

# **United States Marshals Service FY 2008 Performance Budget**

## **Salaries and Expenses Appropriation**



**January 2007**



## Table of Contents

<b>I. Overview for the United States Marshals Service.....</b>	<b>1</b>
<b>II. Summary of Program Changes .....</b>	<b>9</b>
<b>III. Appropriations Language and Analysis of Appropriations Language .....</b>	<b>11</b>
<b>IV. Decision Unit Justification.....</b>	<b>13</b>
A. Judicial and Courthouse Security.....	13
1. Program Description .....	13
2. Performance Tables .....	15
3. Performance, Resources, and Strategies .....	21
a. Performance Plan and Report for Outcomes .....	21
b. Strategies to Accomplish Outcomes.....	22
c. Results of Program Assessment Rating Tool (PART) Reviews.....	30
B. Fugitive Apprehension .....	32
1. Program Description .....	32
2. Performance Tables .....	35
3. Performance, Resources, and Strategies .....	41
a. Performance Plan and Report for Outcomes .....	41
b. Strategies to Accomplish Outcomes.....	44
c. Results of Program Assessment Rating Tool (PART) Reviews.....	48
C. Prisoner Security and Transportation.....	49
1. Program Description .....	49
2. Performance Tables .....	51
3. Performance, Resources, and Strategies .....	56
a. Performance Plan and Report for Outcomes .....	56
b. Strategies to Accomplish Outcomes.....	56
c. Results of Program Assessment Rating Tool (PART) Reviews.....	61
D. Protection of Witnesses.....	62
1. Program Description .....	62
2. Performance Tables .....	64
3. Performance, Resources, and Strategies .....	67
a. Performance Plan and Report for Outcomes .....	67
b. Strategies to Accomplish Outcomes.....	67
c. Results of Program Assessment Rating Tool (PART) Reviews.....	67

E. Operations Support.....	68
1. Program Description.....	68
2. Performance Tables .....	70
3. Performance, Resources, and Strategies .....	73
a. Performance Plan and Report for Outcomes .....	73
b. Strategies to Accomplish Outcomes.....	73
c. Results of Program Assessment Rating Tool (PART) Reviews.....	74

**V. Exhibits**

- A. Organizational Chart
- B. Summary of Requirements
- C. Program Increases by Decision Unit
- D. Resources by DOJ Strategic Goal/Objective
- E. Justification for Base Adjustments
- F. Crosswalk of 2006 Availability
- G. Crosswalk of 2007 Availability
- H. Summary of Reimbursable Resources
- I. Detail of Permanent Positions by Category
- J. Financial Analysis of Program Increases/Offsets
- K. Summary of Requirements by Grade
- L. Summary of Requirements by Object Class
- M. Status of Congressionally Requested Studies, Reports, and Evaluations

## I. Overview for the United States Marshals Service

### A. Introduction

The United States Marshals Service (USMS) protects the federal judicial process by: protecting members of the judicial family (judges, attorneys, witnesses, and jurors), providing physical security in courthouses, safeguarding witnesses, transporting and producing prisoners for court proceedings, apprehending fugitives, and seizing forfeited property. All USMS duties and responsibilities emanate from this core mission. Beginning in FY 2007, electronic copies of the Department of Justice's congressional budget justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.usdoj.gov/jmd/2008justification/>.

For FY 2008, the USMS requests a total of 4,486 positions including 3,299 Deputy Marshals, 4,331 FTE (excluding reimbursable FTE), and \$899.875 million. Of this amount, **140 positions (113 Deputy Marshals), 70 FTE, and \$25.717 million** are program enhancements to address critical needs related to: judicial threat intelligence and investigations, high threat trial security, the Adam Walsh Child Protection and Safety Act, and Southwest Border enforcement. Current services positions and FTEs by specific program within each decision unit reflect estimates that may be changed once final staffing decisions have been determined.

### B. Organizational History

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

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

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

As prosecutorial emphasis has changed over the years, the USMS mission has transitioned as

well. The role of the U.S. Marshals has had a profound impact on this country since the time when America was expanding across the continent into the western territories. In more recent history, law enforcement emphasis shifted with changing social mandates. In the 1960s, Deputy Marshals escorted Ruby Bridges and James Meredith to school when federal courts ordered segregated Southern schools to integrate. In 1973, the Drug Enforcement Administration (DEA) was created resulting in a greater focus on drug-related arrests. The USMS immediately faced rapidly increasing numbers of drug-related detainees, protected witnesses, and fugitives.

As the number of illegal immigrants entering America skyrocketed in the 1990s, the USMS has experienced huge prisoner and fugitive workload growth along the Southwest Border, and is anticipating further increases as new legislation is implemented. As more resources are dedicated to apprehending suspected terrorists, the USMS strives to meet the increasing demands for high-level security required for many violent criminal and terrorist-related court proceedings.

### **C. USMS Budget**

In FY 2006, Congress provided \$801.672 million to the USMS of which \$792.903 million was provided in the Salaries and Expenses (S&E) appropriation and \$8.769 million to the Construction appropriation.<sup>1</sup> In addition to these direct resources, the USMS also receives reimbursable resources from a variety of sources. A complete listing of reimbursable resources is displayed in Exhibit H. Some of the larger sources include:

- The Office of the Federal Detention Trustee (OFDT) for prisoner housing and other expenses related to federal detainees;
- The Administrative Office of the United States Courts (AOUSC) for administering the Judicial Facility Security Program;
- The Assets Forfeiture Fund (AFF) for managing and disposing of seized assets;
- The Fees and Expenses of Witnesses (FEW) appropriation for providing security and relocation services to protected witnesses; and
- The Organized Crime Drug Enforcement Task Force (OCDETF) for apprehending major drug case fugitives.

For FY 2007, the USMS requested a total of 4,704 positions, 4,865 FTE (including 279 reimbursable FTE), and \$825.924 million. Of this amount, 66 positions (28 Deputy Marshals), 33 FTE, and \$13.619 million were program enhancements to address critical needs related to judicial security, information technology, and audited financial statements. Also included were program offsets totaling (\$9.414) million for a net program change of 66 positions (28 Deputy Marshals), 33 FTE, and \$4.205 million above the current services level.

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<sup>1</sup> Amounts include: direct appropriations and the DOJ rescission of 0.28% (P.L. 109-108), plus funds derived from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery (P.L. 109-234), and the Government-wide rescission of 1.0% (P.L. 109-148).

## D. Strategic Goals

The USMS mission supports Goals I, II, and IV of the DOJ Strategic Plan. Goal I is to “prevent terrorism and promote the nation’s security.” Objective 1.1 is to “prevent, disrupt, and defeat terrorist operations before they occur.” The USMS supports this objective by:

- Conducting threat assessments and addressing incoming threats or inappropriate communications made against members of the judicial family.
- Assigning Deputy Marshals to FBI Joint Terrorism Task Forces to work terrorism cases and share information that may be critical for the protection of the federal judiciary.

Goal II is to “enforce federal laws and represent the rights and interests of the American people.” Objective 2.1 is to “reduce the threat, incidence, and prevalence of violent crime, including crimes against children.” Objective 2.2 is to “reduce the threat, trafficking, use, and related violence of illegal drugs.” The USMS supports this objective by:

- Participating on the Organized Crime Drug Enforcement Task Forces (OCDETF). The USMS has 41 reimbursable positions and 36 reimbursable workyears dedicated to OCDETF.

Goal IV is to “ensure the fair and efficient operation of the federal justice system.” The vast majority of USMS resources are devoted to support Goal IV. Objective 4.1 is to “protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.” Objective 4.2 is to “ensure the apprehension of fugitives.” Objective 4.3 is to “provide for the safe, secure, and humane confinement of detained persons awaiting trial, and/or sentencing.” The USMS supports these objectives by:

- Protecting judges, prosecutors, and other participants in the Federal judicial system.
- Securing Federal court facilities and renovating courthouses to meet security standards.
- Investigating and apprehending federal, state, and local fugitives.
- Transporting prisoners to court-ordered proceedings.
- Protecting government witnesses who provide testimony on behalf of the US Government.
- Providing tactical support for any AG-directed mission including natural disasters.

In 2003, the Office of Management and Budget (OMB) reviewed USMS effectiveness by using the PART process. The PART was designed to evaluate federal programs in the areas of: program purpose and design, strategic planning, program management, and program results.

The PART was applied to the USMS’ Protection of the Judicial Process<sup>2</sup> program and Fugitive Apprehension program. Specific concerns regarding the lack of regular and independent

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<sup>2</sup>Beginning with the FY 2007 President’s Budget, the USMS decision unit structure renamed the “Protection of the Judicial Process” activity to “Judicial and Courthouse Security.”

program evaluation and the interaction between the USMS and program partners led to specific recommendations from OMB. The USMS has worked toward resolving these matters and is continuing to improve strategic planning, program management, and program results documentation. Specific details on the PART results are contained in section IV, “Decision Unit Justification.”

### **E. President’s Management Agenda (PMA)**

The President’s Management Agenda reflects this Administration’s initiatives to promote improvement in the management and performance of the federal government. The following sections highlight USMS activities over the last two years to support the five PMA goals.

#### **Budget and Performance Integration**

- In January 2006, the USMS published the *United States Marshals Strategic Plan 2006 - 2010*. The Strategic Plan’s vision, mission, and goals are congruent with, and supportive of, the DOJ Strategic Plan goals to: “Prevent Terrorism and Promote the Nation’s Security” (DOJ Goal I); “Enforce Federal Laws and Represent the Rights and Interests of the American People” (DOJ Goal II); and “Ensure the Fair and Efficient Operations of the Federal Justice System” (DOJ Goal IV).
- In FY 2005, the DOJ-OIG reviewed the fugitive apprehension program (from FY 2001 to FY 2004). The auditors acknowledged that the USMS provided “a more effective approach to apprehending violent fugitives” and that Regional Fugitive Task Force (RFTF) districts “achieved greater increases in their efficiency at apprehending violent fugitives.” The number of violent fugitives apprehended increased by 51 percent.<sup>3</sup> As a violent crime reduction strategy, the Marshals Service initiated Operation FALCON II in April 2006 in the western half of the United States and FALCON III in October 2006 in the eastern half. During FALCON II, the USMS and its federal, state, and local counterparts arrested over 9,000 fugitives (93% with prior criminal history) of which 783 were unregistered sex offenders. FALCON III resulted in the arrest of 10,733 fugitives, including 1,659 sex offenders, 971 of whom were not in compliance with their registration requirements.
- Also in FY 2005, the USMS received congressional acknowledgment that the fugitive apprehension program has linked budget with performance. The Conference Report (H.Rpt. 108-792) accompanying the 2005 Consolidated Appropriations Act (P.L. 108-447) states:

“The conferees are aware that the USMS arrest statistics far exceed other Federal law enforcement agencies. The conferees also understand that the statistical success, in terms of the number of Federal, state, and local warrants closed, has coincided with the on-

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<sup>3</sup> Results documented in the DOJ-OIG report, *Review of the United States Marshals Service’s Apprehension of Violent Fugitives*, (I-1005-008) July 2005.



going development of the regional fugitive task forces, showing a **benefit of linking performance with budget.**”

### **Strategic Management of Human Capital**

- During FY 2006, the USMS is further improving accountability by establishing “Unit Performance Plans” that set forth specific plans and objectives for each organizational “unit” level, with employees involved in the process of planning, tracking, and reporting on how they have contributed to fulfill USMS, DOJ, and the Administration’s goals.
- The Administrative Officer (AO) Development Program working group was established in February 2006 to develop training and certification standards for district AOs. The group has convened to identify the policy and legal requirements that require certification. The program is expected to be in place during FY 2007.
- In FY 2006, the USMS reconfigured the employee performance management system to ensure that every employee is linked to the USMS mission and understands his/her contribution. Rather than pass/fail rating criteria, the new system recognizes outstanding employee performance using a four-level evaluation criteria.

### **Competitive Sourcing**

The USMS’s efficient use of contract services includes the following actions:

- Employed nearly 4,000 court security officers through regional contracts the last two years.
- Disposed of seized assets using contract vendors and web-based auction sites.
- Performed 80 percent of information technology support and over 50 percent of centralized financial management functions using private sector contractors in FY 2006.
- Hired over 2,400 guards on personal service contracts<sup>4</sup> to transport prisoners and work in the prisoner cellblocks. Collectively these guards worked the equivalent of 381 FTE<sup>5</sup> in FY 2006.

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<sup>4</sup> The total reflects guards funded from the USMS S&E, Detention Trustee, and JPATS Revolving Fund.

<sup>5</sup> The 381 guard FTE includes: 213 funded from S&E; 24 FTE funded from the Detention Trustee; and 144 FTE funded from JPATS Revolving Fund.

## **Improved Financial Performance**

- The USMS established an internal controls team to address the findings and recommendations contained in the most recent audit of financial statements. The team is responsible for working with human resource, information technology, budget, and finance personnel to establish tasks and milestones to resolve all material weaknesses and reportable conditions. The Director approved 32 recommendations of the Resource Allocation Advisory Board for USMS positions and financial resource allocations on November 17, 2006. The Financial Management Working Group met in November and established their list of priorities to address. The Human Resource Working Group will meet in January 2007 to discuss recruiting and position controls.
- The USMS implemented a web-based program called PCIS (Purchase Card Information System) to improve the accuracy of tracking obligations and making vendor payments for all 94 districts centrally from USMS headquarters.
- The USMS implemented e-Travel Service in 90 percent of headquarters sites. This cost-saving initiative enables employees to make travel arrangements through a web-based application.
- The USMS initiated a “split pay” program for credit card purchases. Upon receipt of an employee voucher, the USMS will remit electronic payment to the credit card company for 80 percent of the full travel cost (lodging, transportation, car rental), with the remaining amount sent directly to employee bank accounts (for meals and incidental expenses.) This project has been implemented to increase the speed of payments to avoid paying late fees.

## **Expanded Electronic Government**

- The USMS extended Joint Automated Booking Station (JABS) service to federal agencies outside DOJ. Now, other federal law enforcement officers can use JABS to transmit fingerprint images to the FBI’s criminal database, maintain a repository of common offender information to identify arrestees, eliminate the repetitive booking of offenders, and reduce threats to law enforcement officials and the public by identifying offenders rapidly and positively. Since the inception of the new work process, the USMS processes an average of 300 interagency bookings per month.
- The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 allowed the Social Security Administration (SSA) to disclose SSA data to Law Enforcement Agencies (LEAs) when a Title XVI Supplemental Security Income (SSI) beneficiary has an open warrant. The SSA Office of Inspector General provides a helpful electronic service to the USMS New York/New Jersey RFTF with quick and efficient references to a large volume of fugitive felons that match the SSA database. In FY 2006, this electronic partnership led to 102 fugitive arrests and saved the SSA over \$1.44 million.

## **Faith-Based and Community Integration**

- The USMS, with the Support of the Assistant Attorney General for Justice Programs, implemented several Fugitive Safe Surrender initiatives. In August 2005, the Northern District of Ohio initiated a unique fugitive apprehension strategy that produced the peaceful surrender of 850 fugitives, including 350 fugitive felons. Through the persuasive powers of local religious leaders, the fugitive surrenders, were processed, and received initial court appearances in a non-threatening environment provided by the Mount Sinai Baptist Church in Cleveland, Ohio. The USMS conducted another Fugitive Safe Surrender in Phoenix, Arizona during November 2006, resulting in the peaceful surrender of approximately 1,500 fugitives, 350 of them felons.

## **F. Challenges**

The USMS mission remains constant, but the challenges facing the agency are mounting and make it difficult to accomplish the workload and meet all expectations. These challenges fall into two broad categories:

### **External Challenges**

For FY 2007, Customs and Border Protection received an additional \$379.602 million to hire 1,500 additional Border Patrol agents. Appropriated resources that accompany the authorizing legislation must demonstrate a balance between Department of Homeland Security (DHS) and DOJ components. Criminal aliens apprehended by DHS are prosecuted through the federal criminal justice system and have a direct and unquestionable workload impact on the USMS, Bureau of Prisons, Office of the Federal Detention Trustee (OFDT), and U.S. Attorneys.

Many state and local jails are being filled up with their own prisoners, leaving little room to house federal detainees. As local jail space decreases and the number of federal detention beds remain relatively constant, the cost of housing federal detainees increases. The OFDT and USMS must continue to work collaboratively to address the growing detention costs and the associated costs to transport and guard prisoners who are housed far away from courthouses.

When the Federal Bureau of Investigation (FBI) shifted its focus to anti-terrorism efforts, investigations targeting illegal drugs, organized crime, and white-collar crime were significantly reduced. As a result, the USMS has intensified efforts to coordinate with state and local police to catch fugitives, particularly those involved in gang-related violent crime.

New federal law enforcement initiatives and efficiencies yield a larger number of criminal prisoners to be tried by the courts. Programs targeting gang and gun violence include the Violent Crimes Impact Teams, Project Safe Neighborhoods, GangTECC, and the Youth Crime Gun Interdiction Initiative, and these programs increase the number of arrests in those crime categories. In addition, the Attorney General lists protection of children from trafficking and other forms of exploitation as a Departmental priority. To protect the community, each suspect tried in connection with these charges is in USMS custody for the duration of the trial.

The recent passage of the Adam Walsh Child Protection and Safety Act (P.L. 109-248) ensures that the USMS will play a large role in the apprehension of sex offenders. The Act designates sex offenders who fail to meet registration requirements as federal felony fugitives.

Furthermore, it directs the Attorney General to use the resources of Federal law enforcement, including the USMS, to assist jurisdictions in locating and apprehending these fugitives.

### **Internal Challenges**

In this environment of limited budgetary growth, the USMS must maximize existing resources where possible to address workload growth. For example the USMS must:

- Improve information sharing and communication capabilities between the districts and headquarters offices as well as between the USMS and other law enforcement agencies;
- Develop suitable performance measures to link performance with resource consumption;
- Determine and maintain the most effective mix between available technological and personnel resources;
- Find ways to shift available resources among districts, and reprogram when necessary, to match workload requirements;
- Continue to train existing employees and attract new ones to replace workers that leave the agency; and,
- Address future requirements based on the number of federal detainees and the number of high-threat trials both of which have growth trends that are extremely difficult to predict.

## II. Summary of Program Changes

Item Name	Description			Page
	Pos.	FTE	Dollars (\$000)	
Judicial Threat Intelligence and Investigations	16	8	\$5,257	22
High Threat Trial Security	17	9	5,153	27
Adam Walsh Child Protection and Safety Act	54	27	7,845	45
Southwest Border Enforcement	53	26	7,462	57
<b>Total Program Change</b>		<b>140</b>	<b>70</b>	<b>\$25,717</b>

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

#### Appropriations Language

The 2008 Budget request includes proposed changes in the appropriations language listed and explained below. New language is *italicized and underlined*, and language proposed for deletion is bracketed.

United States Marshals Service  
Salaries and Expenses

*For necessary expenses of the United States Marshals Service, [\$825,924,000] \$899,975,000; of which not to exceed \$6,000 shall be available for official reception and representation expenses; of which \$4,000,000 for information technology systems shall remain available until expended; of which not less than [\$11,425,000] \$12,397,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone system and cabling, and shall remain available until expended; and of which not less than [\$1,282,000] \$2,451,000 shall be available until expended for construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support space [in United States courthouses and Federal buildings].*<sup>6</sup>

#### Analysis of Appropriations Language

The current language is ambiguous as it relates to the use of construction funds for USMS space other than “in United States courthouses and Federal buildings.” It would appear that the term “Federal building” would include USMS leased space in a private building, however, current appropriations language is not explicit and subject to interpretation. Deleting reference to the type of building structure eliminates such ambiguity.

Attempting to provide an exhaustive list of all the types of building structures is unnecessarily limiting. The USMS has space in United States courthouses, Federal buildings leased through GSA, privately-owned buildings leased through GSA, government-owned buildings leased through state and local municipalities, and courthouse space controlled by the D.C. government which is not considered a Federal entity.

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<sup>6</sup> The FY 2008 President’s Budget uses the FY 2007 President’s Budget language as a base so all language is presented as new.

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## IV. Decision Unit Justification

### A. Judicial and Courthouse Security

<b>Judicial and Courthouse Security Process TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount (\$000)</b>
2006 Enacted w/Rescissions and Supplementals	1,828	1,790	324,434
2007 Estimate	1,890	1,841	352,384
Adjustments to Base and Technical Adjustments	(144)	(120)	12,361
2008 Current Services	1,746	1,721	364,745
2008 Program Increases	57	29	12,167
2008 Offsets	...	...	...
2008 Request	1,803	1,750	376,912
<b>Total Change 2007-2008</b>	<b>(87)</b>	<b>(91)</b>	<b>\$24,528</b>

#### 1. Program Description

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

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

Each judicial district and the 12 circuit courts are assigned a Judicial Security Inspector. These inspectors are Senior-level Deputy Marshals that have experience in every aspect of judicial security. The Judicial Security Inspectors improve the USMS' ability to provide security due to their special experience in evaluating security precaution and procedures in federal courthouses.

The inspectors assist with off-site security for judges, prosecutors, and other protectees. They also act as the USMS liaison with the Federal Protective Service (FPS) and the federal judiciary.

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

to the safety and security of members of the judiciary and USMS protectees. Pertinent information obtained is disseminated to districts so appropriate measures can be put into place to protect the judicial process.

The USMS and FBI work together to assess and investigate all inappropriate communications received. The FBI has responsibility for investigating threats for the purpose of prosecution. The USMS conducts protective investigations that focus on rendering the threatener harmless, regardless of the possibility for prosecution. The protective investigation is a systematic discovery, collection, and assessment of available information. The investigation is to determine a suspect's true intent, motive, and ability to pose a threat to the targeted individual. The investigation includes a plan to render the suspect harmless with no risk to the targeted individual. These investigations are the USMS' highest priority due to the potential risk to the targeted individual. On April 19, 2005, the USMS in conjunction with the FBI, arrested a Queens man (Wazir Khan) for threatening to kill a federal judge and to destroy the Cadman Plaza courthouse in downtown Brooklyn. This arrest was due to the joint investigation by the USMS and FBI.

The USMS also manages the Court Security Officer (CSO) Program, funded through the Court Security Appropriation from the Judiciary. There are approximately 4,000 CSOs who are responsible for assisting Deputy Marshals and the FPS with building security. Their duties include: monitoring security systems; responding to duress alarms; screening visitors at building entrances; controlling access to garages; providing perimeter security; and screening mail and packages.

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

**PERFORMANCE AND RESOURCES TABLE**

**Decision Unit: Judicial and Courthouse Security**

**DOJ Strategic Goal/Objective: I: Prevent Terrorism and Promote the Nation's Security. 1.1 Prevent, disrupt, and defeat terrorist operations before they occur. IV: Ensure the Fair and Efficient Operation of the Federal Justice System. 4.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.**

<b>WORKLOAD/ RESOURCES</b>		<b>Final Target</b>		<b>Actual</b>		<b>Estimate</b>		<b>Changes</b>		<b>Requested (Total)</b>	
		<b>FY 2006</b>		<b>FY 2006</b>		<b>FY 2007</b>		<b>Current Services Adjustments and FY 2008 Program Changes</b>		<b>FY 2008 Request</b>	
1. Number of court prisoner productions		685,996		642,471		652,768		13,380		666,148	
2. Potential threats to members of the judicial process		987		1,111		1,222		122		1,344	
<b>Total Costs and FTE</b> (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
		1,844	\$324,434 [7,319]	1,844	\$324,434 [7,319]	1895	\$342,384 [4,171]	(91)	\$34,527	1,804	\$376,912 [4,171]
<b>TYPE/ STRATEGIC OBJECTIVE</b>	<b>PERFORMANCE</b>	<b>FY 2006</b>		<b>FY 2006</b>		<b>FY 2007</b>		<b>Current Services Adjustments and FY 2008 Program Changes</b>		<b>FY 2008 Request</b>	
		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
<b>Program Activity</b>	<b>1. Judicial and Courthouse Security</b>	1,844	\$324,434 [7,319]	1,844	\$324,434 [7,319]	1895	\$342,384 [4,171]	(91)	\$34,527 \$0	1,804	\$376,912 [4,171]
Performance Measure	1. Potential threats to members of the judicial process: Total investigated	987		1,111		1,222		122		1,344	
Performance Measure	2. Protective details provided	450		464		474		16		490	
Performance Measure	3. Percent of federal courthouse facilities meeting minimum security standards	19%		19%		19%				19%	
Performance Measure	4. Assaults against federal judges	0		0		0		0		0	
Performance Measure	5. Number of court productions/escapes	685,996 / 0		642,471 / 0		652,768 / 0		13,380 / 0		666,148 / 0	
Efficiency Measure	6. Percentage/Number of "expedited" potential threats analyzed by headquarters in 3 business days or less.	100% / 55		91% / 20		100% / 28		/ 3		100% / 31	
Efficiency Measure	7. Percentage/Number of "standard" potential threats analyzed by headquarters in 7 business days or less.	35% / 326		13% / 137		55% / 657		10% / 196		65% / 853	
<b>OUTCOME</b>	<b>8. Number of interrupted judicial proceedings due to inadequate security</b>	<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>	

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

### Workload:

1. Court prisoner productions are the number of times prisoners are produced for judicial proceedings.
2. A potential threat is any explicit or implied communication with intent to assault, intimidate, or interfere with the federal judicial process which includes judges, prosecutors, witnesses, jurors, court staff, or their families. The communication may be written, oral, or an activity of a suspicious nature.

### Performance Measures:

1. A potential threat is any explicit or implied communication with intent to assault, intimidate, or interfere with the federal judicial process which includes judges, prosecutors, witnesses, jurors, court staff, or their families. The communication may be written, oral, or an activity of a suspicious nature. The USMS uses a computer-aided threat analysis program to determine the risk level of potential threats. All communications are investigated by both headquarters and the district offices and may lead to a protective detail. The USMS and FBI work together on all potential threats received. The USMS conducts protective investigations that focus on rendering the threatener harmless, regardless of the possibility for prosecution. The FBI has responsibility for investigating threats for the purpose of prosecution. The protective investigation is a systematic collection, and assessment of available information. The investigation is to determine a suspect's true intent, motive, and ability to pose a threat to the targeted individual. The investigation includes a plan to render the suspect harmless with no risk to the targeted individual. These investigations are the USMS' highest priority due to the potential risk to the targeted individual.
2. A protective detail is a security assignment where a judge, or another member of the judicial system, is protected outside the courthouse. Protective details also involve security assignments for court-related events (such as sequestered juries or judicial conferences). Typically, personal security details are either 24 hours-a-day, 7 days-a-week, or are door-to-door (leave home until return home, or leave home until arrive at work), for the duration of a high-threat trial, a judicial conference, or other high profile event warranting extra security. Additionally, Supreme Court Justice details are usually provided by a senior inspector whenever a Justice travels outside of the Washington, D.C. area. The Justices frequently deliver speeches at public events around the country requiring protection from the airport to the site of the speech, up to 24-hour protection details. Security details for events are set at one of four levels: (Level 1) on-site security is already in place and no USMS personnel are required; (Level 2) on-site security detail is to be provided by the host district due to a determination of an anticipated security risk that presents opportunities for disruption and violence; (Level 3) a senior inspector supervises the security when the number of judges in attendance is significant, the location of the event is in an unsecured facility or in a dangerous area, and/or the nature of the event presents opportunities for disruption and violence; or (Level 4) a Supreme Court Justice or a significant number of judges are in attendance and the anticipated security risk is determined to present substantial opportunities for disruption and violence.
3. Based on the National Security Survey, the percent of total courthouse facilities with prisoner movement space meeting minimally

acceptable security standards. Security criteria were developed based on the “U.S. Courts Design Guide,” USMS “Requirements and Specifications for Special Purpose and Support Space Manual,” and the “Vulnerability Assessment for Federal Facilities.” The USMS surveyed 345 facilities that have prisoner movement areas requiring security. Of the 345 facilities, 280 did not meet minimum USMS specifications for courthouse facility security. The results of the next Nationwide Security Survey are expected to be published in March, 2007.

4. An assault is an attempt to inflict bodily harm.

5. Court productions are the number of times prisoners are produced for any type of judicial proceeding. Any escapes during a court production (in the court room) are included here.

6. Any potential threat directed toward a USMS protectee is given the highest priority and investigated immediately by a Deputy Marshal (GS-1811) in the field. Based upon the Deputy Marshal’s preliminary findings, and in conjunction with district management, the threat risk is classified into one of two categories: “Expedite” or “Standard”. This categorization is for the purposes of analysis. The investigative report is sent to the Office of Protective Intelligence (OPI) at Headquarters while the investigation continues in the district. In some cases, the district has already initiated a protective detail. Upon receipt of the written report from the field, OPI immediately conducts an initial review and analysis, begins queries of USMS databases and databases of other law enforcement agencies, and applies the appropriate analytical tools available at Headquarters. OPI then prioritizes and completes the process with computer-aided threat analysis software. A protective investigation classified as “Expedite” requires the OPI to have all analysis completed and reported back to the investigating district(s) within three business days. To be classified as “Expedite” it must meet one or more of the following criterion: the district has initiated a protective detail based on the “perceived” threat level; a suspect has approached a protectee’s residence; other unsettling behavior has been observed at other locations; property has been vandalized; or a person is suspected of monitoring a USMS protected facility. When potential threats are from persons documented as being associated with terrorist organizations, or from individuals or groups that have a documented history of violence against the judicial process, they are also designated as “Expedite.”

7. A protective investigation is classified as “Standard” requires the OPI to have all analysis completed and reported back to the investigating district(s) within seven business days. To be classified as “Standard” it must meet one or more of the following criterion: incarcerated persons with no known outside resources; persons who appear to be communicating from outside the continental United States with no known domestic resources; or individuals who express a sense of outrage at the outcome of a court proceeding.

Outcome:

8. The number of interrupted judicial proceedings due to inadequate security reflects proceedings that required either removal of the judge from the courtroom or the addition of Deputy Marshals to control the situation. An “interruption” occurs when a judge is removed as a result of a potentially dangerous incident and/or where proceedings are suspended until the USMS calls on additional deputies to guarantee the safety of the judge, witnesses, and other participants.

**B. Factors Affecting FY 2006 Program Performance.**

Headquarters failed to meet its target of analyzing 100% of expedited threats by two cases. One of the “expedited” threats that was not analyzed in the stated time frame was a result of analyses software not being able to be accessed due to IT problems. This issue has been resolved and the threat was analyzed within the “standard” time. The second was a result of the time lapse of information received from the field regarding FBI reports and polygraph results. Additionally, due to lengthy security clearance processes, analysts that were intended to have been on-board earlier in the Fiscal Year did not start until the end of the Fiscal Year, affecting the number of “standard” threats that could be completed within 7 days.

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

The USMS must maintain continuity of operations through backup communication links and backup servers outside the Washington D.C. metropolitan area. Continuity must be ensured via equipment and software to perform penetration testing and port scans, monitor systems to detect intrusions, test contingency plans, guarantee the adequacy and effectiveness of system access controls, and enforce change control procedures.

**C. Factors Affecting Selection of FY 2007 and FY 2008 Plans.**

To more accurately reflect current trends, 2007 and 2008 targets for the following have been adjusted based on 2006 actual data:

Potential Threats to members of the judicial process: Total Investigated;

Protective Details Provided;

Number of Court Productions;

Percentage/Number of “expedited” potential threats analyzed by headquarters in 3 business days or less;

PERFORMANCE MEASURE TABLE											
Decision Unit: Judicial and Courthouse Security											
Performance Report and Performance Plan Targets		FY 2000	FY 2001	FY 2002	FY 2003	FY2004	FY 2005	FY 2006		FY 2007	FY 2008
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Performance Measure</b>	1. Potential Threats investigated	683	639	565	592	665	953	987	1,111	1,222	1,344
<b>Performance Measure</b>	2. Protective Details Provided: Personal and Event	403	297	369	393	408	484	450	464	474	490
<b>Performance Measure</b>	3. Percent of federal courthouse facilities meeting minimum security standards	6%	6%	19%	19%	19%	19%	19%	19%	19%	19%
<b>Performance Measure</b>	4. Assaults against federal Judges	1	1	0	0	0	0	0	0	0	0
<b>Performance Measure</b>	5. Number of court productions	N/A	N/A	514,949	536,677	587,719	649,611	685,996	642,471	652,768	666,148
<b>Performance Measure</b>	5. Number of court escapes	0	0	0	0	0	0	0	0	0	0
<b>Efficiency Measure</b>	6. Percentage of "expedited" potential threats analyzed by headquarters in 3 business days or less.	N/A	N/A	N/A	N/A	N/A	N/A	100%	91%	100%	100%
<b>Efficiency Measure</b>	6. Number of "expedited" potential threats analyzed by headquarters in 3 business days or less.	N/A	N/A	N/A	N/A	N/A	N/A	55	20	28	31
<b>Efficiency Measure</b>	7. Percentage of "standard" potential threats analyzed by headquarters in 7 business days or less.	N/A	N/A	N/A	N/A	N/A	N/A	35%	13%	55%	65%
<b>Efficiency Measure</b>	7. Number of "standard" potential threats analyzed by headquarters in 7 business days or less.	N/A	N/A	N/A	N/A	N/A	N/A	326	137	657	853
<b>OUTCOME Measure</b>	8. Number of interrupted judicial proceedings due to inadequate security. *	N/A	N/A	N/A	1	0	0	0	0	0	0

N/A = Data unavailable

\* Denotes inclusion in the DOJ Performance and Accountability Report

Percentage/Number of “standard” potential threats analyzed by headquarters in 7 business days or less;

Proposed legislation affecting Court Security Improvement along with Comprehensive Immigration Reform legislation will have a profound and lasting effect on the USMS workload. Without adequate resources, the USMS may be unable to provide the highest possible security for the federal judicial process. Deputy Marshals are the functional backbone of the agency because they provide direct service to the federal courts. Our districts handle large numbers of prisoners each year. Many of these prisoners are violent and/or have extensive criminal histories. Deputy Marshals must produce them for criminal court proceedings on a daily basis. Maintaining judicial security for all proceedings is our highest priority. Without additional district personnel, security may be compromised. It is vital that the USMS obtain additional resources to ensure that events, like the Chicago and Atlanta county court tragedies that occurred in 2005, do not occur. The USMS will make every attempt to meet these targets even if program increases are not appropriated. The true impact of not receiving the program enhancements will manifest itself in the level of safety and security maintained during productions and the inability to produce prisoners for scheduled appearances in a timely manner.



### 3. Performance, Resources, and Strategies

The Judicial and Courthouse Security decision unit supports the Department’s Strategic Goal IV: Ensure the Fair and Efficient Operation of the Federal Justice System. Within this goal, the resources specifically address DOJ Strategic Objective: 4.1 – Protect judges, witnesses, and other participants in federal proceedings and ensure the appearance of criminal defendants for judicial proceedings or confinement.

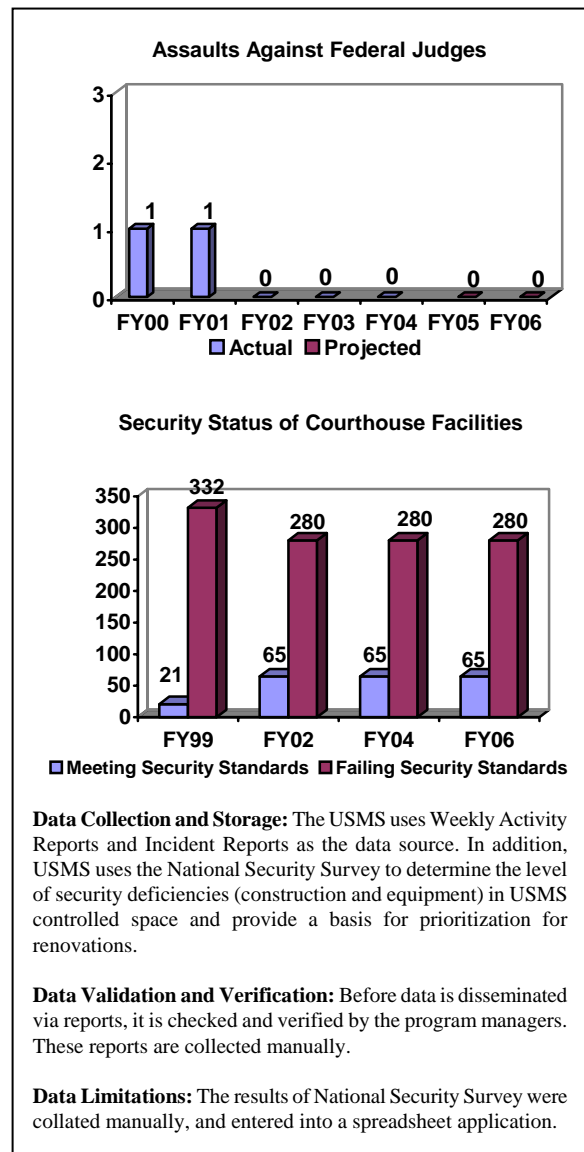
The USMS maintains the integrity of the federal judicial system by: 1) ensuring that U.S. Courthouses, federal buildings, and leased facilities occupied by the federal judiciary and the USMS are secure and safe from intrusion by individuals and technological devices designed to disrupt the judicial process;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

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

As illustrated in the preceding Performance and Resources Table, the performance outcome measure for this decision unit is: number of interrupted judicial proceedings due to inadequate security. The judge will be removed during any potentially dangerous incident and proceedings will be suspended until the USMS can ensure the safety of the judge, attorneys, witnesses, jurors, and other participants. In FY 2006, the USMS met the target of zero interrupted judicial proceedings due to inadequate security.

One performance measure is: assaults against federal judges. The performance target is always zero assaults. In FY 2006, the USMS met this target.

Another performance measure is: percent of federal courthouse facilities meeting minimum security standards. The USMS surveys courthouse facilities every three years. The first two National



Security Surveys (NSS) were completed in 1999 and 2002. Currently the third NSS is being conducted with final results to be published in 2007. The 2002 survey results were based on 345 facilities having prisoner movement areas. Each facility was evaluated according to the USMS “Requirements and Specifications for Special Purpose and Support Space Manual,” the “U.S. Courts Design Guide,” and the “Vulnerability Assessment for Federal Facilities.” The security of each facility was graded on a 100 point scale, with 80 points being the score that met minimum security requirements. In the initial 1999 survey, only 6 percent of the facilities surveyed met the minimum security requirements. In 2002, 19 percent of the facilities surveyed met the minimum security requirements showing a 13 percent increase in enhanced security over 3 years.

The 2002 National Security Survey showed dramatic improvement in electronic security in USMS-controlled space nationwide. Results show critical improvements in the following major security areas:

- 43% have enclosed vehicle sallyports (28% in 1999);
- 61% have adequate cells in the main detention area (48% in 1999);
- 30% have an adequate number of courtroom holding cells (18% in 1999);
- 80% have monitoring capability in the main detention area (68% in 1999);
- 42% have an adequate number of prisoner/attorney interview rooms (30% in 1999); and
- 35% have secure prisoner elevators (24% in 1999).

**b. Strategies to Accomplish Outcomes**

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

**Program Increases**

<b>Item Name:</b>	<b><u>Judicial Threat Intelligence and Investigations</u></b>
Budget Decision Units:	<u>Judicial and Courthouse Security, Fugitive Apprehension, Prisoner Security &amp; Transportatin, Protection of Witnesses, Operations Support</u>
Strategic Goals & Objectives:	<u>DOJ Strategic Goal IV, Objective 4.1</u>
Organizational Program:	<u>U.S. Marshals Service</u>
Program Increase: Positions <u>16</u> Agents <u>15</u> FTE <u>8</u> Dollars <u>\$5,257,000</u>	

### Description of Item

The USMS requests 16 positions (15 Deputy Marshals), 8 FTE, and \$5,257,000 to strengthen its ability to analyze and investigate threats against the judiciary and to adequately provide judicial and courtroom security for judicial officials, courtroom participants, the public, and USMS personnel. This initiative addresses the following areas:

- 10 positions (10 Deputy Marshals), 5 FTE, and \$1,662,000 for District Threat Investigators;
- \$2,705,000 for voice/data communications enhancements;
- 6 positions (5 Deputy Marshals), 3 FTE, and \$890,000 for Technical Operations Group (TOG) support to Judicial Security.

### Justification

The attitude of American citizens towards the judicial process has changed as evidenced by the increased threats to federal judges throughout the country. In February 2005, a litigant murdered a judge's husband and mother in retaliation for a civil court ruling. Although there was no expressed threat, these murders underscore the fact that every case, criminal and civil, could turn violent. In 2005, the controversy surrounding the Terri Schiavo case also demonstrated that judges can easily be targeted for their rulings on social issues. In April 2006, a Warrior, Alabama man was arrested after he threatened to "blow the head off" a federal judge after the judge had put him in jail for contempt during a civil case. Factors such as these have made the job of protecting the judicial process much more difficult.

Potential threats against judicial participants are not always obvious. Because of this, Deputy Marshals must be constantly alert and aware of the judicial environment. Threats not only come from detainees in custody but can come from the general public attending trials. The number of threats reported has increased 553% from 201 in 1996 to 1,111 threats reported in 2006. In FY 2006, the USMS conducted 1,111 threat investigations, a 17 percent increase over 2005. As the number of threat investigations has grown, the complexity in obtaining relevant data about many cases has increased. In November 2006 for example, the USMS was advised of three threatening telephone calls made to the U.S. Attorney in the District of Minnesota. The calls were made by an individual who has a history of violent crime. In the process of establishing the ongoing protective and intelligence investigation and security measures, the USMS learned that other law enforcement agencies were aware of earlier threats from this same individual, but the information had not been shared in a timely manner. While the FBI had initiated a criminal investigation, the lack of a parallel USMS protective investigation may have ended in tragedy.

On November 8, 2006, Derrick Shareef's name first appeared in a classified document dealing with on-going threats produced by the FBI and the item containing information about Shareef was rated as the most urgent item in that day's report. After the USMS received the report, it was learned that it included information that Shareef had threatened the Federal Judiciary. Approximately one month later, Shareef was arrested by the FBI for attempting to attack people at a shopping mall with hand grenades and small arms. Additionally, according to the FBI affidavit, Shareef was quoted as saying "I want to smoke a Judge," a reference meaning he wanted to kill a judge.

To keep pace with this increase in threats and to promote interagency communication, the USMS requests 10 Deputy Marshals, 5 FTE, and \$1,662,000 to staff the most critical districts with full-time District Threat Investigators. Currently, the district office must take a Deputy from other assigned duties, such as courtroom security or fugitive apprehension, to investigate each threat to judicial participants. The dedicated threat investigators would be a key asset in reducing the backlog of over 2,700 threats that are currently unevaluated, require monitoring, or lack sufficient information to close the case.

The key link in being able to disseminate threats and other pertinent information quickly is the USMS' network infrastructure. As noted in the Department of Justice's IT Strategic Plan, telecommunications is a pivotal part of any infrastructure and an essential tool for enabling information sharing.

The USMS network infrastructure is currently a hodgepodge of several different networks. This makes support problematic. Further, obsolete routing equipment has led to security vulnerabilities, including an inability to encrypt communications – a serious problem noted in several DOJ OIG audit reports. To alleviate this situation, the USMS requests \$2,705,000 to be used for increased network costs.

Full migration to the Justice Unified Telecommunications Network (JUTNET) will resolve these negative audit findings. JUTNET will increase USMS network bandwidth at most field sites, thereby improving the performance of current and planned Information Technology (IT) systems, such as E-Designate, Justice Virtual University (JVU), Browser Based Consolidated Asset Tracking System, and the Justice Detainee Information System (JDIS). Additionally it will provide for a secure, fully encrypted communications environment.

The Marshals Service currently spends \$5,300,000 on recurring network charges; however, this amount is insufficient to pay the additional JUTNET charges. JUTNET is a managed service network, and although the costs for USMS are higher, there are notable benefits to be derived from JUTNET, including greater security and facilitated information sharing. Further, network bandwidth demands are increasing exponentially. Doubling of capacity is projected over the next 2-3 years due to the deployment of new, web-based applications such as the Office of Federal Detention Trustee's e-Designate system, browser-based Consolidated Asset Tracking Systems (CATS), the merging of voice and data communications that enable the use of Voice Over Internet Protocol (VOIP), and the expanded use of Video Conferencing (VTC) as a means of monitoring courthouses and producing witnesses and detainees virtually. Through the use of VTC, detainees participate in court proceeding through closed circuit television resulting in greater security and a more expeditious and cost-effective method of producing detainees for court.

The USMS requests 6 positions (5 Deputy Marshals), 3 FTE, and \$890,000 to track and intercept wireless communications, electronic mail, and other internet-based communications that are sent to threaten the security of the judiciary. For years, our Technical Operations Group (TOG) has developed surveillance expertise using highly sophisticated technology to investigate and apprehend fugitives. Similar expertise and technology must be established on a permanent basis for judicial security so that we can provide an enhanced level of security at judges' residences,

courthouses, and off-site conferences. The number of threats and protective operations has grown at a pace which greatly exceeds our resources. Technical Operations Group inspectors currently travel an average of 60 nights a year and often deny requests for support because of limited resources.

The requested TOG positions will consist of specially trained investigators and an analyst utilizing the most sophisticated technologies available to enhance judicial security. TOG will incorporate advanced technology measures deemed necessary by current and evolving threat conditions. These positions provide dedicated additional resources to investigate and analyze threats against the judiciary. TOG currently provides assistance for the protection of federal judges and prosecutors on an intermittent basis as its existing workforce also strongly supports violent fugitive apprehension efforts.

The type of specialized assistance provided by TOG is concentrated in a select group of highly trained inspectors. Their skill set enables them to provide surveillance capabilities that are not otherwise available to district Deputy Marshals. In April 2005, Judge A. Howard Matz of the Central District of California received a threatening telephone call from an unknown male. The Judge reported the call to the district Marshal, who in turn contacted the TOG's Western Regional Office. TOG was able to determine the telephone number from which the threatening call was placed, and upon further investigation, determine the identity and name of the person who had placed the call.

In yet another case, TOG was asked to assist the U.S. Marshal for the Eastern District of New York when Judge Raymond J. Dearie received two calls threatening his life. Later, a call was placed to 911 and a local television station claiming that there was a bomb in the courthouse where Judge Dearie works. Judge Dearie was already under a protective detail because a letter with white powder had been sent to him. The FBI, already involved in the threat investigation, informed TOG that there were approximately 30 suspects. TOG determined that the origin of the calls was a prepaid cell phone. Through TOG's analysis, the FBI learned the location from which the phone was used and was able to determine where the phone was purchased. TOG learned through a store security video that Wazir Khan, the son of a criminal defendant soon to be tried before Judge Dearie, owned the phones and was subsequently arrested for the threats. As these examples show, TOG plays a valuable role in the protection of the federal judiciary.

This TOG position enhancement would establish dedicated judiciary threat investigations support at existing Regional Technical Operations Centers (RTOC) in the following locations: Los Angeles, Houston, Atlanta, Chicago, Washington DC, and New York.

#### Impact on Performance (Relationship of Increase to Strategic Goals)

This request supports DOJ Strategic Goal IV, Objective 4.1 to "protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement." The requested funding would directly support the strategies to achieve the objectives as stated in the DOJ Strategic Plan for FY 2003-2008 and impact USMS performance standards as follows:

*Monitor, assess, and investigate threats made against judges, court personnel, witnesses, and victims to stop or deter potential violence* – With additional Deputy Marshals in district offices,

the USMS will have increased ability to assess and investigate potential threats against judicial participants. The primary performance measure will be to increase the number of threats investigated and to reduce the amount of time it takes to detect, analyze, and investigate threats and to eliminate the backlog of threats against the judiciary. The number of threats reported has increased 553% from 201 in 1996 to 1111 threats reported in 2006.

In FY 2006, the TOG conducted over 7,100 surveillance operations for over 2,900 cases, an increase of 6% from FY 2005. These operations lead to the arrest of over 2,300 suspects, an increase of 5% from FY2005. It is anticipated that with increased the surveillance capabilities requested, the arrest rate will increase.

### **Funding**

#### Base Funding

FY 2006 Enacted				FY 2007 Estimate				FY 2008 President's Budget Current Services			
Pos	Agt	FTE	\$(000)	Pos	Agt	FTE	\$(000)	Pos	Agt	FTE	\$(000)
5	0	5	\$16,543	5	0	5	\$16,556	5	0	5	\$16,570

Note: Base funding for this initiative only includes FTE and funding for voice/network communications. The USMS does not have base funding for District Threat Inspectors.

#### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2008 Request (\$000)
Deputy Marshal (GS-0082-07)	\$166	15	\$2,493
Administrative (GS-XXX-9)	59	1	59
<b>Total Personnel</b>		16	\$2,552

#### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2008 Request (\$000)
Recurring Network Charges			\$2,705
<b>Total Non-Personnel</b>			\$2,705

#### Total Request for this Item

	Pos	Agt	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	5	...	5	\$890	\$15,680	\$16,570
Increases	16	15	8	2,552	2,705	5,257
<b>Grand Total</b>	21	15	13	\$3,442	\$18,385	\$21,827

**Item Name:** **High Threat Trial Security**

Budget Decision Unit: Judicial and Courthouse Security  
Strategic Goals & Objectives: DOJ Strategic Goal IV, Objective 4.1  
Organizational Program: U.S. Marshals Service

Program Increase: Positions 17 Agents 15 FTE 9 Dollars \$5,153,000

Description of Item

The USMS requests 17 positions (15 Deputy Marshals), 9 FTE, and \$5,153,000 to strengthen security for high-threat trials. The USMS must provide adequate judicial and courtroom security to ensure the safety of judicial officials, courtroom participants, the public, and USMS personnel. This initiative addresses the following areas:

- 14 positions (12 Deputy Marshals), 7 FTE, and \$3,281,000 for cellblock security enhancements for separatees;
- 3 positions (3 Deputy Marshals), 2 FTE, and \$900,000 for Supreme Court Protective Details;
- \$972,000 for nationwide security maintenance contract increases;

Justification

The USMS is responsible for protecting the participants in the federal judicial process including judges, attorneys, witnesses, court personnel, the general public, and in-custody prisoners. USMS workload associated with judicial and courthouse security has significantly increased in the last five years due to the changing national security environment. The events of September 11, 2001 have dramatically impacted the nation's awareness of its vulnerability to terrorist attack. This awareness has increased the required security levels at all federal courthouses, especially during high-threat trials. High-threat trials generally involve international or domestic terrorist, drug kingpins, violent gang members, organized crime figures, or defendants in civil matters with a high degree of notoriety. The Zacarias Moussaoui trial in Virginia and the Aryan Nation trial in California highlight the extreme measures, such as additional personnel, use of armored vehicles and establishment of security perimeters around courthouses that the USMS must perform in order to secure the trial participants from internal and external threats.

In addition to providing for a secure courtroom environment, the USMS must also take special precautions with the prisoners themselves. The USMS requests 14 positions, 7 FTE, and \$3,281,000 for cellblock security enhancements. The USMS segregates prisoners who need special handling from the general population of USMS detainees. Two of these special handling indicators are security risk prisoners and prisoners who require being separate from other prisoners for various reasons. Prisoners are flagged as security risk for various reasons such as a history of violence, potential of violence from the public, as in the case of Moussaoui, or risk of escape. Prisoners are flagged with a separation warning for reasons such as testifying against another prisoner, their life is in danger if left in general population, or for gang affiliation. This is a growing problem because of the increase in gang membership within the prison population. Both security risk and separatee cases typically require additional Deputy Marshals to assist with the handling of the prisoner, especially during trial when restraints are not commonly allowed.

In FY 2005, the USMS recorded 151,908 productions with a separation warning and/or security risk indicator out of 751,329 total productions including D.C. Superior Court. This represents a 26% increase from FY 2000. The USMS forecasts, using ARIMA (Auto Regressive Integrated Moving Average) time series model, an additional 17.7% increase in both types of cases by 2008 (26,820 additional productions). Within the amount requested, \$1,169,000 is for additional cellblock security enhancements to ensure the safety of the prisoners and USMS personnel. Funding requested would provide for additional video monitoring equipment within the cellblock spaces. In the 2002 National Security Survey Report (NSSR) which evaluates prisoner movement and Marshals Service-occupied areas, lack of video monitoring equipment was cited as a major concern for courthouses receiving a failing score. The 2002 NSSR reported that only 19% of the courthouses had a satisfactory score. The results from the next NSSR are expected in March 2007.

One of the USMS most important missions in providing judicial security is protecting the U.S. Supreme Court Justices. The USMS protects the Supreme Court Justices when they travel outside of the Washington, DC area. Recent confirmation hearings and controversial decisions have increased their visibility in the public eye, and staged protests at both private and public functions have increased the demand for USMS protective details. In FY 2005, the USMS provided 200 protection details to the Justices. FY 2006 has seen an 80% increase in Supreme Court Justice Protective Details over FY 2005. In addition to the sitting Supreme Court Justices, Chief Justice Roberts has asked that protection be provided for retired Justice O'Connor due to threats she has received. Security details for Justice protection require a minimum three Deputy Marshals. If there are special considerations, such a potential threat, large gathering, or demonstration, the staffing would increase proportionally to the increased potential for problems or threats. Due to the increase in the number of protection details along with an additional protectee, the USMS is requesting 3 Deputy Marshals, 2 FTE, and \$900,000 to cover increased travel and overtime expenses for the Supreme Court Justice Protection Detail.

A critical element of providing security for judicial personnel as well as detainees in USMS custody is the electronic security systems installed in over 400 locations throughout the nation. Maintenance for all electronic security systems installed in USMS-controlled spaces is provided through a nationwide contract. All security equipment is added to the nationwide service contract as soon as the one-year warranty has expired. This ensures that any repair or equipment replacement is made within hours and that preventative maintenance is performed to ensure continuous operation. The type of equipment included in this contract includes electronic locks, cameras, and consoles. The current contract price for this nationwide security system maintenance is \$4,800,000. The contract price for the same service in FY 2008 is estimated to be \$5,772,000. The USMS is requesting \$972,000 to fund increased contract prices to maintain the current electronic security systems capability.

#### Impact on Performance (Relationship of Increase to Strategic Goals)

This request supports DOJ Strategic Goal IV, Objective 4.1 to “protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.” The requested funding would directly support the strategies to achieve the objectives as stated in the DOJ Strategic Plan for FYs 2003-2008 as well as USMS performance measures as follows:



*Monitor, assess, and investigate threats made against judges, court personnel, witnesses, and victims to stop or deter potential violence* – In FY 2005 the USMS recorded 151,908 productions with a separation warning and/or security risk indicator. This represents a 26% increase from FY 2000. The USMS forecasts an additional 17.7% increase in both types of cases by FY 2008 (26,820 additional productions). The 2002 National Security Survey reported that only 19% of the courthouses survey received a passing score. Additional personnel and funding for cellblock security equipment is anticipated to make a significant impact on the next reassessment. The additional resources requested would allow the USMS to directly impact the number of high threat and emergency situations supported through special operations and assignments. Also, an increase is foreseen in the percentage of deployments of special operations/assignments staff or resources before a planned event or within 48 hours of an unforeseen emergency.

## **Funding**

### Base Funding

FY 2006 Enacted				FY 2007 Estimate				FY 2008 President's Budget Current Services			
Pos	Agt	FTE	\$(000)	Pos	Agt	FTE	\$(000)	Pos	Agt	FTE	\$(000)
...	...	...	\$4,800	...	...	...	\$4,800	...	...	...	\$4,800

Note: Base funding includes the nationwide security contract base.

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2008 Request (\$000)
Deputy Marshal (GS-0082-7)	\$166	15	\$2,493
Administrative (GS-XXX-9)	59	2	118
<b>Total Personnel</b>		<b>17</b>	<b>\$2,612</b>

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2008 Request (\$000)
Cellblock security enhancements			\$1,169
Supreme Court protective detail travel and overtime			400
Nationwide security maintenance			972
<b>Total Non-Personnel</b>			<b>\$2,541</b>

Total Request for this Item

	Pos	Agt	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	...	...	...	...	\$4,800	\$4,800
Increases	17	15	9	2,612	2,541	5,153
Grand Total	17	15	9	\$2,612	\$7,341	\$9,953

**c. Results of Program Assessment Rating Tool (PART) Reviews**

In 2003, the Judicial and Courthouse Security (formerly the Protection of the Judicial Process) program was reviewed under the PART process and received a score of 66 out of a possible 100 points. The table below displays the PART score by section:

<b>Section</b>	<b>USMS Score</b>	<b>Maximum Score</b>
Program Purpose & Design	16	20
Strategic Planning	6	10
Program Management	17	20
Program Results	27	50
<b>Total Program Score</b>	<b>66</b>	<b>100</b>

As a result of the PART assessment, the Administration, working with the USMS, has developed the following recommendations to improve the program.

1. Improve off-site and personal security of the judiciary by increasing residential security surveys.
2. Develop a forward looking court security resource needs assessment plan in conjunction with the courts.
3. Maintain a current services level of judicial protection and protection for high threat, high security terrorist trials.

The USMS improved off-site security for judges in FY 2006 by conducting more than 1616 surveys of judicial residences along with ADT in order to effectively prepare for the installation of Home Intrusion Detection Systems. These surveys support the completion of the Judicial Personnel Profile, which details information needed related to judges and their families in case of emergency, as well as ultimately the installation of residential security systems. The Home Intrusion Detection Systems Program is a multi-million dollar effort to improve the residential security of judicial officers who chose to participate. To date, we have installed over 1250 residential security systems in participating judicial officer's residences.

The USMS and the Administrative Office of the U.S. Courts (AOUSC) have collaboratively developed new planning methods of conducting long range court security resource needs assessments. Standing committees have been established by the Judicial Conference of the

United States (JCUS) geared toward the development of long range plans for judicial issues, to include security. The USMS has direct involvement with these committees through policy level officials (Director, Deputy Director, and Assistant Directors) and Judicial Security Division (JSD) management. These officials participate in periodic meetings, held in Washington and in various Judicial Circuits, to assess future resource requirements and identify mechanisms to secure those resources. Specific issue working groups created by JCUS Committees include representatives of USMS and JSD program managers. In March of 2006, a Court Security Officer (CSO) Advisory Group was created. This advisory group includes six USMS employees with extensive experience in judicial security working together with AOUSC staff to discuss policy matters on how CSOs could be best utilized, with recommendations being developed for both AOUSC and USMS. The USMS has provided AOUSC with resource needs in the Judiciary's FY 2008 Court Security appropriation request. The USMS continues to work with AOUSC throughout the FY 2007, FY 2008 and future budget processes.

The USMS continues to protect the judicial process and ensure the efficient operation of the U.S. Courts by producing prisoners for court appearances and securing courthouses. The USMS has not had an assault on a member of the federal judicial process while in a courthouse facility.

## B. Fugitive Apprehension

<b>Fugitive Apprehension—TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount (\$000)</b>
2006 Enacted w/ Rescissions & Supplementals	1,414	1,365	241,900
2007 Estimate	1,423	1,397	259,370
Adjustments to Base and Technical Adjustments	(109)	(104)	15,542
2008 Current Services	1,314	1,293	274,912
2008 Program Increases	54	27	8,663
2008 Offsets	...	...	...
2008 Request	1,368	1,320	283,575
<b>Total Change 2007-2008</b>	<b>(55)</b>	<b>(77)</b>	<b>\$24,205</b>

### 1. Program Description

The **Fugitive Apprehension** decision unit includes domestic and international fugitive investigations, electronic surveillance and technical operations to support fugitive investigations, extraditions and deportations of fugitives, service of process, and the subsequent seizure of assets related to the fugitive investigations.

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

The USMS established the 15 Most Wanted Fugitive Program in 1983 in an effort to prioritize the investigation and apprehension of high-profile offenders who are considered to be some of the country's most dangerous fugitives. These offenders tend to be career criminals with histories of violence or whose offenses pose a significant threat to public safety. Current and past fugitives in this program include murderers, violent gang members, sex offenders, major drug kingpins, organized crime figures, and individuals wanted for high-profile financial crimes.

The USMS established its Major Case Fugitive Program in 1985 in an effort to supplement the successful 15 Most Wanted Fugitive Program. Much like the 15 Most Wanted Fugitive Program, the Major Case Fugitive Program prioritizes the investigation and apprehension of high-profile offenders who are considered to be some of the country's most dangerous individuals. These offenders also tend to be career criminals with histories of violence or whose offenses pose a significant threat to public safety. All escapes from custody are automatically elevated to Major Case status.

The Presidential Threat Protection Act of 2000 directed the Attorney General, "upon consultation with appropriate Department of Justice and Department of the Treasury law

enforcement components, to establish permanent Fugitive Apprehension Task Forces consisting of Federal, state, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the USMS, for the purpose of locating and apprehending fugitives.”

The USMS created Regional Fugitive Task Forces (RFTFs) to locate and apprehend the most violent fugitives and to assist in high-profile investigations that identify criminal activities for future state and federal prosecutions. The investigative information cultivated by the USMS leads to the development of new sources, new case referrals, and the acquisition of information and intelligence that supports both criminal investigations and new fugitive cases. In FY 2002, the USMS established two RFTFs in New York/New Jersey and Pacific Southwest regions. Three additional RFTFs were established during FY 2003 and FY 2004 in the Great Lakes, Southeast and Capital Area regions. In the FY 2006 enacted appropriation, an RFTF was approved for the Gulf Coast Region, bringing the total number of RFTFs to six.

Additionally, the USMS sponsors 92 district-managed, multi-agency task forces throughout the U.S., focusing investigative efforts on fugitives wanted for federal, state and local crimes of violence and drug trafficking. Funding for these task forces is often granted through initiatives such as the High Intensity Drug Trafficking Area and Project Safe Neighborhoods programs.

The USMS also supports its fugitive mission through the use of state-of-the art surveillance equipment and specially trained investigators that are part of the USMS Technical Operations Group (TOG). The USMS provides investigative support such as telephone monitoring, electronic tracking and audio-video recording. With the use of this technologically-advanced investigative equipment, the USMS is able to track and trace various types of cellular and land-based communications initiated by fugitives. In addition, analysts provide tactical and strategic expertise in support of fugitive investigations. The USMS maintains its own central law enforcement computer system, the Warrant Information Network (WIN), which is instrumental in maintaining criminal investigative operations nationwide. In addition, the USMS enhances fugitive investigative efforts through data exchange with other agencies, such as the Social Security Administration, the DEA, the Department of Agriculture, the Department of Defense, the Department of State, and a variety of state and local task forces around the country.

In addition to domestic fugitive investigations and pursuant to U.S. Code and Public Law, the USMS is responsible for conducting nearly all extraditions of fugitives to the United States from foreign countries and for supporting extraditions to foreign countries from the United States. The complexities of international extraditions require constant coordination and communication with the Department of Justice Office International Affairs, the Department of State, foreign governments, U.S. Embassies, and USMS District Offices. Through this coordination, the USMS International Investigations Branch has accomplished a 100 percent increase in extradition and deportation missions from 2002 to 2006. As a member of Interpol, the USMS works with foreign law enforcement officials and cooperates with the Department of State, and other U.S. law enforcement agencies in foreign locations to investigate, apprehend and extradite American and foreign fugitives both in the U.S. and abroad. The USMS established foreign field offices in 2003 at the U.S. Embassies in Jamaica, Dominican Republic, and Mexico. The

extradition/deportation missions performed in these locations have risen 300 percent from 2003 to 2006.

The USMS Asset Forfeiture Program (AFP) is one of DOJ's most potent weapons against criminal organizations including complex drug organizations, terrorist networks, organized crime, and money laundering groups. The three goals of the AFP are to: enforce the law, improve law enforcement cooperation at the federal and state levels, and use the proceeds of forfeited assets to improve law enforcement. The AFP is funded from two different sources. The first, seizure, involves pre-seizure planning which is the process of determining the assets to be targeted for forfeiture and executing court orders for seizures or taking physical custody of assets. Deputy Marshals conduct pre-seizure planning with other law enforcement components, execute court orders, and physically seize and secure the assets. Administrative personnel from both district and headquarters are also involved with pre-seizure planning; these personnel are paid through the DOJ Asset Forfeiture Fund (AFF) on a reimbursable basis, while Deputy Marshals' salaries and benefits are funded from the USMS S&E appropriation. The second, management and disposal of properties, consists of ensuring that all seized properties are carefully inventoried, appraised, maintained, and disposed. Administrative personnel establish contracts with private sector vendors and memoranda of understanding with other federal agencies to ensure that property is properly maintained pending forfeiture action. Upon forfeiture of the assets, USMS administrative personnel complete the disposal process by sharing the equity with state and local law enforcement.

The USMS provides seized assets property management services to other federal agencies, including the DEA, FBI, U.S. Postal Inspection Service, the Food and Drug Administration, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Once the assets are forfeited, the USMS ensures that they are disposed of in a timely and commercially-sound manner. Operational and administrative coordination within the agency and with other law enforcement agencies is critical to program success. Without a coordinated asset seizure and property management system, assets would fall into disrepair, lose value, and be more difficult to dispose of in a timely manner.

**PERFORMANCE AND RESOURCES TABLE**

**Decision Unit: Fugitive Apprehension**

**DOJ Strategic Goal/Objective: IV: Ensure the Fair and Efficient Operation of the Federal Justice System. 4.2 Ensure the apprehension of fugitives from justice.**

<b>WORKLOAD/ RESOURCES</b>		<b>Final Target</b>		<b>Actual</b>		<b>Estimate</b>		<b>Changes</b>		<b>Requested (Total)</b>	
		<b>FY 2006</b>		<b>FY 2006</b>		<b>FY 2007</b>		<b>Current Services Adjustments and FY 2008 Program Changes</b>		<b>FY 2008 Request</b>	
1. Class I warrants		81,242		72,467		76,950		2,442		79,392	
2. Class II felony warrants		68,524		62,359		63,266		456		63,722	
3. Class II non-felony warrants		47,754		40,126		38,124		(2,262)		35,862	
4. Assets seized in fiscal year by all DOJ agencies		17,800		17,621		18,000		100		18,100	
<b>Total Costs and FTE</b> (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
		1,545	\$241,900	1,545	\$241,900	1,582	\$259,370	(77)	\$24,205	1,505	\$283,575
			[\$31,590]		[\$31,590]		[\$30,191]		...		[\$30,191]
<b>TYPE/ STRATEGIC OBJECTIVE</b>	<b>PERFORMANCE</b>	<b>FY 2006</b>		<b>FY 2006</b>		<b>FY 2007</b>		<b>Current Services Adjustments and FY 2008 Program Changes</b>		<b>FY 2008 Request</b>	
		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
<b>Program Activity</b>	<b>1. Fugitive Apprehension</b>	1,545	\$241,900	1,545	\$241,900	1,582	\$259,370	(77)	\$24,205	1,505	\$283,575
			[\$31,590]		[\$31,590]		[\$30,191]		...		[\$30,191]
<b>Performance Measure</b>	1. Number of federal fugitives:										
	A. Apprehended or cleared	85,125		80,055		85,163		2,402		87,565	
	(1) Class I felony	41,510		39,469		42,323		2,137		44,460	
	(2) Class II felony	32,198		29,512		31,356		495		31,851	
	(3) Class II non-felony	11,417		11,074		11,484		(230)		11,254	

TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2006 Target	FY 2006 Actual	FY 2007 Estimate	Current Services Adjustments and FY 2008 Program Changes	FY 2008 Request
Performance Measure	2. State and local fugitive cases cleared	61,637	55,745	64,647	4,525	69,172
Efficiency Measure	3. Number of class I warrants cleared per full cost FTE	33	30	31	1	32
Performance Measure	4. Number of assets disposed:	18,075	17,599	17,695	230	17,925
	a. Real property	575	538	545	5	550
	b. Cash	11,000	10,693	10,750	150	10,900
	c. Other	6,500	6,368	6,400	75	6,475
Performance Measure	5. Percent of real property assets sold at 85% or more of its fair market value	83%	83%	83%	0%	83%
Efficiency Measure	6. Percent of real property assets disposed within one year of receipt of the forfeiture documentation	82%	82%	82%	0%	82%
<b>OUTCOME</b>	<b>7. Percent/Number of total federal fugitives apprehended or cleared*</b>	<b>47% / 85,125</b>	<b>46% / 80055</b>	<b>47% / 85,163</b>	<b>1% / 2,402</b>	<b>48% / 87,565</b>

\* Denotes inclusion in the DOJ Performance and Accountability Report



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

### Workload:

1. Class I warrants consist of warrants received plus those warrants that are still active as of the end of the prior fiscal year. This class includes all federal felony warrants for arrest for which the USMS has primary apprehension responsibility including warrants for escape, failure to appear, violation of conditions of release, violation of parole, violation of probation, and Drug Enforcement Administration (DEA) warrants.
2. & 3. Class II felony warrants consist of felony warrants for arrest for which another law enforcement agency has primary apprehension responsibility. Class II non-felony (misdemeanor and traffic) warrants are those that the USMS has primary apprehension responsibility. Class II felony and Class II non-felony warrants are comprised of warrants received plus those warrants that are still active as of the end of the prior fiscal year.
4. The number of assets seized includes those seized by the USMS and other participants in the DOJ forfeiture program (including DEA, FBI, FDA, USDA, U.S. Postal Inspection Service) plus assets transferred into USMS custody.

### Performance Measures:

- 1A. A fugitive is considered apprehended by arrest, surrender, directed arrest, arrest by another agency, dismissal, or taking custody after a detainment order is lodged. 1A (1). Class I fugitives are federal felony fugitives for which the USMS has primary apprehension responsibility including individuals wanted for escape, failure to appear, violation of conditions of release, violation of parole, violation of probation, and DEA warrants. 1A (2). Class II fugitives consists of felony fugitives wanted for arrest for which another law enforcement agency has primary apprehension responsibility. 1A(3). Class II non-felony fugitives consist of misdemeanor and traffic fugitives for which the USMS has primary apprehension responsibility.
2. This measure includes state and local fugitives that were cleared in conjunction with state, local, and other federal law enforcement assistance.
3. The goal of this efficiency measure is to track how efficient the USMS fugitive apprehension program is in bringing federal felons to justice. The total number of Class I warrants cleared in a year is divided by the full-cost FTEs reported in the Fugitive Apprehension Decision Unit. A full-cost FTE is comprised of two portions: the FTE associated with investigations and apprehension and the prorated portion of overhead FTE that support the Deputy Marshals. Overhead FTE (as in procurement, budget, management, human resources, and network support) is prorated so that the complete effort involved with fugitive apprehension is displayed.
- 4.c. "Other" assets include such items as: business, business inventory, financial instruments, aircraft, jewelry, vessels, vehicles, heavy machinery, and other assets. The number listed for "cash" signify the total separate cash assets in USMS custody.
5. The percent of real property assets that sold for more than 85 percent of their fair market value is based on the total number of real property assets sold in the fiscal year. If a real property asset is not sold after the one-year benchmark, the price may be adjusted to expedite the sale. However, if the price was not reduced after the one-year period, and has not sold at 85 percent or more of its fair market value, the property may stay in the inventory for more than one year.
6. The time frame set by the USMS for disposal of real property is 12 months (365 days) based on the best practices of the real estate industry.

### Outcome:

7. This measure includes: physical arrest, directed arrest, surrender, dismissal, arrest by other agency, or when a fugitive is taken into custody on a detainment order. This outcome measure includes Class I, Class II felony, and Class II non-felony fugitives.

## **B. Factors Affecting FY 2006 Program Performance.**

The number of Class I Fugitives received did not increase at the same rate as in previous fiscal years. As a result, in order to meet the target of fugitives cleared for this measure the USMS had to clear more of its backlog. Because it is harder to clear older cases than newer cases, the USMS was unable to meet the Class I target. This also impacted the target for Class I warrants cleared per full-cost FTE. However, the USMS did clear more fugitives from 2005 to 2006. The USMS continued to shift its resources to focus on violent fugitive apprehension. This shift negatively affected the overall number of class I fugitives cleared.

Trends show a decline in Class 2 Felony Fugitives cleared from several Federal agencies, particularly the FBI. This could be a result of the FBI's continuing shift of investigative resources to counter-terrorism. However, even though the target was not met there were still more fugitives cleared from 2005 to 2006 in this category.

Though the USMS missed the target for Class II Non-Felony Fugitives cleared, it increased the number of fugitives apprehended over last year by almost 10%, which is significant considering the low investigative priority of this offender category. Additionally misdemeanor cases received decreased by almost 3,000. As a result, in order to meet the target for this measure the USMS had to clear more of its backlog. Because it is harder to clear older cases than newer cases, the USMS was unable to meet the Class II target.

State and Local figures did not meet target expectation for FY 2006 because operation FALCON was split between 2006 and 2007. The original target anticipated the operation occurring entirely in FY 2006.

The Percent/Total of total fugitives apprehended or cleared target was not met due to the reasons cited above in regards to Class 1, Class 2 Felony, and Class 2 Non-Felony Fugitives.

The number of real property, cash, and other assets disposed did not meet target expectations because the National Jewelry Contract was re-competed and then delayed in a protest action that resulted in a significant reduction in the number of disposals of Jewelry, Fine Arts and Collectables (all in the "other" category). In addition, the National On-Line Sales contract was not awarded during FY 2006. Any district that had the procurement authority was authorized to issue procurement actions directly with the On-Line Sales web company, but the National procurement vehicle was not in place. This resulted in a reduction in the number of assets advertised and sold on the On-Line Sales site. Assets commonly sold on this site included real property, jewelry, collectables, and high value and/or collectable vehicles.

The USMS is diligently working to establish the Gulf Coast Regional Fugitive Task Force (GCRFTF), the sixth USMS Regional Fugitive Task Force. The GCRFTF will have a total of seven locations in Mississippi and Alabama. Much effort is required to procure and outfit office spaces and to negotiate the numerous federal, state, and local cooperation agreements to maximize coordinated fugitive apprehension.

### **C. Factors Affecting FY 2007 and FY 2008 Plans.**

To more accurately reflect current trends, FY07 and FY08 targets for the following have been adjusted based on FY 06 actual data:

- Number of federal fugitives Apprehended or Cleared (Class 1, Class2 Felony, Class 2 Non-Felony;
- State and Local fugitive cases cleared; and,
- Number of assets disposed (Real property, cash, other).

The “Adam Walsh Child Protection and Safety Act” was signed into law by President Bush on July 27, 2006, the 25<sup>th</sup> anniversary of Adam’s abduction and murder. The Act makes it a federal felony for convicted sex offenders to fail to register with their local authorities. The USMS was designated by the Act as the agency to lead the national effort to track down and arrest these fugitive felons. The USMS is in the process of developing suitable performance measures.

The ability of the USMS to keep pace with court operations, to include prisoner transportation, security, and productions, will directly impact the effectiveness of the Fugitive Apprehension Program. If the agency does not obtain increases in court operations personnel commensurate with the workload increases, then fugitive investigators will continue to be pulled off cases to help support court operations. This will ultimately result in fewer fugitives apprehended. The effectiveness of FALCON III and IV in FY 2007 and the continuation of city sites conducting Fugitive Safe Surrender operations will have significant impact on the number of fugitives apprehended.

PERFORMANCE MEASURE TABLE											
Decision Unit: Fugitive Apprehension											
Performance Report and Performance Plan Targets		FY 2000	FY 2001	FY 2002	FY 2003	FY2004	FY2005	FY 2006		FY 2007	FY2008
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Performance Measure</b>	1A. Total Federal fugitives apprehended or cleared	66,827	71,368	73,097	81,652	79,740	77,426	85,125	80,055	85,163	87,565
<b>Performance Measure</b>	1A1. Class I Federal fugitives apprehended or cleared	26,600	28,799	31,512	35,067	36,217	38,198	41,510	39,469	42,323	44,460
<b>Performance Measure</b>	1A2. Class II Federal Felony fugitives apprehended or cleared	26,521	25,234	26,348	30,397	31,676	29,071	32,198	29,512	31,356	31,851
<b>Performance Measure</b>	1A3. Class II Federal non-Felony fugitives apprehended or cleared	13,706	17,335	15,237	16,188	11,847	10,517	11,417	11,074	11,484	11,254
<b>Performance Measure</b>	2. State and local fugitive cases cleared	N/A	N/A	N/A	30,195	38,089	51,803	61,637	55,745	64,647	69,172
<b>Efficiency Measure</b>	3. Number of class I warrants cleared per full cost FTE	N/A	N/A	35	36	32	31	33	32	35	37
<b>Performance Measure</b>	4 Number of assets disposed	49,640	26,946	21,696	30,331	22,988	16,864	18,075	17,599	17,695	17,925
<b>Performance Measure</b>	4.a Number of real property disposed	N/A	N/A	460	572	527	568	575	538	545	550
<b>Performance Measure</b>	4.b Number of cash assets disposed	N/A	N/A	8,570	10,946	10,817	10,936	11,000	10,693	10,750	10,900
<b>Performance Measure</b>	4.c Number of other assets disposed	N/A	N/A	12,666	18,813	11,644	5,360	6,500	6,368	6,400	6,475
<b>Performance Measure</b>	5. Percent of real property assets sold at 85% or more of its fair market value.	74%	70%	74%	80%	79%	82%	83%	83%	83%	83%
<b>Efficiency Measure</b>	6. Percent of real property assets disposed within one year of receipt of the forfeiture documentation.	74%	67%	77%	80%	80%	80%	82%	82%	82%	82%
<b>Outcome Measure</b>	7. Percent of total federal fugitives apprehended or cleared *	46%	46%	46%	49%	47%	45%	47%	46%	47%	48%
<b>Outcome Measure</b>	7. Number of total federal fugitives apprehended or cleared *	66,827	71,368	73,097	81,652	79,740	77,426	85,125	80,055	85,163	87,565

N/A = Data unavailable

\* Denotes inclusion in the DOJ Performance and Accountability Report

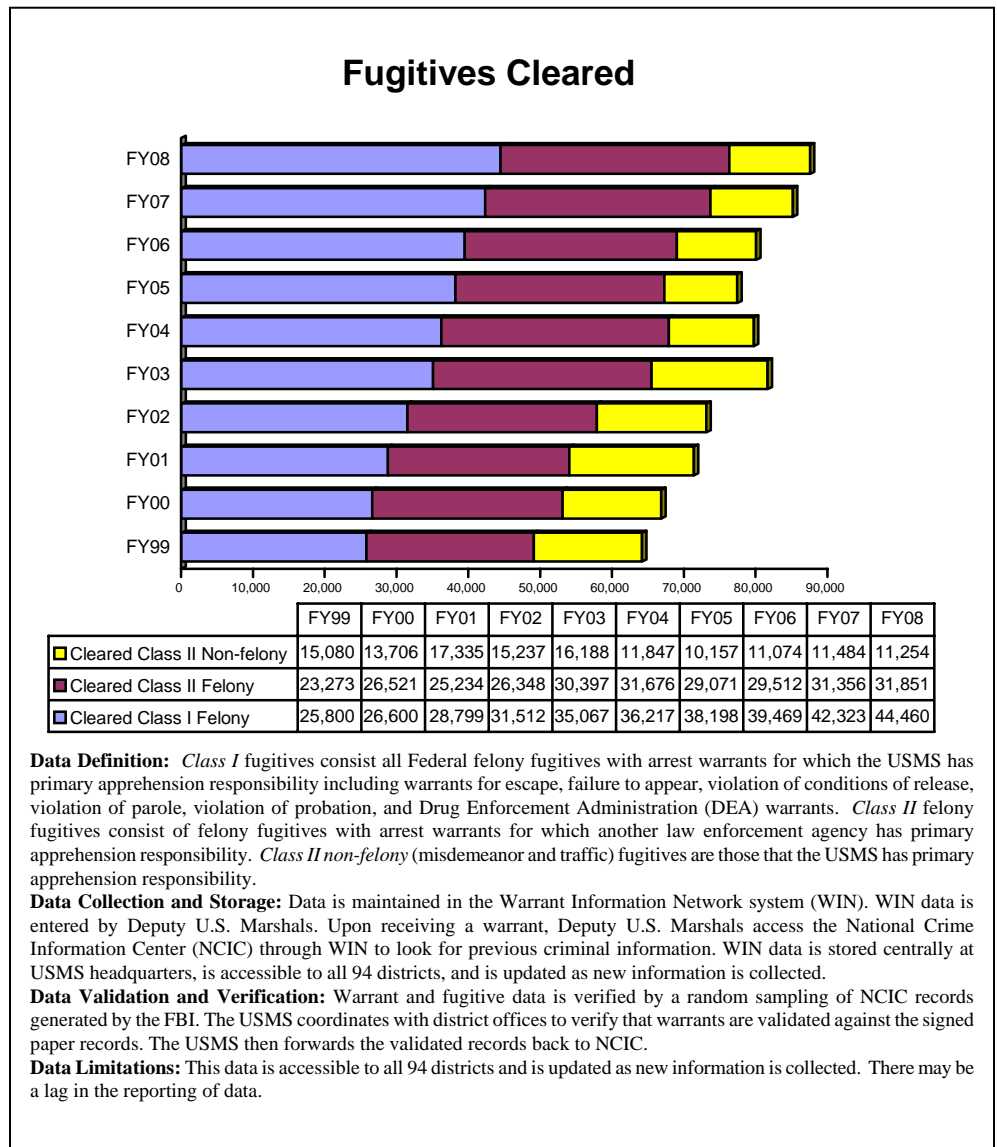
### 3. Performance, Resources, and Strategies

The Fugitive Apprehension decision unit contributes to the Department’s Strategic Goal IV: Ensure the Fair and Efficient Operation of the Federal Justice System. Within this goal, the decision unit’s resources specifically address two of the Department’s Strategic Objectives: 4.1- Protect judges, witnesses, and other participants in Federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement and Objective: 4.2 – Ensure the apprehension of fugitives from justice.

The USMS is the federal government’s primary agency for apprehending fugitives and has primary jurisdiction to investigate fugitive matters involving escaped federal prisoners, probation, parole, bond default violators, warrants generated by DEA investigations and certain other related felony cases. The USMS is authorized to investigate such fugitive matters, both within and outside the United States, as directed by the Attorney General, although this authorization is not to be construed to interfere with or supersede the authority of other federal agencies or bureaus. The U.S. Marshals are unique in that, when executing the laws of the United States within a state, they may exercise the same powers which a sheriff of the state may exercise. This authority provides the U. S. Marshals with the tools of both a first-tier federal law enforcement officer and the state sheriff. The USMS possesses the authority to enforce the Fugitive Felon Act and, as a result of its broad statutory authority, may assist state and local agencies in their fugitive missions even in the absence of interstate or other extra-jurisdictional flight.

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

As illustrated in the preceding Performance and Resources Table, the performance outcome



measure for this decision unit is: “percent/number of total federal fugitives apprehended or cleared.” This includes physical arrest, directed arrest, surrender, dismissal, arrest by another agency, or when a fugitive is taken into custody on a detention order. For FY 2006, the USMS cleared 80,055 federal fugitives, or 46 percent of all federal fugitives. This consists of 39,469 Class I fugitive felons cleared, 29,512 Class II fugitive felons, and 11,074 Class II non-felony fugitives. In FY 2008, the USMS is targeting 48 percent, or 87,565 federal fugitives apprehended or cleared.

Class II non-felony warrants consist of misdemeanor offenses such as public disorder, speeding, and other traffic citations that occur on federal property (typically military bases and national parks.) If the fine is not paid, a bench warrant is issued, but is often difficult to execute because the violator is no longer in the issuing district. For example, military personnel might be transferred overseas or vacationers have returned home, whereupon the pursuit of these violators is cost prohibitive.

The USMS is directing its investigative efforts toward reducing the number of violent crimes, which included terrorist activities, organized crime, drugs, and gang violence. Through the RFTFs, state and local agencies have a more direct way to track down their highest priority fugitives, many of whom are violent repeat offenders. The five RFTFs enabled the USMS to improve its ability to target and capture more dangerous fugitives, resulting in a 8 percent increase in state and local fugitive felons cleared from FY 2005 to FY 2006. Also, the USMS apprehended or cleared over 77,000 federal fugitives in FY 2005 and over 80,000 in FY 2006. The enacted FY 2006 appropriation included an RFTF in the Gulf Coast Region with 37 positions, and an additional 12 positions were approved for the existing RFTFs.

The USMS expects to achieve the targeted level of 47 percent federal fugitives cleared in FY 2007 and 48 percent in FY 2008. The USMS will pursue this goal through efforts such as Operation FALCON<sup>7</sup> IV, a repeat of Operation FALCON, which was the largest fugitive operation ever undertaken by any law enforcement agency in the United States. During a one-week period in FY 2005, USMS led task forces along with hundreds of federal, state, and local agency partners, arrested 9,037 felony fugitives, including 1,102 sex offenders. During Operation FALCON II in April 2006, the USMS and its federal, state, and local counterparts arrested over 9,000 fugitives (93% with prior criminal history) of which 783 were unregistered sex offenders. Operation FALCON III in October 2006 resulted in the arrest of 10,733 fugitives, including 1,659 sex offenders, 971 of whom were not in compliance with their registration requirements. Also, Fugitive Safe Surrender, a faith-based initiative, was conducted in Cleveland, Ohio, whereby USMS, local law enforcement, and religious leaders led a very successful fugitive apprehension initiative that resulted in the peaceful surrender of 850 fugitives, including 350 felons, at a local church. The program did not provide amnesty, but encouraged fugitives to surrender under circumstances that guaranteed their safety and the safety of the surrounding community. The results are pending for the follow-on Fugitive Safe Surrender initiative conducted in Phoenix, AZ.

The performance measure is: Fugitives Apprehended or Cleared. The USMS accomplished the

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<sup>7</sup> FALCON is the acronym for “Federal and Local Cops Organized Nationally.”

following level of performance in FY 2006 and set the following target level of performance for FY 2007 and FY 2008:

<b>Cleared</b>	<b>FY 2006 Actual</b>	<b>FY 2007 Target</b>	<b>FY 2008 Target</b>
Class I	39,469	42,323	44,460
Class II Felony	29,512	31,356	31,851
Class II Non-felony	11,074	11,484	11,254
Total	80,055	85,163	87,565
<b>Outcome</b>			
Fugitives Apprehended or Cleared	80,055	85,163	87,565
Percent Total Fugitives Apprehended or Cleared	46	47	48

As illustrated in the Performance and Resources Table, the performance outcome measure for AFP is the number of crime organizations that were dismantled. This outcome is a DOJ-level outcome reported by the DEA and FBI. The USMS AFP has intermediate performance measures that focus on achieving DOJ AFP outcome “to dismantle criminal organizations.”

The actual performance in the number of assets disposed is largely dependent upon the number of assets seized and forfeited by the participants in the DOJ AFP. The USMS should have a proportionate number of assets in custody at the close of each fiscal year. The performance measure is the number of assets disposed of in the following asset categories: a) real property; b) cash; and c) other (i.e., businesses, business inventory, financial instruments, and personal property such as vehicles, vessels, aircraft and firearms). The established performance actuals and target levels of each asset type for each fiscal year are as follows:

<b>Disposed</b>	<b>2006 Actual Assets</b>	<b>2007 Target Assets</b>	<b>2008 Target Assets</b>
Real Property	538	545	550
Cash	10,693	10,750	10,900
Other	6,368	6,400	6,475

Additionally, the effects of Hurricane Katrina caused the USMS to place a moratorium on the disposal of real property and personal property (cars, boats, RVs, etc.) due to hurricane relief efforts. Some assets were removed from the disposal lists and are now on loan to the USMS and other agencies that lost cars and other items to the storm. Because of these factors, asset seizure and disposal targets for FY 2006 were adjusted.

The USMS anticipates assuming responsibility for assets seized by the ATF in FY 2006 and FY 2007. Further, it is anticipated that the number of asset seizures by the remaining DOJ components will increase with the commitment of resources by all DOJ components. DOJ has a number of new initiatives which will result in an increase in forfeiture actions which will increase the pre-seizure, seizure, management, and disposition workload of the USMS.

The second performance measure is the percent of real property assets sold at 85 percent or more of their fair market value. The actual performance and target levels are 83 percent in FY 2006, 83 percent in FY 2007, and 83 percent in FY 2008. The percent of real property assets that sold for more than 85 percent of their fair market value is based on the total number of real property assets sold in the fiscal year.

The third performance measure is the percent of real property assets disposed of within one year of receipt of the forfeiture documentation. The actual performance and target levels are 82 percent in FY 2006, 82 percent in FY 2007, and 82 percent in FY 2008. The time frame set by the USMS for disposal of real property is 12 months (365 days) based on the best practices of the real estate industry.

**b. Strategies to Accomplish Outcomes**

The USMS established RFTFs in prioritized locations based on open-warrant workload data. In FY 2006, the USMS received an additional 12 positions for the existing RFTFs and 37 positions to establish an RFTF in the Gulf Coast Region. These positions will allow the USMS to apprehend more fugitives.

During FY 2006, TOG investigators provided critical assistance on 7,107 surveillance operations with 2,912 cases targeted. Of those cases, 2,310 resulted in arrests for a 79% arrest rate and a 6 percent arrest total increase over FY 2005.

The USMS foreign field offices in Mexico, Jamaica, and the Dominican Republic, continue to improve communication for extraditions, coordinate the investigation of leads in neighboring countries, and initiate host country investigations in the United States. Since the placement of senior Deputy Marshals in these countries, there has been dramatic success in fugitive apprehensions.

The USMS is also responsible for approximately 90 percent of all Organized Crime Drug Enforcement Task Force (OCDETF) fugitive investigations. The 38 USMS OCDETF inspectors work diligently with district Deputy Marshals and other law enforcement agencies to clear OCDETF warrants, bringing many drug-related and organized crime felons to justice. The USMS assisted in clearing the following number of OCDETF warrants:

<b>USMS OCDETF Warrants</b>					
	<b>FY 2002</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
No. Cleared	2,724	2,278	3,232	3,562	3,594

The USMS plans to fill 3 vacant OCDETF positions, bringing the total to its authorized 41 positions. These additional positions are expected to make substantial progress in clearing over 5,000 open OCDETF warrants.

In an effort to continue to improve efficiencies and cost effectiveness of the Assets Forfeiture Program, the USMS has implemented national contracting initiatives for specific asset types



(such as real property, jewelry, weapons, and electronic equipment). In support of the President's Management Agenda and the initiative to expand E-Government mandating the use of Electronic Funds Transfer (EFT), the USMS has completed the implementation of EFT of Equitable Sharing in all districts and is implementing other financial management initiatives such as EFT of seized currency, and EFT receipt of proceeds of sale. Installation of check clearing technology in district offices is also in progress. This technology will be utilized to process checks from many different sources, including checks that are delivered by the federal seizing agencies.

Furthermore, in support of the President's Federal Asset Sales initiatives, the USMS was the first federal agency to utilize online auctions as one method of asset disposition. The FY 2004 Federal Asset Sales' Office of Management and Budget (Exhibit 300) acknowledged the USMS as one of the federal agencies that "have incorporated an efficient Internet-based, open "e-cry" auction model (e-market) into their solution." The USMS was also acknowledged by IBM<sup>8</sup> as one of the few successful federal agencies to use online technology. The USMS utilizes online sites to successfully sell many types of assets, including real property, vehicles, and collectibles.

### **Program Increases**

**Item Name:** **Adam Walsh Child Protection and Safety Act**

Budget Decision Unit: Fugitive Apprehension

Strategic Goal & Objectives: DOJ Strategic Goal IV, Objective 4.2

Organizational Program: U.S. Marshals Service

Program Increase: Positions 54 Agents 43 FTE 27 Dollars \$7,845,000

#### Description of Item

The USMS requests 54 positions (43 Deputy Marshals), 27 FTE, and \$7,845,000 to support the enforcement of required sex offender registration as per Section 142 of the Adam Walsh Child Protection and Safety Act (P.L.109-248).

- 54 positions (43 Deputy Marshals), 27 FTE, and \$7,845,000 to begin staffing areas of the country with large numbers of non-compliant sex offenders, and to staff a National Sex Offender Targeting Center in partnership with National Center for Missing and Exploited Children (NCMEC).

#### Justification

The Adam Walsh Child Protection and Safety Act was signed into law by the President on July 27, 2006, the 25<sup>th</sup> anniversary of Adam's abduction and murder. Under certain circumstances, the Act makes it a federal felony if convicted sex offenders fail to register or keep their

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<sup>8</sup>The November 2004 report issued by the IBM Center for the Business of Government: "Government Garage Sales: Online Auctions as Tools for Asset Management"

registration current with their local jurisdictions. The USMS was designated as the lead agency to investigate violations of the Act, and to assist state, local, tribal, and territorial jurisdictions in locating and apprehending non-compliant sex offenders.

Estimates from the National Center for Missing and Exploited Children (NCMEC) indicate that there are almost 600,000 registered sex offenders in the United States, and as many as 100,000 non-compliant sex offenders. The USMS will play a critical role in the investigation, location, apprehension, and prosecution of non-compliant sex offenders. Key law enforcement provisions of the Act pertaining to the USMS are:

- Establishes a new federal felony offense for sex offenders who fail to register or update their registration information;
- Requires the USMS to assist jurisdictions in locating and apprehending sex offenders who violate their registration requirements;
- Requires the Attorney General to provide assistance to jurisdictions in the identification and location of a sex offender relocated as a result of a major disaster.

The Department of Justice and the USMS are currently working on the details concerning the implementation of the Act, including how to proceed with federal investigations and prosecutions.

At the moment, the USMS is assisting state and local jurisdictions in locating and apprehending fugitive sex offenders, both within and outside of the United States, through its existing network of district and regional fugitive task forces and its foreign field offices. The USMS has also begun training its personnel and investigating a limited number of violations of the Act. Pending the availability of resources, the USMS will also establish a National Sex Offender Targeting Center (in partnership with NCMEC) to assist in identifying and prioritizing non-compliant sex offenders, especially offenders against children, and to provide analytical support to federal, state, and local law enforcement agencies.

#### Impact on Performance (Relationship of Increase to Strategic Goals)

This request directly ties to DOJ Strategic Goal IV, Objective 4.2 to “ensure the apprehension of fugitives from justice.” The requested resources will be applied to assist jurisdictions in identifying, investigating, apprehending, and assisting in the prosecution of non-compliant sex offenders, especially offenders against children. The USMS has already taken steps to update database services and software that will assist with this mission; established contacts with state registries to identify non-compliant sex offenders; and begun training its personnel to investigate violations of this act. These actions will lay the foundation for the USMS to achieve the Department’s goal of preventing, suppressing, and intervening in crimes against children.

In the July 2005 Department of Justice, Office of Inspector General (OIG) Review of the United States Marshals Service’s Apprehension of Violent Fugitives, the OIG stated “*The performance of the USMS in apprehending violent fugitives improved significantly from FY 2001 to FY 2004.*

*During that period, the USMS increased the number of violent fugitives apprehended by 51 percent. We also found that the USMS became more efficient in apprehending violent fugitives.”* Specific performance measures tied to this Act are being developed.

The mission of fugitive apprehension directly supports DOJ’s strategy to achieve the objective as stated in DOJ’s Strategic Plan for FYs 2007-2012: “Focus on apprehending Most Wanted and Major Case fugitives.” An investment in the apprehension of unregistered sex offenders is necessary so that the USMS may focus its proven ability towards protecting our children from sexual predators. The absence of dedicated personnel to investigate these crimes will mean that fewer sex offenders (including offenders against children) will be prosecuted in federal court.

### **Funding**

#### Base Funding

FY 2006 Enacted				FY 2007 Estimate				FY 2008 President’s Budget Current Services			
Pos	Agt	FTE	Dollars (\$000)	Pos	Agt	FTE	Dollars (\$000)	Pos	Agt	FTE	Dollars (\$000)
...	...	...	...	...	...	...	...	...	...	...	...

#### Personnel Increase Cost Summary

Type of Position	Modular Cost Per Position (\$000)	Number of Positions Requested	FY 2008 Request (\$000)
Deputy Marshals (GS-082-7)	\$166	43	\$7,146
Administrative (GS-XXX-9)	59	11	650
Total Personnel	...	54	\$7,796

#### Non-Personnel Increase Cost Summary

Type of Item	Unit	Quantity	FY 2008 Request (\$000)
Equipment	...	...	\$49
Total Non-Personnel	...	...	\$49

#### Total Request for this Item

Item	Pos	Agt	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	...	...	...	...	...	...
Sex Offender Apprehension	54	43	27	\$7,796	\$49	\$7,845
Grand Total	54	43	27	\$7,796	\$49	\$7,845

### **c. Results of Program Assessment Rating Tool (PART) Reviews**

The Fugitive Apprehension program was reviewed under the PART process in FY 2003. This program received a score of 63 out of a possible 100 points. As a result of the PART assessment, the Administration made the following recommendations to improve the program.

1. Conduct routine and periodic independent evaluation of the fugitive apprehension program.
2. Incorporate findings and recommendations from evaluations into a revised strategic plan and mission statement.
3. Program partners that delegate primary apprehension responsibility to the USMS will be required to commit to the fugitive apprehension program performance goals, targets, costs, and schedules.
4. Maintain a current services level warrants cleared and federal fugitives apprehended.

The USMS has completed its Strategic plans, both for the agency and more specifically for the Fugitive Program. These plans incorporated findings and recommendations from the most recent fugitive program review by the OIG in FY 2005.

Regarding Federal program partners, the USMS has completed a draft revision of the DOJ policy on fugitive apprehension, including review by the Advisory Board. The USMS is working with other DOJ agencies to discuss the proposed revision. The USMS will work with the Attorney General's staff and Deputy Attorney General's staff to revise the DOJ policy on fugitive apprehension. Additionally, The USMS has entered into a formal MOU with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) for fugitive apprehension of ATF fugitives. The Fugitive Apprehension program is scheduled to undergo the PART review during FY 2007.

## C. Prisoner Security and Transportation

<b>Prisoner Security and Transportation – TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount (\$000)</b>
2006 Enacted w/ Rescissions & Supplementals	958	926	180,633
2007 Estimate	964	929	162,619
Adjustments to Base	(73)	(70)	9,444
2008 Current Services	891	859	172,063
2008 Program Increases	29	14	4,706
2008 Request	920	873	176,769
<b>Total Change 2007-2008</b>	<b>(44)</b>	<b>(56)</b>	<b>14,150</b>

### 1. Program Description

**Prisoner Security and Transportation** is made up of the following activities: processing prisoners in the cellblock, securing the cellblock area, transporting prisoners by ground or air, and inspecting jails used to house federal detainees. As each prisoner is placed into the USMS' custody, a Deputy Marshal is required to "process" that prisoner. Processing consists of interviewing the prisoner to gather the available personal, arrest, prosecution, and medical information; fingerprinting the prisoner; photographing the prisoner; preparing an inventory of any received prisoner property; entering/placing the collected data and records into the Justice Detainee Information System (JDIS) and the prisoner file; and sending the fingerprint information to the FBI to store in its Integrated Automated Fingerprint Identification System (IAFIS) fingerprint system, either electronically through the use of a Joint Automated Booking Station (JABS) station, or manually, if a JABS station has not yet been implemented in that district office. Using this system, the USMS is able to efficiently track the prisoner as he/she proceeds through the system.

The cellblock is the secured area for holding prisoners in the courthouse before and after they are scheduled to appear in their court proceeding. Deputy Marshals follow strict safety protocols in the cellblocks to ensure the safety of USMS employees and members of the judicial process. A minimum of two Deputy Marshals are required to be present when cells are unlocked or entered, when prisoners are moved into or out of the cellblock or holding cell areas, when prisoners of the opposite sex are being handled, or when meals are being served. Female and juvenile prisoners must be separated by sight and sound from adult male prisoners within the cellblock. Deputy Marshals must observe the prisoners at least every thirty minutes and must count them every eight hours. Deputy Marshals must minimize the amount of time that prisoners who exhibit violent behavior or signs of possible drug overdose, severe mental disorder, or suicidal tendencies are held in the cellblock and closely monitor them during that time. Deputy Marshals provide meals to prisoners if held in the cellblock during normal lunch or dinner hours. Deputy Marshals must search prisoners prior to entrance into the cellblock as well as any court clothing provided by Public Defenders to ensure that prisoners and their property are free of contraband.

The USMS is also responsible for transporting prisoners to and from judicial proceedings. Some jails that house prisoners agree to transport prisoners to and from the courthouse at specified

rates (which are added to the monthly housing bills); however, most transportation of prisoners is done by Deputy Marshals. Deputy Marshals arrange with the jails to have the needed prisoners ready to be transported, search the prisoner prior to transport, and properly restrain the prisoners during transportation.

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

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

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

**PERFORMANCE AND RESOURCES TABLE**

**Decision Unit: Prisoner Security and Transportation**

**DOJ Strategic Goal/Objective: IV: Ensure the Fair and Efficient Operation of the Federal Justice System. 4.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.**

WORKLOAD/ RESOURCES		Final Target		Actual		Estimate		Changes		Requested (Total)	
		FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program Changes		FY 2008 Request	
1. Prisoners received		254,431		263,137		276,689		14,249		290,938	
2. Number of prisoner productions		892,316		847,014		870,084		34,460		904,544	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		926	\$180,633	926	\$180,633	929	\$162,619	(56)	\$14,150	873	\$176,769
			[\$1,102,603]		[\$1,102,603]		[\$1,101,493]				[\$1,101,493]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program Changes		FY 2008 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity	1. Prisoner Security and Transportation	926	\$180,633	926	\$180,633	929	\$162,619	(\$56)	\$14,150	873	\$176,769
			[\$1,102,603]		[\$1,102,603]		[\$1,101,493]		\$0		[\$1,101,493]
Efficiency Measure	1. Cost avoided due to medical claim repricing	\$50,586,969		\$50,037,504		\$55,041,254		\$6,694,376		\$61,735,630	
Performance Measure	2. Number of prisoners moved in support of prisoner productions.	787,897		740,795		776,661		30,760		807,421	
Efficiency Measure	3. Prisoners processed per Deputy Marshal FTE	1,500		1,551		1,550		25		1,575	
Outcome Measure	4. Number of prisoner escapes from USMS custody outside of the courtroom.	0		1		0		0		0	

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

### Workload:

1. Prisoners received are the number of prisoners taken into USMS custody.
2. Prisoner productions are the number of times prisoners are produced for judicial proceedings, meetings with attorneys, or transported for medical care, between offices and between detention facilities.

### Performance Measures:

1. The costs avoided due to medical claim repricing is the difference between the full-price of medical care and the reduced cost of the same care when the lower Medicare/Medicaid rates are applied to the medical bills.
2. The number of prisoner moved in support of prisoner productions is the number of prisoners that had to be transported from one physical location to another throughout the year for all types of productions.
3. This measure compares the time reported by Deputy Marshals performing prisoner processing activities such as: searching the prisoner, database entry of prisoner information, fingerprinting, photographing, property inventory and storage, and submission of fingerprint records to the FBI. Through implementation of technology such as the automated booking systems and OFDT's e-Designate application, the USMS anticipates greater efficiencies over time. This measure will be impacted by the ability of the USMS to continue implementation of technology systems throughout its district offices.

### Outcome:

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

## **B. Factors Affecting FY 2006 Program Performance.**

The medical savings target was not completely met due to the transfer of medical claims from the USMS to BOP for MDC Brooklyn, NY as part of the interagency medical consolidation program initiative. Under that program, responsibility for the payment of medical claims and guard services is transferred from the USMS to the BOP. Therefore that workload and any associated savings would be reflected in BOP budget submissions. While the transfer took place in May, 2005, the full impact on USMS medical savings projections would be in FY 2006.

In the escape that occurred from USMS custody outside of the courtroom, a prisoner that had been transported by the District of



Columbia Department of Corrections to the DC Superior Courthouse was able to secret himself beneath one of the transport buses during the unloading process in the USMS prisoner receiving bay. The prisoner was able to cling to the underside of the transport bus as it left the courthouse. The bus had traveled about one city block when the prisoner fell (or jumped) and was struck by the bus and other vehicles. He was pronounced dead at the scene. At no time was the public in danger during the escape and no injuries to other persons occurred.

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

The USMS must maintain continuity of operations through backup communication links and backup servers outside the Washington D.C. metropolitan area. Continuity must be ensured via equipment and software to perform penetration testing and port scans, monitor systems to detect intrusions, test contingency plans, guarantee the adequacy and effectiveness of system access controls, and enforce change control procedures.

### **C. Factors Affecting Selection of FY 2007 and FY 2008 Plans.**

To more accurately reflect current trends, the following FY07 and FY08 targets for Cost Avoidance due to Medical Repricing have been adjusted based on FY06 actual data:

- FY 2007 target - \$55,041,254
- FY 2008 target - \$61,735,630

To more accurately reflect current trends, FY07 and FY08 targets for Number of Prisoners Moved in Support of Prisoner Productions have been adjusted based on FY06 actual data.

The Comprehensive Immigration Reform legislation will have a tremendous impact on the USMS, particularly on the five Southwest Border districts. Adding thousands of Border Patrol Agents will swamp the federal court system with pre-trial detainees.

In FY 2007, the USMS is transferring \$27,935,000 to the OFDT for prisoner movements. With this transfer, the OFDT assumes responsibility for funding all prisoner moves, both JPATS and non-JPATS. The transfer consists of two parts: \$22,685,000 is the anticipated cost for JPATS air transportation and \$5,250,000 is the anticipated costs for the non-JPATS transportation. The non-

JPATS funding covers district expenses for Deputy Marshals' overtime, travel, fuel for USMS vehicles, and private air charters. This

portion of funding enables the 94 USMS districts to transport prisoners to meet the JPATS airlift or to transport prisoners among districts when using JPATS aircraft is cost-prohibitive.

Without adequate resources, the USMS may be unable to provide the highest possible prisoner security and transportation in support of the federal judicial process. Deputy Marshals are the functional backbone of the agency because they provide direct service to the federal courts. Our districts handle large numbers of prisoners each year. Most of these prisoners are violent or have extensive criminal histories. Deputy Marshals must produce them for criminal court proceedings on a daily basis. The USMS will make every attempt to meet these targets even if program increases are not appropriated. The true impact of not receiving the program enhancements will manifest itself in the level of safety and security maintained during productions and the inability to produce prisoners for scheduled appearances in a timely manner.

PERFORMANCE MEASURE TABLE											
Decision Unit: Prisoner Security and Transportation											
Performance Report and Performance Plan Targets		FY 2000	FY 2001	FY 2002	FY 2003	FY2004	FY 2005	FY 2006		FY 2007	FY 2008
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Efficiency Measure</b>	1. Cost avoided due to medical claim repricing	N/A	N/A	N/A	N/A	N/A	\$43,496,964	\$50,586,969	\$50,037,504	\$55,041,254	\$61,735,630
<b>Performance Measure</b>	2. Number of prisoners moved in support of prisoner productions.	N/A	N/A	N/A	N/A	N/A	769,701	787,897	740,795	776,661	807,421
<b>Efficiency Measure</b>	3. Prisoners processed per Deputy Marshal FTE	N/A	1,418	1,608	1,529	1,744	1,478	1,500	1,551	1,550	1,575
<b>OUTCOME Measure</b>	4. Number of prisoner escapes from USMS custody, outside of the courtroom.	0	1	1	0	0	2	0	1	0	0

N/A = Data unavailable

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

The Prisoner Security and Transportation decision unit supports the Department's Strategic Goal IV: Ensure the Fair and Efficient Operation of the Federal Justice System. Within this goal, the resources specifically address DOJ Strategic Objective: 4.1 – Protect judges, witnesses, and other participants in federal proceedings and ensure the appearance of criminal defendants for judicial proceedings or confinement.

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

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

As illustrated in the preceding Performance and Resources Table, the performance outcome measure for this decision unit is the number of prisoner escapes from USMS custody outside of the courtroom.

The USMS had one escape in FY 2006 from USMS custody outside of the courtroom. A prisoner that had been transported by the District of Columbia Department of Corrections to the DC Superior Courthouse was able to secret himself beneath one of the transport buses during the unloading process in the USMS prisoner receiving bay. The prisoner was able to cling to the underside of the transport bus as it left the courthouse. The bus had traveled about one city block when the prisoner fell (or jumped) and was struck by the bus and other vehicles. He was subsequently pronounced dead at the scene. At no time was the public in any actual danger during the escape and no injuries to other persons occurred.

In 2006, the USMS met its target efficiency measure of prisoners processed per Deputy Marshal FTE. The target was 1,500 prisoners processed per Deputy Marshal FTE and the USMS processed 1,551 prisoners per Deputy FTE.

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

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

- U.S. Court personnel to determine which prisoners are required for appearances each day;
- BOP personnel to arrange for designation once prisoners have been sentenced;
- FBI, DEA, ATF, and other federal, state, and local agency personnel to conduct custody transfer; and
- Detention facility personnel to arrange for prisoners to be ready for transport as needed.

## **Program Increases**

**Item Name:** **Southwest Border Enforcement**

Budget Decision Units: Judicial and Courthouse Security; Prisoner Security and Transportation

Strategic Goals & Objectives: DOJ Strategic Objective 4.1

Organizational Program: U.S. Marshals Service

Program Increase: Positions 53 Agents 40 FTE 26 Dollars \$7,462,000

### Description of Item

Due to the increased emphasis on curbing illegal immigration, the USMS requests 53 positions (40 Deputy Marshals), 26 FTE, and \$7,462,000 for Southwest Border Enforcement.

### Justification

The USMS is responsible for protecting and securing federal detainees before, during, and after their judicial proceedings. Transporting prisoners from detention facilities, escorting prisoners from the cellblocks and holding cells to the courtroom, and physically securing the courtroom are all part of this labor intensive process. The potential for violence and injury among detainees or against detention and courtroom personnel in these locations and situations is greatly heightened when USMS presence is limited.

With the recent calls for increased illegal immigrant apprehension along the Southwest Border, the USMS will be faced with an increasingly limited amount of personnel to successfully achieve its mission of protecting and securing federal detainees and judicial personnel, and of safely transporting those detainees. Border Patrol figures show that the number of arrests along the Southwest Border increased by 22% (930,000 to 1.14 million) from 2002 to 2004 with no signs of this trend abating. Other noteworthy figures include:

- The FY 2007 enacted appropriation for the Department of Homeland Security included \$380 million to hire 1,500 additional Border Patrol agents.
- The USMS is included in the federal, state, and local Border Enforcement and Security Task Force (BEST), which will focus on combating Southwest Border violence.
- The Senate Judiciary Committee's Immigration Proposal would increase the amount of Border Patrol Agents by 14,000 by 2011.

Hiring additional Border Patrol Agents, as enacted in the FY 2007 Appropriation, will inevitably

lead to a significant increase in illegal immigrant arrests which will be transferred into USMS custody. These detainees will not only fill detention beds, but will also require court, medical, and legal productions at a much greater rate than currently experienced. The burden of ensuring that these productions are safe and secure will fall on USMS personnel. Additionally, other USMS workload will be generated in areas such as fugitive apprehension, service of legal process, and prisoner transportation.

Southwest Border districts have already expressed concern about the difficulties they face because of the heightened apprehension of illegal immigrants within their districts. In the most recent district survey, the Chief Deputy of the Southern District of Texas stated:

“The increasing numbers of persons being arrested for illegal entry in the Southwest Border is alarming. Of these individuals, we know very little about past criminal behavior, gang affiliation, and/or propensity for violence. In the past fiscal year, we have held over 15 members of the MS-13 (Mara-Salvatrucha) gang pending prosecution, some of which are wanted in South American countries for mass murders. These individuals require a higher level of security when being housed and handled for court productions.”

Changes in judicial processing within Southwest Border districts have also increased USMS workload. The Western District of Texas noted that the U.S. Attorney “has initiated prosecution of Other Than Mexican (OTM’s) illegal aliens, a population that was previously not detained.” Prior to this initiative, the OTM aliens were given a notice to appear in court. The USMS is now responsible for detaining and producing them for their court appearances which significantly increases USMS workload.

Using FY 2004 figures, the average Border Patrol apprehension rate was 121 illegal immigrant apprehensions per agent. A recent Congressional Research Service report for Congress entitled “Border Security: The Role of the U.S. Border Patrol” cited that “Today, about 90% of USBP agents are deployed along the Southwest Border with Mexico...” Assuming that 90% of the 1,500 Border Patrol agents received in FY 2007 are assigned to the Southwest Border, and also assuming a consistent Border Patrol agent apprehension rate, this will result in an approximate annual increase of 163,350 illegal immigrant arrests that will produce 8,868 more detainees. This influx of detainees will greatly increase several USMS workload areas, including booking detainees, court/medical/legal productions, detainee transportation, and fugitive investigations. By comparing USMS Deputy Marshal staffing in the Southwest Border districts to the Border Patrol arrest data, and adjusting for the increased arrests that would be generated, the USMS requests 53 positions (40 Deputy Marshals), 26 FTE, and \$7,462,000 in Southwest Border districts to address the inevitable increase in courthouse security and prisoner production workload. Non-personnel funding of \$46,000 is also requested for physical security equipment in prisoner holding and movement areas.

The increased arrests of illegal immigrants not only impact the USMS operational workload but also the administrative workload. Since 1994, the administrative staff in Southwest Border districts has not increased relative to prisoner population increases. Technological

improvements have improved employee productivity, but the prisoner workload has still outpaced the available staffing. Many Southwest Border districts are forced to pull Deputy Marshals into administrative duties because prisoner detention requires constant record keeping. Every time a prisoner is moved, needs medical care, or is sentenced, a prisoner record has to be updated. Many prisoner records have to be requested from other agencies and consolidated into one package for the BOP. If records are not updated, a prisoner may remain longer than necessary in USMS custody thereby increasing detention costs. The following table displays the prisoner population increase experienced in Southwest Border districts:

<b>District</b>	<b>FY 2000 Average Daily Prisoner Population</b>	<b>FY 2006 Average Daily Prisoner Population</b>	<b>Percentage Increase</b>
Arizona	2,272	4,189	84%
Southern California	1,888	1,670	(12%)*
New Mexico	890	2,049	130%
Southern Texas	2,411	5,761	139%
Western Texas	3,076	5,037	64%
<b>Total</b>	<b>10,537</b>	<b>18,706</b>	<b>78%</b>

\*It is assumed that increased law enforcement efforts at reducing illegal immigration in Southern California caused a shift in immigration patterns to easier-to-cross states.

Impact on Performance (Relationship of Increase to Strategic Goals)

By providing more Deputy Marshals for the increasing needs of judicial security, additional administrative personnel that will allow existing deputy positions to focus on security, and a more dependable vehicle fleet to transport deputies and prisoners, this initiative directly promotes the accomplishment of the following DOJ and USMS strategic goals and objectives:

- DOJ Strategic Objective 4.1: Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.
- USMS Strategic Goal 1, Objective 1.2: Ensure that court employees and the public have an environment where they can feel safe and secure within judicial facilities.

The following statistics show how the workload growth from prisoners received and prisoners produced occurred after Operation Gatekeeper. From 1996 to 2006, the USMS allocated 258 of 635 (41 percent) additional positions to Southwest Border districts, where the workload has more than doubled. The five Southwest Border districts, 5 percent of the USMS district total, handle a large percentage of the total USMS prisoner workload. Combined, these five districts received 71,338 prisoners and produced 272,446 prisoners in FY 2006. This is 37 percent of all prisoners received and 36 percent of all prisoners produced agency-wide.

**Prisoners Received  
(excluding DC Superior Court)**

	SWB Total	USMS Total	Percent SWB
1996	24,750	116,549	21%
1997	29,432	125,025	24%
1998	37,849	139,300	27%
1999	41,951	146,795	29%
2000	45,065	155,179	29%
2001	46,161	157,117	29%
2002	47,735	161,601	30%
2003	50,869	169,957	30%
2004	64,112	184,038	35%
2005	62,580	186,475	34%
2006	71,338	192,030	37%

**Prisoner Productions  
(excluding DC Superior Court)**

	SWB Total	USMS Total	Percent SWB
1996	91,384	407,287	22%
1997	119,830	447,206	27%
1998	153,416	507,411	30%
1999	182,330	543,199	34%
2000	196,579	576,488	34%
2001	195,871	581,526	34%
2002	201,628	604,754	33%
2003	224,064	662,803	34%
2004	265,935	730,509	36%
2005	264,600	758,243	35%
2006	272,446	762,874	36%

**Funding**

Base Funding

FY 2006 Enacted				FY 2007 Estimate				FY 2008 President's Budget Current Services			
Pos	Agt	FTE	(\$000)	Pos	Agt	FTE	(\$000)	Pos	Agt	FTE	(\$000)
615	501	615	\$51,260	627	510	627	\$52,625	627	510	627	\$53,780

Note: Base resources reflect staff, operating, and vehicle expenses of the five Southwest Border districts.

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2008 Request (\$000)
Deputy Marshal (GS-082-7)	\$166	40	\$6,648
Administrative (GS-XXX-9)	59	13	768
Total Personnel		53	\$7,416

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2008 Request (\$000)
Electronic Security Equipment	...	...	\$46
Total Non-Personnel			46



Total Request for this Item

	Pos	Agt	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)
Current Services	627	510	627	\$50,602	\$3,178	\$53,780
Increases	53	40	26	7,416	46	7,462
Grand Total	684	555	656	\$58,827	\$4,948	\$63,775

**c. Results of Program Assessment Rating Tool (PART) Reviews**

The resources for the Prisoner Security and Transportation program were reviewed as part of the Protection of the Judicial Process decision unit (in the prior three decision unit structure) in 2003. Status updates to the PART recommendations are covered in the Judicial and Courthouse Security decision unit.

## D. Protection of Witnesses

<b>Protection of Witnesses – TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount (\$000)</b>
2006 Enacted w/ Rescissions and Supplementals	213	213	\$25,195
2007 Estimate	213	213	27,612
Adjustments to Base and Technical Adjustments	(16)	(16)	2,153
2008 Current Services	197	197	29,765
2008 Program Increases	...	...	85
2008 Request	197	197	29,850
<b>Total Change 2007-2008</b>	<b>(16)</b>	<b>(16)</b>	<b>2,238</b>

### 1. Program Description

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

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

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

Since its inception, the USMS has protected, relocated, and given new identities to more than 7,500 witnesses and over 9,500 family members. The successful operation of this program is widely recognized as providing a unique and valuable tool in the government's war against major criminal conspirators and organized crime. Since the program's inception, the government has obtained an overall conviction rate of 89 percent as a result of protected witnesses' testimonies.

In both criminal and civil matters involving protected witnesses, the USMS fully cooperates with local law enforcement and court authorities in bringing witnesses to justice or in having them fulfill their legal responsibilities. A recidivism study in 2004 found that less than 12.7 percent of protected witnesses with criminal histories are arrested and charged after joining the program which was significantly lower than the national average of 67.5 percent.

No program participant who follows security guidelines has ever been harmed by the people or organizations they testified against while under the protection of the Marshals Service.

**PERFORMANCE AND RESOURCES TABLE**

**Decision Unit: Protection of Witnesses**

**DOJ Strategic Goal/Objective: IV: Ensure the Fair and Efficient Operation of the Federal Justice System. 4.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.**

<b>WORKLOAD/ RESOURCES</b>		<b>Final Target</b>		<b>Actual</b>		<b>Estimate</b>		<b>Changes</b>		<b>Requested (Total)</b>	
		<b>FY 2006</b>		<b>FY 2006</b>		<b>FY 2007</b>		<b>Current Services Adjustments and FY 2008 Program Changes</b>		<b>FY 2008 Request</b>	
1. New witnesses received		197		110		150		20		170	
2. Total witness security program participants		17,856		17,614		17,840		240		18,080	
<b>Total Costs and FTE</b> (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
		213	\$25,195 [\$25,431]	213	\$25,195 [\$25,431]	213	\$27,612 [\$1,621]	(16)		197	\$29,850 [\$1,621]
<b>TYPE/ STRATEGIC OBJECTIVE</b>	<b>PERFORMANCE</b>	<b>FY 2006</b>		<b>FY 2006</b>		<b>FY 2007</b>		<b>Current Services Adjustments and FY 2008 Program Changes</b>		<b>FY 2008 Request</b>	
		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
<b>Program Activity</b>	<b>1. Witness Security</b>	213	\$25,195 [\$25,431]	213	\$25,195 [\$25,431]			(16)	\$0 \$0	197	\$29,850 [\$1,621]
Performance Measure	1. Number of protected witness productions	1,000		1,369		1,600		200		1,800	
<b>OUTCOME</b>	2. Assaults against funded protected federal witnesses.	0		0		0		0		0	

PERFORMANCE MEASURE TABLE											
Decision Unit: Protection of Witnesses											
Performance Report and Performance Plan Targets		FY 2000	FY 2001	FY 2002	FY 2003	FY2004	FY 2005	FY 2006		FY 2007	FY 2008
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Performance Measure</b>	1. Number of protected witness productions	N/A	N/A	N/A	N/A	N/A	1,369	1,000	1,369	1,600	1,800
<b>OUTCOME Measure</b>	2. Assaults against funded protected federal witnesses.	0	0	0	0	0	0	0	0	0	0

N/A = Data unavailable

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

Workload:

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

Performance Measures:

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

Outcome:

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

**B. Factors Affecting FY 2006 Program Performance.**

An increase of new witnesses was anticipated due to the Program being made available to selected local jurisdictions. However, the actual numbers have not approached the projected target. This trend could change and Office of Enforcement Operations (OEO) in DOJ's Criminal Division has extended the availability of the Program to more local jurisdiction in the past few months. On a general note, we do not control new case authorizations. It is OEO that authorizes new cases. Likewise, productions are also difficult to predict. Production activity by nature is responsive to requests of prosecutors and requires approval of OEO.

In FY 2006, Congress appropriated 1 new inspector which will further increase the security offered to program participants.

**C. Factors Affecting FY 2007 and FY 2008 Plans.**

To more accurately reflect current trends, FY07 and FY08 targets for Number of Protected Witness Productions have been adjusted based on FY06 actual data.

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

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

The Protection of Witnesses decision unit supports the Department's Strategic Goal IV: Ensure the Fair and Efficient Operation of the Federal Justice System. Within this goal, the resources specifically address DOJ Strategic Objective: 4.1 – Protect judges, witnesses, and other participants in federal proceedings and ensure the appearance of criminal defendants for judicial proceedings or confinement.

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

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

As illustrated in the preceding Performance and Resources Table, the performance outcome measure for this decision unit is the number of assaults against funded protected federal witnesses. The number of assaults against protected federal witnesses reflects the number of attacks on witnesses authorized for program participation that are receiving subsistence and housing expenses. For FY 2006, the USMS met the target of zero assaults.

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

As the number of participants increases, the USMS workload for the Witness Security Program's inspectors and administrative staff will increase. These employees will take on greater workload to ensure that program participants are not assaulted.

#### **c. Results of Program Assessment Rating Tool (PART) Reviews**

The resources for the Protection of Witnesses program were reviewed as part of the Protection of the Judicial Process decision unit (in the prior three decision unit structure) in 2003. Status updates to the PART recommendations are covered in the Judicial and Courthouse Security decision unit.

## E. Operations Support

<b>Operations Support - Total</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount (\$000)</b>
2006 Enacted w/Rescissions & Supplementals	212	205	\$29,510
2007 Estimate	214	206	30,589
Adjustments to Base and Technical Adjustments	(16)	(15)	2,084
2008 Current Services	198	191	32,673
2008 Program Increases	...	...	96
2008 Offsets	...	...	...
2008 Request	198	191	32,769
<b>Total Change 2007-2008</b>	<b>(16)</b>	<b>(15)</b>	<b>\$2,180</b>

### 1. Program Description

The **Operations Support** decision unit is comprised of four major areas: the Special Operations Group; the Office of Emergency Management, including the Emergency Operations and Communications Center; the Office of Inspections; and District Affairs.

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

Created in 1971, the SOG is a specially trained and equipped tactical unit deployed in high-risk/sensitive law enforcement situations, national emergencies, civil disorders, and natural disasters. The Special Operations Group Tactical Center (SOGTC) is located at Camp Beauregard in Pineville, Louisiana. In addition to the full-time operational and administrative personnel at SOGTC, there are 80 to 100 Deputy Marshals who perform SOG duties on a collateral-duty basis. When a SOG mission is declared, both full-time and collateral-duty Deputy Marshals are deployed in teams. Each team consists of precision marksmen, breachers, tactical drivers, scuba-trained personnel, entry personnel, and personnel trained in less lethal techniques and equipment. The SOGTC also trains federal, state, local, and foreign law enforcement personnel on a space-available basis.

#### **Office of Emergency Management**

The Office of Emergency Management (OEM) has oversight for numerous emergency management programs including: the Explosive Canine Detection Program, USMS National Emergency and Regional Response Plan, USMS Security Program (including Headquarters Security); and Continuity of Government (COG)/ Continuity of Operations (COOP) Programs. Additional security support is provided by OEM to the Centers for Disease Control on a cost reimbursable basis.

Operational missions are coordinated through the USMS Communications Center and the Emergency Operations Center. The Communications Center operates 24 hours-a-day, 7 days-a-week to ensure inter-agency and intra-agency flow of communication. The Center provides informational assistance to Deputy Marshals in the field who are tracking fugitives, developing leads, and confirming warrants. The Center is also a focal point for all incoming and outgoing classified information relevant to the USMS. All significant incidents such as: shootings in the



line of duty, employee injury or death, assaults/attempted assaults of a USMS protectee, deaths of prisoners in USMS custody, escapes of federal prisoners, major arrests, and district emergencies, are reported to the Communications Center. The Communications Center then notifies the appropriate personnel and districts and ensures that the proper action is taken.

The Emergency Operations Center (EOC) is activated and used during emergency incidents involving a coordinated agency-wide response. This includes responses under the Federal Government's National Response Plan. In the fall of 2005, the EOC was activated for 2 months to coordinate the deployment of approximately 600 USMS personnel to assist in the response to Hurricanes Katrina and Rita along the Gulf Coast. The EOC is a critical element to ensure coordination and oversight of USMS deployments to emergencies, particularly when there are other government agencies involved.

OEM ensures that the USMS has a viable Continuity of Operations (COOP) plan in place as directed in Presidential Directive, Executive Order, and Federal Preparedness Circular (FPC) 65. OEM works closely with other federal agencies to ensure that a comprehensive program is in place and provides necessary direction to: continue essential functions, reduce operational disruptions, identifies USMS personnel to perform emergency functions, plans for the protection of employees, and designates leadership lines of succession.

### **Office of Inspections**

The USMS Office of Inspections is comprised of Internal Investigations and the Audit Office. This organization is structured to conduct internal reviews of agency programs and processes for compliance with established laws, Departmental policies and procedures, and USMS directives. The structure also enhances the agency's response to DOJ and external audits because there is one central point of contact to respond to requests for information.

The Office of Inspections conducts periodic program or district compliance inspections to ensure conformity with applicable laws, regulations, policies, and procedures while identifying weaknesses in financial or administrative internal controls. Approximately 6 districts or program areas are reviewed each fiscal year.

The Office also ensures that complaints or allegations involving mismanagement, misconduct, or illegal acts are investigated. Moreover, the Office identifies programs that are "exemplary" and promotes their recognition and replication.

### **District Affairs**

Headquarters may provide supplemental staffing to support extraordinary events by drawing upon available resources from all USMS districts. These events are typically high-threat trials and protective details. A Deputy Marshal may be required to work an approved assignment, either within or outside his or her official duty station. Employees are selected within each district and approved assignments are staffed and equipped to minimize significant disruption to normal district activities.

**PERFORMANCE AND RESOURCES TABLE**

**Decision Unit: Operations Support**

**DOJ Strategic Goal/Objective: IV: Ensure the Fair and Efficient Operation of the Federal Justice System. 4.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.**

		Target		Actual		Estimate		Changes		Requested (Total)	
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2006		FY 2006		FY 2007		Current Services Adjustments and FY 2008 Program Changes		FY 2008 Request	
Program Activity	1. Special Operations and Assignments	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		245	\$29,510	245	\$29,510	240	\$30,589	(15)	\$2,180	225	\$32,769
			[\$13,575]		[\$13,575]		[\$8,806]		...		[\$8,806]
<b>Performance Measure</b>	1. Number of high threat and emergency situations supported through special operations and assignments	45		46		50		5		55	
<b>Performance Measure</b>	2. Percentage of deployments of special operations/assignments staff or resources before a planned event or within 48 hours of an unforeseen emergency.	100%		100%		100%		...		100%	

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

### Performance Measures:

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

## **B. Factors Affecting FY 2006 Program Performance.**

Sixteen SOG deputies are performing 6-month temporary duty rotations in Baghdad, Iraq assisting with and providing training for judicial and witness security. Although these assignments enhance the USMS response to a high-threat foreign location, they deplete the available specially-trained deputies for domestic emergency response.

## **C. Factors Affecting Selection of FY 2007 and FY 2008 Plans.**

The increase in high-threat trials involving gang members and terrorists will require additional SOG deployments so that districts have enough staff to provide security. Training SOG Deputy Marshals is critical because they do not work together on a day-to-day basis. For example, during the Moussaoui trial in Alexandria, Virginia, SOG Deputy Marshals were deployed from their home districts to the Eastern District of Virginia. They spent weeks working together providing sniper coverage, motorcade support, prisoner security, and courtroom security. These SOG Deputies came from California, Texas, Ohio, Oklahoma, and other states. Only during their scheduled sustainment training at SOGTC do these Deputy Marshals come together to train and work together as a unit. If the USMS does not obtain sufficient training and equipment resources, then SOG's mission readiness may be compromised.

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

**PERFORMANCE MEASURE TABLE**

**Decision Unit: Operations Support**

Performance Report and Performance Plan Targets		FY 2000	FY 2001	FY 2002	FY 2003	FY2004	FY 2005	FY 2006		FY 2007	FY 2008
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Performance Measure</b>	1. Number of high threat and emergency situations supported through special operations and assignments	N/A	N/A	N/A	N/A	N/A	38	45	46	50	55
<b>Performance Measure</b>	2. Percentage of deployments of special operations/assignments staff or resources before a planned event or within 48 hours of an unforeseen emergency.	N/A	N/A	N/A	N/A	N/A	100%	100%	100%	100%	100%

N/A = Data unavailable

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

The Operations Support decision unit supports the Department's Strategic Goal IV: Ensure the Fair and Efficient Operation of the Federal Justice System. Within this Goal, the decision unit's resources specifically address one of the Department's Strategic Objectives: 4.1- "Protect judges, witnesses, and other participants in Federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement."

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

The USMS strives to provide effective assistance to all levels of government during emergencies and disasters and at times of heightened law enforcement requirements. The USMS is able to deploy its Deputy Marshal workforce to any national emergency designed by the Attorney General.

The USMS also successfully protected the Strategic National Stockpile (SNS),<sup>9</sup> continued to advance the USMS ability to respond to an emergency by instituting the Continuity of Operations (COOP)/Continuation of Government (COG) programs,<sup>10</sup> and participated in several national interagency training exercises.<sup>11</sup> The USMS reviews programs and procedures to ensure that missions are accomplished according to governing laws and DOJ policies, and coordinates external reviews for the same purpose.

Government authority and continuity of operation of the federal justice system must be maintained during emergencies. Professionalism of the USMS will increase through standardization of operations support, improved operational data management, and reduction of audit findings. Cost effectiveness will also be improved in overall program area.

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

The USMS will attempt to increase and improve the capability to deploy personnel and equipment in support of extraordinary district requirements, ensuring adequate resources are provided to maintain the integrity of the judicial process in a timely manner by deploying resources in response to requests before any planned event or within 48 hours of an unforeseen emergency.

The USMS will attempt to: improve its capability to deploy personnel and equipment in response

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<sup>9</sup> The USMS completed its third year and continued to fulfill all its obligations under the Memorandum of Agreement with the Department of Health and Human Services (HHS) and the Centers for Disease Control and Prevention (CDC).

<sup>10</sup> The COOP program is designed to ensure the continuation of USMS missions when an emergency affects the Headquarters building. The COG program is designed to maintain the government of the United States during a national emergency.

<sup>11</sup> These exercises included the Congressionally-mandated Top Officials exercise in April 2005, Operation Pinnacle in June 2005, and the Title Globe exercise series.

to terrorist acts, natural disasters, and other external missions directed by the Attorney General; maintain small and large aircraft readiness for efficient movement of people and equipment; and coordinate efforts and increase communication lines between the Strategic National Stockpile Security Operations Unit and the Centers for Disease Control and Prevention to insure adequate dissemination of intelligence information to thwart terrorist activities.

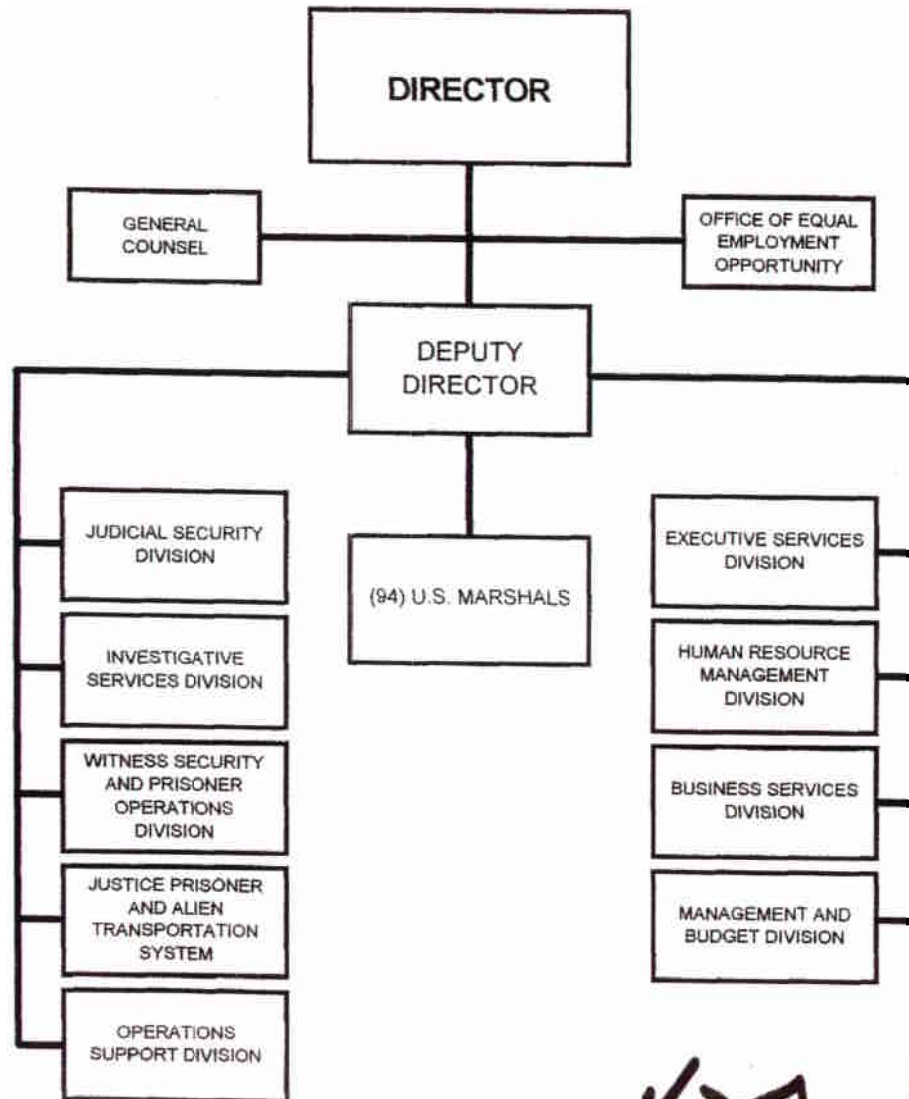
The USMS will ensure compliance with laws and regulations and assure effective internal controls are in place to prevent fraud, waste, abuse, and mismanagement by implementing an annual Headquarters and district "Self-Assessment Guide" covering all areas of performance and internal controls, whereby managers sign and submit a "Certificate of Compliance" and "Corrective Action Plans" (including weakness identified and target dates for completion) to the Office of Inspection within 60 days of receipt. A target total of 6 district performance reviews and program performance and internal control reviews will be conducted each year, with reports issued within 60 calendar days of a site visit. Quarterly reports will be provided to the Director and Deputy Director no later than 30 calendar days following the end of each quarter on major areas of concern, significant progress and plans, and specific actions taken to correct and prevent repeat problems.

#### **c. Results of Program Assessment Rating Tool (PART) Reviews**

The resources for Operations Support were reviewed as part of the Protection of the Judicial Process decision unit (in the prior three decision unit structure) in 2003. Status updates to the PART recommendations are covered in the Judicial and Courthouse Security decision unit.

A: Organizational Chart

# UNITED STATES MARSHALS SERVICE



Approved by

*[Signature]*  
ALBERTO RAMIREZ  
Attorney General

Date

9-29-05

Exhibit A - Organizational Chart

**B: Summary of Requirements**

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

	FY 2008 Pres. Budget		
	Perm. Pos.	FTE	Amount
<b>2006 Enacted (with Rescissions, direct only)</b>	4,625	4,499	\$791,672
2006 Supplementals			10,000
<b>Total 2006 Enacted (with Rescissions and Supplementals)</b>	4,625	4,499	801,672
2007 President's Budget (Information Only)	4,704	4,586	825,924
2007 Continuing Resolution Level (as reflected in the 2008 President's Budget; Information Only)	4,704	4,586	779,759
<b>2007 Estimate (direct only)*</b>	4,704	4,586	832,574
<b>2007 Estimate (with Rescissions)</b>	4,704	4,586	832,574
Adjustments to Base			
Increases:			
2008 pay raise (3.0%)			10,823
2007 pay raise annualization (2.2%)			4,014
Annualization of 2007 positions (FTE)		33	....
Annualization of 2007 positions (dollars)			3,694
Annualization of 2006 positions (dollars)			2,520
Change in Compensable Days			3,766
Retirement			1,264
Federal Health Insurance Premiums			1,330
Employees Compensation Fund			607
GSA Rent			23,020
DHS Security Charges			329
Security Investigations			9
ICASS			67
Capital Security Cost Sharing			259
Gov't Leased Quarters (GLQ)			66
Living Quarters Allowance			66
Subtotal Increases	....	33	51,834
Decreases:			
Unfunded Position and FTE Reduction	(358)	(358)	....
Lease Expirations			(183)
Post Allowance - COLA			(28)
Residential Guard Services (RGS)			(39)
Nonrecr of Prior Year Increases			(10,000)
Subtotal Decreases	(358)	(358)	(10,250)
Total Adjustments to Base	(358)	(325)	41,584
Total Adjustments to Base and Technical Adjustments	(358)	(325)	41,584
<b>2008 Current Services</b>	<b>4,346</b>	<b>4,261</b>	<b>874,158</b>
Program Changes			
Increases:			
Judicial Threat Intelligence and Investigations	16	8	5,257
High Threat Trial Security	17	9	5,153
Adam Walsh Child Protection & Safety Act Enforcement	54	27	7,845
Southwest Border Enforcement	53	26	7,462
Total Program Changes	140	70	25,717
<b>2008 Total Request</b>	<b>4,486</b>	<b>4,331</b>	<b>899,875</b>
2007 - 2008 Total Change	(218)	(255)	67,301

\* The Department of Justice 2008 budget request was built on a starting point that recognized progress in enacting the FY 2007 appropriation. The starting point used (referred to throughout this document as the "Estimate") is the average of the Senate Committee and House passed marks, less one percent, unless noted otherwise.



**B: Summary of Requirements**

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

Estimates by budget activity	2006 Enacted w/Rescissions and Supplementals			2007 Estimate			2008 Adjustments to Base and Technical Adjustments			2008 Current Services			2008 Increases			2008 Offsets			2008 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Judicial and Courthouse Security	1,828	1,790	\$324,434	1,890	1,841	\$352,384	(144)	(120)	\$12,361	1,746	1,721	364,745	57	29	\$12,167	....	....	....	1,803	1,750	\$376,912
Fugitive Apprehension	1,414	1,365	241,900	1,423	1,397	259,370	(109)	(104)	15,542	1,314	1,293	274,912	54	27	8,663	....	....	....	1,368	1,320	283,575
Prisoner Security and Transportation	958	926	180,633	964	929	162,619	(73)	(70)	9,444	891	859	172,063	29	14	4,706	....	....	....	920	873	176,769
Protection of Witnesses	213	213	25,195	213	213	27,612	(16)	(16)	2,153	197	197	29,765	....	....	85	....	....	....	197	197	29,850
Operations Support	212	205	29,510	214	206	30,589	(16)	(15)	2,084	198	191	32,673	....	....	96	....	....	....	198	191	32,769
<b>Total</b>	<b>4,625</b>	<b>4,499</b>	<b>801,672</b>	<b>4,704</b>	<b>4,586</b>	<b>832,574</b>	<b>(358)</b>	<b>(325)</b>	<b>41,584</b>	<b>4,346</b>	<b>4,261</b>	<b>874,158</b>	<b>140</b>	<b>70</b>	<b>25,717</b>	<b>....</b>	<b>....</b>	<b>....</b>	<b>4,486</b>	<b>4,331</b>	<b>899,875</b>
Reimbursable FTE		274			279			(6)			273										273
Total FTE		4,773			4,865			(331)			4,534			70		....					4,604
Other FTE:																					
LEAP		512			595			....			595			14		....					612
Overtime		207			207			....			207			10		....					217
Total Comp. FTE		5,492			5,667			(331)			5,336			94		....					5,433

C: Program Increases/Offsets By Decision Unit

**FY 2008 Program Increases/Offsets By Decision Unit**  
 United States Marshals Service  
 (Dollars in Thousands)

Program Increases	Location of Description by Decision Unit	Judicial and Courthouse Security				Fugitive Apprehension				Prisoner Security and Transportation				Protection of Witnesses				Operations Support				Total Increases
		Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount	
Judicial Threat Intelligence and Investigations	Jud. & Courthouse Sec.	16	15	8	3,647	....	....	....	818	....	....	....	611	....	....	....	85	....	....	....	96	5,257
High Threat Trial Security	Jud. & Courthouse Sec.	17	15	9	5,153	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	5,153
Adam Walsh Child Protection and Safety Act	Fugitive Apprehension	....	....	....	....	54	43	27	7,845	....	....	....	....	....	....	....	....	....	....	....	....	7,845
Southwest Border Enforcement	Prisoner Security & Transportation	24	18	12	3,367	....	....	....	....	29	22	14	4,095	....	....	....	....	....	....	....	....	7,462
<b>Total Program Increases</b>		<b>57</b>	<b>48</b>	<b>29</b>	<b>\$12,167</b>	<b>54</b>	<b>43</b>	<b>27</b>	<b>\$8,663</b>	<b>29</b>	<b>22</b>	<b>14</b>	<b>\$4,706</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$85</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$96</b>	<b>\$25,717</b>
Program Offsets	Location of Description by Decision Unit	Judicial and Courthouse Security				Fugitive Apprehension				Prisoner Security and Transportation				Protection of Witnesses				Operations Support				Total Offsets
		Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount	
<b>Total Offsets</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$0</b>

D: Resources by DOJ Strategic Goal and Strategic Objective

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

Strategic Goal and Strategic Objective	2006 Enacted w/Rescissions and Supplementals		2007 Estimate		2008 Current Services		2008				2008 Request	
	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Increases		Offsets		Direct, Reimb. Other FTE	Direct Amount \$000s
							Direct FTE	Amount \$000s	Direct FTE	Amount \$000s		
<b>Goal 1: Prevent Terrorism and Promote the Nation's Security</b>												
1.1: Prevent, disrupt, and defeat terrorist operations before they occur	30	\$ 3,968	43	\$ 5,642	43	\$ 5,765	-	-	-	\$ -	43	\$ 5,765
<b>Subtotal, Goal 1</b>	<b>30</b>	<b>3,968</b>	<b>43</b>	<b>5,642</b>	<b>43</b>	<b>5,765</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>\$ -</b>	<b>43</b>	<b>5,765</b>
<b>Goal 4: Ensure the Fair and Efficient Operation of the Federal Justice System</b>												
4.1: Protect judges, witnesses and other participants in federal proceedings	3,198	555,804	3,240	568,356	3,013	594,276	43	17,054	-	-	3,069	611,330
4.2: Apprehension of Fugitives	1,545	241,900	1,582	258,576	1,478	274,117	27	8,663	-	-	1,505	282,780
<b>Subtotal, Goal 4</b>	<b>4,743</b>	<b>797,704</b>	<b>4,822</b>	<b>826,932</b>	<b>4,491</b>	<b>868,393</b>	<b>70</b>	<b>25,717</b>	<b>-</b>	<b>\$ -</b>	<b>4,561</b>	<b>894,110</b>
<b>GRAND TOTAL</b>	<b>4,773</b>	<b>\$ 801,672</b>	<b>4,865</b>	<b>\$ 832,574</b>	<b>4,534</b>	<b>\$ 874,158</b>	<b>70</b>	<b>\$ 25,717</b>	<b>-</b>	<b>\$ -</b>	<b>4,604</b>	<b>\$ 899,875</b>

## E. Justification for Base Adjustments

### Justification for Base Adjustments United States Marshals Service

#### Increases

2008 pay raise. This request provides for a proposed 3.0 percent pay raise to be effective in January of 2008. (This percentage is likely to change as the budget formulation process progresses.) This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$0,823,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$8,944,000 for pay and \$1,879,000 for benefits).

Annualization of 2007 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2007 pay increase of 2.2 percent. The amount requested \$4,014,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$2,248,000 for pay and \$1,766,000 for benefits).

in the 2007 President's budget. Annualization of new positions extends to 3 years to provide for entry level funding in the first year with a 2-year progression to the journeyman level. For 2006 increases, this request includes an increase of \$2,520,000 for full-year payroll costs associated with these additional positions. For 2007, this request includes a decrease of \$1,741,000 for one-time items associated with the increased positions, and an increase of \$,435,000 for full-year costs associated with these additional positions, for a net increase of \$3,694,000.

	2006 Increases (\$000)	Annualization Required for 2008 (\$000)	2007 Increases (\$000)	Annualization Required for 2008 (\$000)
Annual salary rate of <u>66</u> new positions	4,904	1,145	4,052	2,852
Less lapse (50 %)	(2,452)	...	(2,026)	...
Net Compensation	2,452	1,145	2,026	2,852
Associated employee benefits	1,095	736	688	841
Other Compensation	374	639	...	301
Travel	1,228	...	81	778
GSA Rent	...	...	...	489
Communications/Utilities	210	...	190	164
Printing/Reproduction	...	...	9	10
Other Contractual Services:				
25.2 Other Services	3,708	...	8,378	(463)
Supplies and Materials	788	...	216	(4)
Equipment	6,015	...	1,467	(710)
Buildout	621	...	564	(564)
<b>TOTAL COSTS SUBJECT TO ANNUALIZATION</b>	<b>16,491</b>	<b>2,520</b>	<b>13,619</b>	<b>3,694</b>

Changes in Compensable Days The increased costs of two more compensable days in FY 2008 compared to FY 2007 is calculated by dividing the FY 2007 estimated personnel compensation \$375,160,000 and applicable benefits \$114,504,000 by 260 compensable days. The total increase for changes in compensable days is \$,767,000.

Retirement Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on OPM government-wide estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 3 percent per y

Health Insurance Effective January 2006, this component's contribution to Federal employees' health insurance premiums increased by 5.13 percent. Applied against the 2007 estimate of \$25,904,000, the additional amount required is \$1,330,000.

Employees Compensation Fund The \$607,000 increase reflects payments to the Department of Labor for injury benefits paid on our behalf in the past year under the Federal Employee Compensation Act. This estimate is based on the first quarter of prior year billing and current year estimates.

General Services Administration (GSA) Rent GSA will continue to charge rental rates that approximate those charged to commercial tenants for equivalent space and related services. The requested increase of \$23,020,000 is required to meet our commitment to GSA.

DHS Security Charges The Department of Homeland Security (DHS) will continue to charge Basic Security and Building Specific Security. The requested increase of \$29,000 is required to meet our commitment to DHS, and cost estimates were developed by DHS.

Security Investigations The \$9,000 increase reflects payments to the Office of Personnel Management for security reinvestigations of employees requiring security clearances.

International Cooperative Administrative Support Services (ICASS) Under the ICASS, an annual charge is made by the Department of State for administrative support based on the overseas staff of each federal agency. This request of \$67,000 is based on the initial billing for post invoices and other ICASS costs.

Overseas Capital Security Cost Sharing The Department of State (DOS) has embarked on a 14-year, \$17.5 billion embassy construction program financed through a Capital Security Cost Sharing (CSCS) Program in which each agency contributes funding based on the number of positions that are authorized for overseas personnel. DOS and the Office of Management and Budget (OMB) established per capita charges, by position type (CAA, non-CAA, etc.), which reflect the costs of construction of the various types of space. The per capita charge is fixed and is being phased in over a five-year period, from FY 2005 (20%) to FY 2009 (100%). The USMS currently has 10 positions overseas and funding of \$259,000 is requested for this account.

Living Quarter Allowance The living quarters allowance (LQA) is an allowance granted an employee for the annual cost of adequate living quarters for the employee and the employee's family at a foreign post. The rates are designed to cover the average costs of rent, heat, light, fuel, gas, electricity, water, local taxes, and insurance paid by the employee. Employees who receive GLQ do not receive LQA and vice versa. \$66,000 reflects the change in cost to support existing staffing levels.

Education Allowance. For employees stationed abroad, components are obligated to meet the educational expenses incurred by an employee in providing adequate elementary (grades K-8) and secondary (grades 9-12) education for dependent children at post. \$66,000 reflects the change in cost to support existing staffing levels.

#### Decreases

Reduction of Prior Year Increases. Reduction of program enhancements, \$10,000,000 that may have been included in a FY 2007 House/Senate Conference Mark.

Moves (Lease Expirations). GSA requires all agencies to pay relocation costs associated with lease expirations. This request provides for the costs associated with new office relocations caused by the expiration of leases in FY 2008. Funding of (\$183,000) is required for this account.

Residential Guard Service (RGS). (\$39,000) is the change in cost to support existing staffing levels for a Department of State's (DOS) Residential Guard Services, which is provided for security of employee housing complexes.

Post Allowance - Cost of Living Allowance (COLA) For employees stationed abroad, components are obligated to pay for their COLA. COLA is intended to reimburse certain excess costs and to compensate the employee for serving at a post where the cost of living, excluding the cost of quarters and the cost of education for eligible family members, is substantially higher than in the Washington, D.C. area. (\$28,000) reflects the decrease in cost to support existing staffing levels.

Unfunded Position and FTE Reduction. Over the past several years, the Department has been unable to fund positions and FTE at the authorized levels because of enacted rescissions, pay raise absorptions, and other mandatory cost increases. The Department is eliminating these unfunded positions and FTE in FY 2008, including 358 positions and 358 FTE for the USMS.

ATB's must be recalculated following final FY 2007 action.

**F: Crosswalk of 2006 Availability**

**Crosswalk of 2006 Availability**

United States Marshals Service

Salaries and Expenses

(Dollars in Thousands)

Decision Unit	FY 2006 Enacted Without Rescissions			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2006 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Judicial & Courthouse Security	1,828	1,790	319,515	....	....	(4,081)	....	....	9,000	....	....	(576)	....	....	49,691	1,828	1,790	373,549
Fugitive Apprehension	1,414	1,365	245,028	....	....	(3,128)	....	....	....	....	....	536	....	....	....	1,414	1,365	242,436
Prisoner Security & Transportation	958	926	182,973	....	....	(2,340)	....	....	....	....	....	(293)	....	....	19,324	958	926	199,664
Protection of Witnesses	213	213	25,519	....	....	(324)	....	....	....	....	....	(64)	....	....	....	213	213	25,131
Operations Support	212	205	28,879	....	....	(369)	....	....	1,000	....	....	(64)	....	....	....	212	205	29,446
<b>TOTAL</b>	<b>4,625</b>	<b>4,499</b>	<b>\$801,914</b>	<b>....</b>	<b>....</b>	<b>(\$10,242)</b>	<b>....</b>	<b>....</b>	<b>\$10,000</b>	<b>....</b>	<b>....</b>	<b>(\$461)</b>	<b>....</b>	<b>....</b>	<b>\$69,015</b>	<b>4,625</b>	<b>4,499</b>	<b>\$870,226</b>
Reimbursable FTE		274																274
Total FTE		4,773			....			....			....			....				4,773
Other FTE																		
LEAP		512																512
Overtime		207																207
Total Compensable FTE		5,492			....			....			....			....				5,492

## G: Crosswalk of 2007 Availability

### Crosswalk of 2007 Availability

United States Marshals Service

Salaries and Expenses

(Dollars in Thousands)

Decision Unit	2007 Estimate			Rescissions			Reprogrammings / Transfers			Unobligated Balances Carried Forward /Recoveries			2007 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Judicial & Courthouse Security	1,890	1,841	352,384	....	....	....	....	....	....	....	....	33,512	1,890	1,841	385,896
Fugitive Apprehension	1,423	1,397	259,370	....	....	....	....	....	....	....	....	....	1,423	1,397	259,370
Prisoner Security & Transportation	964	929	162,619	....	....	....	....	....	....	....	....	13,033	964	929	175,652
Protection of Witnesses	213	213	27,612	....	....	....	....	....	....	....	....	....	213	213	27,612
Operations Support	214	206	30,589	....	....	....	....	....	....	....	....	....	214	206	30,589
<b>TOTAL</b>	<b>4,704</b>	<b>4,586</b>	<b>832,574</b>	<b>....</b>	<b>....</b>	<b>\$0</b>	<b>....</b>	<b>....</b>	<b>\$0</b>	<b>....</b>	<b>....</b>	<b>\$46,545</b>	<b>4,704</b>	<b>4,586</b>	<b>879,119</b>
Reimbursable FTE		279												279	
Total FTE		4,865			....			....			....			4,865	
Other FTE															
LEAP		595												595	
Overtime		207												207	
Total Compensable FTE		5,667			....			....			....			5,667	

Unobligated Balances. Funds were carried over from FY 2006 in the amount of \$32,304,101 from the 0324 account and \$14,240,913 from the 0133 account.



## H: Summary of Reimbursable Resources

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

Collections by Source	2006 Enacted			2007 Planned			2008 Request			Increase/Decrease		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Administrative Office of the U.S. Courts	47	47	1,928	47	47	1,675	47	47	1,675	....	....	....
Assets Forfeiture Fund	137	137	19,272	137	137	19,100	137	137	19,100	....	....	....
Department of Health and Human Services, Center for Disease Control	34	34	6,568	34	34	6,800	34	34	6,800	....	....	....
Department of State	....	....	636	....	....	339	....	....	339	....	....	....
Department of the Air Force	6	6	325	6	6	....	....	....	....	(6)	(6)	....
DOJ - Office of Justice Programs	....	....	600	....	....	....	....	....	....	....	....	....
DOJ - Wireless Management Office	....	....	3,403	....	....	2,900	....	....	2,900	....	....	....
DOJ - Criminal Division	....	....	436	....	....	1,500	....	....	1,500	....	....	....
Federal Emergency Management Administration (FEMA)	....	....	2,100	....	....	....	....	....	....	....	....	....
Federal Law Enforcement Training Center	....	....	16	....	....	50	....	....	50	....	....	....
OCDETF	41	36	6,507	41	41	6,932	41	41	8,458	....	....	1,526
OFDT - Housing and Medical Care	....	....	1,096,000	....	....	1,096,000	....	....	1,385,003	....	....	289,003
OFDT - Prisoner Movement in Support of JPATS	....	....	....	....	....	3,610	....	....	3,610	....	....	....
OFDT - Miscellaneous	....	....	3,781	....	....	3,778	....	....	3,778	....	....	....
ONDCP	7	7	1,533	7	7	1,533	7	7	1,533	....	....	....
Regime Crimes Liaison Office (RCLO) - Baghdad, Iraq	....	....	27,090	....	....	....	....	....	....	....	....	....
Service of Process	7	7	2,665	7	7	2,525	7	7	2,525	....	....	....
Various Federal Sources	....	....	6,876	....	....	2,350	....	....	2,350	....	....	....
Justice Prisoner and Alien Transportation System Revolving Fund	....	....	782	....	....	800	....	....	800	....	....	....
<b>Budgetary Resources:</b>	<b>279</b>	<b>274</b>	<b>\$1,180,518</b>	<b>279</b>	<b>279</b>	<b>\$1,149,892</b>	<b>273</b>	<b>273</b>	<b>\$1,440,421</b>	<b>(6)</b>	<b>(6)</b>	<b>\$290,529</b>

### Justification of Increase/Decrease

Department of the Air Force cancelled the missile escort Reimbursable Agreement.

## I: Detail of Permanent Positions by Category

### Detail of Permanent Positions by Category United States Marshals Service Salaries and Expenses

Category	2006 Enacted w/Rescissions and Supplementals		2007 Estimate		2008 Request					
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	Adj. to Base Decreases	Total ATB	Program Increases	Total Pr. Changes	Total Authorized	Total Reimbursable
Intelligence Series (132)	17	....	20	....	(1)	(1)	....	....	19	....
Personnel Management (200-299)	45	....	45	....	(4)	(4)	....	....	41	....
Clerical and Office Services (300-399)	597	134	610	134	(45)	(45)	27	27	592	135
Accounting and Budget (500-599)	139	9	154	9	(11)	(11)	....	....	143	9
Medical, Dental & Public Health (600-699)	1	....	1	....	....	....	....	....	1	....
Engineering & Architecture (800-899)	3	1	3	1	....	....	....	....	3	1
Attorneys (905)	19	2	19	2	(1)	(1)	....	....	18	2
Information & Arts (1000-1099)	7	....	7	....	(1)	(1)	....	....	6	....
Business & Industry (1100-1199)	99	22	99	22	(10)	(10)	....	....	89	22
Equipment/Facilities Services (1600-1699)	5	....	5	....	....	....	....	....	5	....
Education Group (1700-1799)	2	....	2	....	....	....	....	....	2	....
Miscellaneous Inspectors Series (1802)	125	....	125	....	(11)	(11)	....	....	114	....
Deputy Marshals	3,413	96	3,447	96	(261)	(261)	113	113	3,299	89
General Investigative Service (1800-1899)	2	....	2	....	....	....	....	....	2	....
Supply Services (2000-2099)	1	....	1	....	....	....	....	....	1	....
Motor Vehicle Operations (5703)	7	....	7	....	(1)	(1)	....	....	6	....
Information Technology Mgmt (2210)	87	1	101	1	(7)	(7)	....	....	94	1
Miscellaneous Operations (010-099)	56	14	56	14	(5)	(5)	....	....	51	14
<b>Total</b>	<b>4,625</b>	<b>279</b>	<b>4,704</b>	<b>279</b>	<b>(358)</b>	<b>(358)</b>	<b>140</b>	<b>140</b>	<b>4,486</b>	<b>273</b>
<b>Location</b>					*	*				
Headquarters (Washington, D.C.)	511	91	541	91	(41)	(41)	....	....	500	91
U.S. Field	4,106	188	4,155	188	(317)	(317)	140	140	3,978	182
Foreign Field	8	....	8	....	....	....	....	....	8	....
<b>Total</b>	<b>4,625</b>	<b>279</b>	<b>4,704</b>	<b>279</b>	<b>(358)</b>	<b>(358)</b>	<b>140</b>	<b>140</b>	<b>4,486</b>	<b>273</b>

\* For display purposes, the split of the ATB decrease between Headquarters and Field, and by job category, is based on percentages and not actual vacancies. If enacted, the USMS will analyze staffing requirements across the agency and take the reduction accordingly.

# J: Financial Analysis of Program Changes

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

	Judicial and Courthouse Security						Fugitive Apprehension		Prisoner Security & Transportation		Protection of Witnesses		Operations Support		Program Changes	
	Judicial Threat Intelligence & Investigations		High Threat Trial Security		Southwest Border Enforcement		Adam Walsh Child Protection & Safety Act Enforcement		Judicial Threat Intelligence & Investigations		Judicial Threat Intelligence & Investigations		Judicial Threat Intelligence & Investigations		Changes	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
GS-9	1	47	2	94	6	281	11	515	....	....	7	328	....	....	27	1,265
GS-7	15	651	15	651	18	781	43	1,867	....	....	22	955	....	....	113	4,905
Total positions & annual amount	16	698	17	745	24	1,062	54	2,382	....	....	29	1,283	....	....	140	6,170
Lapse (-)	(8)	(349)	(9)	(372)	(12)	(531)	(27)	(1,191)	....	....	(15)	(641)	....	....	(70)	(3,085)
Other personnel compensation	....	....	....	200	....	....	....	....	....	....	....	....	....	....	....	200
Total FTE & personnel compensation	8	349	9	572	12	531	27	1,191	....	....	14	641	....	....	70	3,285
Personnel benefits	....	142	....	149	....	204	....	464	....	....	....	247	....	....	....	1,206
Travel and transportation of persons	....	343	....	543	....	412	....	983	....	....	....	503	....	....	....	2,785
Communication, rents, and utilities	....	41	....	44	....	64	....	143	....	....	....	78	....	....	....	371
Printing	....	....	....	....	....	1	....	1	....	....	....	1	....	....	....	3
Other services	....	1,588	....	2,641	....	625	....	1,470	....	818	....	611	....	762	....	85
Supplies and materials	....	152	....	153	....	186	....	441	....	....	....	227	....	....	....	1,159
Equipment and Structures	....	1,032	....	1,050	....	1,344	....	3,151	....	....	....	1,637	....	....	....	8,214
<b>Total, 2008 program changes requested</b>	<b>8</b>	<b>\$3,647</b>	<b>9</b>	<b>\$5,153</b>	<b>12</b>	<b>\$3,367</b>	<b>27</b>	<b>\$7,845</b>	<b>0</b>	<b>\$818</b>	<b>0</b>	<b>\$611</b>	<b>14</b>	<b>\$4,095</b>	<b>0</b>	<b>\$85</b>
															<b>0</b>	<b>\$96</b>
															<b>70</b>	<b>\$25,717</b>

## K: Summary of Requirements by Grade

### Summary of Requirements by Grade

United States Marshals Service

Salaries and Expenses

Grades and Salary Ranges	2006 Actual		2007 Estimate		2008 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Executive Level IV, \$125,700	1		1		1		....	
Senior Level	27		36		36		....	
SES, \$109,808 - \$152,000	13		13		13		....	
GS-15, \$107,521 - 139,774	137		129		129		....	
GS-14, \$91,407 - 118,828	225		240		239		(1)	
GS-13, \$77,353 - 100,554	888		896		869		(27)	
GS-12, \$65,048 - 84,559	1,483		1,508		1,302		(206)	
GS-11, \$54,272 - 70,558	303		303		303		....	
GS-10, 49,397 - 64,213	1		1		1		....	
GS-9, \$44,856 - 58,318	663		665		579		(86)	
GS-8, 40,612 - 52,794	51		51		51		....	
GS-7, \$36,671 - 47,669	731		759		861		102	
GS-6, \$33,000 - 42,898	22		22		22		....	
GS-5, \$29,604 - 38,487	58		58		58		....	
GS-4, \$26,460 - 34,402	18		18		18		....	
GS-3, \$23,571 - 30,645	3		3		3		....	
GS-2, \$21,602 - 27,182	1		1		1		....	
<b>Total, appropriated positions</b>	<b>4,625</b>		<b>4,704</b>		<b>4,486</b>		<b>(218)</b>	
<b>Average SES Salary</b>		<b>\$ 145,414</b>		<b>\$ 149,922</b>		<b>\$ 153,220</b>		
<b>Average GS Salary</b>		<b>\$ 68,554</b>		<b>\$ 70,679</b>		<b>\$ 72,234</b>		
<b>Average GS Grade</b>		<b>10.88</b>		<b>10.88</b>		<b>10.70</b>		

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

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

Object Classes	2006 Actual		2007 Estimate		2008 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Direct FTE & personnel compensation	4,476	308,304	4,563	317,993	4,463	337,750	(100)	19,757
11.3 Other than full-time permanent	23	682	23	704	23	732	....	28
11.5 Total, Other personnel compensation	719	59,169	802	61,015	829	64,010	27	2,995
<i>Law Enforcement Availability Pay (LEAP)</i>	512	43,615	595	44,969	612	47,464	17	2,495
<i>Overtime</i>	207	14,374	207	14,833	217	15,330	10	497
<i>Other Compensation</i>	....	1,180	....	1,213	....	1,216	....	3
11.8 Special personal services payments	....	11,295	....	11,663	....	11,663	....	....
<b>Total</b>	5,218	379,450	5,388	391,375	5,315	414,155	(73)	22,780
Reimbursable FTE:								
Full-time permanent	[274]		[279]		[273]			
Other Object Classes:								
12.0 Personnel benefits		139,111		139,729		149,820		10,091
21.0 Travel and transportation of persons		28,711		27,748		31,336		3,588
22.0 Transportation of things		909		958		958		....
23.1 GSA Rent		142,610		171,806		195,315		23,509
23.2 Rental Payments to Others		1,961		1,933		1,964		31
23.3 Comm., util., & other misc. charges		23,904		22,615		23,119		504
24.0 Printing and reproduction		450		668		681		13
25.2 Other services		47,841		28,482		37,336		8,854
25.4 Lease Expirations		1,881		778		596		(182)
26.0 Supplies and materials		16,339		9,986		11,142		1,156
31.0 Equipment		38,580		25,706		32,359		6,653
32.0 Buildout		428		564		868		304
42.0 Insurance Claims		219		226		226		....
<b>Total obligations</b>		<b>822,394</b>		<b>\$822,574</b>		<b>\$899,875</b>		<b>\$77,301</b>
Unobligated balance, start of year		(37,195)		(46,545)		(58,975)		
Unobligated balance, end of year		46,545		58,975		58,975		
Recoveries of prior year obligations		(31,820)		....		....		
<b>Total requirements</b>		<b>799,924</b>		<b>835,004</b>		<b>899,875</b>		
Relation of Obligation to Outlays:								
Total obligations		822,394		822,574		899,875		
Obligated balance, start of year		185,671		220,088		182,123		
Obligated balance, end of year		(220,088)		(182,123)		(184,645)		
Recoveries of prior year obligations		(31,820)		....		....		
<b>Outlays</b>		<b>756,157</b>		<b>787,199</b>		<b>897,354</b>		

## **M. Status of Congressionally Requested Studies, Reports, and Evaluations**

### **United States Marshals Service Salaries and Expenses**

#### **Status of Congressionally Requested Studies, Reports, and Evaluations**

1. The Conference Report associated with the FY 2006 Department of Justice Appropriations Act, page 70, directs the USMS to submit a report no later than March 31, 2006 detailing how funds are allocated to local USMS offices, how full time equivalents and other positions are distributed among these offices, and all policies regarding restrictions on overtime pay. The report was transmitted to the Department of Justice on March 9, 2006. The final report was forwarded to Congress on May 25, 2006.
2. The Conference Report associated with the FY 2006 Department of Justice Appropriations Act, page 70, directs the USMS to submit a detailed spend plan on the allocation of courthouse security equipment funding within 30 days of enactment (December 22, 2005). The report was transmitted to the Department of Justice on May 16, 2006. The final report was forwarded to Congress on September 12, 2006.
3. The Conference Report associated with the FY 2006 Department of Justice Appropriations Act, page 72, directs the USMS to submit a detailed spend plan on the allocation of construction funding within 30 days of enactment (December 22, 2005). The report was transmitted to the Department of Justice on May 16, 2006. The final report was forwarded to Congress on September 12, 2006.