

**United States Marshals Service
FY 2009 Performance Budget
Congressional Submission**

Salaries and Expenses Appropriation



February 2008

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I. Overview for the United States Marshals Service

A. Introduction

The United States Marshals Service (USMS) ensures the functioning of the federal judicial process by protecting members of the judicial family (judges, attorneys, witnesses, and jurors), providing physical security in courthouses, safeguarding witnesses, transporting and producing prisoners for court proceedings, executing court orders and arrest warrants, apprehending fugitives, and seizing forfeited property. All USMS duties and responsibilities emanate from this core mission. Electronic copies of the Department of Justice's congressional budget 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/2009justification/>.

For FY 2009, the USMS requests a total of 4,644 positions, 4,523 FTE (excluding reimbursable FTE), and \$933.117 million. Of this amount, **73 positions (52 Deputy Marshals), 37 FTE, and \$12.746 million** are program enhancements to address Southwest Border enforcement.

B. Organizational History

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

The early Marshals had duties beyond those of present-day Marshals, such as taking the census and serving as collection and 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 United States Marshals Service on May 12, 1969. On November 18, 1988, the USMS was officially established as a bureau within the Department under the authority and direction of the Attorney General with its Director appointed by the President. Prior to 1988, the Director of the USMS was appointed by the Attorney General. The most recent headquarters organizational chart is displayed in Exhibit A.

The role of the U.S. Marshals has had a profound impact on the history of this country since the time when America was expanding across the continent into the western territories. With changes in prosecutorial emphasis over time, the mission of the USMS has transitioned as well.

In more recent history, law enforcement emphasis has shifted with changing social mandates. Examples include:

- In the 1960s, Deputy Marshals provided security and escorted Ruby Bridges and James Meredith to school following federal court orders requiring segregated Southern schools and colleges to integrate.
- In 1973, the Drug Enforcement Administration (DEA) was created resulting in a greater focus on drug-related arrests. The USMS immediately faced rapidly increasing numbers of drug-related detainees, protected witnesses, and fugitives.
- As the number of immigrants illegally entering the U.S. skyrocketed in the 1990s, the USMS experienced huge prisoner and fugitive workload growth along the Southwest Border, and is currently anticipating further increases as additional immigration legislation is implemented.
- With more resources dedicated to apprehending and prosecuting suspected terrorists, the USMS strives to meet the increasing demands for high-level security required for many violent criminal and terrorist-related court proceedings.
- The Adam Walsh Child Protection and Safety Act of 2006 (P.L. 109-248) strengthened federal penalties by making the failure to register as a sex offender a federal offense. This Act directs the USMS to “assist jurisdictions in locating and apprehending sex offenders who violate sex offender registry requirements.” This law marks an important step forward in the efforts to protect children from sexual and other violent crimes.

C. USMS Budget

In the FY 2008 Consolidated Appropriations Act, Congress provided the USMS with \$866.523 million of which \$864.219 million was provided in the Salaries and Expenses (S&E) appropriation and \$2.304 million in the Construction appropriation. Of this amount, 133 positions including 130 Deputy Marshals, 67 FTE, and \$32.077 million were program enhancements to address critical needs related to judicial threat intelligence and investigations, high-threat trial security, and Southwest Border enforcement.

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

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

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

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

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

D. Strategic Goals

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

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

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

- Participating on the Organized Crime Drug Enforcement Task Forces (OCDETF). The USMS has 41 reimbursable positions and 41 reimbursable FTEs dedicated to OCDETF. **An additional 6 Deputy Marshals, 3 FTE, and \$1.714 million are requested as part of OCDETF’s FY 2009 President’s Budget Request.**
- Enforcing the Adam Walsh Child Protection and Safety Act of 2006.

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

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

The Program Assessment Rating Tool (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 in FY 2003 to the Salaries and Expenses portions of the USMS’ Protection of the Judicial Process¹ and Fugitive Apprehension programs, and each program was rated as “Adequate.” Since then, the USMS has worked toward improving strategic planning, program management, and program results documentation. The Fugitive Apprehension program was reviewed again in FY 2007 and its rating was increased to “Moderately Effective.” 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 recent USMS activities 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); “Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People” (DOJ Goal II); and “Ensure the Fair and Efficient Administration of Justice” (DOJ Goal III).

¹ Beginning with the FY 2008 enacted appropriation, the USMS decision unit structure renamed the “Protection of the Judicial Process” activity to “Judicial and Courthouse Security.”

Strategic Management of Human Capital

- The USMS is committed to hiring the best and most diverse workforce. The Federal Career Intern Program (FCIP)² streamlines the recruitment and interview phase when hiring Deputy U.S. Marshals. Over 1,200 interviews were conducted in 12 districts during April and May 2007. This task required the dedicated resources of 110 interviewers from several districts and divisions. The USMS internet site has been updated to include information regarding the FCIP. Specifically, visitors to the Career Opportunities link are able to review answers to frequently asked FCIP questions and obtain contact information for FCIP recruiters.
- The Administrative Officer (AO) Development Program was established in February 2006 to develop training and certification standards for district AO's. The group has identified the policy and legal requirements that require certification. Four AO training sessions were conducted in FY 2007 and additional certification training is planned in FY 2008.
- In FY 2007, the USMS initiated the Deputy Marshal Conversion program to train all Deputy Marshals in the GS-082 job series so that they obtain the skills necessary to convert into the GS-1811 job series. Conversion is contingent upon successful completion of training at the Federal Law Enforcement Training Center. Six training classes were held in FY 2007 and 210 Deputy Marshals have been converted to Criminal Investigators with an additional 45 currently in training. Additional classes will be conducted in FY 2008 and FY 2009 until the incumbent population of Deputy Marshals is converted.
- 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 relying on a pass/fail rating criterion, the new system uses a four-level evaluation method, recognizing degrees of employee performance from "Unacceptable" through "Successful" and "Excellent" to "Outstanding". In addition, 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 and their supervisors involved in the process of planning, tracking, and reporting on how they have contributed to fulfill USMS, DOJ, and the Administration's goals.

Competitive Sourcing

- During the fourth quarter of FY 2007, the USMS competitively reviewed 20 positions through a streamlined A-76 study process. The review included the development of performance work statements and making recommendations for employing the most

² Executive Order 13162 established the FCIP in July 2000 to help agencies develop hiring strategies intended to provide a steady stream of high-potential individuals who can be converted to permanent appointment in the competitive service.

efficient organization in functions to include reception services; correspondence preparation and processing; and office operations, general administrative, clerical, financial, and program support.

Improved Financial Performance

- In FY 2008, one-third of all USMS district offices are planned to migrate to the USMS STARS accounting system. A dozen pilot sites are in test mode. STARS is an improvement over the legacy Financial Management System (FMS) used by districts because it: enables funds control; provides accrual accounting capability; allows automated warehousing of prompt payments; and eliminates several manual processes involving appropriations mapping.
- In FY 2007, the USMS established the Financial Management Steering Committee to maximize the use of available financial resources by addressing short term needs while positioning the USMS for long term improvement. This Committee acts in an advisory capacity to assist the Director and Deputy Director in making recommendations to achieve the established goals of the agency, the Administration, and Congress.
- The USMS established an internal controls team to address the findings contained in the most recent audit of financial statements. The team works with human resource, information technology, budget, and finance personnel to establish tasks and milestones relating to resolving all material weaknesses and reportable conditions.
- In 2006, 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.

Expanded Electronic Government

- During FY 2008, the USMS plans to replace its existing automated travel system with a new interface. Test sites including fugitive task force Deputy Marshals have been identified because these employees have the most extensive and complicated travel vouchers.
- Information sharing between law enforcement and intelligence communities is essential. Efforts are well underway to unite the various USMS law enforcement systems into a modern, web-enabled application – the Justice Detainee Information System (JDIS). JDIS contains vital operational and intelligence information, facilitates data sharing with other entities under the auspices of the DOJ Law Enforcement Information Sharing Program (LEISP), and enables prompt identification and analysis of links between various personnel and incidents to avoid or avert situations in which a judge, prisoner, or Deputy Marshal is at risk. The capability to use JDIS data will be augmented through access to other federal systems including the DOJ Joint Automated Booking System (JABS); the OFDT E-Designate system; the FBI Regional Data Exchange (R-DEx) system, the DHS Disaster Management Interoperability Services (DMIS) system, various

state and local data systems, the National Center for Missing and Exploited Children sex offender registries, and commercially available databases such as LexisNexis and ChoicePoint.

- The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 allows the Social Security Administration (SSA) to disclose SSA data to Law Enforcement Agencies (LEAs) when a Title XVI Supplemental Security Income (SSI) beneficiary is the subject of 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 2007, this electronic partnership led to 104 fugitive arrests and saved the SSA almost \$1 million.

Faith-Based and Community Integration

- In August 2005, the USMS launched a unique fugitive apprehension initiative called Fugitive Safe Surrender. With the support of local spiritual leaders, fugitives surrendered, were processed, and received initial court appearances in a non-threatening environment provided by the Mount Sinai Baptist Church in Cleveland, Ohio. That four-day effort resulted in the peaceful surrender of 850 fugitives, including 340 fugitive felons. This initial success has led to additional Fugitive Safe Surrender initiatives including those conducted in Phoenix, Arizona (November 2006); Indianapolis, Indiana (April 2007); Akron, Ohio (July 2007); Nashville and Memphis, Tennessee (August and September 2007); and Washington, DC (November 2007). Since its inception, nearly 6,500 individuals, including 1,449 felons, have turned themselves in to the Fugitive Safe Surrender program. Ten additional cities are planned in the future based on funding availability and warrant workload.
- The USMS participates in DOJ's Gang Resistance Education and Training (GREAT) Program, a school-based, certified law enforcement officer-instructed classroom initiative to prevent youth crime, violence and gang involvement while developing a positive relationship among law enforcement, families, and youth. The involvement of the Marshals Service in the GREAT Program began in Cleveland, Ohio and based in part on the outcomes of that effort (including a 13% decrease in violence as reported by GREAT families) the Program is being expanded on a national level. Five cities have been identified to serve as pilots for this initiative: Jersey City, New Jersey; Rochester, New York; Kansas City, Missouri; New Orleans, Louisiana; and Milwaukee, Wisconsin.

F. Challenges

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

External Challenges

New federal law enforcement initiatives and efficiencies yield a larger number of arrests, and each federal arrest leads to additional workload for the USMS because the USMS maintains custody of all arrested individuals for the duration of a trial. According to data from the Administrative Office of the U.S. Courts³, in the decade between FY 1997 and FY 2006 the number of criminal cases filed in federal courts rose 34%. Immigration case filings rose 145% during this period, with the five federal districts along the Southwest Border seeing an increase of 182%. In FY 2006, these five districts accounted for 70% of all immigration cases in the US, up from 60% at the beginning of the decade. During this time, drug-related case filings increased by 41% and there was also a 153% increase in the number of cases related to firearms and explosives.

When the FBI shifted its focus to anti-terrorism efforts in the wake of the September 11, 2001 attacks, investigations targeting illegal drugs, organized crime, and white-collar crime were reduced. As a result, the USMS filled this gap with intensified efforts to coordinate with state and local police to apprehend fugitives, particularly those involved in gang-related violent crime and crimes against children. Programs targeting gang and gun violence include the Violent Crimes Impact Teams, Project Safe Neighborhoods, GangTECC, and the Youth Crime Gun Interdiction Initiative.

In addition, terrorists and criminals are using increasingly sophisticated technologies to threaten, subvert, and undermine the judicial process. Adoption of secure wireless technologies is required to support an increasingly mobile USMS workforce, which includes task forces, tactical and special operations groups, judicial and witness security inspectors, and personnel deployed in Iraq, Afghanistan, and other foreign locales. Robust information technology (IT) infrastructure systems and applications are required to keep pace with new and expanding government information sharing and communications initiatives such as the Justice Unified Telecommunications Network (JUTNET) and Joint Automated Booking Stations (JABS).

Internal Challenges

The USMS must maximize the efficiency and effectiveness of its programs to address increasing workload. The USMS must also ensure that effective business processes and reliable financial systems are in place to efficiently and responsibly manage limited resources. Toward that end, the USMS has worked to address material weaknesses identified in annual financial management audits. Significant strides have been made to improve fiscal accountability and system/data integrity including:

- Appropriately segregating duties;
- Monitoring user activity through review of unalterable logs;

³ Administrative Office of the U.S. Courts, “A Decade of Change in the Federal Courts Caseload: Fiscal Years 1997-2006”, The Third Branch, Vol. 39, Number 11, November 2007

- Applying more stringent access controls;
- Enhancing system backup and restoration capabilities; and
- Deploying automated tools to comply with federal IT security requirements.

After audits by the OIG, GAO and independent auditors noted material weaknesses or nonconformance in a number of aspects of financial control and assurance in previous years, the USMS placed a focused emphasis on addressing and correcting the conditions allowing these weaknesses to occur. The Director included as one of his *Director's Top Priorities* in FY 2007 the goal of "reduc[ing] financial audit findings and reportable conditions to zero." This priority was reinforced in the September 2006 "USMS Strategic Plan Update" and also in the Deputy Director's February 2007 memorandum "USMS FY 2007 Internal Controls Instructions" which laid out a number of procedures for all Assistant Directors to follow in implementing enhanced internal control and financial management measures.

This increased emphasis on improving the internal controls environment led to changes in financial management, information technology, human resources, and other administrative areas. For example, a new, more secure wide area network was deployed covering more than 370 locations and several enhancements were made to JDIS. Electronic self-audit checklists were developed for human resource and administrative functions to allow for a significant increase in the number of district reviews that can be conducted in a given year.

Much of the progress noted above was achieved through a more effective leveraging of technology, and the USMS has made significant progress in developing its IT infrastructure despite limited resources in recent years.

Over the last several years, USMS offices in the five Southwest Border districts have seen their workloads increase due to enhanced immigration enforcement efforts. Since 2001, Congress has appropriated funds to DHS allowing for a near doubling of the number of border patrol agents from approximately 9,000 in 2001 to over 18,000 in FY 2008. This increase in the number of border agents has contributed to a 168% increase in prisoners received by the USMS from the Border Patrol in that same period. Additionally, zero-tolerance and other prosecution initiatives have also contributed to an increase in USMS workload via an increase in the daily prisoner population and required prisoner productions.

One of the key challenges facing the USMS is to expeditiously bring these additional resources online. In addition to conducting the hiring and background investigation process and requisite training for new employees, bringing new Deputy Marshals and administrative staff on board will also require a variety of procurement actions, from office equipment and supplies to vehicles, IT and communications devices, and personal protective gear. District offices may also require some physical rearrangement or renovation in order to accommodate additional personnel and equipment in existing space.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Southwest Border Enforcement	Resources to improve courthouse security and effectively manage the administrative workload in Southwest Border districts.	73	37	\$12,746	46
Total Program Change		73	37	12,746	

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

The FY 2009 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, [~~\$849,219,000~~] *\$933,117,000*; of which not to exceed \$6,000 shall be available for official reception and representation expenses; of which not to exceed \$4,000,000 shall be for information technology systems and shall remain available until expended; of which not less than \$[~~11,653,000~~] *\$12,625,000* shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling, and shall remain available until expended[.]; *and of which not less than \$2,304,000 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.*

[For an additional amount for `United States Marshals Service, Salaries and Expenses', \$15,000,000 shall be for border security and immigration enforcement along the Southwest border: *Provided*, That the amount provided by this paragraph is designated as described in section 5 (in the matter preceding division A of this consolidated Act).]

Analysis of Appropriations Language

No substantive changes proposed.

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IV. Decision Unit Justification

A. Judicial and Courthouse Security

Judicial and Courthouse Security – TOTAL	Perm. Pos.	FTE	Amount (\$000)
2007 Enacted	1,791	1,758	\$336,064
2007 Supplementals	0	0	2,750
2007 Enacted w/Supplementals	1,791	1,758	338,814
2008 Enacted	1,787	1,715	357,342
Adjustments to Base	50	89	20,469
2009 Current Services	1,837	1,804	377,811
2009 Program Increases	0	0	0
2009 Request	1,837	1,804	377,811
Total Change 2008-2009	50	89	\$20,469

1. Program Description

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

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

Each judicial district and the 12 circuit courts are assigned a Judicial Security Inspector. 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 precautions and procedures in federal courthouses. The inspectors assist with off-site security for judges, prosecutors, and other protectees. They also act as the USMS liaison with the Federal Protective Service (FPS) and the federal judiciary.

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

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

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

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 assist Deputy Marshals and the FPS with building security. Their duties include: monitoring security systems; responding to duress alarms; screening visitors at building entrances; controlling access to garages; providing perimeter security in areas not patrolled by FPS; and screening mail and packages.

In addition to maintaining physical security of federal courthouses, the USMS also installs and maintains electronic security systems in USMS-controlled space and 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.

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Judicial and Courthouse Security											
DOJ Strategic Goal/Objective: I: 1.2 Strengthen partnerships to prevent, deter, and respond to terrorist incidents. III: Ensure the Fair and Efficient Administration of Justice 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.											
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2007		FY 2007		2008 Requirements		Current Services Adjustments and FY 2009 Program Changes		FY 2009 Request	
1. Number of court prisoner productions		652,768		661,593		668,250		19,840		688,090	
2. Potential threats to members of the judicial process		1,222		1,145		1,200		125		1,325	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		1,813	\$338,814	1,813	\$338,814	1,773	\$357,342	97	\$20,469	1,870	\$377,811
		[6,933]	[6,933]	[6,933]	[6,933]	[8,063]	[8,063]	[201]	[201]	[8,264]	[8,264]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2007		FY 2007		2008 Requirements		Current Services Adjustments and FY 2009 Program Changes		FY 2009 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity	1. Judicial and Courthouse Security	1,813	\$338,814	1,813	\$338,814	1,773	\$357,342	97	\$20,469	1,870	\$377,811
		[6,933]	[6,933]	[6,933]	[6,933]	[8,063]	[8,063]	[201]	[201]	[8,264]	[8,264]
Performance Measure	1. Potential threats to members of the judicial process: Total investigated	1,222		1,145		1,200		125		1,325	
Performance Measure	2. Protective details provided	474		487		490		50		540	
Performance Measure	3. Percent of federal courthouse facilities meeting minimum security standards*	19%		29%		29%		0		29%	
Performance Measure	4. Assaults against federal judges	0		0		0		0		0	
Performance Measure	5. Number of court productions/escapes	652,768 /	0	661,593 /	0	668,250 /	0	19,840 /	0	688,090 /	0
Efficiency Measure	6. Percentage/Number of "expedited" potential threats analyzed by headquarters in 3 business days or less.	100% /	28	100% /	3	100% /	5	0% /	0	100% /	5
Efficiency Measure	7. Percentage/Number of "standard" potential threats analyzed by headquarters in 7 business days or less.	55% /	657	97% /	1,104	93% /	1,111	7% /	209	100% /	1,320
Efficiency Measure	8. Percentage/Number of potential threats assessed by the USMS Threat Management Center in one business day or less^.	5% /	60	4% /	43	93% /	1,116	7% /	209	100% /	1,325
OUTCOME	9. Number of interrupted judicial proceedings due to inadequate security	0		2		0		0		0	

* The targets for FY 2008 were adjusted for this measure based on the most recent data

^ Denotes New Measure

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

3. The USMS National Security Survey (NSS) has been administered three times: 1999, 2002, and 2006. In the most recent survey, results were based on 329 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 2006, 29 percent of the facilities surveyed met the minimum security requirements showing a 23 percent increase in enhanced security over 7 years.
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 in the field. Based upon the Deputy Marshal’s preliminary findings, and in conjunction with district management, the threat risk is classified into one of two categories: “Expedite” or “Standard.” This categorization is for analysis purposes. The investigative report is sent to the Office of Protective Intelligence (OPI) at Headquarters while the investigation continues in the district. In some cases, the district has already initiated a protective detail. Upon receipt of the written report from the field, OPI immediately conducts an initial review and analysis, begins queries of USMS databases and databases of other law enforcement agencies, and applies the appropriate analytical tools. OPI then prioritizes and completes the process with computer-aided threat analysis software. A protective investigation classified as “Expedite” requires the OPI to have all analysis completed and reported back to the investigating district(s) within three business days. To be classified as “Expedite” it must meet one or more of the following criterion: the district has initiated a protective detail based on the “perceived” threat level; a suspect has approached a protectee’s residence; other unsettling behavior has been observed at other locations; property has been vandalized; or a person is suspected of monitoring a USMS protected facility. When potential threats are from persons documented as being associated with terrorist organizations, or from individuals or groups that have a documented history of violence against the judicial process, they are also designated as “Expedite.”
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.
8. When the USMS Threat Management Center is notified about an inappropriate communication by a district office, multiple record checks of law enforcement data systems are made, investigative recommendations utilizing the Behavior Base Methodology are offered;

investigative analysis is initiated, and an investigative report is provided to the district within one business day. The law enforcement data systems reviewed include the USMS Justice Detainee Information System (JDIS), the FBI National Crime Information Center (NCIC), the FBI National Law Enforcement Telecommunications System (NLETS), the US Secret Service Targeted Violence Information Sharing System (TAVISS) and the BOP SENTRY.

Outcome:

9. The number of interrupted judicial proceedings due to inadequate security reflects proceedings that required either removing 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 2007 Program Performance.

The USMS did not investigate as many potential threats to members of the judicial process due to a shift in categorizing mass mailing threats. Instead of multiple protective investigations being initiated all across the country for the same IC/Threat sent by a perpetrator, when the USMS recognizes a mass mailing trend, it publishes Alert Notices or Information Bulletins and asks districts to canvass their protectees. For the sake of investigative and analytical efficiency, these mass mailing threats are recorded as one potential threat.

Due to the re-categorization of mass mailing threats and a one week delay in opening the Threat Management Center, the USMS was unable to meet its target for the Percentage/Number of potential threats assessed by the USMS Threat Management Center in one business day or less.

Though the USMS achieved its target of investigating 100% of expedited cases within 3 business days or less, it did not receive as many expedited threats as predicted. This was the result of enhanced turn around time on all potential threats by the Office of Protective Intelligence, making the need for distinguishing types of potential threats to speed up Headquarters analysis unnecessary.

The USMS was unable to meet its FY 2007 target of zero judicial proceedings interrupted due to inadequate security because of two courtroom incidents. During both of these incidents, Deputy U.S. Marshals (DUSMs) were attempting to escort defendants who were recently placed into USMS custody by the presiding judge out of the courtroom when the defendants became non-compliant. In both situations, the DUSMs gave several unsuccessful verbal warnings instructing the individuals to comply. Brief physical altercations ensued and support from other agency law enforcement personnel in the vicinity was required in order to gain control of the defendants. At no time during either incident were the public or the courtroom personnel in any physical danger, nor did either judge leave the bench.

C. Factors Affecting Selection of FY 2008 and FY 2009 Plans.

Proposed legislation affecting Court Security Improvement along with zero tolerance prosecutorial initiatives along the Southwest Border increases USMS workload. It is critical that the USMS operates effectively and efficiently to provide the highest possible security for the federal judicial process. Deputy Marshals are the functional backbone of the agency because they provide direct service to the federal courts. Many of these prisoners are violent and/or have extensive criminal histories. Deputy Marshals must produce them for criminal court proceedings on a daily basis. District personnel are critical to maintaining judicial security for all proceedings.

PERFORMANCE MEASURE TABLE											
Decision Unit: Judicial and Courthouse Security											
Performance Report and Performance Plan Targets		FY 2001	FY 2002	FY 2003	FY2004	FY 2005	FY 2006	FY 2007		FY 2008	FY2009
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	1. Potential Threats investigated	639	565	592	665	953	1,111	1,222	1,145	1,200	1,325
Performance Measure	2. Protective Details Provided:Personal and Event	297	369	393	408	484	464	474	487	490	540
Performance Measure	3. Percent of federal courthouse facilities meeting minimum security standards*	6%	19%	19%	19%	19%	19%	19%	29%	29%	29%
Performance Measure	4. Assaults against federal Judges*	1	0	0	0	0	0	0	0	0	0
Performance Measure	5. Number of court productions	N/A	514,949	536,677	587,719	649,611	642,471	652,768	661,593	668,250	688,090
Performance Measure	5. Number of court escapes*	0	0	0	0	0	0	0	0	0	0
Efficiency Measure	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	91%	100%	100%	100%	100%
Efficiency Measure	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	20	28	3	5	5
Efficiency Measure	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	13%	55%	97%	93%	100%
Efficiency Measure	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	137	657	1,104	1,111	1,320
Efficiency Measure	8. Percentage of potential threats assessed by the USMS Threat Management Center in one business day or less.	N/A	N/A	N/A	N/A	N/A	N/A	5%	4%	93%	100%
Efficiency Measure	8. Number of potential threats assessed by the USMS Threat Management Center in one business day or less.	N/A	N/A	N/A	N/A	N/A	N/A	60	43	1,116	1,325
OUTCOME Measure	9. Number of interrupted judicial proceedings due to inadequate security. *	N/A	N/A	1	0	0	0	0	2	0	0

N/A = Data unavailable

* Denotes inclusion in the DOJ Quarterly Status Report

3. Performance, Resources, and Strategies

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

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

a. Performance Plan and Report for Outcomes

As illustrated in the preceding Performance and Resources Table, the performance outcome measure for this decision unit is: 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 2007, there were two interrupted judicial proceedings in the courtroom. At no time during either incident was the public or courtroom personnel in any physical danger, or did either judge leave the bench. By definition of this outcome measure, the USMS counts these incidents as “interruptions” because additional Deputy Marshals were called upon to provide security to guarantee the safety of the courtroom participants.

One performance measure is assaults against federal judges. The performance target is always zero assaults. In FY 2007, the USMS met this target. Another performance measure is percent of federal courthouse facilities meeting minimum security standards. The USMS National Security Survey (NSS) has been administered three times: 1999, 2002, and 2006. In the most recent survey, results were based on 329 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 2006, 29 percent of the facilities surveyed met the minimum security requirements showing a 23 percent increase in enhanced security over 7 years.

The 2006 National Security Survey showed dramatic improvement in electronic security in USMS-controlled space nationwide. Results show critical improvements in the following major security areas:

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

b. Strategies to Accomplish Outcomes

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

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

In 2003, the Judicial and Courthouse Security program was reviewed under the PART process and received a rating of “Adequate.” As a result of the PART assessment, the Administration, working with the USMS developed three recommendations to improve the program. First, the USMS should develop a forward looking court security resource needs assessment plan in conjunction with the courts. To achieve this, the USMS and the Administrative Office of the U.S. Courts 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. A Judicial Security strategic planning committee was created to develop a five year strategic plan, which has since been published. Another recommendation as a result of this PART evaluation was that the USMS increase off-site and personal security of the judiciary by increasing residential security surveys. To this end, the USMS has completed 100% of its Home Intrusion Detection System installations and has conducted 1,750 residential security surveys. The USMS conducted 134 residential security surveys in FY 2007.

The final recommendation given was that the USMS budget provides a level of funding that maintains a current services level of judicial protection and protection for high threat, high security trials. This recommendation has been completed.

During FY 2008, OMB and the USMS will initiate a PART review of the Judicial and Courthouse Security area again. It is anticipated that the USMS will improve over the initial review.

B. Fugitive Apprehension

Fugitive Apprehension—TOTAL	Perm. Pos.	FTE	Amount (\$000)
2007 Enacted	1,491	1,464	\$262,058
2007 Supplementals	0	0	0
2007 Enacted w/Supplementals	1,491	1,464	262,058
2008 Enacted	1,379	1,352	273,448
Adjustments to Base	45	45	15,617
2009 Current Services	1,424	1,397	289,065
2009 Program Increases	1	1	336
2009 Request	1,425	1,398	289,401
Total Change 2008-2009	46	46	\$15,953

1. Program Description

The **Fugitive Apprehension** decision unit includes domestic and international fugitive investigations, technical operations, criminal information analysis, and special deputations to support fugitive investigations, extraditions and deportations of fugitives, sex offender investigations, service of process, and the seizure of assets.

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

The USMS established the 15 Most Wanted Fugitive Program in 1983 in an effort to prioritize the investigation and apprehension of high-profile offenders who are considered to be some of the country's most dangerous fugitives. In 1985, The USMS established its Major Case Fugitive Program in an effort to supplement the successful 15 Most Wanted Fugitive Program. Much like the 15 Most Wanted Fugitive Program, the Major Case Fugitive Program prioritizes the investigation and apprehension of high-profile offenders who tend to be career criminals whose histories of violence pose a significant threat to public safety. Current and past fugitives targeted by this program include murderers, violent gang members, sex offenders, major drug kingpins, organized crime figures, and individuals wanted for high-profile financial crimes.

The Presidential Threat Protection Act of 2000 directed the Attorney General, "upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, to establish permanent Fugitive Apprehension Task Forces consisting of Federal, state, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the USMS, for the purpose of locating and apprehending fugitives." Using that authority, the USMS created Regional Fugitive Task Forces (RFTFs) to locate and apprehend the most violent fugitives and to assist in high-profile

investigations that identify criminal activities for future state and federal prosecutions. The investigative information collected by the USMS leads to the development of new sources, new case referrals, and the acquisition of information and intelligence that 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 FY 2006, an RFTF was approved for the Gulf Coast Region, bringing the total number of RFTFs to six. As part of the USMS Strategic Plan, the USMS has identified 12 more regions where RFTFs could be beneficial.

With the recent addition of the Southern Maine Violent Fugitive Task Force and the Guam Fugitive Task Force, the USMS sponsors 87 district-managed, multi-agency task forces throughout the country that focus their investigative efforts on fugitives wanted for federal, state and local crimes of violence, including sex offenders, gang members, and drug traffickers. Funding for these task forces is often granted through initiatives such as the High Intensity Drug Trafficking Area and Project Safe Neighborhoods programs.

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

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

In addition to domestic fugitive investigations, 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 of International Affairs, the Department of State, foreign governments, U.S. Embassies, and USMS district offices. 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 USMS administers the DOJ Asset Forfeiture Program (AFP), which is one of DOJ's most potent weapons against criminal organizations including complex drug organizations, terrorist networks, organized crime, and money laundering groups. The three goals of the AFP are to: strip criminals of their ill-gotten gains, improve law enforcement cooperation; and enhance law enforcement through equitable revenue sharing. The USMS manages and disposes of the assets seized and forfeited by participating federal law enforcement agencies (including DEA, FBI, ATF, FDA, and US Postal Inspection Service) and US Attorneys nationwide, and is funded from two different sources to accomplish this mission. The administrative personnel are paid through the DOJ Assets Forfeiture Fund (AFF) on a reimbursable basis while Deputy Marshals' salaries and benefits are funded from the USMS S&E appropriation.

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

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

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Fugitive Apprehension											
DOJ Strategic Goal/Objective: II. Prevent Crime, Enforce Federal Laws, and Represent the Rights and Interests of the American People. 2.3 Prevent, suppress, and intervene in crimes against children. III. Ensure the Fair and Efficient Administration of Justice. 3.2 Ensure the apprehension of fugitives from justice.											
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2007		FY 2007		2008 Requirements		Current Services Adjustments and FY 2009 Program Changes		FY 2009 Request	
1. Number of wanted primary Federal felony fugitives* ^		56,837		60,268		59,944		147		60,091	
2. Assets seized in fiscal year by all DOJ agencies*		18,000		18,363		18,050		50		18,100	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		1,648	\$262,058 [\$30,609]	1,648	\$262,058 [\$30,609]	1,543	\$273,448 [\$34,977]	49	\$15,953 [\$1,742]	1,592	\$289,401 [\$36,719]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2007		FY 2007		2008 Requirements		Current Services Adjustments and FY 2009 Program Changes		FY 2009 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity	1. Fugitive Apprehension	1,648	\$262,058 [\$30,609]	1,648	\$262,058 [\$30,609]	1,543	\$273,448 [\$34,977]	49	\$15,953 [\$1,742]	1,592	\$289,401 [\$36,719]
Performance Measure	1. Number of primary violent Federal felony fugitives apprehended or cleared^	12,800		12,644		13,100		300		13,400	
Performance Measure	2. Number of violent state and local felony fugitives apprehended or cleared^*	25,452		34,015		29,652		700		30,352	
Efficiency Measure	3. Number of primary violent Federal and violent non-Federal felony fugitives apprehended or cleared per full cost FTE^*	28		31		30		1		31	
Efficiency Measure	4. Number of primary Federal felony fugitives and state and local felony fugitives apprehended or cleared per full cost FTE^*	65		68		67		1		68	
Performance Measure	5. Number of assets disposed*:	17,695		18,262		18,300		10		18,310	
	a. Real property	545		547		550		0		550	
	b. Cash*	10,750		11,137		11,160		5		11,165	
	c. Other*	6,400		6,578		6,590		5		6,595	
Performance Measure	6. Percent of real property assets sold at 85% or more of its fair market value	83%		76%		83%		0		83%	
Efficiency Measure	7. Percent of real property assets disposed within one year of receipt of the forfeiture documentation	82%		78%		82%		0		82%	
Outcome	8. Number of primary violent Federal Felony and violent non-Federal felony fugitives apprehended or cleared^*	38,252		46,659		42,752		1,000		43,752	
Outcome	9. Number and Percent of primary Federal felony fugitives apprehended or cleared^*	30,692 / 54%		33,437 / 55%		32,370 / 54%		500 / 1%		32,870 / 55%	

^Indicates a new measure

* The targets for FY 2008 were adjusted for this measure based on the most recent data

PERFORMANCE AND RESOURCES TABLE

Decision Unit: Fugitive Apprehension

DOJ Strategic Goal/Objective: III: Ensure the Fair and Efficient Operation of the Federal Justice System. 3.2 Ensure the apprehension of fugitives from justice.

Note: The below measures have been discontinued and will not be reported after FY 2008. They have been replaced by new measures (listed on the previous page) via the PART process.

WORKLOAD/ RESOURCES		Final Target	(Projected) Actual	Projected	Changes	Requested (Total)
		FY 2007	FY 2007	FY 2008 Requirements	Current Services Adjustments and FY 2009 Program Changes	FY 2009 Request
1. Class I warrants		76,950	73,622	79,392	0	N/A
2. Class II felony warrants		63,266	67,067	63,722	0	N/A
3. Class II non-felony warrants		38,124	45,301	35,862	0	N/A
Program Activity	Fugitive Apprehension					
Performance Measure	Number of federal fugitives:					
	A. Apprehended or cleared	85,163	75,812	87,565	0	N/A
	(1) Class I felony	42,323	36,427	44,460	0	N/A
	(2) Class II felony	31,356	29,995	31,851	0	N/A
	(3) Class II non-felony	11,484	9,390	11,254	0	N/A
Performance Measure	State and local fugitive cases cleared	64,647	84,944	69,172	0	N/A
Efficiency Measure	Number of class I warrants cleared per full cost FTE	31	27	32	0	N/A
OUTCOME	Percent/Number of total federal fugitives apprehended or cleared*	47% / 85,163	43% 75,812	48% / 87,565	0.0%	N/A

A. Definition of Terms or Explanations for Indicators:

Workload:

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

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

year, is divided by the full-cost FTEs identified in the fugitive apprehension decision unit. A full-cost FTE is comprised of two portions: the FTE associated with investigations and apprehension, and the prorated portion of overhead FTE that support the Deputy Marshals. Overhead FTE (as in procurement, budget, management, human resources, and network support) is included so that the complete effort involved with fugitive apprehension is displayed.

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

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

6. 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.

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

Outcome:

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

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

B. Factors Affecting FY 2007 Program Performance.

The USMS missed its target for the number of primary violent Federal felony fugitives apprehended or cleared by less than one percent of the target figure. The FY 2008 target for this measure was not modified because the difference between the FY 2007 target and actual was not significant. The Fugitive Apprehension Program has recently established new annual performance measures and goals that better represent the USMS mission focus of apprehending violent fugitives. These new measures were developed in conjunction with DOJ and OMB during the 2007 update of the OMB Program Assessment and Rating Tool (PART).

The Adam Walsh Child Protection and Safety Act was signed into law by President Bush on July 27, 2006, the 25th 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 USMS did not achieve its goal for the percent of real property assets sold at 85% or more of its fair market value and percent of real property assets disposed within one year of receipt of the forfeiture documentation due to the slowing real estate market. Market forces not only increased the length of time it took to sell real property but also had a negative impact on real property prices.

The USMS did not receive as many Class 1 warrants as expected for the fiscal year. Specifically, throughout various quarters, less Federal Probation violation, Parole violation, bond violation and warrants received by agencies without arresting power were received. This resulted in more backlog cases to be worked, which are inherently more difficult to clear as investigative leads become sparse on old cases.

Though the USMS captured more Class 2 felony fugitives than the previous fiscal year, with the addition of the sex offender mission and the increased focus on capturing more serious fugitives such as violent fugitives, less emphasis is being placed on the apprehension of non-violent and non-felony fugitives, many involved in misdemeanor and traffic offenses. USMS prioritizes pursuit of the most violent and highest-risk fugitives.

The USMS did not receive as many Class 1 warrants as predicted and therefore was unable to meet the target for the number of Class 1 warrants cleared per full cost FTE.

C. Factors Affecting FY 2008 and FY 2009 Plans.

The ability of the USMS to keep pace with court operations, to include prisoner transportation, security, and productions, will directly impact the effectiveness of the Fugitive Apprehension Program. Increases in court operations personnel are commensurate with workload increases to ensure fugitive investigators continued support of court operations. This will ensure fugitives are apprehended. The effectiveness of specific FALCON operations 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 2001	FY 2002	FY 2003	FY2004	FY2005	FY 2006	FY 2007		FY2008	FY2009
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	1. Number of primary violent Federal felony fugitives apprehended or cleared	N/A	10,675	11,626	11,888	13,086	12,500	12,800	12,644	13,100	13,400
Performance Measure	2. Number of violent state and local felony fugitives apprehended or cleared	N/A	8,289	10,067	15,412	23,157	24,752	25,452	34,015	29,652	30,352
Efficiency Measure	3. Number of primary violent Federal and violent non-Federal felony fugitives apprehended or cleared per full cost FTE	N/A	N/A	N/A	N/A	27	27	28	31	30	31
Efficiency Measure	4. Number of primary Federal felony fugitives and state and local felony fugitives apprehended or cleared per full cost FTE	N/A	N/A	N/A	N/A	63	65	65	68	67	68
Performance Measure	5. Number of assets disposed	26,946	21,696	30,331	22,988	16,864	17,599	17,695	18,262	18,300	18,310
Performance Measure	5.a Number of real property disposed	N/A	460	572	527	568	538	545	547	550	550
Performance Measure	5.b Number of cash assets disposed	N/A	8,570	10,946	10,817	10,936	10,693	10,750	11,137	11,160	11,165
Performance Measure	5.c Number of other assets disposed	N/A	12,666	18,813	11,644	5,360	6,368	6,400	6,578	6,590	6,595
Performance Measure	6. Percent of real property assets sold at 85% or more of its fair market value.	70%	74%	80%	79%	82%	83%	83%	76%	83%	83%
Efficiency Measure	7. Percent of real property assets disposed within one year of receipt of the forfeiture documentation.	67%	77%	80%	80%	80%	82%	82%	78%	82%	82%
Outcome	8. Number of primary violent Federal Felony and violent non-Federal felony fugitives apprehended or cleared	N/A	19,964	21,693	27,300	36,243	37,250	38,252	46,659	42,752	43,752
Outcome	9. Number and Percent of primary Federal felony fugitives apprehended or cleared	N/A	25,054 / 53%	27,278 / 54%	29,140 / 55%	30,434 / 55%	30,192 / 54%	30,692 / 54%	33,437 / 55%	32,370 / 54%	32,870 / 55%

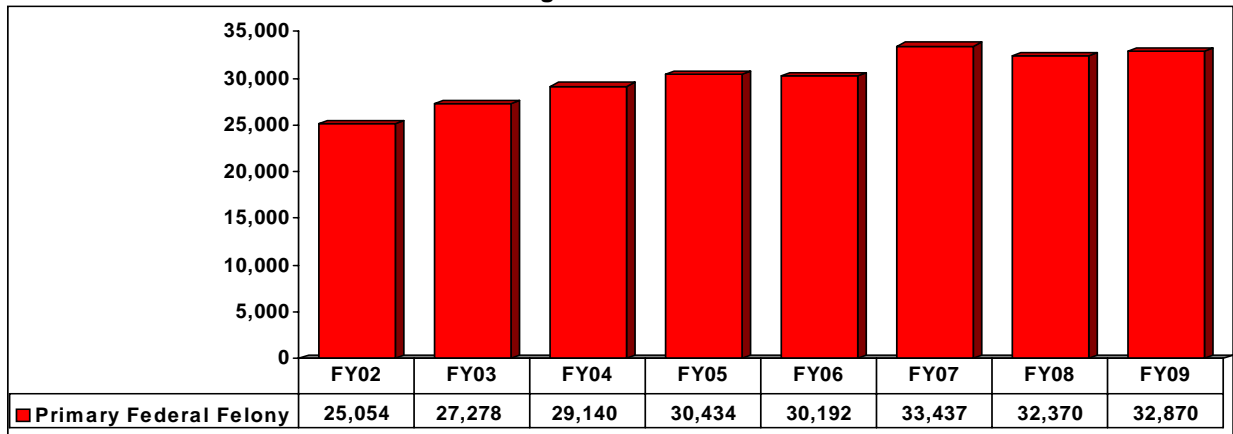
Note: N/A used when identified field data not collected in that FY.

3. Performance, Resources, and Strategies

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

The USMS has primary jurisdiction to conduct and investigate fugitive matters involving escaped federal prisoners, probation, parole, bond default violators, warrants generated by Drug Enforcement Administration (DEA) referred for USMS investigation, warrants referred by other federal law enforcement agencies, warrants referred by state and local agencies through USMS-led District and Regional Fugitive Task Forces, 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.

Fugitives Cleared



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

Data Collection and Storage: Data is maintained in the Warrant Information Network system (WIN) which is a module within the Justice Detainee Information System (JDIS). WIN data is entered by Deputy U.S. Marshals. Upon receiving a warrant, Deputy U.S. Marshals access the National Crime Information Center (NCIC) through WIN to look for previous criminal information. WIN data is stored centrally at USMS headquarters, is accessible to all 94 districts, and is updated as new information is collected.

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

Data Limitations: This data is accessible to all 94 districts and is updated as new information is collected. There may be a lag in the reporting of data.

a. Performance Plan and Report for Outcomes

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

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

For FY 2007, the USMS apprehended or cleared 33,437 federal felony fugitives, or 55 percent of all federal felony fugitives. The USMS surpassed the targeted level of 54 percent primary federal felony fugitives apprehended or cleared in FY 2007 by one percent and expects to achieve the targeted 54 percent in FY 2008. The USMS also apprehended or cleared 46,659 violent federal and non-federal felony fugitives. In FY 2009, the USMS is targeting 55 percent, or 32,870 federal felony fugitives apprehended or cleared, and 43,752 violent federal and non-federal fugitives.

In FY 2007, the USMS RFTFs cleared 37 percent more violent state and local fugitive felons. The increase is attributed to the opening of the sixth RFTF in the Gulf Coast region. The USMS is directing its investigative efforts toward reducing the number of violent crimes, which include 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 USMS’ six RFTFs enable Deputy Marshals to target and capture more dangerous fugitives.

The USMS meets their fugitive apprehension goals by conducting FALCON⁴ operations with the help of federal, state, and local agency partners.

⁴ FALCON is the acronym for “Federal and Local Cops Organized Nationally.”

Operation FALCON Arrests			
	FY 2005	FY 2006	FY 2007
Sex Offenders Arrested	1,102	783	2,201
Total Felony Fugitive Arrests	9,037	9,000	17,139

Also in FY 2007, Fugitive Safe Surrender, a faith-based initiative, was conducted in Phoenix, Arizona, Indianapolis, Indiana, Akron, Ohio, and Nashville and Memphis, Tennessee. FY 2008 has started with a 3-day initiative in Washington, DC that resulted in 530 fugitive surrenders. Since the start of this initiative in FY 2006, USMS, local law enforcement, and religious leaders have led a very successful fugitive apprehension initiative resulting in the peaceful surrender of nearly 6,500 fugitives at local churches, including 1,449 felons. 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 actual performance in the number of assets disposed is largely dependent upon the number of assets seized and forfeited by the participants in the DOJ AFP. The USMS should have a proportionate number of assets in custody at the close of each fiscal year. The first performance measure is the number of assets disposed of in the following asset categories: a) real property; b) cash; and c) other (i.e., businesses, business inventory, financial instruments, and personal property such as vehicles, vessels, aircraft and firearms). In FY 2007, the USMS disposed on 18,262 assets, a 4 percent increase over FY 2006.

The USMS anticipates assuming responsibility for assets seized by the ATF by the end of March 2008. 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 USMS anticipates that this level of asset disposal can be sustained in FY 2008 and FY 2009.

The second performance measure is the percent of real property assets sold at 85 percent or more of their fair market value. The target performance levels are 83 percent in FY 2008 and 83 percent in FY 2009. 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 USMS targeted 82 percent but only 78 percent of real property assets sold at this amount. This is symptomatic of the national trend in depressed real estate sales.

The third performance measure is the percent of real property assets disposed of within one year of receipt of the forfeiture documentation. The target performance levels are 82 percent in FY 2008, and 82 percent in FY 2009. The time frame set by the USMS for disposal of real property is 12 months (365 days) based on the best practices of the real estate industry. The USMS target was 82 percent but the actual performance was 78 percent disposed in one year. The likely reason for the longer time frame is due to the longer time real property stayed on the market for sale.

b. Strategies to Accomplish Outcomes

During FY 2007, the USMS, with guidance and direction from the DOJ Criminal Division, issued interim legal and investigative guidelines to investigate violations of the Adam Walsh Child Protection and Safety Act. The USMS is establishing contacts with state registries to coordinate efforts to identify non-compliant sex offenders and has purchased licenses from two vendors for commercially available database services and software to assist in identifying, investigating, locating, apprehending, and prosecuting non-compliant sex offenders. The USMS is also coordinating its enforcement efforts with the Department of Homeland Security's Operation Predator, primarily through the Law Enforcement Support Center in Burlington, Vermont, to ensure that alien sex offenders arrested by the USMS are referred to DHS for potential removal proceedings.

TOG investigators provided critical assistance on 10,068 surveillance operations in FY 2007 targeting 2,510 cases, a 42 percent increase over FY 2006. TOG supported regional and circuit judicial conferences and other national special security events. TOG further increased performance in communication interoperability and encryption by providing over 1,000 hours of training to operational personnel, as well as classified briefings and/or training in technical operations for Congressional Appropriations Committees, Director of the Administrative Office of the US Courts, and prosecutors and investigators from across the country. TOG signed on as a founding endorser of the Joint Communications Access Project (JCAP), a collaborative effort across major federal, state, county, and municipal technical investigative agencies to address high cost, access, standards, bandwidth, storage, buffering, decryption, and filtering issues associated with broadband and multi-access point roving data intercepts and other highly specialized aspects of electronic communications exploitation. By leveraging existing intercept capabilities, networks and experience, JCAP's goal is to demonstrate cooperative accomplishments at reduced cost without the requirement for a central electronic surveillance office.

The USMS 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 three countries in 2003, the 249 FY 2007 extraditions and deportations represent a 135 percent increase over FY 2003.

The USMS is also responsible for approximately 90 percent of all Organized Crime Drug Enforcement Task Force (OCDETF) fugitive investigations. The 39 USMS OCDETF inspectors and 2 analysts are working diligently with district Deputy Marshals and other law enforcement agencies to clear over 5,000 OCDETF warrants, bringing many drug-related and organized crime felons to justice. The USMS assisted in clearing the following number of OCDETF warrants:

USMS OCDETF Warrants						
	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
No. Cleared	2,724	2,278	3,232	3,562	3,577	3,339

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, the USMS was the first federal agency to utilize online auctions as one method of asset disposition in support of the President's Federal Asset Sales initiatives. The USMS utilizes online sites to successfully sell many types of assets, including real property, vehicles, and collectibles which helps ensure assets are sold at or near fair market value.

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

The Fugitive Apprehension program was reviewed under the PART process in FY 2003 and was re-evaluated in FY 2007. In the most recent evaluation, the program achieved a rating of "Moderately Effective." Three recommendations were made as a result of this evaluation. First, the USMS should pursue developing a comprehensive assessment of where additional Regional Fugitive Task Forces and/or special apprehension operations might have the most impact. To address this, the USMS has identified twelve (12) regions where, if funding is available, the addition of a Regional Fugitive Task Force would make the greatest impact. The USMS uses crime trend assessments to determine where Regional Fugitive Task Forces will have the greatest efficacy. Additionally, the USMS plans to continue utilizing innovative special apprehension programs such as FALCON (Federal And Local Cops Organized Nationally) which will target fugitives in concert with the priorities of the Attorney General.

Second, the USMS should enhance its ability to identify, track, and share gang related intelligence. The USMS has begun to address this recommendation by placing a criminal investigator at the DOJ Gang Targeting, Enforcement Coordination Center, to better coordinate the apprehension of fugitive gang members. The USMS also participates in OneDOJ, a database that collects investigative information from all DOJ components as part of a de-confliction process. Additionally, other DOJ components have access to USMS investigative material related to wanted gang members.

Finally, the USMS should develop a long term strategy in support of the Adam Walsh Child Protection and Safety Act of 2006. Since the enactment of the Act, the USMS has initiated several strategies by utilizing existing fugitive task forces, establishing the Sex Offender Investigations Branch, assigning a full time liaison to the National Center for Missing and Exploited Children, and designating Sex Offender Investigative Coordinators in each of the 94 judicial districts. Finally, subject to the availability of funds, the strategy includes the development of the National Sex Offender Targeting Center (NSOTC), an intelligence and operations center supporting the identification, investigation, location, apprehension, and

prosecution of non-compliant sex offenders. The NSOTC would operate in partnership with the National Center for Missing and Exploited Children (NCMEC) and other concerned federal, state, and local law enforcement agencies.

C. Prisoner Security and Transportation

Prisoner Security and Transportation – TOTAL	Perm. Pos.	FTE	Amount (\$000)
2007 Enacted	898	882	\$159,145
2007 Supplementals	0	0	0
2007 Enacted w/Supplementals	898	882	159,145
2008 Enacted	886	843	171,971
Adjustments to Base	50	77	13,816
2009 Current Services	936	920	185,787
2009 Program Increases	72	36	12,410
2009 Request	1,008	956	198,197
Total Change 2008-2009	122	113	\$26,226

1. Program Description

Prisoner Security and Transportation is made up of the following activities: processing prisoners in the cellblock, securing the cellblock area, transporting prisoners by ground or air, and inspecting jails used to house federal detainees. As each prisoner is placed into USMS custody, a Deputy Marshal is required to “process” that prisoner. Processing consists of interviewing the prisoner to gather personal, arrest, prosecution, and medical information; fingerprinting the prisoner; photographing the prisoner; preparing an inventory of any received prisoner property; entering/placing the data and records into the Justice Detainee Information System (JDIS) and the prisoner file; and sending the electronic fingerprint information to the FBI to store in its IAFIS fingerprint system. 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 minimize the amount of time that prisoners who exhibit violent behavior or signs of possible drug overdose, severe mental disorder, or suicidal tendencies are held in the cellblock and closely monitor them during that time. Deputy Marshals provide meals to prisoners if held in the cellblock during normal lunch or dinner hours. Prior to entrance into the cellblock, Deputy Marshals search prisoners and any court clothing provided by Public Defenders to ensure that prisoners and their property are free of contraband.

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

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

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

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

2. Performance Tables

Decision Unit: Prisoner Security and Transportation											
DOJ Strategic Goal/Objective: III: Ensure the Fair and Efficient Administration of Justice. 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.											
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2007		FY 2007		2008 Enacted		Current Services Adjustments and FY 2009 Program Changes		FY 2009 Request	
1. Prisoners received*		276,689		266,859		275,346		8,175		283,521	
2. Number of prisoner productions*		870,084		860,856		869,518		25,815		895,333	
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
		882	\$159,145	882	\$159,145	852	\$171,971	113	\$26,226	965	\$198,197
			[1,184,665]		[1,184,665]		[1,184,456]		\$0		[1,184,456]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2007		FY 2007		2008 Enacted		Current Services Adjustments and FY 2009 Program Changes		FY 2009 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity	1. Prisoner Security and Transportation	882	\$159,145	882	\$159,145	852	\$171,971	113	\$26,226	965	\$198,197
			[1,184,665]		[1,184,665]		[1,184,456]		\$0		[1,184,456]
Efficiency Measure	1. Cost avoided due to medical claim repricing	\$55,041,254		\$56,951,161		\$61,735,630		\$2,264,370		\$64,000,000	
Performance Measure	2. Number of prisoners moved in support of prisoner productions.*	776,661		738,802		752,780		22,350		775,130	
Efficiency Measure	3. Prisoners processed per Deputy Marshal FTE*	1,550		1,704		1,600		25		1,625	
Outcome Measure	4. Number of prisoner escapes from USMS custody outside of the courtroom.	0		0		0		0		0	

* The targets for FY 2008 were adjusted for this measure based on the most recent data

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 prisoners 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 2007 Program Performance.

The USMS did not meet its target for number of prisoners moved in support of prisoner productions due to fewer prisoners being received than anticipated. This was caused by fewer requirements to move prisoners than anticipated.

Future federal court proceedings are increasing as are the number of judges and locations where proceedings are held, particularly on the Southwest Border. 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 2008 and FY 2009 Plans.

Proposed legislation affecting Court Security Improvement along with zero tolerance prosecutorial initiatives along the Southwest Border increases USMS workload. Deputy Marshals are the functional backbone of the agency because they provide direct service to the federal courts. Many of these prisoners are violent or have extensive criminal histories. Deputy Marshals must produce them for various proceedings on a daily basis.

PERFORMANCE MEASURE TABLE											
Decision Unit: Prisoner Security and Transportation											
Performance Report and Performance Plan Targets		FY 2001	FY 2002	FY 2003	FY2004	FY 2005	FY 2006	FY 2007		FY 2008	FY 2009
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Efficiency Measure	1. Cost avoided due to medical claim repricing	N/A	N/A	N/A	N/A	\$43,496,964	\$50,037,504	\$55,041,254	\$56,951,161	\$61,735,630	\$64,000,000
Performance Measure	2. Number of prisoners moved in support of prisoner productions.	N/A	N/A	N/A	N/A	769,701	740,795	776,661	738,802	752,780	775,130
Efficiency Measure	3. Prisoners processed per Deputy Marshal FTE	1,418	1,608	1,529	1,744	1,478	1,551	1,550	1,704	1,600	1,625
OUTCOME Measure	4. Number of prisoner escapes from USMS custody, outside of the courtroom.	1	1	0	0	2	1	0	0	0	0

N/A = Data unavailable

* Denotes inclusion in the DOJ Quarterly Status

3. Performance, Resources, and Strategies

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

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

a. Performance Plan and Report for Outcomes

As illustrated in the preceding Performance and Resources Table, the performance outcome measure for this decision unit is the number of prisoner escapes from USMS custody outside of the courtroom. In FY 2007, no prisoners escaped. One performance measure is the number of prisoners moved in support of prisoner productions. The performance target is to ensure that each prisoner securely arrives at each court appearance, attorney meeting, or medical visit. The actual number of prisoner productions is driven by the requirements of the judges and AOUSC and estimated targets are based on historical data. In FY 2007, the USMS moved 738,802 prisoners in support of 860,856 prisoner productions.

b. Strategies to Accomplish Outcomes

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

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

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

The resources for the Prisoner Security and Transportation program were reviewed in 2003. Status updates to the PART recommendations are covered in the Judicial and Courthouse Security decision unit.

Program Increase

Item Name: **Southwest Border Enforcement**

Budget Decision Unit: Prisoner Security and Transportation, Fugitive Apprehension

Strategic Goal & Objectives: DOJ Strategic Goal III, Objectives 3.1 and 3.3

Organizational Program: U.S. Marshals Service

Component Ranking of Item: 1 of 1

Program Increase: Positions 73 Agt 52 FTE 37 Dollars \$12,746,000

Description of Item

The USMS requests 73 positions (52 Deputy Marshals), 37 FTE, and \$12,746,000 to manage the increasing workload along the Southwest Border (SWB) as follows:

- 72 positions, (51 Deputy Marshals), 36 FTE, and \$10,338,000 to staff SWB district offices to improve courthouse security and effectively manage the administrative workload generated by zero tolerance prosecutorial initiatives;
- \$2,072,000 for additional leased prisoner transport vehicles; and
- 1 position (1 Deputy Marshal), 1 FTE, and \$336,000 to manage the extradition workload at the USMS Mexico City foreign field office.

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 USMS presence reduces the potential for violence and injury among detainees or against detention and courtroom personnel in these locations.

With increased illegal immigrant apprehension along the Southwest Border caused by border security enhancements, the USMS has become more efficient and effective to manage the increasing workload with existing resources to protect judicial personnel and safely transport and secure federal detainees. Total USMS prisoner productions in SWB districts increased by 3 percent from FY 2005 to FY 2006 (compared to a 1 percent increase in all other districts) and by 9 percent from FY 2006 to FY 2007 (compared to a 2 percent increase in all other districts). In addition, the Bureau of Immigration and Customs Enforcement (ICE) has increased their number of aliens detained per year from 95,000 in FY 2001 to 283,000 in FY 2006. (FY 2007 ICE data

is not available at this time.) Many of them are criminal aliens charged for assault, sexual assault, and drug violations. All criminal aliens are remanded to the custody of the USMS.

Zero tolerance prosecutorial operations, such as “Operation Streamline,” are having a severe impact on USMS workload. Under Operation Streamline, all illegal aliens, including those from countries Other than Mexico (OTM’s), are prosecuted in federal court and sentenced to jail. In the Del Rio sector, the conviction rate exceeds 90 percent. This is a dramatic change from the “catch and release” strategy in prior years. After arrest by the Border Patrol, illegal aliens are remanded to USMS custody while undergoing criminal proceedings. The Border Patrol is already planning similar enforcement operations in other sectors along the Southwest Border including Laredo, Yuma, and Tucson Sectors. Without a significant investment in personnel resources, the USMS will be unable to handle the court, transportation of detainees, alien property management, security, and administrative caseload generated from Border Patrol arrests.

Beyond the increased enforcement efforts by DHS, the USMS’ workload is also growing due to other agencies’ new initiatives targeting the SWB such as the following:

- The USMS is included in the federal, state, and local Border Enforcement and Security Task Force (BEST), which focuses on combating Southwest Border violence.
- The Office of the National Drug Control Policy (ONDCP) has identified the Southwest Border Counternarcotics Strategy implementation as a top priority that the Department should support. The success of this program and other drug-control initiatives significantly impact the USMS workload in Southwest Border districts.

District Staffing

The USMS requests 72 positions, 36 FTE, and \$10,338,000 for additional staff in Southwest Border districts to manage the increasing workload. Hiring additional Border Patrol agents in FY 2007 and FY 2008 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, prisoner transportation and management.

Southwest Border districts have already expressed concern about the difficulties they face because of the heightened apprehension of illegal immigrants within their districts. In a district survey, the Chief Deputy of the Southern District of Texas succinctly explained the security impact caused by these detainees:

“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. In the latest district survey, the Acting Chief in the Southern District of California states:

“An expected change in prosecutorial philosophy regarding immigration cases could have a dramatic impact on S/CA workload in the next 12 to 24 months. Unlike other Southwest border districts, the U.S. Attorney has been prosecuting only serious felony cases. This philosophy has kept the prisoner population and court productions from increasing over the last few years. Thousands of cases that at one time would have been prosecuted in the district are going uncharged or, in the case of many narcotics cases, being referred to state court. There are indications that the USAO [Office of U.S. Attorneys] may give in to increasing political pressure to dramatically increase prosecutions of border related crimes. This change in prosecutions could immediately overwhelm [sic.] district prisoner housing and manpower resources.”

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 requested administrative personnel would provide district offices with administrative personnel for prisoner support. These personnel would:

- Ensure that prisoner files and records are entered into the Prisoner Tracking System (PTS) including tuberculosis (TB) test dates and test results,
- Liaison with jail staff to ensure that prisoners receive TB tests within 14 days of entering USMS custody,
- Create and maintain procurement files for the guard contracts,
- Assist headquarters personnel in managing prisoner medical care by recording/tracking outside medical procedures in PTS and by liaising with the staff of local medical facilities as needed,
- Arrange with jails for prisoner pickup for court appearances,
- Arrange to have prisoner meals available for prisoners in the cell-blocks,
- Enter prisoner records into the PTS,

- Ensure that jail staff test prisoners for TB and that any follow-up actions are taken for prisoners with positive TB tests,
- Coordinate with the Justice Prisoner and Alien Transportation System (JPATS) and the Bureau of Prisons (BOP) when prisoners are transferred to another district or agency, and
- Create and maintain contract files for guards.

Vehicles

The USMS requests \$2,072,000 for leased prisoner transport vehicles. While maintaining the ongoing productive tempo of USMS operations, vehicle replacement funding has been adversely impacted by rescissions. In FY 2007, the USMS leased 281 prisoner transport vehicles nationwide for \$1,945,000 per year. The USMS leases prisoner vans through the General Services Administration (GSA) to ensure that these vehicles do not accumulate high mileage. GSA tailors these leases to cover heavy usage as well as the costs of fuel and routine maintenance. Due to heavy wear and tear demanded from a prisoner van, the need for reliable and secure transport vehicles, and GSA replacement standards, the USMS replaces these vans prior to the mileage reaching 60,000 miles. Based on a three-year replacement cycle, leasing is more cost effective than purchasing these vans. To transport increased number of SWB detainees to and from court, the USMS requires additional funding for the required vehicle leases.

Fugitive Apprehension in Mexico City

The USMS requests one Deputy Marshal, one FTE, and \$336,000 to manage international fugitive apprehension and extradition in Mexico. Currently, the USMS Mexico City office has 3 Deputy Marshals. Increasing numbers of the violent MS-13 gang members are crossing international borders to conduct illegal activities and avoid apprehension. The USMS violent fugitive workload in Mexico has been increasing.

Impact on Performance (Relationship of Increase to Strategic Goals)

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

- DOJ Strategic Objective 3.1: Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.
- 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 table displays the prisoner population increase experienced in Southwest Border districts:

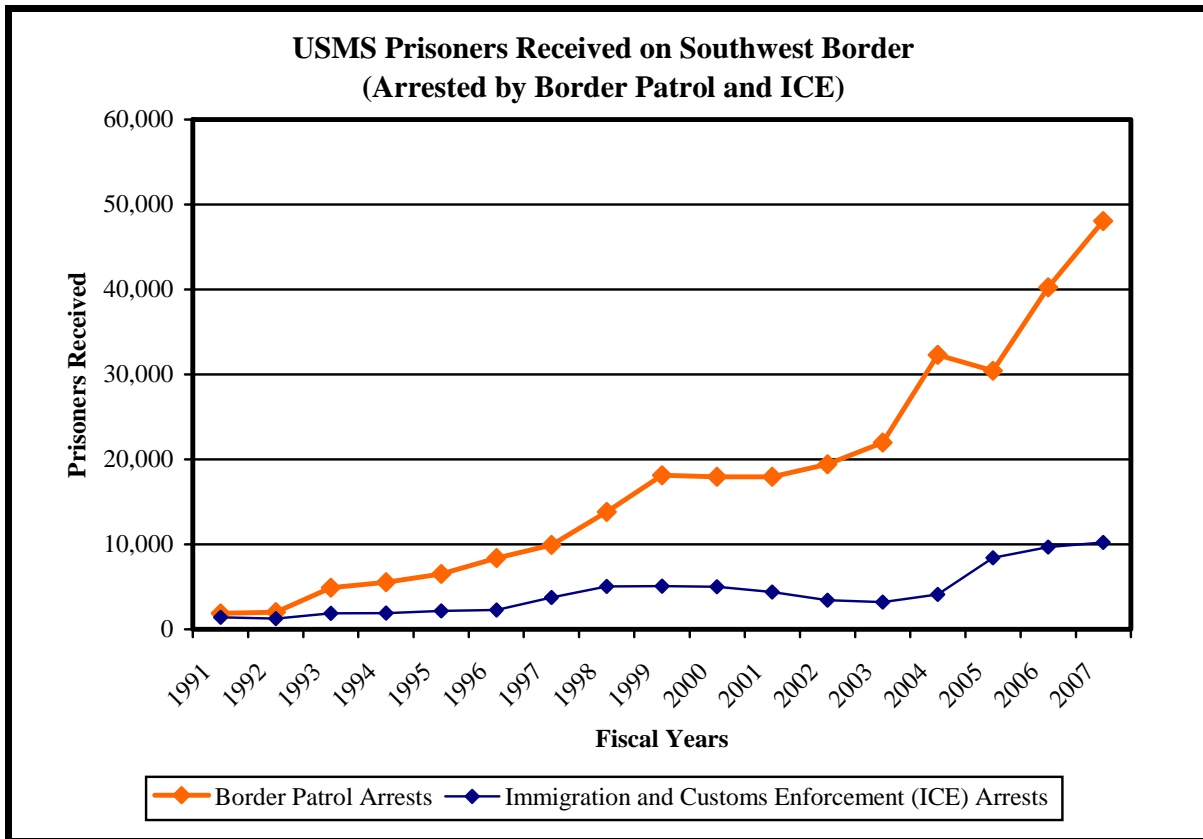
Southwest Border District	FY 2000 Average Daily Prisoner Population	FY 2007 Average Daily Prisoner Population	Percentage Increase
Arizona	2,272	4,413	94%
Southern California	1,888	1,944	3%
New Mexico	890	1,824	105%
Southern Texas	2,411	4,703	95%
Western Texas	3,076	5,238	70%
Total	10,537	18,122	72%

The following table illustrates the dramatic workload growth of prisoners between FY 2000 and FY 2007. From 1996 to 2006, the USMS allocated 258 of 635 (41 percent) additional positions to SWB districts, where the workload has more than doubled. The percentage of USMS prisoners produced by SWB districts continues to grow and, if stricter immigration standards are enacted and enforced, this percentage would significantly increase.

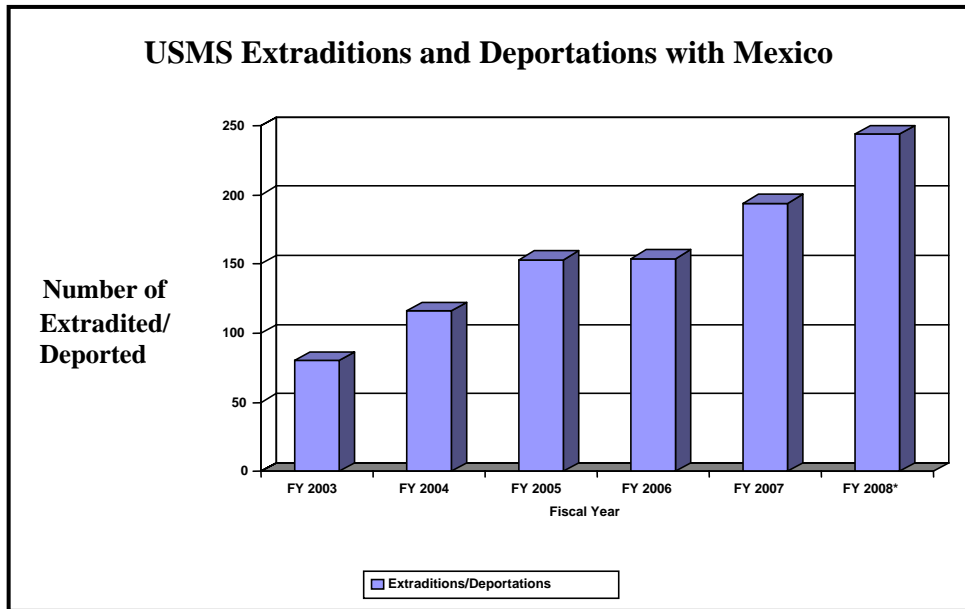
Prisoner Productions	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Southwest Border	195,871	201,628	224,064	265,930	264,592	272,473	296,216
Rest of USMS*	385,655	403,126	438,739	464,574	493,643	490,401	482,242
Total USMS*	581,526	604,754	662,803	730,509	758,243	762,874	778,458
Percentage of USMS productions handled by Southwest Border Districts	33.68%	33.34%	33.81%	36.40%	34.90%	35.72%	38.05%

**Excludes productions of the District of Columbia Superior Court.*

The following chart displays the increase in USMS workload due to Border Patrol and Immigration and Customs Enforcement (ICE) arrests from FY 1991 through FY 2006. The data used is the number of USMS prisoners received whose record reflected the Border Patrols as arresting agency.



The USMS Mexico City Foreign Field Office is responsible for extra-territorial fugitive investigation, foreign fugitive apprehension, extradition, and international law enforcement training. In FY 2007, Mexico City office opened 147 new cases, closed 246 cases, arrested 110 fugitives, extradited 54 fugitives, and returned 39 foreign fugitives to Mexico which demonstrates the effectiveness of investing USMS resources in Mexico. An additional Deputy Marshal will assist the others in clearing the 624 currently open cases and 99 outstanding provisional arrest warrants.



*Projected on 1st quarter actual of 61.

Funding

Base Funding

FY 2007 Enacted (w/supps)				FY 2008 Enacted				FY 2009 Current Services			
Pos	Agt/ Atty	FTE	(\$000)	Pos	Agt/ Atty	FTE	(\$000)	Pos	Agt/ atty	FTE	(\$000)
605	491	567	\$57,032	705	591	617	\$73,380	705	591	667	\$79,814

Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2009 Request (\$000)	FY 2010 Net Annualization (change from 2009) (\$000)
Deputy Marshal	\$171	51	\$8,725	\$268
Administrative	66	21	1,382	908
Deputy Marshal (Mexico)	336	1	336	13
Total Personnel		73	10,443	1,189

Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2009 Request (\$000)	FY 2010 Net Annualization (change from 2009) (\$000)
Leased Vehicles for Prisoner Transport	NA	NA	\$2,072	0
Prisoner Restraints	NA	NA	231	0
Total Personnel			2,303	0

Total Request for this Item

	Pos	Agt/Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)
Current Services	705	591	667	\$76,077	\$3,737	\$79,814
Increases	73	52	37	10,443	2,303	12,746
Grand Total	778	643	704	86,520	6,040	92,560

Note: The current services level reflects all resources in the five Southwest Border districts.

D. Protection of Witnesses

Protection of Witnesses—TOTAL	Perm. Pos.	FTE	Amount (\$000)
2007 Enacted	209	205	\$28,911
2007 Supplementals	0	0	0
2007 Enacted w/Supplementals	209	205	28,911
2008 Enacted	194	190	29,889
Adjustments to Base	7	7	2,135
2009 Current Services	201	197	32,024
2009 Program Increases	0	0	0
2009 Request	201	197	32,024
Total Change 2008-2009	7	7	\$2,135

1. Program Description

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

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

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

Since its inception, the USMS has protected, relocated, and given new identities to more than 8,000 witnesses and over 9,700 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.

In both criminal and civil matters involving protected witnesses, the USMS fully cooperates with

local law enforcement and court authorities in bringing witnesses to justice or in having them fulfill their legal responsibilities.

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

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Protection of Witnesses											
DOJ Strategic Goal/Objective: III: Ensure the Fair and Efficient Administration of Justice. 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.											
WORKLOAD/ RESOURCES		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2007		FY 2007		2008 Enacted		Current Services Adjustments and FY 2009 Program Changes		FY 2009 Request	
1. New witnesses received		150		110		170		22		192	
2. Total witness security program participants		17,840		17,780		18,080		232		18,312	
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
		205	\$28,911	205	\$28,911	190	\$29,889	7	\$2,135	197	\$32,024
			[\$0]		[\$0]		[\$0]		[\$0]		[\$0]
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2007		FY 2007		2008 Enacted		Current Services Adjustments and FY 2009 Program Changes		FY 2009 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity	1. Witness Security	205	\$28,911	205	\$28,911	190	\$29,889	7	\$2,135	197	\$32,024
			[\$0]		[\$0]		[\$0]		[\$0]		[\$0]
Performance Measure	1. Number of protected witness productions	1,600		1,776		1,800		234		2,034	
OUTCOME	2. Assaults against funded protected federal witnesses.	0		0		0		0		0	

A. Definition of Terms or explanations for Indicators:

Workload:

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

Performance Measures:

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

Outcome:

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

B. Factors Affecting FY 2007 Program Performance.

The actual for FY 2007 was incorrectly reported in the Appendix of the Budget of the United States for the measure “Total Witness Security Program Participants.” The correct number is reported in this table.

The USMS does 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.

C. Factors Affecting FY 2008 and FY 2009 Plans.

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

PERFORMANCE MEASURE TABLE											
Decision Unit: Protection of Witnesses											
Performance Report and Performance Plan Targets		FY 2001	FY 2002	FY 2003	FY2004	FY 2005	FY 2006	FY 2007		FY 2008	FY 2009
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	1. Number of protected witness productions	N/A	N/A	N/A	N/A	946	1,369	1,600	1,776	1,800	2,034
OUTCOME Measure	2. Assaults against funded protected federal witnesses.	0	0	0	0	0	0	0	0	0	0

N/A = Data unavailable

3. Performance, Resources, and Strategies

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

a. Performance Plan and Report for Outcomes

As illustrated in the preceding Performance and Resources Table, the performance outcome measure for this decision unit is the number of assaults against protected federal witnesses. The number of assaults against protected federal witnesses reflects the number of attacks on witnesses authorized for program participation that are receiving subsistence and housing expenses. In FY 2007, there were no assaults, continuing the USMS' unblemished record for witness security.

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 funds are spent appropriately, security is not compromised, and program participants are not assaulted.

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

The resources for the Protection of Witnesses program were reviewed in 2003. Status updates to the PART recommendations are covered in the Judicial and Courthouse Security decision unit.

E. Operations Support

Operations Support—TOTAL	Perm. Pos.	FTE	Amount (\$000)
2007 Enacted	249	244	\$32,738
2007 Supplementals	0	0	3,700
2007 Enacted w/Supplementals	249	244	36,438
2008 Enacted	167	162	33,873
Adjustments to Base	6	6	1,811
2009 Current Services	173	168	35,684
2009 Program Increases	0	0	0
2009 Request	173	168	35,684
Total Change 2008-2009	6	6	\$1,811

1. Program Description

The **Operations Support** decision unit is comprised of: the Special Operations Group; the Office of Emergency Management (including the Emergency Operations and Communications Center), 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 between 80 and 100 Deputy Marshals who perform SOG duties on a collateral-duty basis. When a SOG mission is declared, Deputy Marshals are called up from their home districts and deployed in teams. Each team consists of sniper/observers, breachers, evasive drivers, scuba-trained waterborne personnel, high-risk entry personnel, and personnel trained in less lethal techniques and equipment. The SOGTC also trains other USMS personnel and other federal, state, local, and foreign law enforcement personnel on a space-available basis.

In addition to these basic duties, SOG members have been deployed to Iraq and Afghanistan in support of DOJ initiatives in Operation Iraqi Freedom and Operation Enduring Freedom. Enhancing security of the courts, judiciary, and witnesses has been SOG's focus in these arenas. SOG Deputy Marshals have also been deployed, and continue to be deployed, domestically and internationally in support of other national interests, many of which involve national security.

Office of Emergency Management

The Office of Emergency Management (OEM) is the primary point of contact when the USMS is involved in sensitive and classified missions. The OEM has primary responsibility over the agency's actions involving homeland security, national emergencies, and domestic crises, and it ensures the USMS continuity of operations during emergency situations. The OEM has oversight for numerous emergency management programs including: Strategic National Stockpile Security Operations, the Explosive Detection Program, USMS National Emergency and Regional Response Plan, USMS Security Program, the Communications Center, the

Emergency Operations Center, Incident Management Teams, Peer Support Program and its Critical Incident Management Teams, and Continuity of Government (COG)/ Continuity of Operations (COOP) Programs.

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

The Emergency Operations Center (EOC) is 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 Directives, Executive Orders, 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, identify USMS personnel to perform emergency functions, plan for the protection of employees, and designate leadership lines of succession.

District Affairs

Headquarters may provide supplemental staffing to support extraordinary events by drawing upon available resources from all USMS districts. These events are typically physical security and recovery operations associated with natural disasters and civil disturbances. 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.

2. Performance Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Operations Support											
DOJ Strategic Goal/Objective: III: Ensure the Fair and Efficient Operation of the Federal Justice System. 3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement.											
		Final Target		Actual		Projected		Changes		Requested (Total)	
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE	FY 2007		FY 2007		2008 Enacted		Current Services Adjustments and FY 2009 Program Changes		FY 2009 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		284	\$36,438	284	\$36,438	196	\$33,873	6	\$1,811	202	\$35,684
			[\$17,425]		[\$17,425]		[\$34,524]		[\$0]		[\$34,524]
Program Activity 1. Special Operations and Assignments		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		284	\$36,438	284	\$36,438	196	\$33,873	6	\$1,811	202	\$35,684
			[\$17,425]		[\$17,425]		[\$34,524]		[\$0]		[\$34,524]
Performance Measure	1. Number of high threat and emergency situations supported through special operations and assignments	50		59		55		15		70	
Performance Measure	2. Percentage of deployments of special operations/assignments staff or resources before a planned event or within 48 hours of an unforeseen emergency.	100%		100%		100%		0%		100%	

A. Definition of Terms or Explanation of Indicators:

Performance Measures:

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

B. Factors Affecting FY 2007 Program Performance.

Beginning in FY 2007, the USMS began deploying Deputy Marshals to Afghanistan to secure the Afghanistan judicial complex. The deployed operational personnel 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). These USMS personnel 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.

Additional SOG deputies are performing 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 2008 and FY 2009 Plans.

The request reflects an anticipated increase in high-threat trials involving gang members and terrorists to ensure additional SOG deployments necessary for district 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.

PERFORMANCE MEASURE TABLE											
Decision Unit: Operations Support											
Performance Report and Performance Plan Targets		FY 2001	FY 2002	FY 2003	FY2004	FY 2005	FY 2006	FY 2007		FY 2008	FY 2009
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	1. Number of high threat and emergency situations supported through special operations and assignments	N/A	N/A	N/A	N/A	38	46	50	59	55	70
Performance Measure	2. Percentage of deployments of special operations/assignments staff or resources before a planned event or within 48 hours of an unforeseen emergency.	N/A	N/A	N/A	N/A	100%	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 III: Ensure the Fair and Efficient Operation of the Federal Justice System. Within this Goal, the decision unit's resources specifically address one of the Department's Strategic Objectives: 3.1- "Protect judges, witnesses, and other participants in Federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement."

a. Performance Plan and Report for Outcomes

The USMS strives to provide effective assistance to all levels of government during emergencies and disasters and at times of heightened law enforcement requirements. The USMS is able to deploy its Deputy Marshal workforce to any national emergency designated by the Attorney General. The USMS also successfully protected the Strategic National Stockpile (SNS),⁵ continued to advance the USMS ability to respond to an emergency by instituting the Continuity of Operations (COOP)/Continuation of Government (COG) programs, and participated in several national interagency training exercises⁶. 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. In FY 2007, the USMS conducted 59 emergency operations and in all cases deployed SOG personnel within 48 hours of a declared emergency.

b. Strategies to Accomplish Outcomes

The USMS deploys personnel and equipment in support of extraordinary district requirements, ensuring adequate resources are provided to maintain the integrity of the judicial process. The USMS will attempt to: improve its capability to deploy personnel and equipment in response to terrorist acts, natural disasters, and other external missions directed by the Attorney General; maintain operational readiness for efficient movement of people and equipment; and coordinate efforts and increase communication lines between the Strategic National Stockpile Security Operations Unit and the Centers for Disease Control and Prevention to insure adequate dissemination of intelligence information to thwart or respond to terrorist activities. For FY 2008, the USMS anticipates that 55 situations will require an emergency response and that the 48-hour response time will be met. For FY 2009, the USMS anticipates an increase to 70 situations due to the increased workload associated with the SNS.

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

The resources for Operations Support were reviewed in 2003. Status updates to the PART recommendations are covered in the Judicial and Courthouse Security decision unit.

⁵ The USMS has a reimbursable agreement with the Department of Health and Human Services (HHS) and the Centers for Disease Control and Prevention (CDC) to provide security for the SNS.

⁶ These exercises included the Congressionally-mandated Top Officials exercise in April 2005, Operation Pinnacle in June 2005, and the 2007 Title Globe exercise series.

V. E-Gov Initiatives

The Justice Department is fully committed to the President’s Management Agenda (PMA) and the E-Government initiatives that are integral to achieving the objectives of the PMA. The E-Government initiatives serve citizens, business, and federal employees by delivering high quality services more efficiently at a lower price. The Department is in varying stages of implementing E-Government solutions and services including initiatives focused on integrating government wide transactions, processes, standards adoption, and consolidation of administrative systems that are necessary tools for agency administration, but are not core to DOJ’s mission. To ensure that DOJ obtains value from the various initiatives, the Department actively participates in the governance bodies that direct the initiatives and we communicate regularly with the other federal agencies that are serving as the “Managing Partners” to ensure that the initiatives meet the needs of the Department and its customers. Working with other agencies to implement common or consolidated solutions helps DOJ reduce funding requirements for administrative and public-facing systems, thereby allowing DOJ to focus more of its scarce resources on higher priority, mission related needs. DOJ’s modest contributions to the Administration’s E-Government projects will facilitate achievement of this objective.

A. Funding and Costs

The Department of Justice participates in the following E-Government initiatives and Lines of Business:

Business Gateway	E-Travel	Integrated Acquisition Environment	Case Management LoB
Disaster Assistance Improvement Plan	Federal Asset Sales	IAE - Loans & Grants - Dunn & Bradstreet	Geospatial LoB
Disaster Assist. Improvement Plan - Capacity Surge	Geospatial One-Stop	Financial Mgmt. Consolidated LoB	Budget Formulation and Execution LoB
E-Authentication	GovBenefits.gov	Human Resources LoB	IT Infrastructure LoB
E-Rulemaking	Grants.gov	Grants Management LoB	

The Department of Justice E-Government expenses – i.e. DOJ’s share of e-Gov initiatives managed by other federal agencies – are paid for from the Department’s Working Capital Fund. These costs, along with other internal E-Government related expenses (oversight and administrative expenses such as salaries, rent, etc.) are reimbursed by the components to the WCF. As such, the USMS E-Government reimbursement to the WCF is \$275,000 for FY2008. The anticipated USMS e-Government reimbursement to WCF is \$350,000 for FY2009.

B. Benefits

The USMS established baseline cost estimates for each IT investment being (or planned to be) modified, replaced, or retired due to the Department’s use of an E-Government or Line of Business initiative. The USMS is measuring actual costs of these investments on an ongoing

basis. As the USMS completes migrations to common solutions provided by an E-Government or Line of Business initiative, the USMS expects to realize cost savings or avoidance through retirement or replacement of legacy systems and/or decreased operational costs once these initiatives have been fully implemented.

A: Organizational Chart

UNITED STATES MARSHALS SERVICE

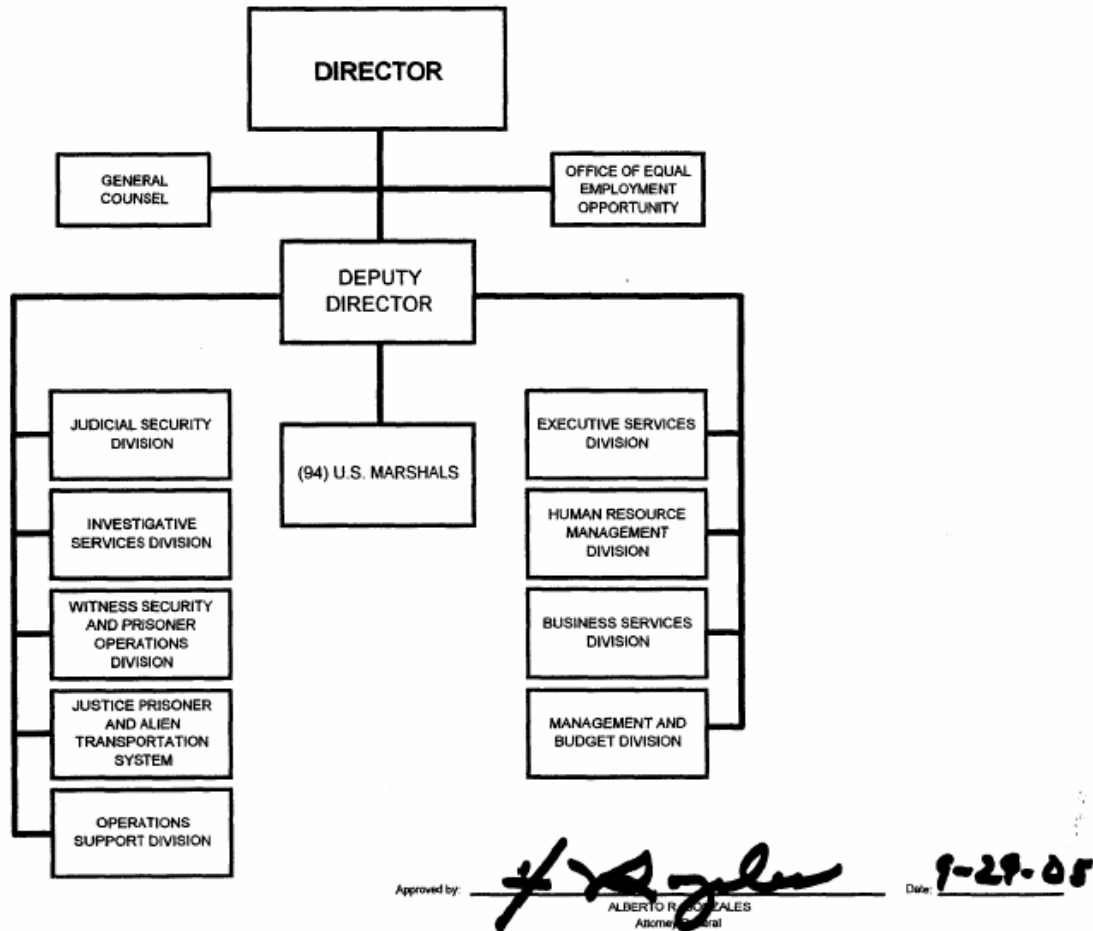


Exhibit A - Organizational Chart

B: Summary of Requirements

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

	FY 2009 Request		
	Perm. Pos.	FTE	Amount
2007 Enacted	4,638	4,553	818,916
2007 Supplementals			6,450
Total 2007 Revised Continuing Appropriations Resolution	4,638	4,553	825,366
2008 Enacted	4,413	4,262	866,523
Total 2008 Enacted	4,413	4,262	866,523
Adjustments to Base			
Increases:			
2009 pay raise (2.9%)			10,853
2008 pay raise annualization (3.5%)			4,209
Annualization of 2008 positions (FTE)		66	
Annualization of 2008 positions (dollars)			5,983
1% Increase in FERS LE Contribution			3,040
Retirement			582
Health Insurance			627
Employees Compensation Fund			174
GSA Rent			13,430
DHS Security Charge			3,110
Base Program Cost Adjustment	158	158	13,622
Postage			71
Security Investigations			463
Government Printing Office (GPO)			17
ICASS			184
Capital Security Cost Sharing			568
Post Allowance - COLA			30
Education Allowance			6
Residential Guard Service			62
Subtotal Increases	158	224	57,031
Decreases:			
Change in Compensable Days			(2,006)
Living Quarters Allowance			(77)
Non-recrural of 2008 Non-Personnel			(1,100)
Subtotal Decreases	0	0	(3,183)
Total Adjustments to Base	158	224	53,848
Total Adjustments to Base and Technical Adjustments	158	224	53,848
2009 Current Services	4,571	4,486	920,371
Program Changes			
Increases:			
Southwest Border Enforcement	73	37	12,746
Subtotal Increases	73	37	12,746
Total Program Changes	73	37	12,746
2009 Total Request	4,644	4,523	\$933,117
2008 - 2009 Total Change	231	261	66,594

B: Summary of Requirements

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

Estimates by budget activity	2007 Appropriation Enacted w/Supplementals			2008 Enacted			2009 Adjustments to Base			2009 Current Services			2009 Increases			2009 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Judicial and Courthouse Security	1,791	1,758	338,814	1,787	1,715	357,342	50	89	20,469	1,837	1,804	377,811	0	0	0	1,837	1,804	377,811
Fugitive Apprehension	1,491	1,464	262,058	1,379	1,352	273,448	45	45	15,617	1,424	1,397	289,065	1	1	336	1,425	1,398	289,401
Prisoner Security and Transportation	898	882	159,145	886	843	171,971	50	77	13,816	936	920	185,787	72	36	12,410	1,008	956	198,197
Protection of Witnesses	209	205	28,911	194	190	29,889	7	7	2,135	201	197	32,024	0	0	0	201	197	32,024
Operations Support	249	244	36,438	167	162	33,873	6	6	1,811	173	168	35,684	0	0	0	173	168	35,684
Total	4,638	4,553	\$825,366	4,413	4,262	\$866,523	158	224	\$53,848	4,571	4,486	\$920,371	73	37	\$12,746	4,644	4,523	\$933,117
Reimbursable FTE		279			292			0			292			11				303
Total FTE		4,832			4,554			224			4,778			48				4,826
Other FTE:																		
LEAP		614			614			0			614			0				614
Overtime		207			207			0			207			0				207
Total Comp. FTE		5,653			5,375			224			5,599			48				5,647

FY 2008 and FY 2009 total reimbursable FTE do not match MAX. The USMS increased reimbursable FTE based on enactment of the Court Security Improvement Act of 2007 on January 7, 2008 which provides reimbursable resources to protect the US

C: Program Increases/Offsets By Decision Unit

FY 2009 Program Increases/Offsets By Decision Unit
 United States Marshals Service
 (Dollars in Thousands)

Program Increases	Location of Description by Decision Unit	Fugitive Apprehension				Prisoner Security and Transportation				Total Increases
		Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount	
Southwest Border Enforcement	Prisoner Security & Transportation	1	1	1	336	72	51	36	12,410	12,746
Total Program Increases		1	1	1	\$336	72	51	36	\$12,410	\$12,746

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	2007 Appropriation Enacted w/Supplementals		2008 Enacted		2009 Current Services		2009 Increases		2009 Request	
	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s
Goal 1: Prevent Terrorism and Promote the Nation's Security										
1.2 Strengthen partnerships to prevent, deter, and respond to terrorist incidents	43	5,219	43	5,269	43	5,524	0	0	43	5,524
Subtotal, Goal 1	43	5,219	43	5,269	43	5,524	0	0	43	5,524
Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People										
2.3 Prevent, suppress, and intervene in crimes against children*	3	981	3	3,815	3	3,830	0	0	3	3,830
Subtotal, Goal 2	3	981	3	3,815	3	3,830	0	0	3	3,830
Goal 3: Ensure the Fair and Efficient Administration of Justice										
3.1 Protect judges, witnesses, and other participants in federal proceedings, and ensure the appearance of criminal defendants for judicial proceedings or confinement	3,141	558,089	2,968	587,806	3,147	625,782	44	12,410	3,191	638,192
3.2 Ensure the apprehension of fugitives from justice	1,645	261,077	1,540	269,633	1,585	285,235	4	336	1,589	285,571
Subtotal, Goal 3	4,786	819,166	4,508	857,439	4,732	911,017	48	12,746	4,780	923,763
GRAND TOTAL	4,832	\$825,366	4,554	\$866,523	4,778	\$920,371	48	\$12,746	4,826	\$933,117

FY 2008 and FY 2009 total reimbursable FTE do not match MAX. The USMS increased reimbursable FTE based on enactment of the Court Security Improvement Act of 2007 on January 7, 2008 which provides reimbursable resources to protect the US Tax Court.

*- The FTE reported under Goal II reflect the full-time personnel assigned to the Sex Offender Apprehension Program (SOAP) and excludes deputy marshals working part-time on the program.

E. Justification for Base Adjustments

Justification for Base Adjustments United States Marshals Service

Increases

2009 pay raise. This request provides for a proposed 2.9 percent pay raise to be effective in January of 2009 (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, \$10,853,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$8,974,000 for pay and \$1,879,000 for benefits).

Annualization of 2008 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2008 pay increase of 3.5 percent included in the 2008 President's Budget. The amount requested \$4,209,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$2,443,000 for pay and \$1,766,000 for benefits).

FERS Law Enforcement Retirement Contribution. Effective October 1, 2007, the FERS contribution for Law Enforcement retirement increased from 25.1% to 26.2%, or a total of 1.1% increase. The amount requested, \$3,040,000, represents the funds needed to cover this increase.

Annualization of additional positions approved in 2007 and 2008. This provides for the annualization of 0 additional positions appropriated in 2007 and 133 additional positions appropriated in 2008. 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 2007 increases, this request includes an increase of \$0 for full-year payroll costs associated with these additional positions. For 2008, this request includes a decrease of \$8,133,000 for one-time items associated with the increased positions, and an increase of \$14,116,000 for full-year costs associated with these additional positions, for a net increase of \$5,983,000.

	2007 Increases (\$000)	Annualization Required for 2009 (\$000)	2008 Increases (\$000)	Annualization Required for 2009 (\$000)
Annual salary rate of 133 new positions			6,184	4,800
Less lapse (50 %)			(3,092)	
Net Compensation	0	0	3,092	4,800
Associated employee benefits			1,194	1,473
Travel			1,553	5,639
Communications/Utilities			338	2,204
Other Contractual Services:				
25.2 Other Services			10,105	(1,571)
Supplies and Materials			1,348	(381)
Equipment			13,621	(5,356)
Buildout			825	(825)
TOTAL COSTS SUBJECT TO ANNUALIZATION	0	0	32,076	5,983

Retirement. Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on U.S. Department of Justice Agency estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of \$582,000 is necessary to meet our increased retirement obligations as a result of this conversion.

Employees Compensation Fund: The \$174,000 increase reflects payments to the Department of Labor for injury benefits paid 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.

Health Insurance: Effective January 2007, this component's contribution to Federal employees' health insurance premiums increased by 2.2 percent. Applied against the 2008 estimate of \$28,386,000, the additional amount required is \$627,000.

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 \$13,430,000 is required to meet our commitment to GSA. The costs associated with GSA rent were derived through the use of an automated system, which uses the latest inventory data, including rate increases to be effective in FY 2009 for each building currently occupied by Department of Justice components, as well as the costs of new space to be occupied. Rate increases have been formulated based on GSA rent billing data.

DHS Security Charges. The Department of Homeland Security (DHS) will continue to charge Basic Security and Building Specific Security. The requested increase of \$3,110,000 is required to meet our commitment to DHS. The costs associated with DHS security were derived through the use of an automated system, which uses the latest space inventory data. Rate increases expected in FY 2009 for Building Specific Security have been formulated based on DHS billing data. The increased rate for Basic Security costs for use in the FY 2009 budget process was provided by DHS.

Base Program Cost Adjustment: This adjustment in the amount of \$13,622,000 provides base program resources to offset shortfalls in the 2008 Enacted appropriation.

Postage: Effective May 14, 2007, the Postage Service implemented a rate increase of 5.1 percent. This percentage was applied to the 2008 estimate of \$1,396,000 to arrive at an increase of \$71,000.

Security Investigations: The \$463,000 increase reflects payments to the Office of Personnel Management for security reinvestigations for employees requiring security clearances.

Government Printing Office (GPO): GPO provides an estimated rate increase of 4%. This percentage was applied to the FY 2008 estimate of \$681,000 to arrive at an increase of \$17,000.

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 personnel services of each federal agency. This request of \$184,000 is based on the average cost per person from FY 2007 and FY 2008 billing for non-post and post related charges.

Overseas Capital Security Cost Sharing. The Department of State is in the midst of a 14-year, \$17.5 billion embassy construction program, with a plan to build approximately 150 new diplomatic and consular compounds. State has proposed that costs be allocated through a Capital Security Cost Sharing Program in which each agency will contribute funding based on the number of positions that are authorized for overseas personnel. The total agency cost will be phased in over 5 years. The estimated cost to the Department, as provided by State, for FY 2008 is \$50,974,159. The USMS currently has 20 positions overseas, and funding of \$ 568,000 is requested for this account.

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. \$30,000 reflects the increase 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 these locations. \$6,000 reflects the change in cost to support existing staffing levels.

Residential Guard Service (RGS). \$62,000 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.

Decreases

Changes in Compensable Days: The decrease costs of one compensable day in FY 2009 compared to FY 2008 is calculated by dividing the FY 2008 estimated personnel compensation \$404,353,000 and applicable benefits \$121,434,000 by 262 compensable days. The cost decrease of one compensable day is (\$ 2,006,000).

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. (\$77,000) reflects the change in cost to support existing staffing levels.

Non-Recurrence of 2008 Non-Personnel Expenses: The total amount required for the non-recurrence of non-personnel expenses in the enacted FY 2008 appropriation is (\$ 1,100,000).

F: Crosswalk of 2007 Availability

Crosswalk of 2007 Availability
 United States Marshals Service
 Salaries and Expenses
 (Dollars in Thousands)

Decision Unit	FY 2007 Enacted			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2007 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Judicial and Courthouse Security	1,791	1,758	336,064			2,750			817			69,907	1,791	1,758	409,538
Fugitive Apprehension	1,491	1,464	262,058						1,672			406	1,491	1,464	264,136
Prisoner Security & Transportation	898	882	159,145						399				898	882	159,544
Protection of Witnesses	209	205	28,911										209	205	28,911
Operations Support	249	244	32,738			3,700						900	249	244	37,338
TOTAL	4,638	4,553	\$818,916	0	0	\$6,450	0	0	\$2,888	0	0	\$71,213	4,638	4,553	\$899,467
Reimbursable FTE		279												279	
Total FTE		4,832			0			0			0			4,832	
Other FTE															
LEAP		614												614	
Overtime		207												207	
Total Compensable FTE		5,653			0			0			0			5,653	

Transfers. The amount reflects the transfer of funds from the High Intensity Drug Trafficking Area (HIDTA) Account to the U.S. Marshals Service to support fugitive task force operations. The Attorney General authorized the transfer of \$1,900,000 from expired Salaries and Expenses accounts to provide funds needed for the Justice Detainee Information System (JDIS).

Unobligated Balances. Funds were carried over from FY 2006 from the 0324X account, the 0324 6/7 account, and the 0133X Construction account.

G: Crosswalk of 2008 Availability

Crosswalk of 2008 Availability
 United States Marshals Service
 Salaries and Expenses
 (Dollars in Thousands)

Decision Unit	FY 2008 Enacted			Reprogrammings / Transfers			Carryover/ Recoveries			2008 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Judicial and Courthouse Security	1,787	1,715	357,342			1,290			40,048	1,787	1,715	398,680
Fugitive Apprehension	1,379	1,352	273,448			2,196				1,379	1,352	275,644
Prisoner Security & Transportation	886	843	171,971			630				886	843	172,601
Protection of Witnesses	194	190	29,889							194	190	29,889
Operations Support	167	162	33,873						3,200	167	162	37,073
TOTAL	4,413	4,262	866,523	0	0	4,116	0	0	43,248	4,413	4,262	\$913,887
Reimbursable FTE		292									292	
Total FTE		4,554			0			0			4,554	
Other FTE												
LEAP		614									614	
Overtime		207									207	
Total Compensable FTE		5,375			0			0			5,375	

Transfers. The amount reflects the transfer of funds from the High Intensity Drug Trafficking Area (HIDTA) Account to the U.S. Marshals Service to support fugitive task force operations. The Attorney General authorized the transfer of \$3,000,000 from expired Salaries and Expenses accounts to provide funds needed for the Justice Detainee Information System (JDIS).

Unobligated Balances. Funds were carried over from FY 2007 from the 0324X account, the 0324 6/7 account, and the 0133X Construction account.

FY 2008 and FY 2009 total reimbursable FTE do not match MAX. The USMS increased reimbursable FTE based on enactment of the Court Security Improvement Act of 2007 on January 7, 2008 which provides reimbursable resources to protect the US Tax Court.

H: Summary of Reimbursable Resources

Summary of Reimbursable Resources

United States Marshals Service

Salaries and Expenses

(Dollars in Thousands)

Collections by Source	2007 Enacted			2008 Planned			2009 Request			Increase/Decrease		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Administrative Office of the U.S. Courts	47	47	2,047	47	47	2,953	63	55	2,953	16	8	0
Assets Forfeiture Fund	136	136	19,637	142	142	23,105	142	142	23,105	0	0	0
Department of the Air Force	6	6	0	0	0	0	0	0	0	0	0	0
Department of Health and Human Services, Centers for Disease Control	34	34	7,200	34	34	7,200	34	34	7,200	0	0	0
Department of State	0	0	4,666	0	0	20,908	0	0	20,908	0	0	0
Department of Justice	0	0	5,234	0	0	5,774	0	0	5,774	0	0	0
Federal Law Enforcement Training Center	0	0	50	0	0	50	0	0	50	0	0	0
OCDETF	41	41	8,447	41	41	8,272	47	44	10,014	6	3	1,742
Office of the Federal Detention Trustee	0	0	1,183,865	0	0	1,180,700	0	0	1,180,700	0	0	0
Office of National Drug Control Policy (ONDCP)	8	8	1,533	8	8	1,810	8	8	1,810	0	0	0
Regime Crimes Liaison Office (RCLO) - Baghdad, Iraq	0	0	325	0	0	642	0	0	642	0	0	0
U.S. Tax Court	0	0	0	3	3	363	3	3	564	0	0	201
Service of Process	7	7	2,525	7	7	2,300	7	7	2,300	0	0	0
Gang Related Education and Training (GREAT)	0	0	0	1	1	1,300	1	1	1,300	0	0	0
U.S. Border Patrol - Operation Streamline	0	0	0	9	9	2,100	9	9	2,100	0	0	0
Justice Prisoner and Alien Transportation System Revolving Fund	0	0	800	0	0	1,656	0	0	1,656	0	0	0
Various Federal Sources	0	0	3,303	0	0	2,887	0	0	2,887	0	0	0
Budgetary Resources:	279	279	\$1,239,632	292	292	\$1,262,020	314	303	\$1,263,963	22	11	\$1,943

FY 2008 and FY 2009 total reimbursable FTE do not match MAX. The USMS increased reimbursable FTE based on enactment of the Court Security Improvement Act of 2007 on January 7, 2008 which provides reimbursable resources to protect the U.S. Tax Court.

I: Detail of Permanent Positions by Category

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

Category	2007 Enacted w/Supplementals		2008 Enacted		2009 Request				
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	ATBs	Program Increases	Total Pr. Changes	Total Authorized	Total Reimbursable
Intelligence Series (132)	20	2	19	2	0	0	0	19	2
Personnel Management (200-299)	45	0	41	0	2	0	0	43	1
Clerical and Office Services (300-399)	638	134	565	143	39	21	21	625	147
Accounting and Budget (500-599)	132	9	121	10	5	0	0	126	11
Attorneys (905)	14	1	13	1	1	0	0	14	1
Paralegals / Other Law (900-998)	2	0	2	0	0	0	0	2	0
Information & Arts (1000-1099)	8	0	7	0	1	0	0	8	0
Business & Industry (1100-1199)	109	19	109	19	0	0	0	109	22
Equipment/Facilities Services (1600-1699)	5	0	5	0	0	0	0	5	0
Miscellaneous Inspectors Series (1802)	110	0	98	0	5	0	0	103	0
Deputy U.S. Marshals (1811 and 082)	3,425	96	3,314	98	98	52	52	3,464	106
Supply Services (2000-2099)	1	0	1	0	0	0	0	1	0
Motor Vehicle Operations (5703)	7	0	6	0	1	0	0	7	0
Information Technology Mgmt (2210)	89	1	82	1	4	0	0	86	1
Security Specialists (080)	24	17	21	18	2	0	0	23	23
Miscellaneous Operations (010-099)	9	0	9	0	0	0	0	9	0
Total	4,638	279	4,413	292	158	73	73	4,644	314
Headquarters (Arlington, VA)	542	91	448	96	41		0	489	112
U.S. Field	4,089	188	3,958	196	117	72	72	4,147	202
Foreign Field	7	0	7	0		1	1	8	0
Total	4,638	279	4,413	292	158	73	73	4,644	314

FY 2008 and FY 2009 total reimbursable FTE do not match MAX. The USMS increased reimbursable FTE based on enactment of the Court Security Improvement Act of 2007 on January 7, 2008 which provides reimbursable resources to protect the US Tax Court. The 2009 ATB adding 158 FTE is prorated against all job categories. If enacted, the USMS will distribute FTE across the agency based on staffing requirements.

J: Financial Analysis of Program Changes

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

	Fugitive Apprehension		Prisoner Security and Transportation		Program Changes	
	Southwest Border Enforcement		Southwest Border Enforcement			
	Pos.	Amount	Pos.	Amount	Pos.	Amount
Grades:						
GS-9	0	0	21	1,026	21	1,026
GS-7	1	45	51	2,308	52	2,353
Total positions & annual amount	1	45	72	3,334	73	3,379
Lapse (-)	(1)	(23)	(36)	(1,667)	(37)	(1,690)
Other personnel compensation	0	0	0	0	0	0
Total FTE & personnel compensation	1	23	36	1,667	37	1,690
Personnel benefits		29		638		667
Travel and transportation of persons		139		3,375		3,514
Communication, rents, and utilities		18		178		196
Printing		0		4		4
Other services		57		1,674		1,731
Supplies and materials		9		487		496
Equipment		61		4,387		4,448
Total, 2009 program changes requested	1	\$336	36	\$12,410	37	\$12,746

K: Summary of Requirements by Grade

Summary of Requirements by Grade

United States Marshals Service

Salaries and Expenses

Grades and Salary Ranges	2007 Enacted w/Supplementals		2008 Enacted		2009 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
Executive Level IV, \$145,100	1		1		1		0	
Senior Level, \$111,676 - 145,400	36		36		36		0	
SES, \$111,676 - \$168,000	13		15		15		0	
GS-15, \$110,363 - 143,471	136		134		134		0	
GS-14, \$93,822 - 121,967	205		204		205		1	
GS-13, \$79,397 - 103,220	830		803		813		10	
GS-12, \$66,767 - 86,801	1,876		1,670		1,773		103	
GS-11, \$55,706 - 72,421	780		780		780		0	
GS-10, 50,703 - 65,912	9		9		9		0	
GS-9, \$46,041 - 59,852	397		287		347		60	
GS-8, 41,686 - 54,194	51		51		51		0	
GS-7, \$37,640 - 48,933	289		408		465		57	
GS-6, \$33,872 - 44,032	3		3		3		0	
GS-5, \$30,386 - 39,501	7		7		7		0	
GS-4, \$27,159 - 35,303	4		4		4		0	
GS-3, \$24,194 - 31,451	1		1		1		0	
GS-2, \$22,174 - 27,901	0		0		0		0	
GS-1, \$19,722 - 24,664	0		0		0		0	
Total, appropriated positions	4,638		4,413		4,644		231	
Average SES Salary		\$140,266		\$144,614		\$147,796		
Average GS Salary		\$75,468		\$77,808		\$79,519		
Average GS Grade		11.54						

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	2007 Actuals		2008 Enacted		2009 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Direct FTE & personnel compensation	4,530	322,726	4,239	334,871	4,500	357,552	261	22,681
11.3 Other than full-time permanent	23	704	23	732	23	752	0	20
11.5 Total, Other personnel compensation	821	61,821	821	63,670	846	67,500	25	3,830
<i>Law Enforcement Availablitiy Pay (LEAP)</i>	614	46,236	614	47,416	639	49,993	25	2,577
<i>Overtime</i>	207	13,235	207	15,041	207	16,240	0	1,199
<i>Other Compensation</i>	0	2,350	0	1,213	0	1,267	0	54
11.8 Special personal services payments		11,663		11,663		11,663	0	0
Total	5,374	396,914	5,083	410,936	5,369	437,467	286	26,531
Other Object Classes:								
12.0 Personnel benefits		140,239		148,883		162,042		13,159
21.0 Travel and transportation of persons		25,270		24,831		34,447		9,616
22.0 Transportation of things		958		958		958		0
23.1 GSA rent		157,389		153,335		168,600		15,265
23.2 Moving/Lease Expirations/Contract Parking		6,646		6,489		6,552		63
23.3 Comm., util., & other misc. charges		22,815		22,928		23,499		571
24.0 Printing and reproduction		668		668		689		21
25.2 Other services		42,334		44,001		44,975		974
25.3 Purchases of goods & services from Government accounts (Antennas, DHS Sec. Etc..)		9,128		9,457		12,567		3,110
26.0 Supplies and materials		9,986		11,334		11,450		116
31.0 Equipment		18,962		31,088		28,296		(2,792)
32.0 Buildout		564		1,389		1,349		(40)
42.0 Insurance Claims		226		226		226		0
Total obligations		\$832,099		\$866,523		\$933,117		\$66,594
Unobligated balance, start of year		(46,534)		(43,248)		(43,248)		
Unobligated balance, end of year		43,248		43,248		43,248		
Recoveries of prior year obligations		24,679		0		0		
Total DIRECT requirements		804,134		866,523		933,117		
Reimbursable FTE:								
Full-time permanent	279		292		303		11	0
23.1 GSA rent (Reimbursable)		7,723		7,827		7,827		0
25.3 DHS Security (Reimbursable)		458		464		464		0

FY 2008 and FY 2009 total reimbursable FTE do not match MAX. The USMS increased reimbursable FTE based on enactment of the Court Security Improvement Act of 2007 on January 7, 2008 which provides reimbursable resources to protect the US Tax Court.