JPATS flight on its approach into Mesa, Arizona. According to JPATS management, it has requested that ICE change the evening flights with daytime flights, in part, to address the safety issues at the Mesa airport. However, ICE has not been willing to change its evening flights to daytime flights, because the evening flights enabled the agency to synchronize with the schedule of immigration courts and deport aliens immediately after the adjudication process is complete. Nevertheless, we believe that this safety concern needs to be addressed by JPATS management.

Crew Rest Records

Adequate rest has been on the National Transportation Safety Board's (NTSB) annual list of "Most Wanted Transportation Safety Improvements" every year since 1990. In an August 1999 testimony on pilot fatigue before the Subcommittee on Aviation, Committee on Transportation and Infrastructure, House of Representatives, the Director of NTSB's Office of

Research and Engineering stated that it is difficult to attribute the cause of accidents directly to fatigue. However, the Director stated that scientific evidence "clearly reflects the critical need for adequate rest for those people operating safety-critical equipment." As one of its 2006 Most Wanted Transportation Safety Improvements, the NTSB urges transportation operators to "set working hour limits . . . and provide predictable work and rest schedules based on current fatigue research, circadian rhythms, sleep and rest requirements."

As a public aircraft program, JPATS is not required to comply with regulations on duty-period limitations and rest requirements imposed by the FAA on the civilian aviation industry. Nonetheless, JPATS has voluntarily complied with FAA regulations by promulgating JPATS Program Directive No. 4, *JPATS Flight and Cabin Security Crew Duty Time, Crew Rest Limitations, and Pre-Mission Crew Duty Report Times.* The directive outlines specific procedures and rules for JPATS pilots, Air Enforcement Officers, and Air Security Officers to ensure that they remain physically alert and vigilant while performing their assigned duties.

For pilots, JPATS directive sets limits on both the duration of their duty day and their total flight hours. Cumulatively, a pilot cannot fly more than 38 hours in any 7 consecutive days, 100 hours in any calendar month, and 1,000 hours in any calendar year.

Additionally, the directive dictates the rest period that pilots, AEOs, and ASOs are entitled to receive based on the length of their duty day. According to the most recent revision of the directive, flight and security crews are entitled to the following number of hours of crew rest.

DUTY DAY AND ENTITLED CREW REST

Duty Period in Hours[69]		1 to 14	15	16	16 or more
Entitled Crew Rest in Hours	Pilot[70]	12	13	14	24
	AEO and ASO[71]	9	12	12	24

Source: JPATS Program Directive No. 4, Revision 5

To avoid staffing a flight mission with employees who are too fatigued to effectively function in their duties, the directive forbids any flight or security crew members to accept assignments that would exceed the duty limits. Instead, crew members must notify JPATS's Flight Following office

[69] JPATS's Program Directive on crew rest specifies the duty reporting and ending time for pilots, AEOs and ASOs according to the hub locations and types of flight missions. For instance, pilots report to the hubs one hour prior to the scheduled departure at all locations except for the Oklahoma City, Oklahoma hub, where they must report an hour and a half instead prior to departure. In the absence of a system that verifies whether an employee reported to or leaving the hub in accordance with the Program Directive, we relied on the time and attendance records as the best estimates of the duty period served by our samples.

[70] While JPATS attempts to mirror the FAA's regulations on civilian operators, a direct comparison of crew rest requirements for pilots between JPATS and civilian operators is not possible. The reason is that the FAA calculates its crew rest requirements for pilots by scheduled flight time, defined as the "pilot time that commences when an aircraft moves under its own power for the purpose of flight and ends when the aircraft comes to rest after landing." JPATS, on the other hand, includes pre- and post-flight activities in calculating the duty period. The FAA codifies the crew rest requirements for pilots in 14 C.F.R. § 121.471 as follows:

FAA CREW REST REQUIREMENTS FOR PILOTS

Scheduled Flight Time in Hours	Less than 8	8	9
Crew Rest Requirements in Hours	9	10	11

Source: 14 C.F.R. § 121.471

[71] The FAA also regulates the rest periods of flight attendants, defined as an individual assigned to "duty in an aircraft during flight time and whose duties include but are not necessarily limited to cabin-safety-related responsibilities." The FAA calculates flight attendants' crew rest requirements based on duty period, defined as "elapsed time between reporting for an assignment involving flight time and release from that assignment"; the required rest period may be reduced if certain criteria are met. The FAA's crew rest requirements for flight attendants are shown in the following table.

FAA CREW REST REQUIREMENTS FOR FLIGHT ATTENDANTS

Scheduled Duty Periods in Hours	14 or less	14 to 20
Crew Rest Requirements in Hours	9	12

Source: 14 C.F.R. § 121.467

when flight missions encounter unavoidable delays.[72] Upon notice, the Flight Following office may adjust the next day's flight schedule to allow for adequate rest or schedule a new crew.

Alternatively, in extreme situations JPATS may issue a written waiver of the mandatory crew rest period. Four persons are authorized to issue such waivers: the Assistant Director of JPATS, the Chief of Flight Operations, the Chief Inspector of Operations, and the Chief of Business Management.

JPATS has not developed a system to monitor the duty periods of flight and security crew members and their entitled rest periods. To test adherence to the crew rest policy, we reviewed the time-and-attendance records of pilots, AEOs, and ASOs stationed at Oklahoma City, Oklahoma; Alexandria, Louisiana; and Mesa, Arizona.[73] We tracked flight assignments for these employees for two periods: from October to November 2004, and from April to May 2005. We examined a total of 1,248 flight assignments and identified 57, or 4.57 percent, where the crew members might not have received the entitled rest periods.

REVIEW OF CREW REST

	Oklahoma City	Alexandria	Mesa	Total
No. of flight assignments reviewed	319	466	463	**1,248**
Flight assignments subject to waiver	18	25	14	**57**

Source: JPATS

In 55 of the 57 instances, the employees missed their entitled crew rest between 15 minutes and 5.75 hours. The two remaining cases involved two security officers whose duty periods exceeded 16 hours and thus were entitled to 24 hours of crew rest the next day. However, they accepted new flight assignments and missed their entitled crew rest by 16.75 hours.

According to the Chief of Flight Operations, JPATS rarely issued waivers for crew rest because of the increased liabilities associated with flight missions staffed with employees not sufficiently rested. However,

[72] Located at JPATS's hub in Oklahoma City, Oklahoma, the Flight Following office is responsible for tracking the progress of all JPATS flights. The flight log of all JPATS flights is also maintained by the Flight Following office.

[73] Our sample included three employees of each of the three position types for all three locations for a total of 27 employees.

JPATS was unable to provide the exact number of such waivers because it has no method of tracking issuances of such waivers. According to the Flight Following office, the crew rest waiver, once issued, is attached to the log of the applicable flight and there is no separate file to segregate the waivers and document such occurrences.

Compounding the complexity of crew rest procedure is the separate handling of waivers for flight and security crews. Waivers for pilots are maintained by the Flight Following office; waivers for the security crew are the responsibility of the Chief Deputy U.S. Marshal (CDUSM) stationed at the Oklahoma City, Oklahoma hub. However, the CDUSM told us that he did not have a recordkeeping system for crew rest waivers issued for the AEOs and the ASOs.

Furthermore, the CDUSM stated that implementing the crew rest policy is difficult for practical reasons because the need for a waiver often arises when a flight mission returns late, typically after normal business hours. Of the four officials qualified to confer waivers, three are stationed in Kansas City, Missouri. Consequently, those individuals typically grant waivers via telephone to facilitate the flight schedule for the following day. However, they do not always follow up the verbal waivers with written authorization. Even when written waivers have been received, the CDUSM conceded that he did not have the administrative support to help him create and maintain a historical file for review and analysis.

Our interviews with JPATS pilots, AEOs, and ASOs yielded a wide spectrum of opinions on JPATS's crew rest policies. Of the 23 pilots we interviewed, 19 believed that the management has complied with the crew rest policy, while the remaining 4 believed otherwise. On the other hand, 15 of the 18 AEOs and 22 of the 33 ASOs we interviewed believed that they have been over-scheduled beyond the crew rest policy.

One AEO stated that he functions well with fewer then five hours of sleep each night. Several ASOs stated that they had been conditioned to long working hours from their prior experience as law enforcement officers. In contrast to those views, other employees told us the long working hours have exacted tolls on their health and personal lives. Many employees said that their mandatory crew rest has been routinely violated and they have not always received the required written waivers.

The type of flight missions conducted by JPATS also complicates the adherence to crew rest policies. One supervisor stated that it is possible for security crew members to recover from long working hours by resting on the

return leg of overseas deportation flights. These missions consist of transporting aliens to a foreign destination, then returning to the U.S. with an empty cabin. Because there are no aliens to monitor on the return flight to the hub, some security guards can rest. According to the supervisor, some guards have told him that if they have recuperated this way, they should be able to accept the next day's flight assignment despite the late return of such flights.

Aviation Safety Records

To assess the safety records of JPATS, we reviewed information from the NTSB as well as JPATS Safety Officer. Our review on the safety records of JPATS disclosed no aircraft accidents that resulted in fatalities.[74] As of March 2006, the NTSB database contained one accident and two incidents involving JPATS from March 1997 to January 2006, as detailed in the following table.

[74] The FAA regulations 49 C.F.R. § 830.2 define an aircraft accident as "an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage." The same source defines an incident as "an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations."

NTSB INVESTIGATIONS OF JPATS ACCIDENTS AND INCIDENTS

No.	Date	Location	Synopsis
1	05/19/2000	Anchorage, Alaska	Accident. A small plane owned by JPATS was extensively damaged during a training flight, and the plane was declared un-airworthy and liquidated as unsalvageable.[75] The two pilots did not sustain injuries. The NTSB attributed the probable cause to the "pilot's improper remedial action and his failure to maintain directional control to the airplane during landing."
2	10/17/2000	Wood Dale, Illinois	Incident. A section of the wing flap of a Boeing-727 owned by JPATS fell off during the landing phase of a flight. None of the 108 people on board suffered injuries. The NTSB attributed the incident to inadequate maintenance of the flap segment.
3	09/26/2004	Anchorage, Alaska	Incident. A McDonnell Douglas MD-82 leased by JPATS experienced a partial loss of engine power during the takeoff of a flight. None of the 131 people on board suffered injuries. The NTSB attributed the incident to an inadequate preflight inspection.

Source: NTSB

The JPATS Safety Officer provided us information on other events related to aviation safety. According to his information, the six events occurred from 2001 to 2004, as shown in the following table.

[75] According to the FAA's Advisory Circular 43.13-1B, an aircraft is airworthy "when an aircraft or one of its component parts meets its type design and is in a condition for safe operation."

JPATS RECORDS OF AVIATION ACCIDENTS AND INCIDENTS

No.	Date	Location	Synopsis
1	10/12/2001	Ft. Huachuca, Arizona	Incident. An aircraft part broke after a normal landing. No injuries were reported.
2	09/02/2003	San Diego, California	Incident. An aircraft part broke after parking the aircraft. No injuries were reported.
3	10/01/2003	Chicago, Illinois	Accident. A landing gear failed and exploded, requiring an emergency landing. All crew members and passengers were evacuated in 97 seconds without injuries.
4	09/26/2004	Anchorage, Alaska	Incident. Takeoff had to be aborted because of a damaged engine part.
5	07/26/2004	Oklahoma City, Oklahoma	Incident. Damage to an aircraft staircase was discovered after the plane was transferred to a maintenance facility.
6	11/16/2004	Mesa, Arizona	Incident. The aircraft wing was damaged during taxi for departure.

Source: JPATS Safety Officer

According to JPATS Safety Officer, the safety records of flight operations underwent a difficult phase after JPATS deactivated its service-owned large planes in March 2002. JPATS faced a dilemma: the program had released its own planes for sale, but had not yet procured a leased fleet on a long-term basis as planned. In order to continue its mission of transporting prisoners and aliens, JPATS began operating using leased planes from a Basic Ordering Agreement (BOA). The BOA facilitates the contracting process through pre-negotiated agreements between service provider and receiver. Consequently, the BOA is ideally suited for procurement when an unexpected need arises. Several JPATS management officials stated that JPATS tried but did not succeed in procuring large aircraft through the BOA from nationally recognized commercial airlines, because the number of the aircraft required by JPATS, six, was too small to justify the transaction from a business standpoint. Vendors who responded to JPATS's request had inventory of aircraft that were not of the highest quality. According to a JPATS quality assurance specialist in aircraft maintenance, the airplanes provided through the BOA all had the required airworthiness certificates to validate their operability.[76] Nevertheless, these

[76] The FAA prohibits any person from operating a civil aircraft unless it has an "appropriate and current airworthiness certificate" and an "effective U.S. registration certificate"; see 14 C.F.R. § 91.203 (a)(1) and (2). The airworthiness certification process includes: (1) the owner, operator or agent registering the aircraft, (2) the applicant submitting the application to the FAA, and (3) the FAA determining whether the aircraft is safe for operation.

planes were not maintained to the high standards as the large planes that JPATS once owned.

Of the six aviation safety events reported to us by the Safety Officer, five involved planes supplied under the BOA. The most significant event involved a 2003 accident in Chicago cited above, which required JPATS to evacuate everyone aboard the aircraft. Although no personal injuries resulted from the incident, the aircraft sustained damage. The investigation performed by JPATS concluded that the explosion was the result of faulty components. Nevertheless, the vendor filed a claim against JPATS that is not resolved as of March 2006.

In late 2004, JPATS ceased to operate planes obtained through the BOA. JPATS now obtains large aircraft under a short-term lease. 20 of the 23 JPATS pilots we interviewed believed that the current leased large aircraft operate well and are adequately maintained by contractors.[77]

Adequate Size of the Security Crew

JPATS publishes its policies on security controls aboard flight missions in its Cabin Security Crew Policy and Procedures Manual (Cabin Manual). The Cabin Manual, last updated in January 2004, defines key security officers of the flight missions, outlines the crew structure, and promulgates policies on scheduling, crew duty limits, dress codes, perimeter security, boarding requirements, and medical regulations.

JPATS employs full-time Air Enforcement Officers (AEOs) and contract Air Security Officers (ASOs) for operational tasks. Besides maintaining order inside the passenger cabin during flight missions, the ASOs also maintain security at the hangars [SENSITIVE INFORMATION REDACTED]. Of the two functions, security aboard the aircraft takes precedence over the security of the hangar and JPATS [SENSITIVE INFORMATION REDACTED] reassigns ASOs from hangar security to flight missions when a staffing shortage occurs.

[77] During our field work, we observed a maintenance event on November 10, 2005, in Mesa, Arizona, which caused a delay of a flight mission. The seal in the front wheel well had become aged and cracked, allowing a burnt rubber smell to seep into the cockpit during takeoff. The pilot returned the plane to the hub twice, and continued with the flight mission after the maintenance contractor determined that the cracked seal was not an aviation safety hazard. No crew rest violations occurred from the delay, however, because the following day was a federal holiday without any flight missions. The seal was replaced over the weekend.

Security Crew During Flight Mission

The Cabin Manual recommends a specific ratio between security officers and passengers. [SENSITIVE INFORMATION REDACTED]

[SENSITIVE INFORMATION REDACTED]

Some ICE officials [SENSITIVE INFORMATION REDACTED] security crew–[SENSITIVE INFORMATION REDACTED] for deportation flights involving aliens whose only offense is an immigration violation. However, some of the security officers whom we interviewed told us of instances when they learned that deportees had criminal records in their home countries. Because [SENSITIVE INFORMATION REDACTED].[78] [SENSITIVE INFORMATION REDACTED]

Besides the security crew, the cabin staffing of JPATS flights typically includes a flight nurse from the U.S. Public Health Service and employees from the customer agencies. For example, the BOP generally assigns two of its employees to facilitate the transfer and exchange of inmates. Similarly, ICE assigns employees to accompany aliens on its flights. For overseas flights, JPATS sends a flight engineer to address any mechanical issues the aircraft may experience outside the United States.

[78] For deportation flights, JPATS classifies the deportees into three categories: (I) voluntary returns and administrative deportees; (II) criminal aliens who have been ordered deported and whose crimes are non-violent; and (III) criminal aliens who have been ordered deported and whose crimes are of a violent nature. The Cabin Manual specifies different restraint methods according to the category of deportees.

Prior to each flight mission, the SOIC schedules the required number of ASOs to ensure adequate coverage, delegates specific roles to them, and assigns them a seat inside the cabin.

The SOIC records the flight mission principally by completing an SOIC Daily Log. Currently, the log consists of two parts: the top portion lists the names of the cabin crew members; the lower portion records the actual number of passengers received and discharged at each designated stop along the flight mission. At the conclusion of the flight mission, the log is attached to the Automated Prisoner Scheduling System's manifest report and stored for archive purposes at the hub offices.

Presently, data from the logs are not entered into any automated information system. As a result, it is not possible for JPATS management to determine whether it has met its objective of staffing full flights with an adequate size security crew. According to the Chief Inspector of Operations, a major challenge in staffing the flights has been the unreliability of the ASOs. Personal-service contract guards are not full-time employees; consequently, JPATS cannot compel them to report for duty. JPATS management knows that last-minute absences of the ASOs have occurred on occasion, resulting in flights with a security crew not sufficient to yield the recommended ratio of officers to passengers. However, JPATS management has no data to establish whether absenteeism of the ASOs is serious enough to have an adverse impact on flight security.

To test the adherence to the policy of staffing flights to yield the recommended ratio between security officers and passengers, we reviewed the logs to obtain information on the crew size as well as the seat utilization reports for the number of passengers aboard the aircraft from Oklahoma City, Oklahoma; Alexandria, Louisiana; and Mesa, Arizona.[79] The following table displays the results of our review of a total of 1,028 flights.[80]

[79] The seat utilization reports are generated by the accounting system used by JPATS to bill the customers. The number of prisoners and aliens aboard each flight mission in these reports have been verified by customers.

[80] For each flight, we use the leg with the highest number of passengers as numerator and the size of the security crew as the denominator in order to obtain the ratio.

RATIOS OF PASSENGERS TO SECURITY CREW MEMBERS

[SENSITIVE INFORMATION REDACTED][81] [82]

Source: OIG analysis of data from JPATS Daily Log

Overall, we found that in 87.4 percent of the flights we reviewed (898 of 1,028 flights), the average passenger-to-crew ratio exceeded the recommended ratio [SENSITIVE INFORMATION REDACTED]. JPATS officials explained that the Security Branch always tries to staff the large aircraft with a crew as [SENSITIVE INFORMATION REDACTED] as possible, even when the plane is not full upon departure. This strategy ensures that the crew size would be adequate if the plane becomes filled in later segments due to last-minute additions to the passenger list. However, our testing found 130 flights in our sample where the security crew size did not meet the recommended ratio between security officers and passengers.

[81] [SENSITIVE INFORMATION REDACTED]

[82] [SENSITIVE INFORMATION REDACTED]

Security Crew at Hangars

The current JPATS policy states that each JPATS hangar should be protected by [SENSITIVE INFORMATION REDACTED] security guards [SENSITIVE INFORMATION REDACTED].[83] [SENSITIVE INFORMATION REDACTED] Because of staff shortages, however, JPATS rarely staffs hangars with the required number of security guards. Instead, the hubs have adopted different work schedules to address a shortage of guard services. [SENSITIVE INFORMATION REDACTED]

HANGAR SECURITY SHIFTS SCHEDULE

[SENSITIVE INFORMATION REDACTED][84]

Source: JPATS

To evaluate hangar security staffing, we reviewed the number of security guards scheduled for the various shifts based on the scheduling reports from the Security Branch for the hangars in Oklahoma City,

[83] [SENSITIVE INFORMATION REDACTED]

[84] [SENSITIVE INFORMATION REDACTED]

Oklahoma; Alexandria, Louisiana; and Mesa, Arizona.[85] We reviewed a total of 2,472 shifts from the scheduling reports for these locations and found that all three sites were chronically understaffed, [SENSITIVE INFORMATION REDACTED].[86]

SECURITY STAFFING LEVEL AT JPATS HANGARS

[SENSITIVE INFORMATION REDACTED][87]

Source: OIG analysis of data from JPATS

Officials from JPATS explained that security of flight missions always has priority over hangar security. When ASOs fail to report for flight missions, contract guards originally assigned to hangar security will be called upon to assist in flight missions. Although we understand the need for adequate security aboard JPATS flights, the absence of a sufficient number

[85] The scope of our testing was the same as that used in reviewing the adequacy of the security crew aboard JPATS aircraft. For FYs 2004 and 2005, we reviewed the first month of each fiscal quarter: October, January, April, and July. For FY 2006, we reviewed October 2006 only.

[86] [SENSITIVE INFORMATION REDACTED]

[87] [SENSITIVE INFORMATION REDACTED]

of security guards at hangars exposes both the hangars and the aircraft to potential harm.[88]

[SENSITIVE INFORMATION REDACTED]

[SENSITIVE INFORMATION REDACTED][89]

[88] In May 2005, the OIG issued its *United States Marshals Service's Use of Independent Contractors as Guards, Audit Report 05-13*, where we recommended that the USMS expand the use of guard company contracts as a way to address the difficulties of using individual contract guards. JPATS officials stated that they have explored this option and identified a guard company that would charge $2.4 million a year for a regional contract, or $3 million for a national contract. JPATS presented these options at a JEC meeting, where customers voted against this alternative.

[89] [SENSITIVE INFORMATION REDACTED]

[SENSITIVE INFORMATION REDACTED][90] [91]

[90] [SENSITIVE INFORMATION REDACTED]

[91] [SENSITIVE INFORMATION REDACTED]

[SENSITIVE INFORMATION REDACTED]

Reporting Security Incidents

JPATS uses several types of documentation to report security incidents. The Cabin Manual instructs security officers to report incidents using the Field Report, Form USM-210, and attach a completed copy to the weekly flight packet. A copy of the report is to be forwarded to the supervisor of JPATS's Security Section. If security guards use [SENSITIVE INFORMATION REDACTED] to subdue a prisoner or alien, they must also file a Firearms Discharge Report, Form USM-133. According to the Chief Inspector of Operations, all reports relating to JPATS security are centralized with a CDUSM stationed in Oklahoma City, Oklahoma.

Firearms Discharge Report, Form USM-133

[SENSITIVE INFORMATION REDACTED][92]

[92] [SENSITIVE INFORMATION REDACTED]

[SENSITIVE INFORMATION REDACTED]

Field Reports, Form USM-210

We reviewed a total of 117 reports of security-related incidents that occurred in FYs 2004 and 2005; 112 of these were submitted on Form USM-210 and the remaining 5 were submitted by electronic messages. We examined all 117 reports to determine what types of incidents they documented and whether they had received proper supervisory review. All but 14 of the reports had evidence of supervisory review. The table below shows our findings.

REPORTS OF INCIDENTS: FYS 2004 AND 2005

Incident type	Oklahoma City	Alexandria	Mesa	Total
Between JPATS employees	6	2	0	8
Between JPATS and other agency employees	1	0	2	3
Involving passengers on the ground	7	0	4	11
Involving passengers in flight	11	0	0	11
Aircraft malfunction on the ground	2	0	1	3
Aircraft malfunction in flight	0	0	1	1
Delay of flight other than aircraft malfunction	6	2	0	8
Medical issues of prisoners	23	6	2	31
Property issues of prisoners	30	1	0	31
Others	8	0	2	10
TOTAL	**94**	**11**	**12**	**117**

Source: JPATS

At first glance, this table suggests that flights originating at Mesa, Arizona and Alexandria, Louisiana had fewer incidents than flights originating from Oklahoma City, Oklahoma. However, our audit found that the file maintained by the CDUSM was incomplete. For instance, during our field work in Alexandria, Louisiana we obtained copies of four Forms USM-210 relating to an incident aboard a March 3, 2005, deportation flight to Honduras that the CDUSM did not maintain in his files.

Our review showed a deficiency in JPATS's current system of reporting security incidents. After employees have completed Form USM-210, the

supervisor at the hub reviews the reports and forwards a certain number to the CDUSM at the hub in Oklahoma City, Oklahoma for further review. Because the Cabin Manual does not specify the criteria that the supervisors should use in deciding which reports require further review from the CDUSM, it is impossible to determine the total number of incidents that actually occurred.

We also believe that information on the USM-210 reports may be useful if it is entered into a database for future reference. For example, security incidents involving prisoners and aliens aboard JPATS flights could be entered into a module in APSS. If an agency requested transportation for an individual with a history of security incidents, schedulers using APSS would be able to identify prior security issues quickly and alert the Security Branch prior to flight missions.

Conclusion

JPATS generally has adequate policies on aviation safety and security. However, our audit revealed that the program has inadequate controls to manage adequately the safety risks associated with operating an aviation program and security risks of transporting prisoners and aliens. JPATS cannot reliably track its adherence to its policies on crew rest and the size of the security crew onboard planes. Additionally, JPATS cannot properly account for the credentials of the pilots and the number of security reports filed. To address these and other issues, JPATS should implement reliable controls to adhere to its own security and safety objectives.

Recommendations

We recommend the USMS:

7. Develop a tracking system to ensure that pilot files contain current copies of their licenses, medical certificates, and training records.

8. Create a method to monitor the duty hours of flight and security crews to ensure that all crew members receive adequate rest between flight assignments.

9. Create a mechanism to follow up verbal waivers for crew rest with a written record, and a central location for maintaining written waivers for both flight and security personnel.

10. Implement a mechanism to track the ratio between security officers and passengers to ensure that flight missions adhere to the ratio in the Cabin Manual.

11. Ensure that JPATS adheres to its Program Directive on hangar security, including maintaining an adequate level of security at hangars.

12. [SENSITIVE INFORMATION REDACTED]

13. Implement a mechanism to comprehensively track security incidents and related reports.

14. Create a module in APSS to capture information from incident reports to assist in scheduling prisoners and aliens with prior security issues aboard JPATS flights.

CHAPTER 4: COORDINATION AMONG THE AGENCIES

We found mixed results in our examination of the coordination between JPATS and its customer agencies. JPATS employs several mechanisms to enhance coordination, including the stationing of agency liaisons at JPATS headquarters and activities of the JPATS Executive Committee (JEC) and its various subcommittees. Although these mechanisms have a positive effect on coordination between JPATS and its customers, we identified several problems such as the composition of the JEC, the lack of a USMS liaison to JPATS until early 2006, insufficient space for the temporary lodging of prisoners in transit, and the occasional failure of customer agencies to comply with JPATS policy on medical screening of passengers. JPATS needs to address these issues systematically to enhance coordination on a long-term basis.

Successful transport of prisoners and aliens requires coordination among all the parties involved in JPATS operations. As part of this audit, we assessed the adequacy of coordination at two levels. First, we examined whether JPATS has a mechanism for coordinating all participating agencies at an administrative level to ensure that the concerns of all parties are addressed. Second, we interviewed officials at JPATS and participating agencies to identify issues that might result in interruptions to the prisoner and alien transportation process.

Coordinating Functions of the JEC

The JEC serves as the primary means for participating agencies to meet and discuss matters of mutual interest. Created in 2000, the JEC replaced its predecessor, JPATS Advisory Committee, which had similar functions. As mentioned previously, the JEC meets on a quarterly basis and is presided over by DOJ's Assistant Attorney General for Administration. Members of the JEC include the Assistant Director of the USMS for JPATS, the Detention Trustee from the OFDT, and three members each from the USMS, the BOP, and ICE. The JEC provides oversight on the operations of JPATS and reviews significant decisions on the program. Each JEC member has one vote, although the chairman has veto power.

Several subcommittees of the JEC allow the participating agencies to address particular aspects of JPATS's operations and recommend changes to the programs. These subcommittees are as follows:

- JPATS Working Group,[93]
- Transportation Committee,[94]
- Right Size/Pricing Methodology Committee,
- Aviation Safety Council, and
- Security Training Focus Group.

Of these subcommittees, the JPATS Working Group is the most important because of its overall role in reviewing and submitting operational recommendations to the JEC for discussion at its quarterly meetings. In addition to the subcommittees, JPATS management conducts weekly conference calls to address operational issues with representatives from the principal customer agencies.

While these forums allow participating agencies to raise issues and concerns, some JPATS officials have expressed concerns about the JEC. For instance, the current voting structure of the JEC favors the customers more so than the JPATS management. The reason is that JPATS is represented at the JEC by its Assistant Director who has one vote; by contrast, the three customers — the USMS, the BOP, and ICE — have three representatives each, everyone of whom has one vote for a total of nine votes. This configuration favors the customers but cripples JPATS whenever it proposes changes that the customers may deem unfavorable. As a result, one JPATS management official told us that the subcommittees and the voting structure have the potential of clogging the decision-making process and diluting the authority of the JPATS Assistant Director.

We noted an example of such adverse effects in JPATS's attempt to restructure its security crew. As already mentioned in our testing on the adequacy of the security crew, OIG's May 2005 audit report 05-13, *United States Marshals Service's Use of Independent Contractors as Guards,* recommended that the USMS expand the use of guard company contracts as a way to address the difficulties of using individual contract guards. JPATS

[93] The membership of the JPATS Working Group includes representatives from JPATS, JMD, the USMS, the BOP, ICE and the OFDT. The mission of the JPATS Working Group is to "identify and discuss issues and bring recommendations or presentations to the JEC." The JPATS Working Group meets quarterly.

[94] The transportation committee is composed of a chairperson from the OFDT and representatives from JPATS, the BOP and the USMS.

officials stated that they have explored this option and identified a guard company that would charge $2.4 million a year for a regional contract, or $3 million for a national contract. When JPATS presented these options at a JEC meeting, customers voted against this alternative.

Proper Intervention by the JEC

Our audit found that the JEC intervened appropriately in 2005 when the USMS did not communicate changes in its operations that affected other JPATS customers. According to the memorandum of understanding related to the JPATS revolving fund, the former INS, the BOP, and the USMS agreed "to provide the most accurate estimates of transportation requirements possible and update those estimates whenever new information is available." As a result of a budget rescission, the USMS decided in January 2005 to reduce its original estimate of 1,850 flight hours for FY 2005 by 150 for the transport of prisoners using JPATS's large aircraft. Significantly, the USMS did not communicate this change through the JEC and instead addressed the change directly with JPATS.

Because JPATS typically transports USMS and BOP prisoners on the same aircraft, the reduction of USMS flight hours affected BOP operations in the following ways:

- The reduction of available flights required the BOP to delay the movement of certain prisoners, thus reducing available spaces at institutions for new inmates.

- The USMS and JPATS both requested the BOP to transport prisoners by buses instead of airplanes in order to cope with the reduced flight hours. This request taxed the BOP bus system, which was already experiencing budget restraints and staff reductions.

Fortunately, the BOP was able to transport all inmates scheduled for movement despite the reduction of flight hours because it had contingency plans in place. Nevertheless, the JEC held meetings in early 2005 to address the communication issues within JPATS. The participating agencies were reminded of the importance of keeping all parties informed of any significant changes such as updating the projected flight hours. As stated earlier in our discussion on JPATS's revolving fund, the USMS honored its previous estimates of planned flight hours by reallocating funds from travel, training, and quality step increases in order to maintain the level of flights at previously agreed-upon levels.

Lack of a USMS Liaison

At the outset of our audit, the BOP and ICE maintained liaisons at JPATS headquarters in Kansas City, Missouri, to facilitate coordination on transportation issues directly with JPATS's Scheduling Section. At the same time, these liaisons served as experts on transportation policies and issues affecting their agencies.

The USMS did not have a similar point-of-contact at JPATS headquarters until early 2006. Having a liaison from the USMS at JPATS may seem superfluous since JPATS is a program within the USMS. However, as discussed previously, JPATS operates from a revolving fund contributed by its customers and receives executive guidance from the JEC, a coordinating body chaired by the Assistant Attorney General for Administration. Consequently, JPATS is an organization with some measure of autonomy from the rest of the USMS. Therefore, the concept of a USMS liaison at the JPATS headquarters would include having that individual work to resolve any difficulties between JPATS and the rest of the USMS when transporting prisoners.

The JPATS Chief Inspector of Operations stated that in the absence of a designated liaison he has assumed that role for the USMS. However, he conceded that he had generally been too busy with his JPATS duties to focus specifically on issues affecting the USMS. Moreover, we were unable to identify any official at USMS headquarters whose responsibility was to address the USMS's overall transportation issues. USMS district offices typically call JPATS headquarters directly on matters of concern and do not rely on a central point of contact at the USMS. One USMS budget official informed us that the agency had unsuccessfully attempted to seek funding for such a liaison position. However, in late 2005 the USMS announced the vacancy of a liaison at JPATS by reallocating one of its headquarters positions. The selected individual, a former JPATS employee, entered on duty in January 2006.

Initially, we had concerns because we were informed that the USMS liaison would report to both the USMS and JPATS. The dual reporting status raised issues of independence and whether the liaison would represent the USMS's issues and concerns. As of April 2006, JPATS management stated that the USMS liaison would no longer report to JPATS but to the USMS exclusively.

Limitations of the BOP Federal Transfer Center

JPATS utilizes the BOP Federal Transfer Center (FTC), located at the Will Rogers World Airport in Oklahoma City, Oklahoma to house prisoners on a temporary basis while they are in the process of being transported around the country. During our review, we found that this facility was operating at full capacity in the summer of 2005 with 1,350 male inmates and 118 female inmates. The average length of stay for these prisoners was 12.5 days in FY 2004 and 10.3 days in FY 2005. According to JPATS management, there is no benchmark for how long a prisoner should stay at the FTC. Because the facility operated at full capacity, the lack of bed space affected JPATS's ability to transport prisoners, especially those that required layover housing.[95]

Insufficient bed-space at the FTC to provide lodging for BOP or USMS prisoners does not necessarily mean that JPATS cannot transport prisoners. Rather, JPATS operations become less efficient and more costly when overnight housing is lacking. Specifically, if JPATS does not have access to beds for housing prisoners overnight, it cannot group prisoners destined for the same location on a single flight and thereby take advantage of economies of scale.

As a short-term solution, the OFDT worked with the USMS to obtain an agreement with a local county correctional facility that had an additional 240 beds available. According to a JPATS official, a long-term solution would be to contract with additional correctional facilities, preferably one on each coast. JPATS could then house prisoners who need to stay at these layover facilities on a short-term basis, similar to the FTC, as they complete their itinerary.

Although the short-term solution resolved the problem of insufficient bed space for in-transit prisoners, we believe that JPATS, in coordination with the JEC and the BOP, should establish a benchmark for the length of layover stays at the FTC. Furthermore, JPATS should work through the JEC to examine how it can help reduce the length of stay for in-transit prisoners being housed at the transfer center.

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[95] When JPATS picks up BOP or USMS prisoners at a location, the final destination for those prisoners may not necessarily be on the itinerary for that day, but rather the next day or several days later. In such circumstances, JPATS needs to house the in-transit prisoners overnight until they arrive at their final destination. Therefore, the BOP Federal Transfer Center is utilized for this purpose.

Coordination with BOP Institutions

One common issue affecting the use of the BOP Federal Transfer Center occurs when BOP institutions cannot accept prisoners as originally planned. In June 2005, for example, 35 prisoners at the FTC were scheduled to leave for a BOP institution on the west cost aboard a JPATS flight. Two days before the departure, the BOP notified JPATS that only 20 of the 35 inmates could be accepted at the destination. Because JPATS serves this destination every two weeks, the remaining 15 prisoners had to be kept at the FTC for another two weeks. This change of plans caused concern because the FTC and the nearby county jail had already reached full capacity, which, in turn, meant that JPATS was unable to accommodate additional prisoners who would require a layover at the transfer center.

Occasionally, such unexpected changes occurred after a prisoner has already departed on a JPATS flight. In June 2005, a prisoner was reassigned to another BOP institution after he had already left the transfer center on a JPATS flight. The BOP had intended to fly the prisoner back to Oklahoma City, Oklahoma for redesignation, but the prisoner complained of pain from kidney stones upon arrival at the original destination. Because the prisoner had already been reassigned, JPATS had to coordinate with BOP officials to devise an alternative for this passenger. We learned that local BOP officials assisted the prisoner so he could receive medical care and he eventually arrived at the intended institution.

Not all such coordination issues involve the FTC. In April 2006, JPATS scheduled movement of 45 prisoners from one BOP institution to another in the same state. Because of insufficient bed space, the BOP institution receiving the inmates notified JPATS on the Monday before the Friday flight that only 16 prisoners could be accommodated. As a result, the remaining 29 prisoners had to stay at the originating institution indefinitely until spaces become available.

We found that JPATS generally worked with the BOP liaison and a contract advisor at the OFDT – a former BOP official – when unusual transportation problems for prisoners occur. According to this OFDT advisor, the policy of the BOP is to accept all prisoners unless an official moratorium has been declared by BOP headquarters. A moratorium at a BOP institution may be declared for 90 days when that facility is full, under renovation, or experiencing a medical issue. While we believe that coordination occurred among JPATS, the BOP, and the OFDT in resolving these unexpected interruptions, a more systematic approach may help identify the underlying causes. For instance, a database may be developed to record and archive

these occurrences: locations and circumstances of the interruptions, and actions required to resolve them. Analysis of this information may reveal patterns or root causes of these disruptions and point toward possible solutions to reduce future occurrences.

Medical Clearance of Passengers

JPATS requires all prisoners and aliens to have a properly completed Medical Summary/Transit/Alert Form (Form USM-553).[96] This document serves as evidence that the passenger has been properly screened for all possible medical issues and will not pose health risks to others inside the aircraft. Currently, U.S. Public Health Service flight nurses examine the medical clearance of passengers and perform on-the-spot screening of passengers who arrive without adequate evidence. If the passengers fail the screening, JPATS may deny them boarding. In addition, the flight nurses ensure that the passengers have any required medication.

U.S. Public Health Service flight nurses also compile the results of their medical screening and the number of prisoners or aliens denied boarding from JPATS flights. We tabulated the data provided by the flight nurses for FYs 2004, 2005, and the first quarter of 2006 for Oklahoma City, Oklahoma; Alexandria, Louisiana; and Mesa, Arizona in the following table.

[96] JPATS specifies the medical clearance requirement in its Cabin Manual, Chapter entitled "Medical Regulations": "Every prisoner/alien must have a completed Form USM-553, *Medical Summary/Transit/Alert Form*, BOP-149, or ICE/other equivalent when delivered to the prisoner/alien exchange location." For prisoner transport, the Program Statement 5540.05 of the BOP, Prisoner Transportation Manual, Chapter 3, Section 302 states that "All persons concerned with the transfer of prisoners shall be aware that the Medical Record of Federal Prisoner In-Transit (BP-149) form must accompany all prisoners in-transit." For alien transport, the Detention Operations Manual of ICE, chapter entitled "Detainee Transfer," Section III-D-1 states that the file accompanying the transfer of aliens needs to include a "USM-553 or local transfer summary form."

PRISONERS OR ALIENS DENIED BOARDING DUE TO MEDICAL ISSUES

Location	FY	No Clearance	No Medicine	Tuberculosis	Others
Oklahoma City	2004	5	16	78	55
	2005	2	16	39	44
	2006	1	8	6	6
	Subtotal	***8***	***40***	***123***	***105***
Alexandria	2004	3	23	6	2
	2005	0	11	5	1
	2006	0	2	1	5
	Subtotal	***3***	***36***	***12***	***8***
Mesa	2004	0	7	12	3
	2005	0	2	8	2
	2006	0	1	3	0
	Subtotal	***0***	***10***	***23***	***5***
Grand Total		**11**	**86**	**158**	**118**

Source: U.S. Public Health Service

Initially, data in the table suggest that the transport of prisoners from the hub in Oklahoma City, Oklahoma poses a greater health risks than the transport of aliens from the Alexandria, Louisiana and Mesa, Arizona hubs. However, the U.S. Public Health Service flight nurses informed us that the higher number of medical denials for the transport of prisoners resulted from more stringent requirements at BOP institutions. In addition, the flight nurses stated that the institutional practices of ICE may account for, in part, the relatively few medical denials at the Alexandria, Louisiana and Mesa, Arizona hubs. Some aliens could have been brought to the airlift locations shortly after being detained by ICE officers. Consequently, many of the aliens have not been through any detention centers where the on-site medical facility would complete the medical screening forms. At one ICE Service Processing Center that we visited, the on-site infirmary administered tuberculosis screening tests only if the aliens were scheduled to stay for more than 12 hours. In the absence of adequate medical clearance information, the flight nurses perform on-the-spot screening of aliens to mitigate the health risks of JPATS flight missions.

2003 Medical Screening Incident

An extreme case of failed medical screening occurred in May 2003 when an alien did not pass an examination by the Public Health Service flight nurse. The alien arrived at the airlift location with two escorts from ICE. All three individuals wore masks and protective clothing. The flight nurse

determined that the alien did not have the required medical clearance form and exhibited symptoms consistent with Severe Acute Respiratory Syndrome (SARS).

JPATS management, upon consulting with the ICE liaison and the Centers for Disease Control, directed the JPATS security crew to allow the alien on board the flight. However, the security crew refused to continue the mission because of the perceived health risk. To avoid further delay of the flight, JPATS continued without the alien, who was eventually transported by a commercial airline.

Coordination on Financial Issues

As explained in our discussion in the Budget Issues section, the original memorandum of understanding for JPATS's revolving fund serves as the charter document that outlines the responsibilities of JPATS and its customers on financial issues. It also provides a mechanism to ensure that adequate coordination exists to ensure unimpeded operation.

For instance, the MOU requires the customers to provide the most accurate estimates possible of transportation requirements, and to update these estimates when new information becomes available. JPATS needs this information in order to correctly calculate the rate it charges customers. In addition, to ensure that the rate charged is accurate, JPATS holds a mid-year conference with its customers. At the conference, JPATS and its customers review the flight hours already used, as well as adjust the requirements for the remainder of the fiscal year. JPATS uses the updates to calculate a new rate for the upcoming months. As already mentioned in the discussion on the JEC, our review of this process revealed that the USMS unilaterally reduced its flight hours in early 2005 without prior notice to other customers.

Besides the mid-year conference, a Right-Sizing/Pricing Methodology Committee (Committee) was formed in May 2005 to coordinate participating agencies on financial issues. The Committee is chaired by the Detention Trustee, and membership includes representatives of JPATS, ICE, the BOP, and the USMS. The Committee's purpose is to evaluate JPATS's personnel structure and resources, as well as possible expansions to JPATS's services.

Conclusion

Our audit disclosed mixed results regarding JPATS's coordination with other agencies regarding movements of prisoners and aliens. We found that

the JEC intervened properly in March 2005 as a coordinating body when it discovered an instance where the USMS did not communicate a reduction in its transportation needs to all involved parties. Besides the JEC, the liaisons from the major customer agencies provide a point of contact to resolve transportation issues at JPATS headquarters. Moreover, the lack of a USMS liaison was resolved in early 2006 when the USMS appointed a former JPATS employee to fill this position.

Recommendation

We recommend the USMS:

15. Coordinate with the JEC and the BOP on establishing a benchmark for the length of layover stays, and how JPATS can help reduce the length of stay of in-transit prisoners at the BOP Federal Transfer Center.

STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS

The audit of the USMS's management of JPATS was conducted in accordance with generally accepted government auditing standards. As required by these standards, we tested selected transactions and records to obtain reasonable assurance about the USMS's compliance with laws and regulations that, if not complied with, we believe could have a material effect on operations. Compliance with laws and regulations applicable to the administration of JPATS is the responsibility of its management.

An audit includes examining, on a test basis, evidence about laws and regulation. The specific requirements for which we conducted tests are contained in the OMB Circular No. A-126, *Improving the Management and Use of Government Aircraft*. We found that the USMS was in compliance with the circular in the method of accounting for the cost of the operation, but not in the efficient use of aviation resources.

APPENDIX I

OBJECTIVES, SCOPE, AND METHODOLOGY

Objectives

The objectives of our audit were to evaluate the USMS's: (1) ability to effectively manage the risks inherent in prisoner movements to ensure safe and efficient transport, and (2) coordination with its three primary customers regarding the movement of prisoners and aliens.

Scope and Methodology

We conducted the audit in accordance with the *Government Auditing Standards*, and included the tests and procedures necessary to accomplish our objectives.

We performed our work primarily at JPATS headquarters in Kansas City, Missouri and three of JPATS hubs in Oklahoma City, Oklahoma; Alexandria, Louisiana; and Mesa, Arizona. In addition, we visited the headquarters and/or field offices of agencies that interact with JPATS regularly: the USMS, the BOP, ICE, the U.S. Public Health Service, and the OFDT.

To accomplish our audit objectives, we:

- reviewed prior reports on JPATS and researched pertinent laws and regulations;
- interviewed officials at JPATS headquarters and three of the four hubs: Oklahoma City, Oklahoma; Alexandria, Louisiana; and Mesa, Arizona;
- interviewed operational personnel for a total of 23 full-time pilots, 18 full-time Air Enforcement Officers, and 33 contract Air Security Officers at three of JPATS's four hubs;
- interviewed 15 full-time prisoner transportation specialists (the schedulers) at JPATS's headquarters in Kansas City, Missouri;
- obtained relevant manuals and policies regulating the JPATS operations;

- interviewed USMS officials at its headquarters in Washington, D.C., and district offices in Kansas City, Missouri; San Francisco, California; Phoenix, Arizona; and Alexandria, Louisiana;

- interviewed BOP officials at its headquarters in Washington, D.C., the Federal Transfer Center in Oklahoma City, Oklahoma, and correctional facilities in Phoenix, Arizona; Dublin, California; Oakdale, Louisiana; Atlanta, Georgia; and Gilmer, West Virginia;

- interviewed ICE officials at its headquarters in Washington, D.C., district office in San Francisco, California; the district sub-office in Oakdale, Louisiana; and the Service Processing Center in Florence, Arizona;

- reviewed budget information, and pertinent accounting and administrative records;

- analyzed the time-and-attendance records of 27 employees of JPATS to evaluate crew rest issues;

- evaluated the flight manifest records for the scoped 9 months to assess the adequacy of security crew aboard the flights and efficiency in scheduling;

- reviewed the scheduling reports for the scoped 9 months to assess the adequacy of security officers at the hangar in Oklahoma City, Oklahoma; Alexandria, Louisiana; and Mesa, Arizona.

- examined 117 reports on security incidents;

- reviewed reports on medical denials from the USPHS flight nurses from October 2003 through December 2005;

- reviewed the credentials and background investigation of 32 pilots.

AIR AND GROUND ROUTES FOR JPATS'S CUSTOMERS

[SENSITIVE INFORMATION REDACTED]

Source: JPATS

APPENDIX III

JPATS AIR MOVEMENTS BY FISCAL YEAR AND AGENCY

JPATS AIR MOVEMENTS
FY 1995 THROUGH FY 2005

FY	USMS	BOP	INS/ICE	TOTAL
1995	36,388	23,112	10,352	69,852
1996	44,763	22,336	30,996	98,095
1997	47,253	22,670	41,361	111,284
1998	55,624	26,690	52,165	134,479
1999	54,449	25,711	60,126	140,286
2000	51,702	26,091	74,693	152,486
2001	52,601	24,586	75,530	152,717
2002	54,789	25,793	82,103	162,685
2003	59,820	26,014	89,373	175,207
2004	63,721	23,532	89,269	176,522
2005	62,402	23,670	95,876	181,948
TOTAL	**583,512**	**270,205**	**701,844**	**1,551,561**

Source: JPATS

The 95,876 air movements of ICE prisoners in FY 2005 resulted in the deportation of 33,169 aliens, as shown in the following table.

INTERNATIONAL REMOVALS
VIA JPATS AIRCRAFT FY 2005

Destination	No. of Aliens
Honduras	12,630
Guatemala	10,829
El Salvador	5,931
Dominican Republic	1,662
Haiti	754
Colombia	506
Jamaica	461
Ecuador	337
Trinidad	23
Cuba	19
Guyana	17
TOTAL	**33,169**

Source: JPATS

APPENDIX IV

MOVEMENTS FOR NON-FEDERAL PRISONERS BY STATE

NON-FEDERAL PRISONER MOVEMENTS
BY STATE OR TERRITORY OF REQUESTER

STATE	FY 2004	FY 2005
Alabama	0	2
Alaska	4	5
Arizona	2	2
Arkansas	2	7
California	46	66
Colorado	6	2
Connecticut	42	36
Florida	17	44
Georgia	4	12
Guam	1	0
Hawaii	8	3
Idaho	1	2
Illinois	16	15
Indiana	25	17
Iowa	0	2
Kansas	1	3
Kentucky	0	5
Louisiana	7	5
Maine	8	28
Maryland	3	3
Massachusetts	0	1
Michigan	20	20
Minnesota	42	26
Mississippi	8	7
Missouri	4	3
Montana	2	3
Nebraska	7	10
Nevada	1	0
New Hampshire	40	27
New Jersey	8	15

STATE	FY 2004	FY 2005
New Mexico	16	1
New York	25	24
North Carolina	2	1
North Dakota	25	20
Ohio	25	32
Oklahoma	2	2
Oregon	60	82
Pennsylvania	32	16
Puerto Rico	0	5
Rhode Island	1	1
South Carolina	4	8
South Dakota	45	44
Tennessee	12	11
Texas	7	24
Utah	60	75
Vermont	8	4
Virginia	14	32
Washington	13	20
West Virginia	7	2
Wisconsin	43	68
Wyoming	7	15
TOTAL	**733**	**858**

Source: JPATS

APPENDIX V

MOVEMENTS FOR NON-FEDERAL PRISONERS BY TOP REQUESTERS

FY 2005 TOP 10 REQUESTERS

NUMBER OF REQUESTS	NON-FEDERAL JURISDICTION	CITY	STATE
68	Utah Commission on Criminal and Juvenile Justice	Salt Lake City	UT
49	State of Oregon	Salem	OR
29	Pennington County Sheriff	Rapid City	SD
24	Dane County Sheriff	Madison	WI
16	Okaloosa County Sheriff	Shalimar	FL
12	Frederick County Sheriff	Winchester	VA
11	Grand Forks County Correctional Center	Grand Forks	ND
11	Winnebago County Sheriff	Oshkosh	WI
9	Albany County District Attorney	Albany	NY
9	Androscoggin County District Attorney	Auburn	ME

Source: JPATS

FY 2004 TOP 10 REQUESTERS

NUMBER OF REQUESTS	NON-FEDERAL JURISDICTION	CITY	STATE
60	Utah Commission on Criminal and Juvenile Justice	Salt Lake City	UT
17	Pennington County Sheriff	Rapid City	SD
16	New Mexico Corrections Department	Santa Fe	NM
15	Dane County Sheriff	Madison	WI
12	Grand Forks County Correctional Center	Grand Forks	ND
12	Pennsylvania Department of Corrections	Camp Hill	PA
11	Hennepin County Sheriff	Minneapolis	MN
10	Rockingham County Attorney	Kingston	NH
9	New London State's Attorney	New London	CT
9	South Dakota Department of Corrections	Sioux Falls	SD

Source: JPATS

APPENDIX VI

APSS PROCESSING CODES FOR PRISONER TRANSPORT IN SUPPORT OF THE FEDERAL JUDICIARY[97]

NO.	PROCESS DESCRIPTION	EXPEDITE FLAG	MEDICAL FLAG	DANGER FLAG
1	USMS Alaska District			
2	U.S. Attorney's Request	Yes		
3	Court Order			
4	Escape			Yes
5	Hold Over			
6	Judgment or Commitment			
7	Juvenile			
8	Medical Emergency		Yes	
9	Probation Violator			
10	Program Failure			
11	Parole Violator			
12	Return of Attorney's Request			
13	Return of Court Order			
14	Return of Study and Observations	Yes		
15	Terrorist Witness' Return			
16	Return of Writ			
17	Study and Observation	Yes		
18	Supervised Released Term			
19	Terrorist – USMS			
20	Terrorist Witness	Yes		
21	Writ of Habeas Corpus Ad Testificandum	Yes		
22	Writ of Habeas Corpus Ad Prosequendum	Yes		
23	Warrant of Removal	Yes		
24	Writ	Yes		

Source: JPATS

[97] Under the EXPEDITE FLAG column, Study and Observation, Return of Study and Observation, and Warrant of Removal must be executed in 10 days in accordance with the Speedy Trial Act, 18 U.S.C. § 3161.

APPENDIX VII

WEEKLY SCHEDULE OF LARGE AIRCRAFT

[SENSITIVE INFORMATION REDACTED]

Source: JPATS

[SENSITIVE INFORMATION REDACTED]

APPENDIX VIII

JPATS AIR FLEET COMPOSITION AND CAPACITY

[SENSITIVE INFORMATION REDACTED]

Source: JPATS

APPENDIX IX

LIST OF AUDITS AND REVIEWS ON JPATS OR ON SUBJECT MATTERS RELATED TO ITS OPERATIONS

YEAR	PERFORMING ENTITY	TITLE/FOCUS OF THE REVIEW
1995	EDS Enterprise Integration Services	Requirements Analysis to Automate JPATS
1995	Keane Inc.	Requirements Analysis to Automate JPATS
1996	Interagency Committee for Aviation Policy (ICAP)	Aviation Resource Management Survey (ARMS)
1997	DOJ OIG	JPATS Inspection (Operations and Automation)
1997	Coopers and Lybrand	Five-Year Strategic Plan for JPATS
1998	ICAP	ARMS
1998	DOJ JMD	Detention & Incarceration Study
1998	Coopers & Lybrand	Cost- Benefit Analysis of Transportation Consolidation
1999	USMS Program Preview	Procurement & Contracting Review of JPATS
2000	Independent OPM Fact Finding	JPATS Management Review
2000	Urbach, Kahn & Welin	JPATS Financial Audit
2001	Urbach, Kahn & Welin	JPATS Financial Audit
2002	Independent OPM Fact Finding	JPATS Management Review
2002	Urbach, Kahn & Welin	JPATS Financial Audit
2002	ICAP	ARMS
2002	Price Waterhouse Consulting	JPATS Cost Study
2002	DOJ JMD	Study of JPATS Management & Resources
2002	USMS Program Preview	Audit of JPATS Finances
2002	Booz, Allen and Hamilton	Plan to Streamline Functions & Focus Resources on Front-line Positions
2003-04	GAO	Study of Federal Aircraft Programs
2004	DOJ OIG	Personal Service Guards
2005	IBM-Business Consulting Services	JPATS- Right Sizing Working Groups/ Organizational and Staffing Model Project

Source: JPATS

United States Department of Justice
United States Marshals Service
Justice Prisoner and Alien Transportation System
250 Richards Rd., Suite 250
Kansas City, MO 64116

To: All JPATS Managers, Supervisors and Employees

JPATS SAFETY PHILOSOPHY

As an employee of the Justice Prisoner and Alien Transportation System (JPATS), we automatically accept a moral obligation to the public, our fellow employees, our families, and an economic obligation to JPATS and the Federal Government to ensure that operations under our custody and control are carried out in a safe, efficient manner.

Safety is not only an organizational imperative but an individual responsibility. It can not exist solely in organizational doctrine. Rather, it must become an attitude for each of us. To be effective, safety must exist in our thinking, planning, and actions...an organizational culture. After an accident occurs, it is too late to prevent it. We must accept that working in an unsafe manner or in an unsafe environment is always counterproductive. Our responsibility for working safely is essential to every mission and task.

Cooperation, teamwork, and a positive attitude toward safety issues are integral in helping us discharge our mutual responsibilities. The following commitments will cultivate a strong, responsive safety culture:

- No prisoner, alien, or passenger is so important, no cargo so sensitive, or mission so critical that it cannot be accomplished in a safe, efficient manner with a minimum of risk.
- The tempo of air operations shall never justify deviating from established operational standards, or procedures. (National Security/Emergency excepted)
- Supervisors and managers have the responsibility to ensure their employees follow safe work practices and the authority to provide them a clean, safe, and supportive work environment.
- We must all exhibit compliance with established safety regulations and guidelines.
- We are all empowered to sustain an aviation environment free of incidents, accidents, personal injuries, property damage, and adverse media exposure.
- We must all be assertive in developing a mutually supportive behavior for safety awareness and an understanding of the consequences of unsafe practices, behaviors or attitudes.
- We must all remain vigilant for risks and hazards and accept our responsibility for supporting this safety program and the Aviation Safety Officer.
- I will ensure that all the resources necessary to develop and sustain an incident and accident-free, pro-active safety culture in JPATS are provided.

Kenneth L. Pekarek
Assistant Director For JPATS

4/25/02
Date

APPENDIX XI

FLIGHTS WITH PASSENGER-TO-CREW RATIO
[SENSITIVE INFORMATION REDACTED]

[SENSITIVE INFORMATION REDACTED][98]

[98] [SENSITIVE INFORMATION REDACTED]

[SENSITIVE INFORMATION REDACTED]

[SENSITIVE INFORMATION REDACTED]

[SENSITIVE INFORMATION REDACTED]

Source: OIG analysis of JPATS flight data

APPENDIX XII

ACRONYMS

AEO	Aviation Enforcement Officer
APSS	Automated Prisoner Scheduling System
ARMS	Aviation Resource Management Survey
ASO	Aviation Security Officer
BOA	Basic Ordering Agreement
BOP	Federal Bureau of Prisons
CONUS	Continental United States
CDUSM	Chief Deputy United States Marshal
CFR	Code of Federal Regulations
CRR	Congressional Relocation Report
DOJ	Department of Justice
FAA	Federal Aviation Administration
FASS	Facilities and Services Staff (JMD)
FOPM	Flight Operations and Procedures and Manual
FTC	Federal Transfer Center
FY	Fiscal Year
GAO	Government Accountability Office
GSA	General Services Administration
ICAP	Interagency Committee on Aviation Policy
IPAC	Intra-governmental Payment and Collection
ICE	Immigration and Customs Enforcement
INS	Immigration and Naturalization Service
JCAS	JPATS Cost Accounting System
JDIS	Justice Detainee Information System
JEC	JPATS Executive Committee
JMD	Justice Management Division
JPATS	Justice Prisoner and Alien Transportation System
NTSB	National Transportation Safety Board
OFDT	Office of the Federal Detention Trustee
OMB	Office of Management and Budget
OPM	Office of Personnel Management
PTS	Prisoner Tracking System
SOIC	Security Officer in Charge
SPC	Service Processing Center
USC	United States Code
USMS	United States Marshals Service

AUDITEE'S RESPONSE

U.S. Department of Justice

United States Marshals Service

Office of the Director

Washington, DC 20530-1000

September 6, 2006

MEMORANDUM TO: Guy K. Zimmerman
Assistant Inspector General
for Audit

FROM: John F. Clark
Director

SUBJECT: The United States Marshals Service's Management of the Justice Prisoner and Alien Transportation System (JPATS)

The subject audit report issued August 8, 2006, identified 15 recommendations. Attached is the Justice Prisoner and Alien Transportation System (JPATS) response to these recommendations.

If you have any questions regarding JPATS responses to your recommendations, please contact Jim Ellis, Acting Assistant Director, JPATS, at (816) 467-1903.

Attachment

cc: Yvonne A. Athanasaw
Senior Management Analyst
Office of Inspection
Audit Office
United States Marshals Service

Richard P. Theis
DOJ Audit Liaison
Assistant Director
Audit Liaison Group
Justice Management Division

Stacia Hylton
Federal Detention Trustee
Office of the Federal Detention Trustee

JPATS Response to OIG Recommendations

1. **Work with the JEC to explore the possibility of instituting a hybrid budget model to fund JPATS through both an annual appropriation and payments from customers based on usage. (Page 32)**

JPATS Response: JPATS agrees. JPATS supports the OIG recommendation that our funding stream be changed from the revolving fund to a hybrid funding model.

Under the Revolving Fund, JPATS is providing a service. The customers, (USMS, ICE and the BOP) determine what their requirements are to accomplish their mission. JPATS and the customers agree on what service will be provided. With this information, JPATS produces a unit rate. The premise of the revolving fund is that the business concept of management will assist JPATS to offer the highest quality service at the lowest cost possible while not jeopardizing aviation safety or prisoner security. The relationship between the customers and JPATS is focused on the accomplishment of the customer's mission and assuring equality among participating agencies regardless of the agency's financial contributions.

JPATS believes that with a hybrid funding concept, JPATS could accomplish better scheduling and utilization of aircraft without concern for receipt of revenue or debate on which agency's mission had a higher priority. Simply put, JPATS management believes the scheduling of aircraft and prisoner/alien movements should be based on the safest, most efficient and cost effective methodology possible without concern for budgetary issues of the individual customers.

Another area of concern is the availability of adequate funding for the operation under the revolving fund. JPATS receives funding through the use of reimbursable agreements (RA), which should be signed prior to services being performed for our customers. For several years, JPATS did not receive these agreements from one of our principal customers on a timely basis.

In addition, if the fixed costs for JPATS were covered by an appropriation, the variable costs could be covered by a rate which would be much lower than current rates and thus attract additional customers. Maximum utilization of the aircraft/resources and economies of scale would provide a much better value to existing customers as well.

JPATS will address this topic with the JEC at the next committee meeting. One of the challenges that must be overcome within the committee is the issue of transitioning a certain amount of funding from the customer agencies to the JPATS organization (removing it from their appropriation base and placing in the JPATS account). Another hurdle is that this will require Congressional approval. Congress

will need to provide a full level of funding to JPATS, even in a time of declining budgets, so that JPATS can operate at current levels. There is concern that individual agencies might be inclined to reduce prisoner movements in favor of higher priorities as budgets get tighter. This could prove very disruptive, particularly in terms of managing prison overcrowding. By providing a direct appropriation to JPATS at the same or increased level, it would ensure a continuity of services that are properly funded, rather than leaving JPATS completely dependent upon reimbursements from customers.

2. **Ensure that JPATS performs long-term capacity planning, including the development of a forecasting model to project future needs in prisoner and alien transport and the resources to meet those needs. (Page 33)**

JPATS Response: JPATS agrees. JPATS recognizes the importance of strategic planning for the long term planning and development of the business to meet future needs in prisoner and detainee transportation. JPATS was directly involved in the November 2005 strategic planning working group that developed the current U.S. Marshals Service Strategic Plan. JPATS also developed goals in support of the OMB Program Assessment Rating Tool (PART) and the Government Performance Results Act (GPRA). Actual results of these goals are reported to the Department on a quarterly basis and include an explanation of variances.

In 2004, the JEC formed a committee to plan additional future years' capacity. JPATS intends to utilize the results of this committee to build a long term planning document to suit the needs of our customer agencies. JPATS must have input from our customer agencies in order to determine any future requirements. At this time, JPATS has no input into the customer agencies' budget process and we are dependent on their funding levels to accomplish our workload. JPATS also requires a level of future commitment from our clientele to determine the best business model to forecast the current and future resource requirements to accomplish our mission with the highest level of expertise and at the lowest cost. Without this information from our customer agencies, JPATS will not be able to position itself for maximum utilization of its resources and to take advantage of possible efficiencies.

In the area of asset planning, JPATS has a draft directive to address short and long range asset acquisition planning. This project will be tested during Fiscal Year 2007. The Budget Office is currently in the process of drafting a memo to all JPATS Departments to explain the planning, procuring and management of assets as well as soliciting their assistance and expertise in developing the preliminary plan. This effort will assist JPATS in meeting the anticipated Fiscal Year 2008 submission of OMB Exhibit 300.

3. **Work through the JEC to revise the flight schedules of ICE to reflect actual needs and improve the efficient use of available seats. (Page 33)**

JPATS Response: JPATS agrees. JPATS agrees that revising flight schedules directly impacts the ability of JPATS to reflect the actual needs and improves the efficient use of available seats. JPATS assumes this recommendation specifically refers to changing to "night loop" flight in Mesa, AZ to a daytime flight. JPATS has requested ICE consider changing the "night loop" to a daytime flight without success. JPATS will approach ICE again with this request, citing the OIG recommendation.

4. **Replace its short-term leases for large aircraft with less expensive long-term leases. (Page 33)**

JPATS Response: JPATS agrees. JPATS agrees that long-term leases are less expensive. The current short-term lease (three-year) contracts resulted from lengthy protests sustained against the government during two previous long-term lease solicitations. JPATS has legal authority to lease aircraft up to ten years and is actively pursuing a follow-on long-term aircraft lease arrangement, with the assistance of DOJ procurement staff. It is anticipated that this lease will be for one base year and up to nine option years, as determined by OMB Circular A-11. The ability of JPATS' customer base to commit to this long-term arrangement will be an essential component in its success.

5. **Work through the JEC to encourage ICE to schedule overseas flights in APSS. (Page 33)**

JPATS Response: JPATS agrees. JPATS agrees ICE overseas flights should be recorded in APSS. These flights can currently be entered into APSS. JPATS will continue to seek cooperation from ICE personnel to implement this procedure.

6. **Provide security crew members with online editing access to APSS for updating the flight manifest. (Page 33)**

JPATS Response: JPATS agrees. We have looked into this extensively in the past and will continue to monitor new technology and pricing. We would point out, however, the following caveats:

a. To connect to APSS requires users to pass multiple secure logons, which is more time consuming than a phone call. Doing this procedure on the ground will not save time.
b. Currently having internet connection in-flight is cost prohibitive.
c. There are several steps taken when an inmate is removed or added to a manifest that must be handled by a scheduling coordinator. The flight crew on the ground does not have all pertinent information to properly update APSS and give proper notification to USMS districts or BOP institutions.

7. **Develop a tracking system to ensure that pilot files contain current copies of their licenses, medical certificates, and training records. (Page 56)**

JPATS Response: JPATS agrees. The JPATS training officer has a computer program which allows him to monitor flight physical, training due dates and changes to licenses. The program is set up to flag flight physical due dates (30 days prior) and recurrent training due dates (also 30 days). The training officer then notifies the pilot in question, who is responsible for the timely completion of medical review. A tentative training is generally set up with the training facility up to one year in advance. Standing instruction requires that copies of all documents relative to training, changes in licenses and/or flight physical completion is forwarded to OKC for the master file.

8. **Create a method to monitor the duty hours of flight and security crews to ensure that all crew members receive adequate rest between flight assignments. (Page 56)**

JPATS Response: JPATS agrees. Flight Following (Communications Center for JPATS Aircraft), the Pilot-in-Command, and the FOIC are currently responsible for adhering to the Flight Operations Procedures Manual and all associated policies and procedures. By asking for Flight Following concurrence on all matters dealing with flight crew duty and flight time, a check and balance is created to ensure compliance with appropriate flight time limits and rest period restrictions. JPATS will consider whether inserting flight time and duty time into the JCAS system (after program changes are complete) will achieve the objective of this recommendation. JPATS will report back on the outcome of this consideration in the next reporting cycle.

9. **Streamline the process of issuing waivers of crew rest by combining the waivers for the flight and security crews, and creating a mechanism to follow up verbal waivers with a written record for retention at a central location. (Page 56)**

JPATS Response: JPATS agrees. Our Information Technology personnel will place our waiver forms on the 'S' drive, making them available to the entire organization. The forms could be filled out online with electronic signature and sent to a GS-15 JPATS manager by e-mail for consideration. By doing this, the completed document could more easily be made available to the flight crew, the approving official and flight operations. The manager could then check a box in the JCAS system to reflect whether or not a waiver was employed and a copy of the e-mailed document could be attached to the daily flight log as is now the custom. In that way, the use of a waiver would be readily apparent within the JCAS system.

10. **Implement a mechanism to track the ratio between security officers and passengers to ensure that flight missions adhere to the ratio in the Cabin Manual. (Page 56)**

    JPATS Response: JPATS agrees. JPATS strives to correctly staff each flight with the required ratio of security personnel. However, given the "fluid" nature of varying on-board prisoner counts at each flight segment, it is virtually impossible to absolutely attain the desired ratio on each flight segment. JPATS continues to staff the flight missions with the maximum security personnel based on the total number of aircraft seats available for prisoners. JPATS will convene an internal group to discuss a possible mechanism to track the ratio based upon the tenets of the Cabin Manual.

11. **Ensure that JPATS adheres to its Program Directive on hangar security, including maintaining an adequate level of security at hangars. (Page 56)**

    JPATS Response: JPATS agrees. As the report correctly points out, it is difficult to manage a contracted workforce of personal services contracts without the managerial ability to compel individual contractors to work. JPATS is and has been in complete support of regional or national security contracts for security services for quite some time. JPATS will continue at every opportunity to put a regional or national security contract in place at each of its sites to ensure an adequate level of hangar security exists at all times. However, this action will require the budgetary support of the customer agencies.

12. [SENSITIVE INFORMATION REDACTED] **(Page 56)**

    JPATS Response: JPATS agrees.
    [SENSITIVE INFORMATION REDACTED]

13. **Implement a mechanism to comprehensively track security incidents and related reports. (Page 56)**

    JPATS Response: JPATS agrees. JPATS will convene an internal work group, including IT personnel, to discuss and automate a mechanism whereby this can be accomplished with APSS.

14. **Create a module in APSS to capture information from incident reports to assist in scheduling prisoners and aliens with prior security issues aboard JPATS flights. (Page 56)**

    JPATS Response: JPATS agrees. APSS IT personnel are currently working toward implementing this recommendation.

15. **Coordinate with the JEC and BOP regarding how JPATS can help reduce the number of prisoners being housed at the BOP Federal Transfer Center. (Page 66)**

JPATS Response: JPATS agrees. JPATS will work with the BOP, through the JEC, to establish a benchmark and establish achievable length of stay benchmarks to gain the required efficiencies necessary to reduce the number of days prisoners stay at the BOP Federal Transfer Center.

APPENDIX XIV

OFFICE OF THE INSPECTOR GENERAL, AUDIT DIVISION ANALYSIS AND SUMMARY OF ACTIONS NECESSARY TO CLOSE THE REPORT

We provided a draft audit report to the USMS for review and comments. The USMS's comments have been incorporated as Appendix XIII of this report, which details the actions taken or plans for implementing our recommendations. This Appendix summarizes our analysis of the USMS's comments and proposed actions required to close the report.

Recommendations:

1. **Resolved.** The USMS agreed with our recommendation to work with the JEC to explore the possibility of instituting a hybrid budget model to fund JPATS through both an annual appropriation and payments from customers based on usage. In its response, the USMS stated that JPATS will address this topic with the JEC at the next committee meeting.

   This recommendation can be closed when we receive evidence that JPATS has examined the feasibility of moving towards a hybrid model, presented this issue to the JEC, and obtained a decision from the JEC on this matter.

2. **Resolved.** The USMS agreed with our recommendation to ensure that JPATS performs long-term capacity planning, including the development of a forecasting model to project future needs in prisoner and alien transport and the resources to meet those needs. In its response, the USMS stated that JPATS intends to utilize the results of a JEC committee to build a long-term planning document to suit the needs of customer agencies. In addition, JPATS has a draft directive to address short and long range asset acquisition planning. Also, the Budget Office is in the process of drafting a memo to all JPATS Departments to explain the planning, procuring, and management of assets as well as soliciting their assistance and expertise in developing the preliminary plan.

   In order to close this recommendation, please provide us a copy of the long-term planning document that JPATS plans to create and evidence of a forecasting model that projects future needs in prisoner and alien transport as well as the resources needed to

meet those demands. Also, please provide us a copy of the draft directive addressing acquisition planning and the Budget Office memorandum.

3. **Resolved.** The USMS agreed with our recommendation to work through the JEC to revise the flight schedules of ICE to reflect actual needs and improve the efficient use of available seats. In its response, the USMS stated that JPATS will approach ICE again with a request to change the regularly scheduled evening flights to operate during daytime hours. To close this recommendation, please provide evidence that JPATS has consulted with the JEC and ICE to revise less efficient ICE flights. Revisions to less efficient flight schedules may include a reduction in the number of flights per week to more efficiently use available seats on flights originating from the Mesa, Arizona hub.

4. **Resolved.** The USMS agreed with our recommendation to replace its short-term leases for large aircraft with less expensive long-term leases. In its response, the USMS stated that JPATS has legal authority to lease aircraft up to ten years and it is actively pursuing a follow-on long-term aircraft lease arrangement with the assistance of the DOJ procurement staff. JPATS anticipates that the new leases will be for one base year and up to nine option years, as determined by OMB Circular A-11. To close this recommendation, please provide evidence that JPATS has replaced its short-term leases with less expensive long-term leases.

5. **Resolved.** The USMS agreed with our recommendation to work through the JEC to encourage ICE to schedule overseas flights in APSS. In its response, the USMS stated that JPATS will continue to seek cooperation from ICE personnel to implement this procedure. To close this recommendation, please provide evidence that JPATS has proposed to the JEC that ICE schedule its overseas flights through APSS and made an effort to encourage ICE to use APSS for these types of flight missions.

6. **Resolved.** The USMS agreed with our recommendation to provide security crew members with online editing access to APSS for updating the flight manifest. In its response, the USMS stated that JPATS has already explored the possibility of granting online access to APSS for security crew members and that it will continue to monitor new technology and pricing. In light of these concerns, this recommendation can be closed when we receive evidence that

JPATS has explored and chosen a suitable alternative that would not necessarily require on-line access to an existing system, yet would help security crew members cope with last-minute changes to flight manifests. Such a suitable alternative may be an electronic manifest, or similar automated tool, enabling security crew members to record the actual number of passengers that board a plane, deplane, and remain on board. Such an automated tool should also accurately compute available seats at all segments of the flight mission.

7. **Resolved.** The USMS agreed with our recommendation to develop a tracking system to ensure that pilot files contain current copies of their licenses, medical certificates, and training records. In its response, the USMS stated that the JPATS training officer has a computer program that allows the officer to monitor pilots' physical exams, training due dates, and changes to licenses. In addition, JPATS already has instructions for copies of all documents relative to training, changes in licenses, and completion of medical reviews be forwarded to the Oklahoma City, Oklahoma hub. To close this recommendation, please provide evidence that the training officer uses the computer program on a regular basis to remind pilots when the renewal of their credentials is due. Also, please provide a copy of the standing instructions that require all copies of licenses, medical certificates, and training records be provided to the Oklahoma City, Oklahoma hub.

8. **Resolved.** The USMS agreed with our recommendation to create a method to monitor the duty hours of flight and security crews to ensure that all crew members receive adequate rest between flight assignments. In its response, the USMS stated that JPATS will consider whether inserting flight time and duty time into the JCAS system (after program changes are complete) will achieve the objective of this recommendation. To close this recommendation, please provide evidence that JPATS has developed a method for monitoring duty hours of flight and security crews to ensure that all crew members receive adequate rest between flight missions.

9. **Resolved.** The USMS agreed with our recommendation to create a mechanism to follow up verbal waivers for crew rest with a written record, and a central location for maintaining written waivers for both flight and security personnel. In its response, the USMS stated that JPATS plans on making the crew rest waiver forms electronically available to all employees, capable of being sent to

qualifying officials for approval through e-mail, retained, and readily available within the JACS system. To close this recommendation, please provide evidence that JPATS has developed this electronic system, instructed operational employees on filling out the form, reminded qualifying officials on approving requests for crew rest waivers through e-mail, and has begun to maintain these records in a central location.

10. **Resolved.** The USMS agreed with our recommendation to implement a mechanism to track the ratio between security officers and passengers to ensure that flight missions adhere to the ratio in the Cabin Manual. In its response, the USMS stated that JPATS will convene an internal group to address this issue. To close this recommendation, please provide evidence that the internal group has developed a mechanism that tracks and maintains the ratio of security officers to passengers on flight missions.

11. **Resolved.** The USMS agreed with our recommendation that it ensure that JPATS adheres to its Program Directive on hangar security, including maintaining an adequate level of security at hangars. Specifically, in its response, the USMS stated that JPATS will continue at every opportunity to put a regional or national security contract in place at each of its sites to ensure an adequate level of security exists at all times. To close this recommendation, please provide evidence that JPATS is adhering to its Program Directive on hangar security and that it has entered into security contracts for each hangar location.

12. **Resolved.** [SENSITIVE INFORMATION REDACTED].

13. **Resolved.** The USMS agreed with our recommendation to implement a mechanism that will comprehensively track security incidents and related reports. Specifically, JPATS plans to form an internal working group to address this issue and automate the reporting process in APSS. To close this recommendation, please provide evidence that a mechanism was developed and implemented to track security incidents and related reports.

14. **Resolved.** The USMS agreed with our recommendation to create a module in APSS to record information from incident reports that will assist JPATS in scheduling prisoners and aliens with prior security issues aboard JPATS flights. In its response, the USMS stated that JPATS's information technology personnel are currently working to implement this recommendation. To close this recommendation, please provide evidence that a module in APSS has been developed and is being used to capture information on passengers with previous security issues aboard JPATS flight missions.

15. **Resolved.** The USMS agreed with our recommendation to help reduce the length of stay of in-transit prisoners at the BOP Federal Transfer Center. In its response, the USMS stated that JPATS will work with the BOP, through the JEC, to establish a benchmark to reduce the number of days prisoners stay at the BOP Federal Transfer Center. To close this recommendation, please provide evidence that JPATS, in conjunction with the JEC and the BOP, has established a benchmark for the length of layover stays at the BOP Federal Transfer Center.