



Federal Managers Association
Advocating *Excellence* in Public Service

United States Marshals Service

Chapter 373

fma.usmarshals@gmail.com

June 3, 2021

The Honorable Patrick J. Leahy
Chairman
Committee on Appropriations
437 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Richard C. Shelby
Ranking Member
Committee on Appropriations
304 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Jeanne Shaheen
Chairwoman
Subcommittee on Commerce, Justice,
Science, and Related Agencies
Committee on Appropriations
506 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Jerry Moran
Ranking Member
Subcommittee on Commerce, Justice,
Science, and Related Agencies
Committee on Appropriations
521 Dirksen Senate Office Building
Washington, D.C. 20510

SUBJECT: Testimony – Fiscal Year 2022 Appropriations, U.S. Marshals Service (USMS)

Dear Chairs Leahy and Shaheen and Ranking Members Shelby and Moran:

The Federal Managers Association (FMA)¹ is the oldest and largest organization representing the interests of the 200,000 managers, supervisors, and executives serving in today's federal government. It aims to promote excellence in public service. Despite setbacks in consultation with USMS leadership in recent years,² FMA has maintained an active and influential chapter at the Agency for nearly two decades.

USMS FMA has long sounded the alarm about staffing levels at USMS.³ The concerns in no way suggest that Congress has not appropriated an adequate number of full-time equivalencies (FTEs) to fulfill USMS duties.⁴ Rather, they speak to how Agency leadership has disproportionately allocated its workforce into what has grown into top-heavy headquarter divisions and staff offices, versus its 94 district offices throughout the country where the majority of work assignments are carried out each day. An exhibit⁵ in a recent news report⁶ confirms that district offices continue to be neglected. As a result, we believe it is only

¹ www.fedmanagers.org

² <http://fedmanagers.org/fma/files/ccLibraryFiles/Filename/000000001510/FMA%20to%20Director%20Washington%20re%20%20Consultation%20Agreement.pdf>, September 21, 2020

³ <https://www.govexec.com/management/2019/02/us-marshals-complain-system-unfairly-denies-them-promotion/154811/>, February 12, 2019 (note sub-heading "HQ Versus the Field").

⁴ <https://www.usmarshals.gov/duties/factsheets/index.html>, viewed June 3, 2021.

⁵ https://drive.google.com/file/d/1qFXJktXtE2eH2lba5dqhlFUnTb_1gJQH/view, May 10, 2021.

⁶ <https://dakotafreepress.com/2021/05/31/u-s-marshals-face-contempt-for-disrupting-court-after-refusing-judges-order-to-disclose-coronavirus-vaccination-status/>, May 31, 2021.

a matter of time before the Agency is no longer able to safely and consistently carry out its *primary* mission of court security without risk of injury or worse to participants in the judicial process.

Agency executives routinely suggest an interest in *one* Marshals Service. Yet, we often hear from our constituents—and we agree—USMS has seemingly grown into two separate components operating under the same badge. Over the past decade the Agency has seen a significant increase in the splitting of its workforce between 94 district offices and 12 headquarter divisions and a variety of staff offices, the latter that report through Arlington, VA.

Rather compelling is—for what may be the first time—a written admission by the Agency’s Chief of Staff in the aforementioned exhibit, presumably representing the Director and Deputy Director,⁷ that staffing shortages in district offices are adversely impacting the ability to provide basic judicial security functions:

“The USMS takes seriously its court security responsibilities and place the highest priority on maintaining the safety and security of those involved in the judicial process. It should be noted, however, the Marshals Service is currently at a critical staffing level of 69% across the agency. The District of South Dakota’s DUSM staffing level is even lower at only 65%. This severe staffing shortage contributes to the limited number of trials and hearings which can be supported simultaneously, as well as the staffing for any pre- or post-trial appearances requiring the provision of court security by DUSM personnel. Any widespread court orders or other restrictions which would impose additional limitations on the number of DUSMs available to provide court security and other vital responsibilities further degrades our nationwide ability to support the judiciary and may negatively impact the ability of courts to conduct their business when such security is required.”⁸

Last year, the Courts called upon Congress for “increased appropriations for USMS to hire an additional 1,000 Deputy U.S. Marshals (DUSMs) in accordance with the District Staffing Model” to provide for their security.⁹ Many Agency managers, however, make the case that these 1,000 “district” operational employees have been reassigned over time to build larger headquarter divisions and staff offices at the expense of district offices, routinely creating staffing shortages across the country to uphold the Agency’s *primary* mission. For example:

- Today, the Agency’s Investigative Operations Division employs over 600 FTEs and contractors throughout the country, all reporting through Arlington, VA, as opposed to the district chain of command (*i.e.*, United States Marshal and Chief Deputy U.S. Marshal) in cities where the two groups are mere miles apart from one another.
- During the previous Administration, the Agency dedicated nearly two dozen DUSMs to its Judicial Security Division (JSD) in support of protective operations for the Secretary of Education.¹⁰ Its cost was widely criticized for years and many questions were raised on how

⁷ Questions have been raised where the Agency’s leadership is (*i.e.*, why the Director and Deputy Director have delegated a response to an Article III Judge from the Chief of Staff with no decisional authority).

⁸ *Id.*

⁹ https://www.uscourts.gov/sites/default/files/letter_to_congress_re_judicial_security_funding_request.pdf, September 4, 2020, and <https://www.uscourts.gov/news/2020/09/09/congress-urged-adopt-judicial-security-measures>, September 9, 2020.

¹⁰ Archived organizational chart, Judicial Security Division, Protective Operations, Secretary of Education. [Exhibit A]

and why it became a new USMS mission.¹¹ The detail ended on January 8, 2021. Yet, it does not appear the assigned DUSMs, most of whom were originally pulled from districts years earlier, were returned to the most critically understaffed offices. Instead, we are informed almost all were reassigned to other headquarter programs, to include within JSD to increase the size of the protection detail for the Deputy Attorney General.

- Three dozen DUSMs and administrative employees (and one contractor) are reportedly assigned to the Tactical Operations Division, Strategic National Stockpile Security Operations. While guarding the country's national stockpile is an important responsibility, it is not one that necessarily falls within a primary USMS mission.

The Agency uses a District Staffing Model to allocate positions to its 94 district offices. Despite repeated requests over many years to develop a similar model, one does not exist for USMS headquarters, thereby allowing its offices to grow exponentially. Consequently, we do not believe transparency exists with respect to how the Agency strategically applies a staffing model exclusive to districts, thereby positioning itself when levels drop, to argue for additional funding to protect judges. Rather, it gives the impression Congress can only solve a crisis in the making with more resources.

Before funding an additional 1,000 DUSMs, we urge the sub-committee to consider examining the true need of so many additional positions at taxpayer expense. After all, the Agency reports year after year it has been unable to fill a number of DUSM openings, consistently incapable of keeping up with attrition. A review of existing vacancies—even well before the pandemic—will likely validate this point.¹²

Across the country in other DOJ investigative components (*i.e.*, ATF, DEA, FBI, and OIG) operational staff assigned in cities outside their Washington, D.C. headquarters report through a local Special Agent-in-Charge. Not so at USMS where hundreds of DUSMs report through Arlington, VA, creating unnecessary and redundant layers of mid-level managers in the same cities to separately supervise those assigned to headquarter divisions and staff offices and those assigned to districts.

A co-author of this letter managed USMS, Northern District of Illinois, for more than two years from 2018–2020. His experience was those headquarter employees assigned in Chicago were not routinely available or required to support district operations, even on what were “beyond-capacity days” when staffing was so critically short the district had difficulty safely carrying out the Agency’s judicial security and detention operation missions (*i.e.*, when called to assist, headquarter employees under separate chains of command often did not show up at the U.S. Courthouse—without consequence—to support judicial security operations). When confronted with the associated risk, the Agency’s Director said he believes USMS is “different” than ATF, DEA, FBI, and OIG. We think not. Accordingly, we call upon Congress to consider urging the Government Accountability Office to conduct a study to examine any difference in organizational structures, the associated risk, and unnecessary cost with redundant mid-level managers between other investigative DOJ components and USMS where at the latter employees could instead be hired at lower grades to staff courtrooms and detention space in district offices.

The Agency’s Chief Financial Officer acknowledges Congress appropriates funds and positions to USMS as a whole unit (*i.e.*, it does not mandate where to internally allocate said funds or positions).¹³ ATF,

¹¹ Letter to Acting Attorney General Matthew G. Whitaker from Charles E. Grassley, Chairman, Senate Committee on the Judiciary, December 7, 2018, [Exhibit B] and <https://www.politico.com/news/2020/11/03/devos-security-detail-millions-years-433977>, November 3, 2020.

¹² We also suggest asking for the number of DUSM candidates recruited, cleared, and currently ready to attend basic training if 1,000 positions were funded.

¹³ Email from Holley O’Brien, Chief Financial Officer, to Jason Wojdylo, November 13, 2018. [Exhibit C]

DEA, FBI, and OIG seemingly and effectively manage their organizational structures through local Special Agents-in-Charge. We believe USMS could equally do so through its United States Marshals and Chief Deputy U.S. Marshals that lead its district offices. Alternatively, divisions unnecessarily and exponentially grow silos, commonly termed throughout the Agency as “empire-building,” disproportionately leaving too many districts critically short staffed. The current national average of 69% as reported by the Chief of Staff is astonishing, not ignoring an acknowledgement many districts operate at even lower staffing percentages.

We hope the new USMS Director will avoid being bamboozled by bureaucrats at USMS headquarters into believing Congressional mandates require continued growth of headquarter divisions and staff offices. Instead, we renew our recommendation by urging him to shake-up the organizational structure by issuing an immediate moratorium on hiring all but critical vacancies exclusively in district offices and immediately reassign staff in cities around the country to local district chains of command, using the tested and successful model found at other DOJ components.

The Director-nominee awaits Senate confirmation. With his swift confirmation there is opportunity to get back to the basics by holding USMS accountable to its judicial security mission. Doing so could avoid the confrontation recently created in South Dakota between district managers—under of the auspice of “headquarters said so”—and the very judiciary the Agency is sworn to protect.¹⁴ It raises questions whether additional research by USMS¹⁵ may have advanced better communication with the Judiciary.

We urge Congress to expeditiously endorse five of the six judicial security measures approved by the Judicial Conference of the United States.¹⁶ We ask that the staffing proposal, however, be carefully reviewed where immediate steps can instead be taken to reassign existing USMS operational employees from bloated headquarter divisions and staff offices back to critically understaffed districts.¹⁷ Otherwise, beyond the more important issue of safety at our U.S. Courthouses and of the judicial process we question whether the greatest opportunity for excellence in public service can truly be achieved at USMS.

Sincerely,

Dave Barnes

Dave Barnes
President

Jason R. Wojdylo

Jason R. Wojdylo
Vice-President for Law Enforcement Operations

cc: The Honorable David W. McKeague
Chair, Committee on Judicial Security
Judicial Conference of the United States

¹⁴ *Id.*

¹⁵ https://www.washingtonpost.com/lifestyle/wellness/hipaa-vaccine-covid-privacy-violation/2021/05/22/f5f145ec-b9ad-11eb-a6b1-81296da0339b_story.html, May 22, 2021.

¹⁶ https://www.uscourts.gov/sites/default/files/letters_to_congressional_leadership_re_judicial_security_0.pdf, August 19, 2020.

¹⁷ For the past 15 months hundreds of USMS employees and contractors assigned to headquarter divisions and staff offices have predominantly teleworked amid the pandemic. Conversely, their peers assigned to districts mostly reported to district offices to carry out the Agency’s critical missions.

Exhibit A



JUDICIAL SECURITY DIVISION

SECRETARY OF EDUCATION PROTECTION DETAIL

Updated: January 2021

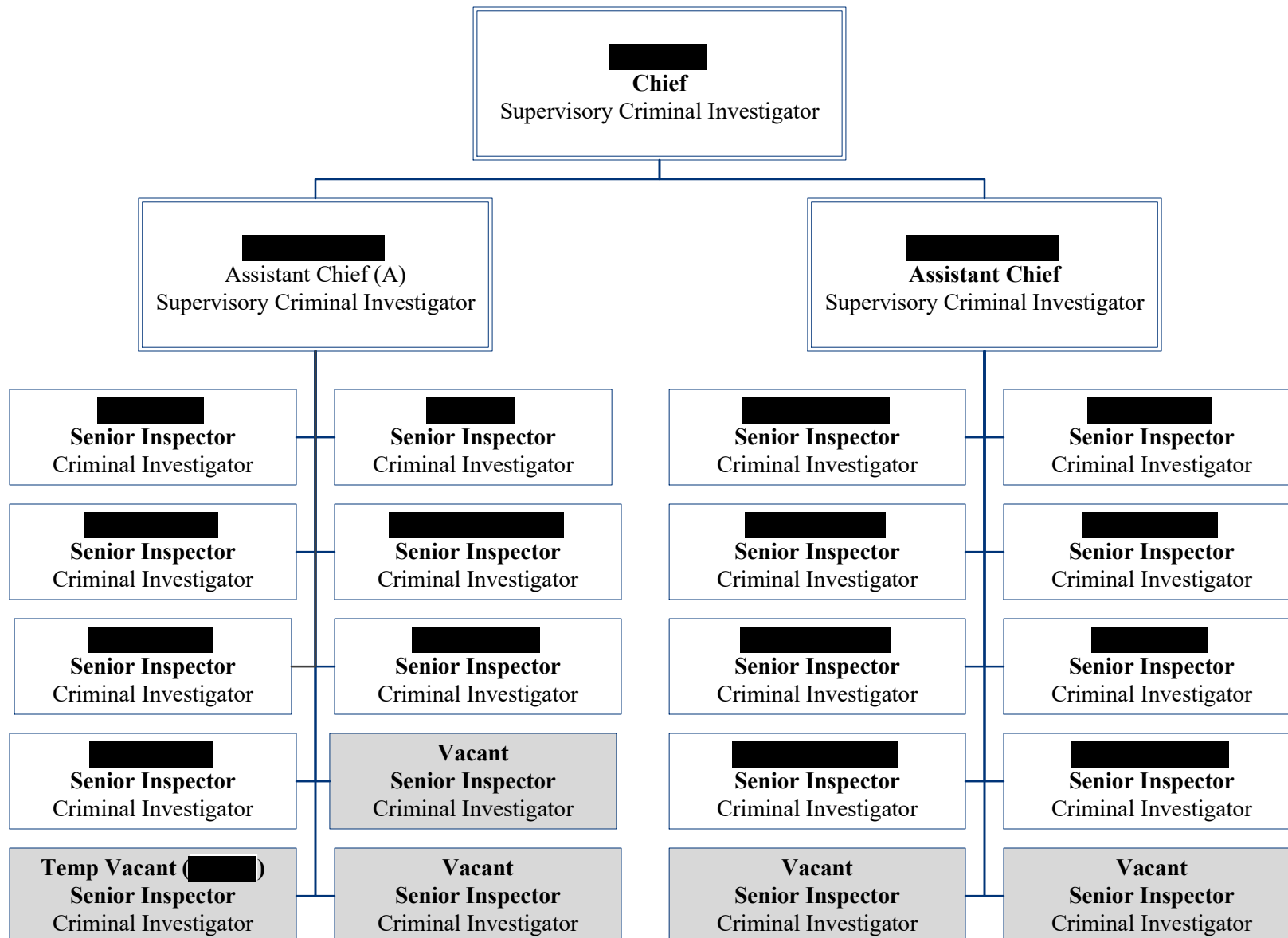


Exhibit B

CHARLES E. GRASSLEY, IOWA, CHAIRMAN

ORRIN G. HATCH, UTAH
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
MICHAEL S. LEE, UTAH
TED CRUZ, TEXAS
BEN SASSE, NEBRASKA
JEFF FLAKE, ARIZONA
MIKE CRAPO, IDAHO
THOM TILLIS, NORTH CAROLINA
JOHN KENNEDY, LOUISIANA

DIANNE FEINSTEIN, CALIFORNIA
PATRICK J. LEAHY, VERMONT
RICHARD J. DURBIN, ILLINOIS
SHELDON WHITEHOUSE, RHODE ISLAND
AMY KLOBUCHAR, MINNESOTA
CHRISTOPHER A. COONS, DELAWARE
RICHARD BLUMENTHAL, CONNECTICUT
MAZIE HIRONO, HAWAII
CORY A. BOOKER, NEW JERSEY
KAMALA D. HARRIS, CALIFORNIA

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER QUICK, *Democratic Chief Counsel and Staff Director*

December 7, 2018

VIA ELECTRONIC TRANSMISSION

Mathew G. Whitaker
Acting Attorney General
United States Department of Justice
Washington, D.C. 20220

The Honorable Betsy DeVos
Secretary of Education
United States Department of Education
Washington, D.C. 20202

Dear Acting Attorney General Whitaker and Secretary DeVos:

I am writing to request more information on the Department of Education's arrangement with the U.S. Marshals Service (USMS) to provide Secretary DeVos with 24-hour protection. This arrangement, which has been in effect since February 2017, is highly unusual because the USMS does not typically provide long term security for cabinet members, and according to whistleblower allegations, doing so places a strain on manpower and resources. As it stands, Secretary DeVos is the only cabinet official who is currently receiving USMS protection.¹ The costs associated with Secretary DeVos' security have also increased dramatically over the past 19 months. There are serious questions regarding the need for the extra security, and the rising costs associated with them.

By law, protecting cabinet officials is not a duty or function of the USMS.² Congress tasked the USMS with providing security for the entire federal judiciary, which includes protection for judges, court officers, and courthouses.³ Additionally, U.S. Marshals are tasked with federal prisoner transport, fugitive apprehension, sex offender registry enforcement, the missing child program, and security for individuals in witness protection.⁴ According to whistleblower

¹ Heidi Przybyla, *U.S. Marshals Service spending million on DeVos security in unusual arrangement*, NBC News (Nov. 16, 2018), available at <https://www.nbcnews.com/politics/politics-news/u-s-marshals-service-spending-millions-devos-security-unusual-arrangement-n909001>.

² 28 U.S.C. §566 (a).

³ 28 U.S.C. §566 (e).

⁴ *Id.*

allegations, every USMS employee who is assigned to protect Secretary DeVos must be pulled away from performing one of these statutorily mandated duties. And while it is not unusual for the USMS to provide temporary protection to government officials when there is a credible threat against their safety, Secretary DeVos' security detail has been ongoing for the past 19 months. Furthermore, the USMS' very own website describes the arrangement with the Department of Education as a "**permanent** risk-based protection detail[.]"⁵ It is not clear, however, that Congress has authorized the use of USMS personnel as a permanent detail for cabinet officials.

Equally as concerning, the costs associated with the USMS' protection of Secretary DeVos have steadily grown over time. According to news reports, the costs of providing security for Secretary DeVos was \$5.2 million in 2017, \$6.79 million in 2018, and will reach a projected \$7.74 million in 2019.⁶ These expenses have been incurred despite efforts by Secretary DeVos to reduce costs by paying out of pocket for deputy marshals to travel on her private plane.⁷ By comparison, the Environmental Protection Agency (EPA), which relies on its own internal security, spent \$3.5 million on security for former Administrator Scott Pruitt in 2017.⁸ Despite the lower costs incurred by the EPA relative to those incurred by the USMS, the EPA Office of Inspector General (EPA OIG) found that the EPA's security costs were not justified.⁹ The EPA OIG further cited the EPA for excessive and unnecessary costs and questioned the need for additional security.¹⁰

In order for the Committee to better understand the reasons for the USMS' ongoing provision of security to Secretary DeVos, please answer the following questions no later than December 21, 2018:

1. When the USMS began providing protection for Secretary DeVos, was a threat assessment performed, and who requested the protection?
2. How often does the USMS perform a threat assessment analysis for Secretary DeVos? Please provide the Committee with copies of all threat assessment analyses performed since the USMS assumed protective detail of Secretary DeVos.
3. Is there currently a credible threat against the safety of Secretary DeVos? If yes, then provide the Committee with the USMS' most recent threat assessment analysis.

⁵ U.S. Marshals Service, Judicial Security Division, <https://www.usmarshals.gov/judicial/> (last visited Dec. 6, 2018).

⁶ Caitlin Emma, *DeVos' security detail projected to cost up to \$7.7M during the next year*, Politico (Oct. 2, 2018) available at <https://www.politico.com/story/2018/10/02/devos-security-detail-millions-825948?nname=playbook&nid=0000014f-1646-d88f-a1cf-5f46b7bd0000&nrid=0000014e-f116-dd93-ad7f-f917c7140002&nrid=630318>.

⁷ *Id.*

⁸ See U.S. Environmental Protection Agency, Office of Inspector General, *Hotline Report: Operating efficiently and effectively; EPA Asserts Statutory Law Enforcement Authority to Protect Its Administrator but Lacks Procedures to Assess Threats and Identify the Proper Level of Protection*, Rep. No. 18-P-0239 (Sept. 4, 2018), available at https://www.epa.gov/sites/production/files/2018-09/documents/_epaig_20180904-18-p-0239.pdf.

⁹ *Id.* at 9.

¹⁰ *Id.* at 9-24.

4. Do you consider protecting the Secretary of Education to be a permanent duty of the USMS?
 - a. If not, then why does the USMS website describe her detail as “permanent?”
5. Have the Department of Justice, USMS, and Department of Education discussed a possible end-date for Secretary DeVos’ protective detail? If yes, then what steps have the USMS and Department of Education taken to transition responsibility for her protective service back to the Department of Education?
6. How has the provision of security to Secretary DeVos affected staffing at USMS field offices?
 - a. Are all USMS field offices properly staffed?
 - b. Have any U.S. Marshals or other field office personnel raised concerns that they are struggling to complete their current duties due to staffing issues?
 - c. Were the deputy marshals currently assigned to Secretary DeVos’ protection detail reassigned from field offices? If so, were they replaced?
7. What steps is the Department of Education taking to mitigate the rising costs of Secretary DeVos’ security?
8. What is the status of the Department of Education security team that was formerly assigned to protect Secretary DeVos? Are they still employed at the Department of Education? If yes, then what are their current duties now that they no longer provide security for the Secretary?

Thank you in advance for your cooperation with this request. If you have any questions please contact Dario Camacho of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Senate Committee on the Judiciary

cc: The Honorable Dianne Feinstein
Ranking Member
Senate Committee on the Judiciary

Exhibit C

Wojdylo, Jason (USMS)

From: O'Brien, Holley (USMS)
Sent: Tuesday, November 13, 2018 6:07 PM
To: Wojdylo, Jason (USMS)
Subject: Follow-up from the National Management Conference
Attachments: FY 2017 PB_RFTF.docx

Jason, you asked during the National Management Conference last week in Oklahoma, if the Congress specifically noted we should establish the new RFTF in the Carolinas. Not exactly, they supported we establish one in the location we proposed. That was the Carolinas. There were several locations considered, and from memory, the cost of setting one up in Texas was considerably more. Attached is the President's Budget Request for FY 2017 and below, the Senate Report Language and a "mention" in the Omnibus. Holley

2017: Consolidated Appropriations Act, 2017 (P.L. 115-31) enacted May 5, 2017

Congressional Actions Prior Enactment

Senate Report Language

Regional Fugitive Task Forces [RFTFs].-The oldest Federal law enforcement agency, the USMS, is also the Federal Government's primary agency for apprehending fugitives and providing assistance and expertise to other Federal, State, and local law enforcement agencies in support of fugitive investigations. One key way to accomplish this dangerous task is through the USMS's network of 60 district-led Violent Offender Task Forces and seven RFTFs. The Committee supports the USMS's request of \$7,650,000 to establish an additional RFTF in the location proposed in the fiscal year 2017 budget request, including the hiring of Deputy U.S. Marshals and other personnel to fully staff the RFTF. With this new RFTF, the USMS expects it will be able to locate and arrest the most egregious offenders, and help reduce violent crime within our communities, including an anticipated increased arrest rate of at least 840 violent fugitives. Should the Department need additional resources to fully fund this effort, funding from unobligated balances should be used.

Omnibus Report Language

UNITED STATES MARSHALS SERVICE SALARIES AND EXPENSES

This Act includes \$1,249,040,000 for the salaries and expenses of the United States Marshals Service (USMS). Within funding provided, USMS shall enhance its implementation of enforcement of laws relating to international travel of sex offenders, as described in House and Senate reports, and employ USMS and DOJ resources to expand the regional fugitive task force program.

Holley O'Brien

Chief Financial Officer

Phone (703)740-1646

Email: holley.o'brien@usdoj.gov



USMS Headquarters

1215 S. Clark Street

Arlington, Virginia 22202

<http://www.usmarshals.gov>

Item Name:	<u>Enforcement Operations</u>
AG Priority Goal(s):	<u>2 - Protecting Americans from violent crime</u>
Strategic Goal:	<u>2 - Prevent Crime, Protect the Rights of the American People, and Enforce Federal Law</u> <u>3 - Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels</u>
Strategic Objective(s):	<u>2.1 - Combat the threat, incidence, and prevalence of violent crime</u> <u>3.2 - Protect judges, witnesses, and other participants in Federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement</u>
Budget Decision Unit(s):	<u>Fugitive Apprehension</u>
Organizational Program:	<u>Domestic Investigations</u>
Program Increase:	Positions <u>60</u> Agt/Atty <u>54</u> Admin <u>6</u> Dollars <u>\$10,980,000</u>

Description of Item

The USMS requests **60 positions, 54 Deputy U.S. Marshals (DUSM), 30 FTE and \$10,980,000** to establish one new Regional Fugitive Task Force (RFTF) in North and South Carolina, add Officer Safety positions, and Financial Surveillance Units to all RFTF locations. This request is directly related to the Department of Justice (DOJ) strategy to reduce violent crime and preserve the safety of communities nationwide from violent fugitives.

Justification

In July of 2005, the Office of the Inspector General (OIG) issued Evaluation and Inspections Report I-2005-008, and provided a review of the USMS fugitive task forces apprehension of violent fugitives. Over the span of four years, the analysis showed the USMS increased violent fugitives apprehended by 51 percent. The OIG concluded that the USMS' performance improved primarily because of the increased staff time dedicated to violent fugitive investigations by 21 percent. As a result, the OIG recommended that the USMS consider creating additional task forces to further improve the violent fugitive apprehensions to reduce the number of violent federal fugitives at large.

The USMS Fugitive Task Forces accomplish critical work across the Nation by removing the most dangerous fugitives from the community safely and efficiently. The ability to consistently arrest the most violent offenders while ensuring the safety of the community remains paramount. Despite the increase of USMS violent fugitive apprehensions, dangerous criminal offenders

continue to affect communities and demand for the USMS to enhance enforcement operations increases yearly.

The USMS operates 67 fugitive task forces: 60 district and seven RFTFs. District task forces comprises district DUSMs and state and local law enforcement officers who conduct investigations on the federal, state, and local warrants that originate within that district. Regional Fugitive Task Forces comprises Headquarters personnel assigned full-time to field locations, who partner with other federal, state, and local law enforcement to locate and arrest violent fugitives within an assigned region.

Full-time Task Force DUSMs fulfill a vital role and are subject matter experts for fugitive investigations while providing street supervision, liaising with external agencies, mentoring, training, trouble-shooting, and teaching. Their responsibility to safely apprehend the most violent offenders within their communities while maintaining collateral duties to uphold USMS administrative business practices is paramount to the success of the USMS.

On a daily basis, DUSMs:

- Mitigate risk to the USMS, USMS leadership, and USMS investigators
- Maintain the USMS' high standards through active oversight
- Reduce liability by following current USMS policy directives, Office of Enforcement Operations requirements, and ever-changing federal law and procedures
- Provide superior guidance, leadership, and supervision that has created and inspired the tangible results for the agency's task force mission

Building on the success of the current 67 USMS fugitive task forces will allow the USMS to advance its core mission of fugitive apprehension and reduction of violent crime. As part of the DOJ's Violent Crime Reduction Strategy, the USMS seeks to expand and enhance its network of 67 task forces with the creation of one new RFTF. This additional task force will support state and local law enforcement partners not only with investigative assistance, but also by providing equipment, vehicles, technical assistance, financial and electronic surveillance, foreign field office support, and training that would not otherwise be available.

An example of the USMS task forces' success is the recent nationwide action dubbed Operation Violence Reduction⁷ (VR⁷), which targeted the most dangerous criminals. The USMS strategically used the agency's multi-jurisdictional investigative authority and its fugitive task force networks at the regional and local level. The operation concentrated on seven high-density regions and core cities where the USMS has established counter-gang units. This six-week operation resulted in 7,127 arrests, including 750 gang members, and the seizure of 383 firearms and more than 69 kilograms of illegal narcotics. The operation cleared 8,226 warrants including 543 for homicide, 894 for weapons, 2,027 for assault, 631 for sexual assault, 1,181 for robbery, and 2,661 for narcotics.

Regional Fugitive Task Forces – 43 positions, 37 DUSMs, and \$7,650,000:

The USMS request of 43 positions, 37 DUSMs, and \$7,650,000 provides support to fund a new task force in the Carolinas and expands existing RFTFs. The USMS task force leadership fulfills

a vital role of ensuring safe operational procedures while maintaining and upholding USMS administrative business practices. Leadership oversight duties include: supervising, liaising with external and internal agencies, training of task force officers and DUSMs, maintaining fiscal control, and ensuring the adherence to USMS policy directives and federal law and procedures. The USMS RFTFs, by design, cover expansive geographical areas and maintain large personnel participation. Thus, task force leadership has broad and important responsibilities.

This request will allocate two supervisory DUSM positions to each of the seven existing RFTFs for enhanced command and control of enforcement operations. These positions will also enhance span of control given the large geographical coverage, number of agencies affected by task force operations, and mission dangerousness. The USMS will assign one operational position to Headquarters to assist in RFTF program management. The remaining 22 operational positions will stand up a new RFTF in the Carolinas – the Districts of Eastern North Carolina (E/NC), Western North Carolina (W/NC), Middle North Carolina (M/NC), and South Carolina (D/SC). The states of South Carolina and North Carolina contributed five percent of the national violent crime statistics according to the most recent Uniform Crime Reporting (UCR) Program and three percent of felony warrants to the National Crime Information Center (NCIC). The RFTF will partner with state and local law enforcement agencies and focus on the apprehension of fugitives wanted for violent and egregious state and local offenses, gang members, and sex offenders.

The request also includes two professional administrative support positions that would handle the financial transactions associated with the program and provide a broad array of administrative support functions. Examples include: timekeeping, securing \$25,000 warrants, procuring authorized items, receiving and storing regional credit card statements, maintaining personnel files, maintaining district asset inventory, assisting with any audit-related functions, maintaining Task Force Officer background suitability and credentials, oversight of the Joint Law Enforcement Operations Task Force Officer overtime funding, and assisting with regional reporting and correspondence.

In addition, the request includes four intelligence research analysts who generate tactical and strategic intelligence support for fugitive investigations. Analysts support enforcement operations in many ways: tactical intelligence; leads on potential fugitives; and workload reporting and support through the USMS' case management system.

Officer Safety – 8 DUSMs and \$1,567,000

Following the tragic line-of-duty deaths of two DUSMs and seven task force officers, the USMS senior management created a national training initiative known as High Risk Fugitive Apprehension (HRFA). The HRFA training program, staffed primarily with enforcement operational personnel, utilizes RFTF, Special Operations Group, and Federal Law Enforcement Training Center venues to train more than 1,000 DUSMs.

The USMS continues to implement the highly successful national HRFA training program. With the continued efforts of the USMS personnel to arrest violent offenders, ongoing training is imperative to ensure officer safety and risk mitigation remain a high priority for the USMS and

its federal, state, and local partners while ensuring public safety. The request includes eight officer safety positions that would be the lead training coordinator for each of the RFTFs.

The Officer Safety positions would be responsible for coordinating and delivering officer safety training. This training incorporates practices developed through the HRFA training and combines them with tactical proficiency training conducted regularly at the RFTFs. This type of training is a perishable skill that if not constantly refreshed will be lost. Every law enforcement officer working in support of the USMS fugitive task force mission must receive this training on an annual basis.

Officer safety/risk mitigation sustainment instruction is currently conducted by a collateral duty training officer in each district. Each RFTF covers multiple districts and are responsible for the sustainment training of approximately 50 percent of the USMS' task force officers. Due to the large size of the RFTFs and the lack of dedicated training coordinators, annual sustainment training is provided as schedules permit and at the expense of fugitive workload. The USMS RFTFs require dedicated, full-time positions to achieve officer safety sustainment training goals.

Financial Surveillance Unit (FSU) – 9 DUSMs and \$1,763,000

The FSU determines the feasibility of applying systematic financial surveillance techniques to track and apprehend fugitives. FSU personnel use various sources to track a fugitive's financial activities in "real-time" by investigating their use of debit cards, credit cards, fund transfers, as well as a host of other financial transactions and information. Since its inception, the FSU has been a tremendous asset used in many successful fugitive investigations.

Currently, three FSU Inspectors support an average caseload of approximately 2,075 cases per year using a network of 32 collateral duty FSU personnel who may be afforded time to work this collateral duty by their assigned district if time allows. Historical analysis shows that collateral personnel can assist with approximately 45 cases, while a full-time FSU inspector supports a caseload of 220 per annum. Collateral personnel are not always available for training and continuing education which lessens their skill set and thusly, their utility as a senior level investigator. By increasing the full-time personnel dedicated to FSU, the request would greatly enhance the USMS' ability to gather intelligence for fugitive investigations.

Impact on Performance

The USMS enforcement operations support the Fugitive Apprehension decision unit. A performance outcome measure for this decision unit is: "number of USMS federal and egregious non-federal felony fugitives apprehended or cleared." This measure includes physical arrest, directed arrest, surrender, dismissal, and arrest by another agency, when a federal fugitive is taken into custody on a detainment order, and warrants that are dismissed to the other cleared categories. The measure also includes egregious non-federal felony fugitives: targeted state and local fugitives with offenses involving homicide, kidnapping, sexual assault, robbery, other assault, threats, arson, extortion, burglary, home invasion, carjacking, drugs (manufacture, sale and distribution), sex offenses, obscenity, cruelty toward child/spouse, obstructing the police, flight (escape), weapon offenses, gang-related crimes, crimes against persons, and obstructions of justice. Current measures focus on cases in which the USMS has held the primary arresting

authority and cases that arguably have a greater impact on public safety, making them a USMS fugitive apprehension priority.

Additional resources will significantly improve risk mitigation by allowing personnel to more safely and effectively arrest violent fugitives and enhance community safety. The USMS has evolved from a “quantity over quality” to a “quality over quantity” approach when arresting violent offenders. This allows the USMS to more effectively reduce violent crime through the apprehension of violent fugitives, prioritizing the most egregious violent ones, and aligns the USMS with the Attorney General’s Priority Goal 2: Protecting Americans from violent crime and with DOJ Strategic Objective 3.2 Protect judges, witnesses, and other participants in Federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement.

In addition, this request ties directly to USMS Strategic Objective 2.1: Maximize the efficiency of fugitive apprehensions. In FY 2014, the USMS enforcement operations were responsible for the apprehension of over 100,000 fugitives nationwide. With additional resources, the USMS projects to increase the program’s capacity by 1,980 cases to support a total caseload of approximately 4,000 fugitives. The additional 14 supervisory DUSM positions to the seven existing RFTFs will allow the USMS to more efficiently manage the large geographic and task force officer footprint and will reduce the supervisor to law enforcement ratio from 1:18 to 1:7. This correction will align USMS closer to the law enforcement community and will promote better span of control and officer safety/risk mitigation efforts. In addition, the eight Officer Safety positions will manage each task force’s local training program and instruct task force personnel on operational techniques and essential officer safety skills.

With the new RFTF positions, the USMS anticipates an increase of at least 840 USMS arrests of violent state and local fugitives based on the USMS personnel alone. The organizational structure of the RFTF will likely allow the USMS to undertake additional state and local agencies beyond its current partnerships and thereby increase the total number of arrests with the new RFTF in the Carolinas. The additional personnel will enhance the USMS to locate and arrest egregious offenders and help reduce violent crime within our communities.

- Since 2002, the USMS has arrested 1,187,981 fugitives (clearing 1,680,608 warrants).
 - RFTFs arrested 392,761 of those fugitives wanted for a wide variety of crimes:
 - 18,516 were wanted for homicide;
 - 107,922 for narcotics.
 - 27,157 for weapons violations;
 - 48,120 for assault;
 - 14,175 for sexual assault;
 - 31,627 for robbery; and
 - 145,244 for other crimes.

Since 2002, USMS RFTFs have also seized 12,533 firearms; 16,714 kilograms of narcotics; and \$47,737,891 in U.S. currency. With the requested funding increase, the USMS anticipates an

increased ability to capture the most dangerous fugitives and continue to reduce violent crime within our communities.

Funding

Base Funding

FY 2015 Enacted				FY 2016 President's Budget				FY 2017 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
212	172	212	\$70,700	212	172	212	\$71,016	212	172	212	\$71,335

Personnel Increase Cost Summary

Type of Position/Series	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2017 Request (\$000)	FY 2018 Net Annualization (change from 2017) (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)
Criminal Investigative Series (1811)	\$196	54	\$10,578	-\$706	\$4,925
Intelligence Series (0132)	\$67	4	\$268	\$202	\$209
Clerical and Office Services (0300-0399)	\$67	1	\$67	\$50	\$52
Information Technology Mgmt (2210)	\$67	1	\$67	\$50	\$52
Total Personnel		60	\$10,980	-\$404	\$5,238

Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2018 Net Annualization (change from 2017) (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)
Current Services	212	172	212	\$32,202	\$39,133	\$71,335		
Increases	60	54	30	\$10,980	\$0	\$10,980	-\$404	\$5,238
Grand Total	272	226	242	\$43,182	\$39,133	\$82,315	-\$404	\$5,238

Affected Crosscuts:

Violent Crime