

U.S. Department of Justice
United States Marshals Service



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**THE DIRECTOR'S REPORT:
A REVIEW OF THE UNITED STATES MARSHALS SERVICE
IN FY 1985**

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PREFACE

This report provides a comprehensive overview of major activities and workload accomplishments of the United States Marshal Service (USMS) for the twelve month period ending September 30, 1985. It contains narrative information and charts on all USMS programs.

USMS data on workload and accomplishments are collected on a regular basis from the 94 district offices. Time utilization data are collected from all district employees and contract staff. Information concerning the workload of the Federal courts cited in this publication is obtained from the Administrative Office of the U.S. Courts (AOUSC).

All questions or comments concerning this publication may be addressed to the Chief, Resource Analysis Division, U.S. Marshals Service, One Tysons Corner Center, McLean, Virginia, 22102.



STANLEY E. MORRIS
Director

NGJRS

MAR 12 1987

ACQUISITIONS

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CHAPTER 1

THE ROLE OF THE USMS IN THE FEDERAL JUSTICE SYSTEM

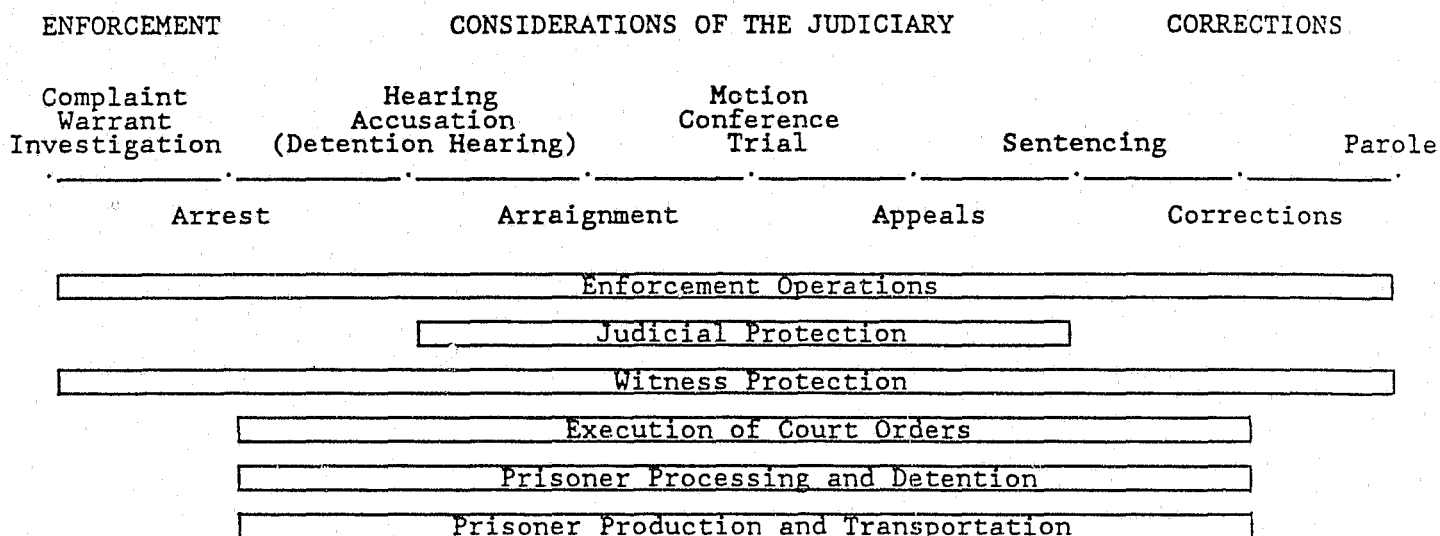
The origin of the present day United States Marshals Service (USMS) dates back to 1789 when President George Washington appointed thirteen U.S. Marshals following the passage of the first Judiciary Act. Today, U.S. Marshals operate in 94 Federal districts located throughout the United States, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands. The work of the USMS is accomplished by a full-time permanent workforce consisting of 2,624 law enforcement and administrative staff members. This permanent workforce is complemented by the efforts of Intermittent Deputy U.S. Marshals, Court Security Officers, temporary administrative staff, and contract guards.

The original mission of the USMS was stated very simply: to execute all lawful precepts issued to the U.S. Marshals under the authority of the United States Government. Although the USMS's central mission remains the same two centuries later, the programs to implement this mission have grown to assume a range of major responsibilities. These responsibilities span the entire operation of the Federal justice system. This puts the USMS in the unique position of seeing the entire system in action from a variety of angles, and provides ample opportunity to collect valuable information. Indeed, facts on the USMS experience as demonstrated in this report reveal much about the nature of the entire Federal justice system operation.

The distinct events which make up the Federal justice system are depicted in Chart 1 and described in Appendix A. The various USMS programs are shown extending under the range of events which each program supports. This succinct review of its programs and responsibilities demonstrates the central role of the USMS in the Federal administration of justice.

Chart 1

THE FEDERAL JUSTICE SYSTEM PROCESS AND USMS PROGRAMS



ENFORCEMENT OPERATIONS

- . Execution of Federal arrest warrants emanating from the U.S. Courts including those for the majority of probation and parole violators, mandatory release violators, bond default fugitives and escaped Federal prisoners;
- . Direct assistance in coordinating the drug enforcement effort in each OCDE Task Force region.

JUDICIAL PROTECTION

- . Analysis of threats against, and personal protection for the Federal judiciary and their family members;
- . Protection of jurors, and all other persons serving the court; and
- . Staffing for, and advice on, courtroom and courthouse security, as well as other protective services as may be assigned.

WITNESS PROTECTION

- . Witness protection, relocation, and child visitation services in return for testimony in critical criminal cases.

EXECUTION OF COURT ORDERS

- . Execution of all Federal court orders including summonses and complaints, subpoenas, warrants in rem, etc.; and
- . Seizure, management and disposal of assets captured by the Justice Department.

PRISONER PROCESSING AND DETENTION

- . Photographic, fingerprinting, and vital statistical services for all arrested Federal prisoners; and
- . Custody and care of all remanded Federal prisoners.

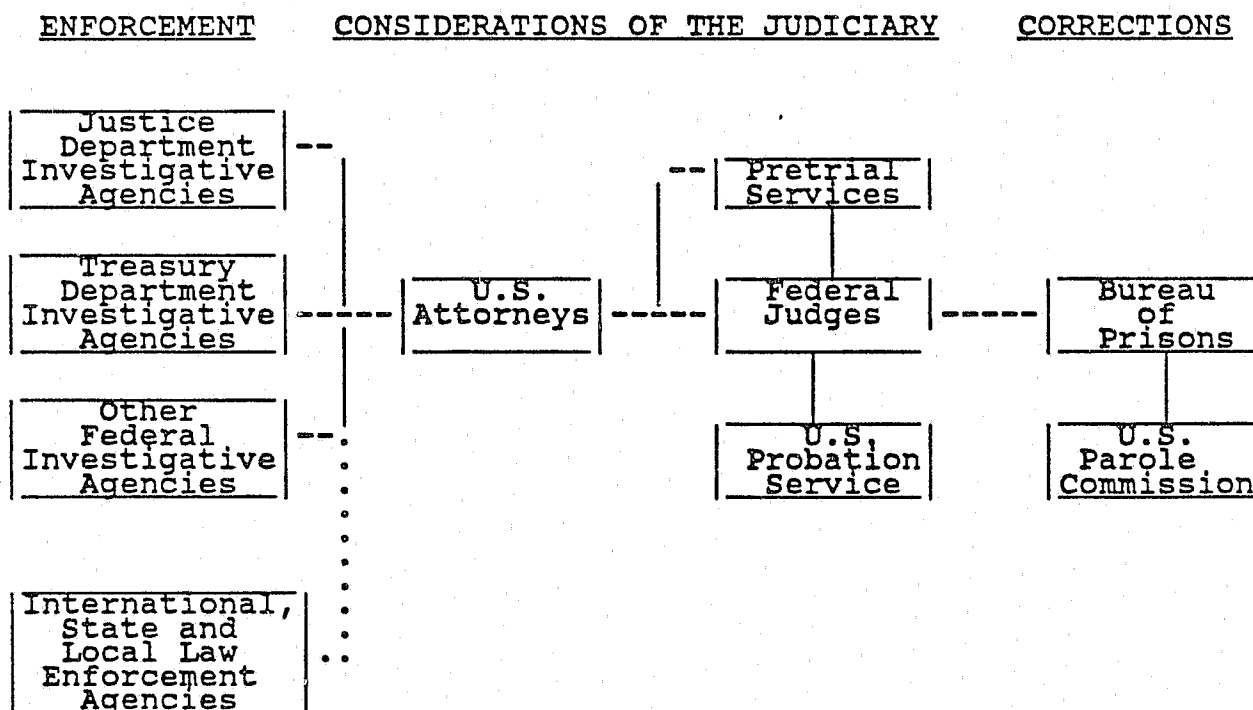
PRISONER PRODUCTION AND TRANSPORTATION

- . Secure and timely presentation of prisoners for court appearance; and
- . Transportation services for Federal detainees remanded to USMS custody throughout justice system processing and transfers between Federal institutions.

In addition to looking at the USMS support to specific events in the Federal justice system, the work of the USMS can be seen in terms of its support to the major subsystem functions and components of the system. (See Chart 2 as well as the explanation in Appendix B.) Specifically, the USMS not only serves as a primary investigative agency performing felony arrests, but also facilitates the functioning of every subsystem component by providing a variety of specialized support services such as judicial security, witness protection, detention of prisoners, prisoner transportation, prisoner presentation to court, and seized asset management. In addition, the USMS demonstrates its Federal leadership by working extensively with international, foreign, state and local law enforcement agencies across a variety of justice system operations.

Chart 2

ORGANIZATIONS AND FUNCTIONS WITHIN
THE FEDERAL JUSTICE SYSTEM
SUPPORTED BY THE USMS



Because the USMS supports a wide range of organizations operating in the Federal justice system, it is affected by a wide range of organizations. The USMS is striving to become more sensitive to other organizations' changes in resources, policy, programs, and legislation.

The greatest single external impact on the USMS in FY 1985 was the implementation of the Comprehensive Crime Control Act (CCCA) of 1984 which was signed into law on October 2, 1984. It established comprehensive reforms in the criminal laws and procedures of the Federal justice system. The new law is considered by many to be the broadest change ever made to the Federal Criminal Codes.

The most significant impacts on the USMS which are discussed in this report refer to the "Bail Reform", "Forfeiture", and "Witness Protection" provisions of the new law. It is largely the impact of the CCCA, for example, that has created a 32 percent increase in the USMS daily prisoner population and an increase of 161 percent in the overtime expended to produce prisoners for appearances in court. Such information is valuable not only in assessing USMS resource needs, but also in pointing out potential Federal justice system overload problems.

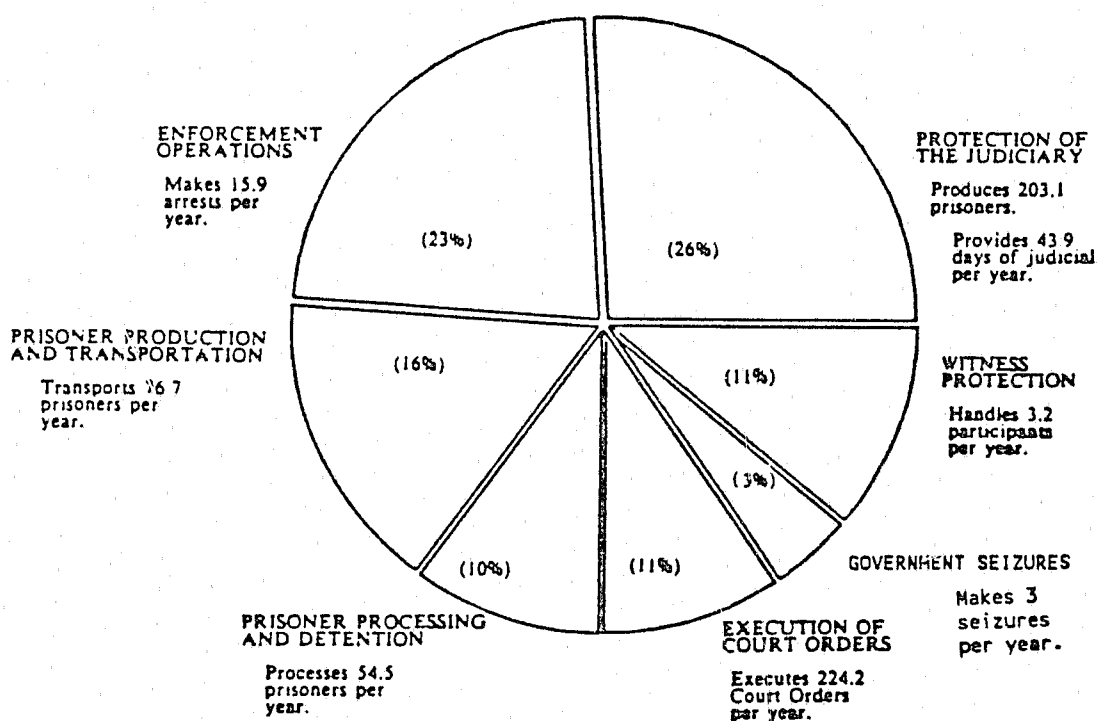
Thus, the USMS supports the entire range of events and component organizations that comprise the Federal justice system. In order to engender a better understanding of the multiple dimensions of the USMS, however, a more detailed review of the Deputy U.S. Marshal's job is required. In the following sections, not only is the job of an average Deputy reviewed, but the multiple aspects of the job are reviewed from the perspective of the defendant being processed through the justice system and from the perspective of the citizen who views the USMS from outside of the justice system.

The Average USMS Employee

The FY 1985 composite portrait of the expenditure of duty hours and resultant productivity level for the average Deputy U.S. Marshal is shown below.

Chart 3

Composite Portrait of Accomplishments and Time Expended by Deputy U.S. Marshals in FY 1985



Average number of operational employees on board in FY 1985: 1508

The USMS expends its operational time somewhat evenly among its six primary mission areas. Protection of the Judiciary (26%) and Enforcement Operations (23%) require the largest expenditure of time, followed by Prisoner Production and Transportation (16%), Execution of Court Orders (11%), Witness Protection (11%), Prisoner Processing and Detention (10%), and Government Seizures (3%).

For the average Deputy U.S. Marshal, daily assignments are as varied as the missions of the USMS. Unlike some law enforcement agencies where each operational employee works in only one or two activities over the course of a year, the USMS relies on the ability of Deputy U.S. Marshals to

perform in each activity as needed. On a daily basis, a Deputy might work in three or four of the above mentioned activities.

The average Deputy U.S. Marshal begins the day by reporting to the office for the day's work assignments. Even when involved in an ongoing assignment, the average operational employee must first report to the office to be sure that one's services are not needed for producing prisoners in court, providing extra security in multi-defendant or sensitive trials, or being available to respond to duress alarms from a courtroom, judge's chamber, or one of the other offices supported by the USMS.

This ability to be flexible in receiving work assignments and performing a wide range of duties, while always being ready to respond to emergency situations, is the hallmark of the deputies' perspectives of the criminal justice system. On a day-to-day basis, the deputies seldom have the opportunity to reflect on the range of organizations and events they are supporting. When one specific task stops, another starts, and many more are waiting to be done at the first opportunity.

Being Processed Through the System (Defendant's Perspective of the USMS)

The person who finds himself being arrested for a Federal crime has a different view of the Federal justice system. A repeat offender may be able to put all the pieces together eventually, but for the person who has just been arrested for the first time, the events may seem isolated and even unrelated. The criminal justice process begins when a person suspected of violating a law is arrested by a law enforcement officer. In the Federal justice system, the first in the series of steps the defendant will go through is the appearance before a magistrate for a preliminary hearing. If the magistrate orders that the person be held, he is remanded to the custody of the U.S. Marshals Service.

The USMS then "processes" the individual into the system. A prisoner control number is assigned, fingerprints and photographs ("mug shots") are taken, and all the appropriate information about the individual, such as name, aliases, past arrests, medical problems, and identifying marks, is recorded to create criminal and personal history files. The USMS also checks for other outstanding charges by making inquiries through the National Crime Information Center (NCIC), through state or local computer systems, and requesting name and fingerprint checks through the FBI ("rap sheet").

There are occasions when the prisoner's stay with the USMS is very brief. It may be that he is in custody only long enough for bond to be posted by family or friends. More often, he will remain in USMS custody for some length of time. This may be because it takes the family and friends some time to gather together the money or other securities for the bond. It may be that the magistrate decides that there are no conditions which the court can impose that will guarantee that the prisoner will return to court for trial, so no bond is set. It may be that the prisoner is considered too dangerous to the community to be released. For whatever reason the prisoner remains in USMS custody, the USMS must find space in a jail facility for the prisoner.

At this stage, the Federal system differs significantly from the local one. On the local level, there are facilities for holding persons waiting trial or those convicted of misdemeanors who receive relatively short sentences. These are usually county jails, although larger cities may have their own city jail. There are separate facilities (usually state prisons) for housing persons convicted of felonies and who are serving longer terms. Both the law enforcement agency and the county jail are often under the purview of the same government body, and so the facility is obligated to accept a prisoner brought in by a police officer.

The Federal government does not have a nationwide system of Federal jails which have the exclusive purpose of housing Federal unsentenced prisoners and those serving short term sentences. Except in a handful of places where the USMS is located close to a Federal facility that can handle unsentenced prisoners, the USMS has to rely on local jails. Although the USMS usually has good working relationships with the local law enforcement agencies, these jails are not obligated to handle the Marshal's prisoners. In many instances, the local jails are filled to capacity -- or even beyond their stated capacity -- with their own prisoners.

To ensure that they have a place to house prisoners, the USMS establishes housing agreements with local authorities. Under these agreements, the USMS pays a "day rate" for the housing of its prisoners. The Service has also developed several programs to provide assistance to selected state and local detention facilities which house Federal prisoners. Federal excess property is acquired to improve inmate services and a limited amount of funding is available to assist some facilities to expand their bedspace capacity through jail renovation and construction projects.

Of course, the prisoner in USMS custody is probably unaware of the USMS's difficulties in finding adequate jail space. The prisoner will know of the next phase of the USMS responsibility, however, by being transported to court and back to jail, to the doctor or dentist and back to jail, and anywhere he may have to go (for psychiatric observations, to testify at other trials, to a new jail that is less crowded). As long as the prisoner remains in USMS custody, the USMS remains responsible for producing the individual at the right place and the right time until the defendant is either found innocent and released or convicted and sentenced, in which case the USMS turns custody over to the Bureau of Prisons.

As the Federal defendant passes through the next phase of the criminal justice system -- the variety of steps within the judicial proceedings including the trial -- the individual sees some of the other duties performed by the USMS. Whether in USMS custody or not, while the defendant is in the court building, USMS personnel are there providing security and protection to the court.

As the law enforcement arm of the Federal courts, the USMS is responsible for the security of the judicial proceedings, the members of the judiciary, and other court officials. This means that the USMS personnel are responsible for ensuring that the courtrooms are secure and that decorum within the courtroom is maintained. They are also responsible for providing personal protection for judicial officers, witnesses, and jurors away from the court facilities when such protection is needed.

If the defendant is in court on charges connected to organized crime, there is a chance he or she will observe a highly specialized function of the USMS. Over the past fifteen years, the government has found that testimony of persons having firsthand knowledge of organized crime is one of the most effective tools in the prosecution of organized crime leaders. But these people who decide to testify for the government face a great deal of personal danger if they go through with the testimony. To protect them, the government has devised a program through which they are given new identities, assisted in finding new work, and relocated to towns where they can begin a new life. The USMS provides the protection they need while they are testifying and assists in the relocation process. The Federal defendant will see this aspect of the USMS work when the witness is testifying in court. The protection is successful when this is the only time anyone sees it.

Maintaining custody of prisoners and protecting the courts and the people associated with them are certainly two functions unique to a law enforcement agency. Yet, just as only a portion of the law enforcement work at the local level occurs in the immediate environment of the courtroom, in a similar manner, many of the functions of the USMS occur outside of the court environment. Although closely related to the operations of the courtroom, these functions often are not apparent to the individual involved in a case.

One such function is that of executing court orders. Throughout its two centuries of existence, the USMS has served the courts by seeing that all orders of the court were enforced. These court orders range from the serving of subpoenas to the seizure of assets forfeited under law. Sometimes the court orders are for cases already in court, such as the order for the defendant to forfeit all assets obtained through the profits of criminal activities. At other times, the order may be for a case that is only beginning, as in a summons for a person to appear before a grand jury.

The issue of seizing assets forfeited because they were obtained through the profits of criminal activities has become increasingly important over the last several years, and is one which is quite visible to the individuals whose assets have been or are about to be seized. Although the reason for seizing the assets is essentially the same in all cases, there is no such thing as a "typical" seizure. The asset may be a vehicle used to transport illegal aliens or stolen goods. It may be a ranch or historic mansion. Today, it is very likely to be an ongoing business, a bank, a night club, or even a recording studio.

Just as the seizures are more complicated today than in the past, the managing of the assets under seizure is more complex. While some items may be stored in warehouses, others involve the livelihood of innocent people, making it difficult simply to lock the doors and wait until a decision is made for disposal of the business. The USMS, therefore, has developed procedures for managing the assets, even managing businesses, to see that jobs remain open for the employees and that businesses retain their value. This has also had the added advantage of helping the government offset the cost of maintaining the forfeited assets while the case is being decided.

Certain Federal prisoners know all too well one other function of the USMS. The USMS is responsible for finding and apprehending those Federal prisoners who have momentarily escaped from the criminal justice system. Whether the fugitive is an escapee from a Federal institution; a parole, probation, or mandatory release violator; or a bond defaulter, the USMS is responsible for returning them to the criminal justice system.

Because of the success the USMS has had with its efforts in fugitive investigations over the past years, it was designated by INTERPOL to be the U.S. agency responsible for locating and apprehending fugitives from other countries who are in the United States. The USMS has also played an increasing role in the return of U.S. fugitives who have been located in other countries and are being returned to the United States for prosecution under extradition procedures.

There are additional functions of the USMS which the average Federal prisoner would never see. For example, while the USMS is always ready to fulfill its responsibility in restoring order in civil disturbances, this remains an infrequent role for the USMS. USMS personnel provide security at civil trials where there is a high potential for disruption. The USMS is responsible for assisting the military with the movement of missiles between military bases. As recently as the 1982 influx of Cubans and Haitians, the Service has provided perimeter security at refugee-holding camps. Overall, the USMS is unique among Federal law enforcement agencies. It is involved in the complete range of functions of the Federal criminal justice system. Simply stated, its mission is to carry out all orders of the Federal government and courts and make arrests for crimes committed against the United States.

The Citizen Perspective of the USMS

It is logical that the officer working for the system and the defendant being processed through the system will have differing views. It is important to remember that the general public will have an even different perspective of the system as a whole. The majority of citizens never have a personal involvement with the Federal criminal justice system. If they do come into contact with any criminal justice system, it is more likely to be at the local level; therefore, their understanding of the Federal system probably is limited.

The average person probably thinks of the Federal justice system in terms of stories they have read in the newspapers or seen on television or in the movies. This is particularly true of their knowledge of the USMS. People know the names of Bat Masterson or Wyatt and Virgil Earp and connect these nineteenth century marshals with the image of the USMS's days as the Federal law enforcement presence in the Wild West. But many people probably think that the agency died out with the taming of the West.

Even those who know of the modern presence of the USMS may know only a portion of the activities of the Service. They may know of the Witness Protection Program through its depiction in television shows and movies, but not know of the USMS's responsibility for protecting jurors as well as judges, attorneys and other court personnel. They may have heard stories of Federal prisoners being transported by commercial airlines, but know nothing about the Service's transportation system which replaces the commercial trips where possible. They may know that the USMS serves process for the Federal courts, but have no idea of the range of court orders that this covers. When they see the USMS "Top 15 Most Wanted List" they probably think it is an extension of the FBI's "Top Ten Most Wanted List", rather than a distinct list from a distinct agency.

To a certain extent, the confusion of the general public may be unavoidable given the multi-purpose nature of the USMS responsibilities. On the one hand, the widespread presence of the USMS throughout the nation and its long history as the local representative of the Federal government should make the USMS the best known agency. Yet its lack of visibility in part reflects its success. As with any other law enforcement agency, when it is doing its job in an efficient and effective manner, the general law-abiding public has relatively little reason to think about it.

This report is only a beginning in the USMS role of providing useful information on the work of the USMS in supporting the functioning of the Federal justice system. The report is organized in chapters according to the order of the USMS programs as outlined on page 2 of this chapter. The final chapter focuses on the management, budget and administrative activities of the USMS.

Chapter 2

ENFORCEMENT OPERATIONS

Each year the USMS arrests thousands of felons on Federal warrants for escape, bond default, parole and probation violations, and other felony violations. To accomplish this, Deputy U.S. Marshals in each of the 94 judicial districts are trained to respond quickly to prison or jail escapes and to investigate and execute warrants issued from Federal courts for other fugitive violations.

In addition to tried and sound investigative techniques, Deputy U.S. Marshals use many innovative and resourceful methods to bring fugitives to justice, often without violence. The USMS uses the "15 Most Wanted" program to identify the most serious offenders. As felons are arrested under this successful program, the USMS adds newly identified persons to the list.

During FY 1985, Deputy U.S. Marshals arrested 6,295 fugitive felons on charges of escape, bond default, parole and probation violations, and related violations, and located or "cleared" another 3,500 warrants within these categories. In addition, the USMS assisted other law enforcement agencies by apprehending 4,554 felons on a myriad of charges.

Prominent Cases in FY 1985

In the forefront of accomplishments for the USMS in FY 1985 are two major Fugitive Investigative Strike Teams (FIST) operations, the arrest of certain notorious criminals, and some very important international extraditions.

In FY 1985, the USMS and fifty local law enforcement agencies conducted the most geographically widespread task force effort in history to apprehend fugitives from justice. This FIST, the seventh such operation conducted by the USMS, resulted in 3,309 arrests in only eight weeks. Fugitive felons were arrested on warrants issued from local courts in New York, New Jersey, Maryland, Delaware, Pennsylvania, Massachusetts, Connecticut, and Rhode Island, as well as from the Federal courts located in these states.

In the spring of 1985, the USMS joined forces with 38 local law enforcement agencies in the state of Florida for the FIST 8 operation. This operation resulted in 3,816 felony arrests in eleven weeks. During FIST 8, the USMS established a unique task force in several Caribbean and Central American countries. This unprecedented international effort enabled the USMS to locate 111 fugitives from the United States criminal justice system who had sought refuge in these countries. Many of these fugitives had been operating narcotics trafficking connections to the United States.

In March 1985, the Attorney General directed the USMS to locate two Nazi war criminals who had mysteriously disappeared after learning of the government's attempts to have them removed from the United States. USMS investigators located both of these fugitives. Bohdan Koziy, a former Ukrainian police agent who orchestrated the deaths of many East European Jews, was located in Costa Rica. Konrad Kalejs, formerly a Latvian SS officer, was found and arrested by USMS investigators in Miami, Florida.

In 1985, the news media began publishing unsubstantiated claims that Dr. Josef Mengele, known as the "Angel of Death", had been freed by Allied forces after World War II. The Attorney General directed the USMS to conduct a worldwide investigation to determine the whereabouts of this war criminal, if still alive. Working with the Weisenthal Center in Vienna and German and Israeli authorities, and conducting investigations in South America, USMS investigators were led to the remains of Josef Mengele, finally putting world speculation to rest.

PROGRAM OVERVIEW

In 1979, the Attorney General recognized the need for a specialized law enforcement entity to help combat the growing Federal fugitive problem. The USMS was mandated to serve as the lead fugitive apprehension force within the Federal government. In this respect, the USMS:

- locates and apprehends thousands of fugitive felons each year;
- publishes a list of the "15 Most Wanted" fugitives, high-profile and especially dangerous cases requiring special emphasis investigations;

- conducts Fugitive Investigative Strike Team (FIST) operations to locate large numbers of Federal, state, and local fugitives in a short time using a multi-agency task force concept;
- provides criminal investigation within the United States on behalf of foreign country INTERPOL members;
- coordinates and conducts all international extraditions for the United States;
- provides assistance to the military in the movement of nuclear weaponry across state lines; and
- participates in special Federal task forces, such as the Organized Crime Drug Enforcement (OCDE) Task Force.

EXECUTION OF WARRANTS

The number of Federal fugitives wanted on felony charges continues to increase each year. In 1985, the number of felony fugitive warrants issued from Federal courts numbered nearly 36,410.

A fugitive is an individual who has been convicted or is suspected of criminal activity who chooses to avoid legal sanctions and flees processing by the criminal justice system. Fugitive warrants are issued for a variety of violations, e.g.: escape, bond default, parole and probation violations, charges for felony violations by the Federal courts where the individual has not been located, or for fugitives from state or local jurisdictions wanted on "unlawful flight" warrants, among others.

Since 1979, the USMS has been responsible for the apprehension of a great portion of the Federal fugitive population. In 1985 alone, the USMS arrested 10,849 felons. The majority of these (6,295) were fugitive felons arrested on warrants which were the primary responsibility of the USMS. The remaining arrests (4,554) were based on felony warrants brought by other Federal law enforcement agencies. Due to unavailable resources or local court orders, these agencies request the assistance of the USMS.

The USMS is the repository for all warrants issued by the Federal courts, and as such, also seek violators of lesser misdemeanor crimes. In 1985, the USMS received a

total of 76,447 Federal warrants. Fifty percent of those Federal warrants were for traffic or misdemeanor violations.

The major workload and program accomplishments are indicated in Chart 4. In addition, it should be noted that in FY 1985, work in the area of criminal investigation accounted for 17 percent of all time expended by Deputy U.S. Marshals. On a national average, each USMS operational employee averaged 9 hours per week in warrant-related work, and made an average of 22 arrests during the fiscal year.

Chart 4
FY 1985 USMS WARRANT WORKLOAD

Categories	On Hand Beginning of Year (10-1-84)	Received during Year	Warrants Closed				On Hand End Of year (9-30-85)
			USMS Arrests	Other Agency Arrests	Detainers Filed	Dismissals	
USMS Felony Fugitive	8,294	10,945	6,295	523	2,512	941	8,968
Other Felony	12,789	25,465	4,554	12,917	3,362	2,492	14,929
Misdemeanor	16,562	40,037	13,067	2,041	1,162	22,057	18,272
Total	37,645	76,447	23,916	15,481	7,036	25,490	42,169

15 Most Wanted Fugitives

In 1983, the USMS first identified its "15 Most Wanted" fugitives. Those who appear on this nationally distributed list are considered to be of extreme danger to the community or are high-profile cases.

The investigation of these most wanted felons involves the use of "task forces", with investigative support being provided at the national level to coordinate leads and resources throughout the country.

From the beginning of the program through the end of FY 1985, 29 felons from the list were arrested. Fourteen

of these arrests were made in FY 1985. Among the most notable of the arrests in FY 1985 are the following:

- Bernard Welch, professional burglar and convicted killer of a prominent Washington, D.C. physician;
- Severo Escobar, an escapee from Federal custody who continued to operate one of the most harmful cocaine trafficking connections from Columbia to the United States while he was a fugitive; and
- Anthony Dominic Ciotti, a principal member of organized crime who was operating a large narcotics trafficking ring at the time of his arrest by USMS personnel in New York City.

FIST Operations

In order to remain at large, the majority of fugitives must continue to commit crimes. Whether fugitives from Federal or local justice systems, these felons present a problem to all jurisdictions. Taking the lead in fugitive work, the USMS encourages state and local governments to join in organized task force efforts, called FIST operations, to decrease the population of fugitive felons in the target areas.

The FIST program has expanded significantly since its inception in 1981. A total of 11,264 felony fugitive arrests have been made during the four years of existence, with 7,125 of them being made during the two FY 1985 FIST operations. Over 90 percent of these FIST arrests have been based on state or local felony warrants. This has been a great benefit to state and local governments where funds for fugitive investigations are scarce and the backlog of cases is overwhelming.

Many of the felons arrested during FIST operations are termed career criminals because they continue to engage in criminal activities while they are at large. FIST arrestees have been convicted of such charges as narcotics trafficking, robbery, murder, rape, grand theft and other felonies. Those arrested during the FY 1985 FIST operations accounted for 23,999 previous felony convictions, an average of three prior felony crimes per arrestee.

FIST operations have been a major contributor to the upgraded working relationship between Federal, state and local law enforcement agencies. Long after FIST operations

are concluded, the participating agencies continue to share vital investigation information. An additional benefit from the FIST operations is that while they remove criminals from the street and enhance working relationships between agencies, they cost the taxpayer relatively little money. At less than \$1,000 per felony arrest, the FIST operations remain an effective and efficient method of returning fugitives to the justice system.

International Fugitive Operations

Many fugitive investigations conducted by the USMS escalate to the international arena. In FY 1985, the USMS became very active in the pursuit of many fugitives abroad. The USMS continued to increase its demand on INTERPOL.

As a vital member of INTERPOL, the USMS conducts the majority of fugitive investigations in the United States which are requested by foreign governments through INTERPOL. In FY 1985, over 300 such requests were honored by the USMS.

Noteworthy cases include the USMS investigation and apprehension of Craig Arthur Leitner in New York. This fugitive was wanted by the Israeli authorities on several charges of arson and attempted murder while engaged in terrorist attacks on Arab civilians in Israel. INTERPOL also requested USMS assistance in the apprehension of Chandru Thanwards Mirchandani, wanted in Hong Kong for a thirty million dollar bank fraud scheme. Described at the time as the most wanted man in the British Crown Colonies, he was arrested by the USMS in Alaska, part of his escape route to India.

Other avenues for international contact are continually established and maintained by the USMS through the Department of State, the Central Intelligence Agency (CIA), the El Paso Intelligence Center (EPIC), the National Narcotics Border Interdiction System (NNBIS), various foreign governments and other sources.

Extraditions

The USMS is responsible for handling international extraditions involving individuals who have violated Federal criminal law. This responsibility was assigned to the USMS in 1977 when a Memorandum of Understanding was executed between the Department of State and the Department of

Justice, transferring the appropriation authority for extraditing fugitives charged with criminal offenses from foreign countries to the United States.

The responsibility includes performing international extraditions for Federal, state and local agencies. Extraditions performed for other Federal agencies are funded by the USMS, while extraditions performed for state and local agencies are completed on a reimbursable basis.

The extradition process is complicated and time-consuming. Except in FIST-related cases or cases involving expulsions, the process involves coordination with the host government, the Office of International Affairs at the Department of Justice (which must approve each request for extradition), the Department of State (which must formally present the warrant through its diplomatic channels), the district where the warrant originated, and any other Federal, state or local agency involved in the extradition.

In cases where the fugitive has organized crime connections, affiliation with a terrorist group, or is a member of a known dangerous gang, stringent security arrangements must be made. These may include increasing the number of personnel escorting the fugitive, using privately leased jets, pre-arranging the use of a military base, and even using military aircraft to transport the fugitive if it is determined that use of a commercial flight could endanger innocent lives.

Examples of high profile fugitives that were extradited in FY 1985 are:

- Gaetano Badalamenti, a major mafia figure extradited from Spain by military transport plane because of his extremely dangerous background;
- Alvero Garcia, a major figure in the Columbia-based Comez-Zappata drug family, extradited from Guadaloupe using a private jet because of his extremely dangerous background and major underworld connections throughout the world;
- Christian David, infamous figure in the French Connection cartel, extradited to France even while last minute appeal attempts were being pursued by his attorneys in Washington, D.C.; and
- Herbert Kittel and Charles Zito, members of the Hell's Angels motorcycle gang, extradited from Japan by two teams of three USMS personnel traveling on separate days on commercial jets.

In FY 1985, the USMS conducted 185 international extraditions. This was an increase of 52 percent over the number conducted in FY 1984.

MISSILE ESCORT PROGRAM

Through a reimbursable agreement with the U.S. Air Force, the USMS provides civilian law enforcement assistance to the military during nuclear weapons movements. During FY 1985, the Department of Defense reimbursed the USMS \$335,910 for twelve positions which were dedicated to providing this support to the Strategic Air Command in the northcentral United States. These positions were located in Missouri, Montana, North Dakota, South Dakota, and Wyoming. In addition, the USMS provides the same type of assistance to the Department of Defense in the southwestern section of the country for cruise missile movement without dedicated positions.

ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE

Throughout FY 1985, the USMS was directly involved in Organized Crime Drug Enforcement (OCDE) Task Force operations. This program involves a coordinated drug enforcement effort in thirteen OCDE task force regions and promotes the full use of financial investigative techniques and forfeiture actions to impede major criminal organizations.

One Deputy U.S. Marshal is assigned to each of the thirteen USMS OCDE Task Force locations in Boston, New York, Baltimore, Atlanta, Miami, Detroit, Chicago, St. Louis, Houston, Denver, San Francisco, Los Angeles, and San Diego.

OCDE cases often generate additional work for USMS field offices, particularly in the area of government seizures. The operation of the OCDE task forces also generates work in the areas of international extraditions, witness security, and criminal investigations. In FY 1985, the USMS conducted 112 OCDE related investigations, and largely as a result of OCDE efforts, obtained 3,584 seized properties worth \$275,000,000.

CHAPTER 3

PROTECTION OF THE JUDICIARY

The Marshals Service is responsible for ensuring the integrity of the Federal judicial system by establishing and maintaining an acceptable level of security for 483 Federal judicial facilities throughout the nation. Specifically, the purpose of this program is to ensure the integrity of the judicial process and the personal safety of the Federal judiciary. According to the 1985 Annual Report of the Director, Administrative Office of the U.S. Courts (AOUSC), the current number of Federal judiciary includes:

Federal Judges.....	942
Bankruptcy Judges.....	228
U.S. Magistrates.....	440
Total	1610

In addition to these individuals, security is also provided to U.S. Attorneys as well as other judicial officers, court employees, jurors, witnesses, spectators, and other trial participants.

Prominent Cases in FY 1985

Throughout FY 1985, the USMS provided security at criminal and civil proceedings or trials which covered a wide range of topics and required varying degrees of security. The following are a few of the trials which required more than the usual level of security in FY 1985.

One 12 week trial cost the USMS approximately \$200,200. The trial involved the alleged kingpin of the largest drug trafficking operation in United States history who had escaped from Federal prison with plans to murder United States and Columbian law enforcement agents in retaliation for his arrest.

Another twelve-week trial involved six defendants who had participated in a midwest mob war in which three persons were killed in automobile explosions and a fourth person was shot to death.

Another criminal trial involved three Federal prisoners and their attorneys who charged that the Bureau of Prisons had prevented attorney representation at previous proceedings. The prisoner plaintiffs included two men who

are each serving two life sentences for murder. The third prisoner plaintiff is serving 25 years for kidnapping and has previously assaulted prison staff and other inmates on numerous occasions.

Another criminal trial involved codefendants charged with illegal transportation of explosives and firearms. When the woman defendant was arrested, she had in her possession an Uzi submachine gun, two sawed-off shotguns, an M-14 rifle, another high powered rifle with telescopic sight, five revolvers, at least 1,000 rounds of ammunition, and terrorist handbooks.

Among the civil trials which required extra security was the suit brought by former Israeli Defense Minister Sharon against Time Magazine. The extra security was used because of the international connections and the national media attention given this trial.

Program Overview

Judicial security accounted for 26 percent of the average Deputy U.S. Marshal's time in FY 1985, making it the largest single category of work of any of the responsibilities of the USMS. In FY 1985, each Deputy averaged 18 hours per week in some aspect of judicial protection and provided protection in an average of 28 criminal trials during the year.

Considering that the goal of providing protection is preventive in nature, the most significant accomplishments can be seen in terms of what did not happen. No prisoner successfully escaped from a courtroom; no threatened judicial officer was harmed; and no judicial proceeding was disrupted to the extent that justice was thwarted. The overall goal of ensuring the integrity of the judicial process and the safety of the Federal judiciary was achieved.

Due to new initiatives targeted at organized crime, drug related violent crime, and white collar crime, and also due to the publicity given to potentially volatile civil matters such as school desegregation, tax evasion, bankruptcy, and property seizures, the security needs of the Federal judicial system have required continual assessment. Such assessment includes a review of the optimal use of USMS personnel in combination with other

security personnel and security equipment to provide a sufficient means of ensuring the safety of the judicial system and all of its participants. It is the philosophy of the USMS that the administration of justice may be accomplished only in a setting which is physically secure, and perceived as secure by all parties.

In FY 1983, the USMS received responsibility for contracting for security in areas adjacent to the courts and for the procurement, installation, and maintenance of security systems for judicial areas. This change was brought about after the Federal courts and the Department of Justice reviewed the then existing program and determined that inadequate security was being provided and that centralized control of the program in the USMS would be the best way to improve the level of security.

As part of their new responsibility for increased judicial security, the USMS implemented the Court Security Officer (CSO) Program in FY 1983. CSOs are hired under competitive contracts to enhance judicial security through the screening of all persons coming into the court buildings, providing a visible presence throughout the court buildings, and augmenting the extra security details assigned to sensitive trials. By the end of FY 1985, there were 828 CSOs in place, a 90 percent increase over the number in place at the end of FY 1984.

Technical assistance, particularly for high risk or sensitive trials, is available from the USMS Court Security Inspectors assigned to the judicial circuits. This assistance could range from basic advice on how to cope with a difficult situation to the coordination of actions needed to deploy a team of security personnel and supporting equipment to a court facility to ensure the safety and integrity of a sensitive trial. In FY 1985, at the request of the Department of State, it even included providing training to the Government of Grenada on maintaining security in the Grenadan judicial system.

For the most part, the number of trials and proceedings held which require the presence of a Deputy Marshal are beyond the control of the USMS. Because of the relationship between court security demands upon the USMS and the workload of the Federal court system, changes in the bench hours accrued by Federal judges is an important indicator of changes in the USMS workload. Bench hours are those periods that the trial judge is actually holding court. The most relevant workload data reflective of USMS workload are provided in Chart 5.

Chart 5
FEDERAL COURTS WORKLOAD

<u>Activity</u>	<u>FY 1984</u>	<u>FY 1985</u>	<u>Percent Change</u>
Criminal Trial Bench Hours	91,134	95,462	5.0
Criminal Cases Commenced	36,845	39,500	7.0
Defendants in Criminal Cases Commenced	49,765	52,684	6.0
Civil Trial Bench Hours	178,622	174,845	-2.0
Civil Cases Commenced	261,485	273,670	5.0
Other Proceeding -- Bench Hours	133,378	139,308	4.5
All Matters Disposed of by Magistrates	376,168	419,163	11.0
Criminal Matters before Magistrates	28,960	31,524	9.0

** Source: Administrative Office of U.S. Courts. Note: The AOUSC Fiscal Year is from July 1 through June 30.

In addition to providing security at all criminal trials and at potentially violent civil trials, the USMS provides security at hearings before U.S. magistrates involving criminal matters and at grand jury proceedings. As seen in the above chart, the number of criminal trial bench hours increased by 5 percent in FY 1985, while the number of criminal cases commenced rose by 7 percent and the number of defendants increased 6 percent. Although the number of civil trial bench hours decreased by 2 percent, the number of civil cases commenced increased by 5 percent. More importantly, the number of matters disposed of by magistrates rose 11 percent and the number of criminal matters increased 9 percent in FY 1985.

Chart 6 shows the corresponding increases in USMS workload which is reflective of the increased workload of the Federal judiciary.

Chart 6
COURT SECURITY WORKLOAD

<u>Activity</u>	<u>FY 1984</u>	<u>FY 1985</u>	<u>Percent Change</u>
Sensitive Trials	131	135	3
Sequestered Juries	32	43	34
Threats to the Judiciary	153	240	57
Short-term Details	123	183	49
Protective Service Details	30	57	90
Judicial Conferences	29	39	35

During FY 1985, the USMS provided security for 135 sensitive trials. Sensitive trials are those where there are extraordinary circumstances which might affect the jury or the security of the trial. Examples include cases involving high security risks, increased risk of escape by the defendant, an unusual amount of media coverage, or a high level of courtroom attendance by persons interested in the outcome of the case. All of these factors create a potential for disruption during the proceedings.

The USMS is also responsible for the care and security of sequestered juries. In FY 1985, there were 43 sequestered juries, an increase of 34 percent over FY 1984.

In addition, the USMS keeps track of the number of threats to the Judiciary. In FY 1985, there were 240 threats, an increase of 57 percent over the previous year. Related to this, the USMS provides protection on a short-term basis in situations where a threat is perceived but an evaluation as to the seriousness of the threat has not been completed. In FY 1985, there were 183 instances where such short-term protection was necessary, an increase of 49 percent over the number in FY 1984. Also during FY 1985, there were 57 protective service details, a 90% increase over the previous year. These details involve security outside of the courtroom when there is a confirmed threat to a judicial officer or family member.

The USMS provides security at judicial conferences. In FY 1985, there were 39 judicial conferences, a 35% increase over the previous year. Each conference requires special security procedures because of the number of judicial officers gathered together at one time. Whenever possible, the district in which the conference is occurring provides the manpower needed to protect the conference. However, if the conference is held in a small district or at a remote location, or if one or more of the attending judges is already under a protective detail, it becomes necessary for the USMS to send personnel from other districts to provide adequate security.

THREAT ANALYSIS

The Threat Analysis Group (TAG) was formed in 1983 to enhance the USMS' capability to assess the level of danger related to threats against people who are protected by the USMS, as well as threats against USMS personnel. This ability to assess the danger in any situation became necessary with the increasing number of threats and the growing sophistication of criminal organizations, including terrorist groups.

TAG is tasked with assessing threats when they appear to involve dangerous individuals, or highly-organized criminal groups, or when the degree of danger is not clear or simply unknown. An experienced investigator compiles all available information about a threat and the individual or group making the threat. The investigator then analyzes the data in light of his or her own expertise. Whether in the field of drug trafficking cartels, terrorists, or organized crime, the investigator's expertise is important to the analysis of the data. Often enough facts are not available to draw a conclusion as to the seriousness of the threat. In such cases, the assessment of the threat requires the investigator's judgment and expertise.

In FY 1985, TAG completed 86 formal threat assessments. Most of these resulted from the 240 threats against Federal judges and other court officials which were received by the USMS. The majority of the threats are assessed at the district level, and TAG is called upon only when the situation meets the conditions described above.

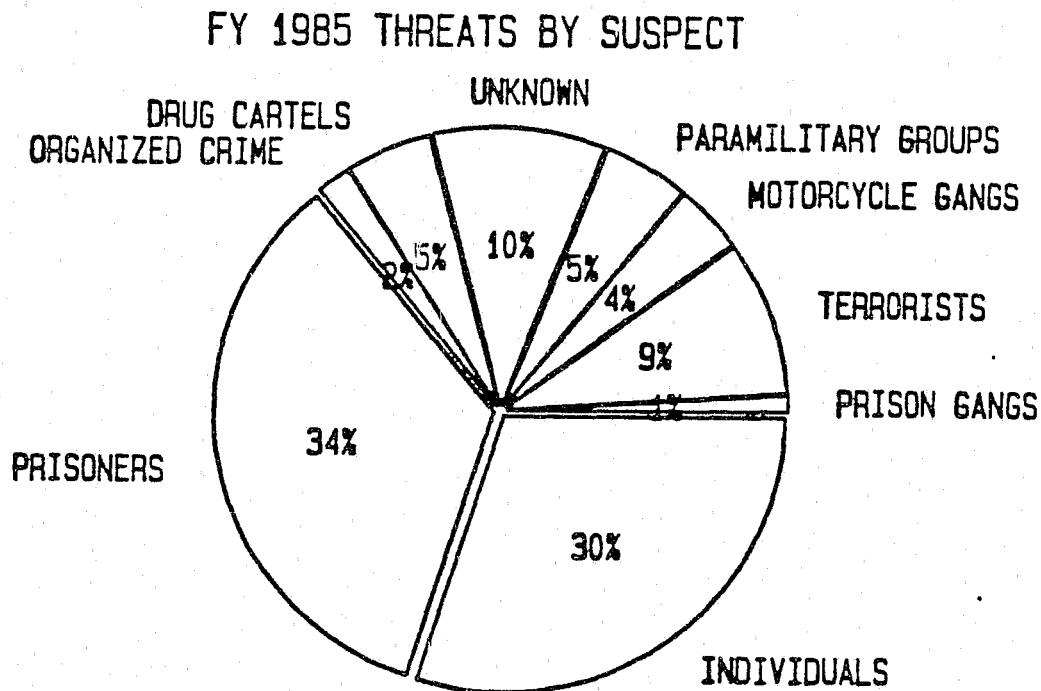
In addition, TAG completed an estimated 50 intelligence reports in FY 1985. These reports are about specific individuals or dangerous groups whose activities relate to USMS responsibilities. These reports are submitted to USMS management officials and to law enforcement officials who need the information in order to perform their duties and to protect the public and themselves. For example, when convicted racist bomber and assassin Joseph Franklin was scheduled for trial in Wisconsin on additional murder charges, officials from the Dane County Sheriff's Department traveled to Washington, D.C., for a briefing arranged by the Department of Justice. The TAG investigator who had previously conducted a threat assessment on Franklin provided the Sheriff's Department with important information upon which it based its security.

Another example of the USMS use of TAG intelligence reports was the role TAG played in the handling of the

Macheteros terrorists in August 1985. After ten members of this organization were arrested in Puerto Rico, the USMS took custody of the prisoners, transported them to Connecticut to face the charges against them, provided security at the hearings, and protected the judicial officials who were involved in their proceedings. A TAG investigator who is an expert on terrorism and had conducted a previous assessment of the Macheteros served as the intelligence officer for the highly dangerous mission.

The following chart shows the different sources of threats investigated by the USMS in FY 1985. As the chart demonstrates, there are six categories of groups and two categories of individuals who have been the source of threats. Additionally, 10 percent of the threats received were from an unknown source.

Chart 7

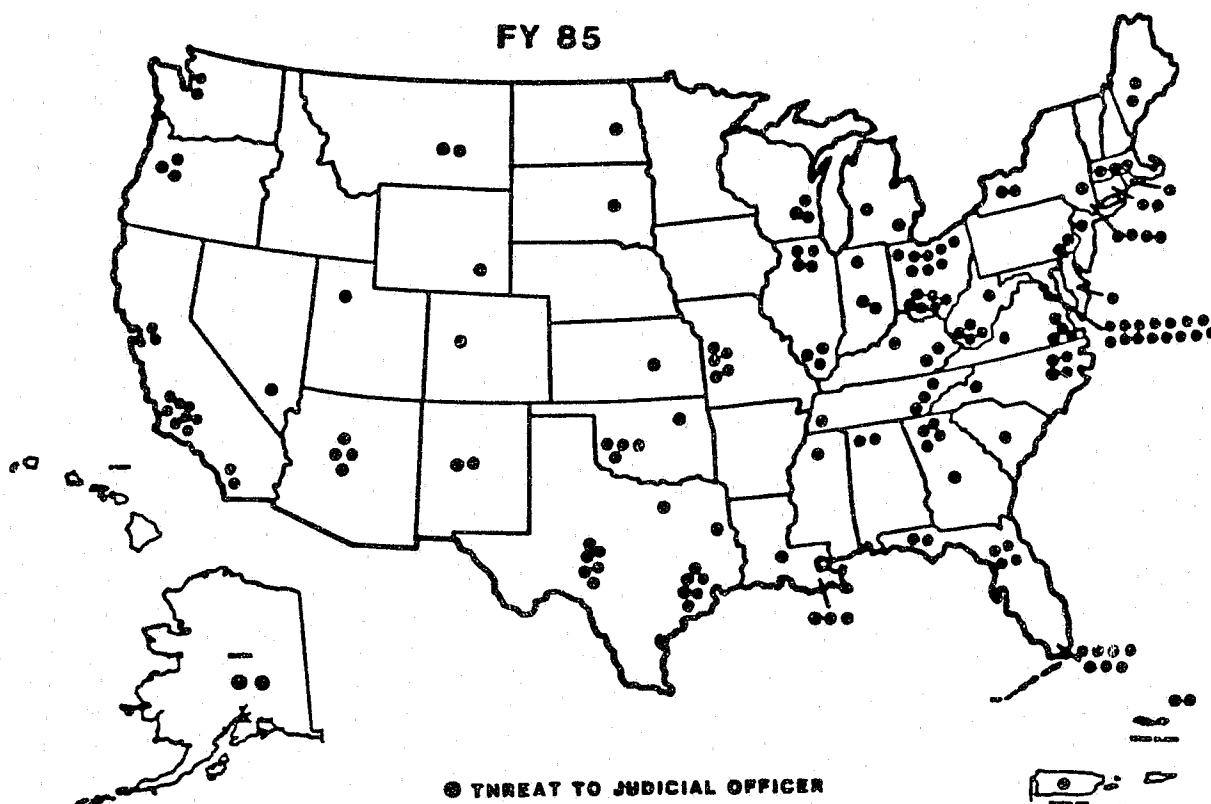


The following map shows the location of threats to the judiciary in FY 1985. Only seven states did not have at least one threat against a judge.

Chart 8

LOCATIONS OF JUDICIAL THREATS

FY 85



CHAPTER 4

WITNESS SECURITY

The Marshals Service provides for the protection of certain qualified government witnesses and their dependents whose lives are in danger because they have agreed to provide critical and much needed information to the Government and the courts about organized crime and other serious criminal enterprises. The USMS provides protection 24 hours a day to all such witnesses while they are in a "threat" environment and upon their return to a danger area for pretrial conferences, trials, or other court appearances. The witnesses and authorized dependents are given new identities, moved to another city, and provided services necessary to assist them in becoming self-sustaining and acclimated to their new community as quickly as possible.

During FY 1985, 189 new principal witnesses entered the Witness Security Program. During the same period, the USMS provided protection and funding for 1,897 principal witnesses and their families.

PROMINENT CASES IN FY 1985

The Witness Security Program's protection of high-level organized crime figures who have agreed to cooperate with the Federal Government includes numerous major criminals testifying against persons who were close friends or co-conspirators previously. Leroy "Nicki" Barnes, a former narcotics kingpin, continued his testimony against his former confederates who control the largest drug organization in this country. The Harlem "company", also known as "Murder Incorporated," was formerly run by Barnes and six others. Barnes' cooperation has led to the conviction of 14 heroin importers who have ties to organized crime elements and 26 others are awaiting trial on an array of other felony charges.

Other major investigations by government agencies implicating such groups as the Black Liberation Army, the Weather Underground, the May 19 Communist Organization, the Winter Hill gang, and the Republic of New Africa have led to many new participants in the Witness Security Program who have testified or will testify about acts of murder, terrorism, and robbery. In another action, two protected witnesses will continue to testify in the case of U.S. v. Rosenthal, et al., in which 30 members of a drug trafficking ring were tried in March 1985.

Other noteworthy cases involving protected witnesses in Federal and state courts throughout the country which were pending at the end of FY 1985 include an organized crime case in Boston with multiple defendants who are purported to be the top echelon of New England organized crime, and cases involving the Graylord investigation of judicial and police corruption. One of the witnesses scheduled to testify in this case was previously scheduled to testify in the case of U.S. vs. Campise and Gasttuso, but both Campise and Gasttuso were murdered in Chicago prior to the trial. The testimony of several protected witnesses in FY 1985 resulted in the conviction of all seven defendants in the case of U.S. vs. Aiuppa in Kansas City, Missouri in January 1986. This was a major prosecution effort involving organized crime's pervasive infiltration of labor unions.

Witness Security involved 11 percent of the average Deputy U.S. Marshal time of the USMS in FY 1985. Receipt of new principals and family members and the day-to-day maintenance of funded witnesses is generally handled by Inspectors in the Witness Security Program, although Deputy U.S. Marshals perform security and protection function when witnesses are returned to the danger zone (the area where they are best known and in the greatest jeopardy because of their cooperation) to testify.

In FY 1985, an average of 63 operational employees were assigned as Inspectors to Witness Security Metro Units located in areas where there is a concentration of Witness Security work. These Metro Inspectors averaged 54 hours per inspector per week in the Program. District operational employees averaged four hours per week in Witness Security.

Program Overview

Like many other aspects of Federal law enforcement, the Witness Security program was affected in FY 1985 by the enactment of the Comprehensive Crime Control Act of 1984. The new law formally established policies and procedures designed to strengthen the witness protection program. It also created several entirely new areas of responsibility, including:

- . the requirement for the Attorney General to issue guidelines delineating types of cases for which protection may be suitable;
- . the requirement for a written evaluation of the potential witness, balancing the significance of the case with the witness' suitability for protection;

- . an exemption from procurement regulations as may be required to preserve the security of witnesses or the integrity of the Program;
- . the transfer of supervision of state probationers and parolees to Federal jurisdiction;
- . criminal sanction of \$5,000 and/or five years imprisonment for unauthorized disclosure of information pertaining to the Program or a witness;
- . requirement for state governments sponsoring Program participants to cooperate with the Attorney General in carrying out all provisions of the Witness Security Program; and
- . establishment of a compensation fund for the victims of Program participants.

Applications for Program participation originate with the various U.S. Attorneys or Organized Crime Strike Force offices and are forwarded to the Department of Justice's Office of Enforcement Operations (OEO) in the Criminal Division. This office determines the suitability of Program applicants based on information supplied by the U.S. Attorney, the investigative agency, the USMS, as well as psychological evaluations performed by the Bureau of Prisons. This information includes:

- . the person's criminal record;
- . available alternatives to providing protection;
- . the possibility of securing similar information from other sources;
- . the relative importance of the person's testimony;
- . the results of psychological evaluations and the potential for inflicting harm on an unsuspecting community;
- . an assessment as to whether providing protection will substantially infringe upon the relationship between a child who would be relocated and a parent who would not; and
- . other factors the Attorney General considers appropriate.

Applications for prisoner witnesses are also directed to OEO. Prisoner witnesses afforded protection are the responsibility of the Bureau of Prisons. Designation of an institution for serving the sentence, medical treatment and all other decisions relative to a protected prisoner's housing are in the purview of the Bureau of Prisons. The USMS is involved only in their secure transportation between penal institutions and during their court-related appearances in the danger area. Upon completion of a prisoner witness' sentence, he or she may be sponsored for full services under the Witness Security Program. In such cases, the U.S. Attorney must screen for all of the admission requirements specified for new witnesses. In FY 1985, the USMS received 73 new prisoner witnesses and a total of 47 former prisoner witnesses for full program services upon their release from prison.

Program admissions have been declining every year since the centralization of the program in 1979. Changes in governing legislation such as those enacted in FY 1985 have further ensured that only the most significant case applicants are approved. As such, in FY 1985, 189 new witnesses were admitted into the program, compared with 290 new witnesses admitted in FY 1984.

Basically, in FY 1985, an eleven percent decline occurred in the number of new Principal Witnesses, active Principal Witness and Program participants. These and other important program data are provided in Chart 9.

Chart 9
WITNESS SECURITY WORKLOAD

<u>Activity</u>	<u>FY 1984</u>	<u>FY 1985</u>	<u>Percent Change</u>
New Principal Witnesses	290	189	-11.0
Active Principal Witnesses	945	847	-11.5
Active Program Participants	2,103	1,897	-10.8
Average number of months funded per witness	15	15	0
Cumulative Principal Witness workload	4,772	5,000	+4.5
Cumulative Program Participant workload	11,160	11,668	+5.2
Number of Principal Witnesses reactivated during FY	102	98	- 1.0

PRINCIPAL WITNESSES are the individuals whose lives are in danger due to information they have provided or are providing in organized crime and other serious criminal investigations.

PROGRAM PARTICIPANTS are the authorized dependents (spouse and/or dependent children) of the witnesses whose lives are also in danger due to the witnesses' testimony.

ACTIVE WORKLOAD include all witnesses/participants who are being given a broad range of program support, including financial assistance, job-hunting assistance, and may be still in the process of relocating.

CUMULATIVE WORKLOAD includes all active witnesses/participants as well as those no longer receiving active support (yet have not been terminated from the Program).

With the imposition of the new CCCA requirements, the period of time required to process an application increased by approximately a week. Nevertheless, there were no emergency authorizations (i.e., protection approved in the absence of a risk analysis) during FY 1985. The Department feels that the sponsoring investigative agencies bear the responsibility of providing interim protection. As a result of the detailed review process, 49 applications for protection either were denied by the Department or were withdrawn by U.S. Attorneys. In several other instances, special conditions were placed upon an individual's participation in the Program as a consequence of psychological evaluations conducted by either the Bureau of Prisons or USMS psychologists.

Before protection is initiated, each participant over the age of 18 must enter into a memorandum of understanding which clearly delineates the obligations of the Program participant and the extent of Program services to be provided. Specifically, the protected person must agree:

- . to testify and provide information to appropriate law enforcement officials;
- . to not commit any crimes;
- . to take all precautions to preserve his or her own security;
- . to comply with all legal obligations and civil judgments;
- . to cooperate with all reasonable requests of Government officials administering the Program;
- . to designate an individual to act as an agent for the service of legal process (to avoid "skying out" on debts and other lawful obligations while on the program);
- . to make a sworn statement relative to all outstanding legal obligations, including child custody and visitation;
- . to disclose any state or Federal probation or parole responsibilities; and
- . to regularly inform Program officials of his or her activities and whereabouts.

Once protection has been approved, the Attorney General decides the extent of protective services to be provided to witnesses and their dependents. These services may include documentation, housing, transportation of personal belongings, employment assistance, a living stipend and other services as needed. During FY 1985, all authorized nonprisoner witnesses were able to avail themselves to the complete range of Program services.

The guidelines of the Program provide that the Attorney General may terminate protection for any individual who substantially violates the terms of the memorandum of understanding and that the decision to do so is not subject to judicial review. The USMS provides written notification of the cessation of Program services in all instances where the witnesses whereabouts are known. (There are cases when a witness leaves the relocation area without advising USMS personnel of his or her departure or planned destination.)

CHAPTER 5

EXECUTION OF COURT ORDERS

Every year the USMS executes hundreds of thousands of pieces of process for the Federal courts, United States Attorneys, private litigants, other Federal agencies, foreign governments, and others. This process covers a wide range of types, including summonses and complaints in civil actions, subpoenas in both civil and criminal actions, writs of habeas corpus, and writs of Attachment. Additionally, in order to simplify the recordkeeping of the variety of types, the USMS categorizes the process into one of four groups based on the type of case and plaintiff. These groups are government civil, government criminal, private civil, and private criminal process.

Time spent in the execution of court orders and other process accounted for 14 percent of the average Deputy U.S. Marshal's duty hours in FY 1985. This includes all hours expended in the investigation and execution of process and related activities, such as the management or disposal of forfeited property. In FY 1985, a Deputy averaged seven hours per week in the execution of court orders, and executed an average of 271 court orders during the fiscal year, with an average of 174 executed in person, and 97 by mail.

As is shown in Chart 10, the USMS executed 224,846 court orders in person and 113,317 court orders by mail for a total of 338,163 court orders executed, excluding warrants.

Chart 10

EXECUTION OF NON-WARRANT COURT ORDERS, FY 1985

CATEGORIES	RECEIVED FROM COURTS	SERVED IN PERSON	SERVED BY MAIL	RETURNED UNEXECUTED
GOVERNMENT CIVIL	118,574	62,945	36,352	19,809
GOVERNMENT CRIMINAL	161,665	133,530	14,294	12,942
PRIVATE CIVIL	79,010	26,400	62,604	7,138
PRIVATE CRIMINAL	2,716	1,971	67	479
TOTAL	361,965	224,846	113,317	40,368

GOVERNMENT CIVIL PROCESS includes court orders executed on behalf of the Federal Government in civil cases.

GOVERNMENT CRIMINAL PROCESS includes court orders issued on behalf of the Federal Government in criminal cases but excludes warrants.

PRIVATE CIVIL PROCESS includes court orders executed on behalf of private parties in civil cases.

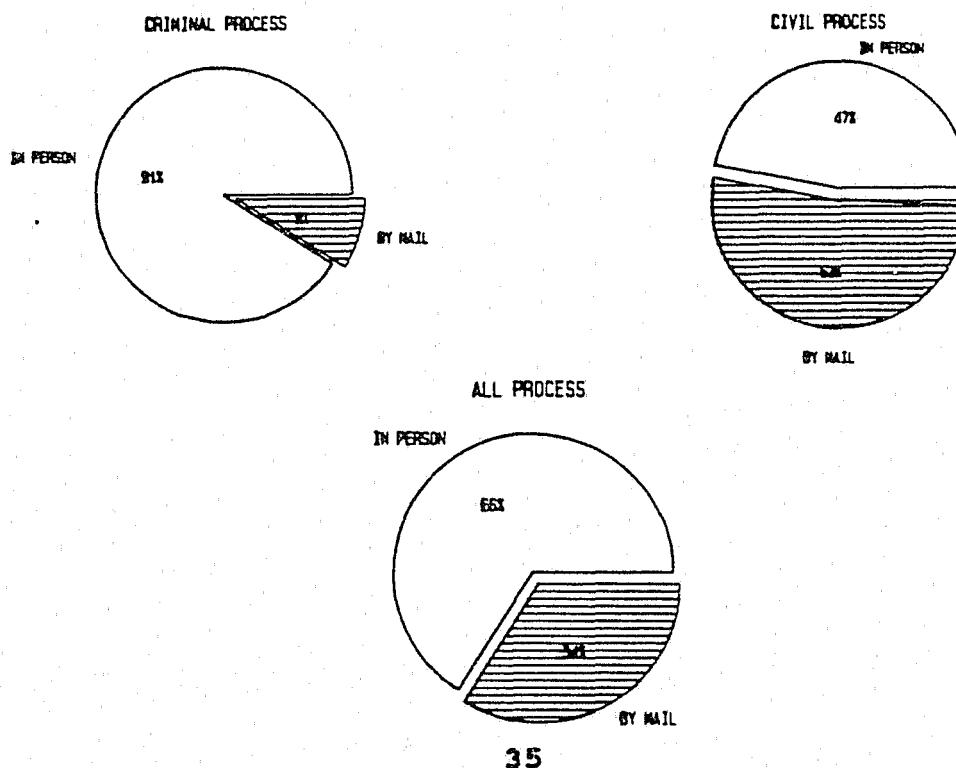
PRIVATE CRIMINAL PROCESS includes non-warrant court orders issued by Federal courts in criminal cases on behalf of private parties.

Traditionally, a large volume of the process received by the USMS has been in the form of summonses and complaints resulting from the thousands of debt collection cases filed by the government each year. In 1983, the Federal rule covering the procedures for serving process [Federal Rules of Civil Procedure 4 (c) 2 (C) (ii)] was changed to allow the USMS to serve certain types of process by first class mail. Despite this change, the larger portion of process is still executed personally. This is because most of the process filed in debt collection cases require some investigation by the Deputy executing the process to locate the individual who is attempting to avoid service. Additionally, the majority of criminal process requires personal service.

Regardless of whether the process is on behalf of the government or private litigants, execution of process is accomplished either by personal service or by mail. As seen in the chart below, in FY 1985, 91 percent of all criminal process (excluding warrants) was executed in person while 47 percent of all civil process served was executed in person. Of the total process executed, 34 percent was mailed and 66 percent was served in person. Process served in person often requires a Deputy to drive great distances to locate the named party.

Chart 11

EXECUTION OF PROCESS BY TYPE OF SERVICE, FY 1985



NATIONAL ASSET SEIZURE AND FORFEITURE PROGRAM

The USMS not only has responsibility for seizing property forfeited to the Government, but also for administering the Department of Justice's program for the management and disposal of property subject to judicial and administrative forfeiture. The USMS has always had the responsibility for seizing and disposing of judicially forfeited property. In March 1984, a memorandum of understanding was signed by the USMS, the Federal Bureau of Investigations (FBI), the Drug Enforcement Administration (DEA), and the Immigration and Naturalization Service (INS) which clarified and expanded this responsibility under the pilot National Asset Seizure and Forfeiture (NASAF) program. This pilot program was designed to provide support services and technical assistance to the Marshals Service district offices in managing assets seized under judicial forfeiture; overall management, control, and disposition of assets seized by other Department of Justice agencies; and management of the Justice Assets Forfeiture Fund (AFF).

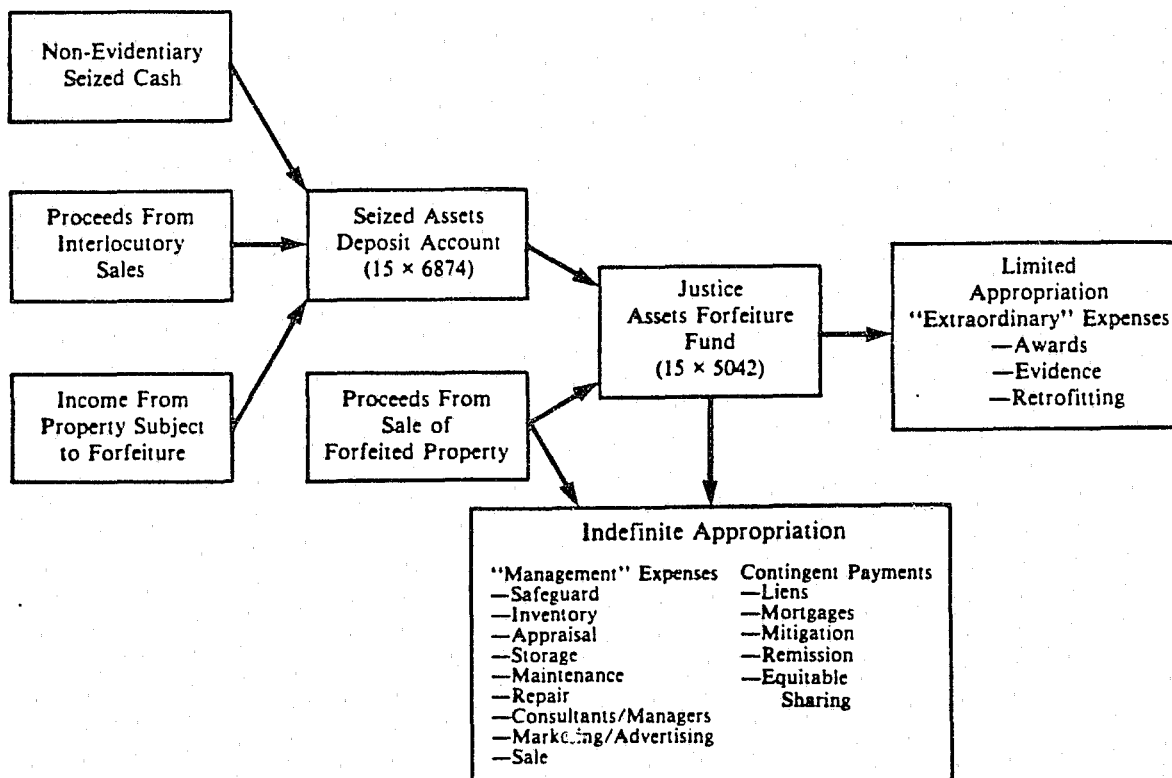
NASAF Field offices are located in Atlanta, Baltimore, Boston, Chicago, Denver, Detroit, Houston, Los Angeles, Miami, New York, St. Louis, San Francisco, and Seattle. In FY 1985 an additional office was opened in San Diego. The field offices of the NASAF program are located in cities where OCDE Task Forces are located, with the exception of the NASAF office in Seattle. NASAF offices were positioned near OCDE offices because OCDE task forces attack drug-related organizations through the forfeiture of property obtained by drug dealers through their illegal activities. The NASAF offices are therefore able to provide support services and technical assistance to the OCDE personnel as well as to the Marshals Service district offices.

Like so many other USMS responsibilities, seizing, managing, and disposing of forfeited property changed during FY 1985 because of the extensive revisions in civil and criminal forfeiture laws and procedures caused by the Comprehensive Crime Control Act of 1984. The new laws strengthen the Justice Department's ability to identify, seize, and seek forfeiture of assets in key Federal criminal cases. In addition, it established the "Department of Justice Assets Forfeiture Fund," a single independent source of funding which frees seizing and litigative agencies from the non-personnel costs associated with storage, security, and other management expenses related to the seized property program.

One of the priorities of the USMS in FY 1985 was to implement a policy for the handling of non-evidentiary seized cash, one of the largest monetary portions of seized assets program which was without a uniform system of management control. By August 1985, the Department of Justice issued formal guidelines to all department agencies which required the deposit of non-evidentiary seized cash into a central Seized Assets Deposit Account pending transfer to the Assets Forfeiture Fund upon forfeiture. Chart 12 depicts the operation of the new account and its relationship to the Department of Justice Assets Forfeiture Fund.

Chart 12

Operation of the Department of Justice Assets Forfeiture Fund (AFF)



The new uniform guidelines to govern the handling of seized and forfeited cash by the USMS, investigating agencies, and U.S. Attorneys require that seized cash subject to forfeiture, and not needed as evidence, be deposited into the U.S. Treasury as soon as possible by the Justice agency with custody. These guidelines essentially implement the recommendation of the President's Private Sector Survey on Cost Control (the Grace Commission) that "seized cash awaiting disposition should be forwarded to the U.S. Treasury for deposit" as soon as possible. By the end of 1985, the USMS and the Department had, for the first time, a comprehensive record of seized cash subject to forfeiture which had been held previously in various bank accounts and in Federal office vaults.

The initial seizures processed during 1984 remained fairly uncomplicated involving conveyances, single residential properties, and cash. The complexity of cases intensified in 1985 with a significant increase in major multiple asset seizures often involving operating businesses. Among the major seizures executed in FY 1985 were the following:

- . A popular recording studio, located in Sausalito, California, was seized. Immediate actions to maintain the operation of the studio, which contains sophisticated, state-of-the-art equipment, has allowed the government to ensure that existing contracts with a number of well known recording artists have been honored.
- . In connection with U.S. vs. Rex C. Cauble, the USMS seized and assumed majority ownership of the Western State Bank in Denton, Texas. With the help of an independent bank consultant, the USMS determined that the bank was in fact a liability, and it was turned over to state banking officials.
- . The Accurate Brass and Aluminum Foundry, Inc. was seized in Waukesha, Wisconsin. The operating foundry, which employs forty people, generates approximately \$175,000 in business per month. In addition to the foundry, the Maple Tree Farm with highly valued Black Angus cattle was also seized in this case.
- . The Pablo Campos case in Detroit, Michigan, involved the seizure of three drug stores, ten notes receivable valued at \$921,950, six

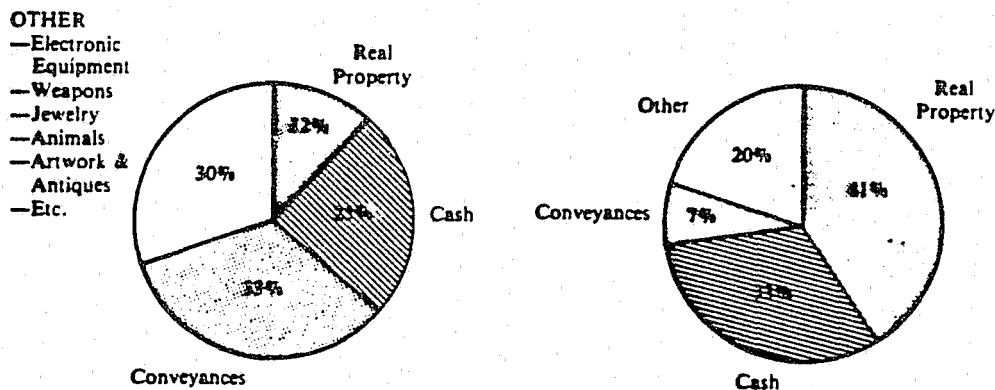
residential properties, a large condominium project, 152,000 shares of stock and thirteen miscellaneous corporations.

- Operation Durango, conducted in Chicago, involved seized property including seventeen businesses and thirty residential properties. The seizure centered on the assets of one family's nationwide heroin operation, and involved the coordinated effort of 450 law enforcement officers from the USMS, FBI, DEA, INS, Customs, IRS, ATF and state/local law enforcement agencies.

By the end of FY 1985, the USMS had executed 3,584 seizures involving property worth \$275,000,000. Real property represented the largest single asset category in terms of value, with the number of real property seizures under USMS custody, both residential and commercial, doubling from 130 in FY 1984 to 260 in FY 1985. The second largest asset category was cash assets. While conveyances (primarily vehicles) reflect the largest number of seized properties on hand by the USMS, they represent the smallest total value of any type of property seized.

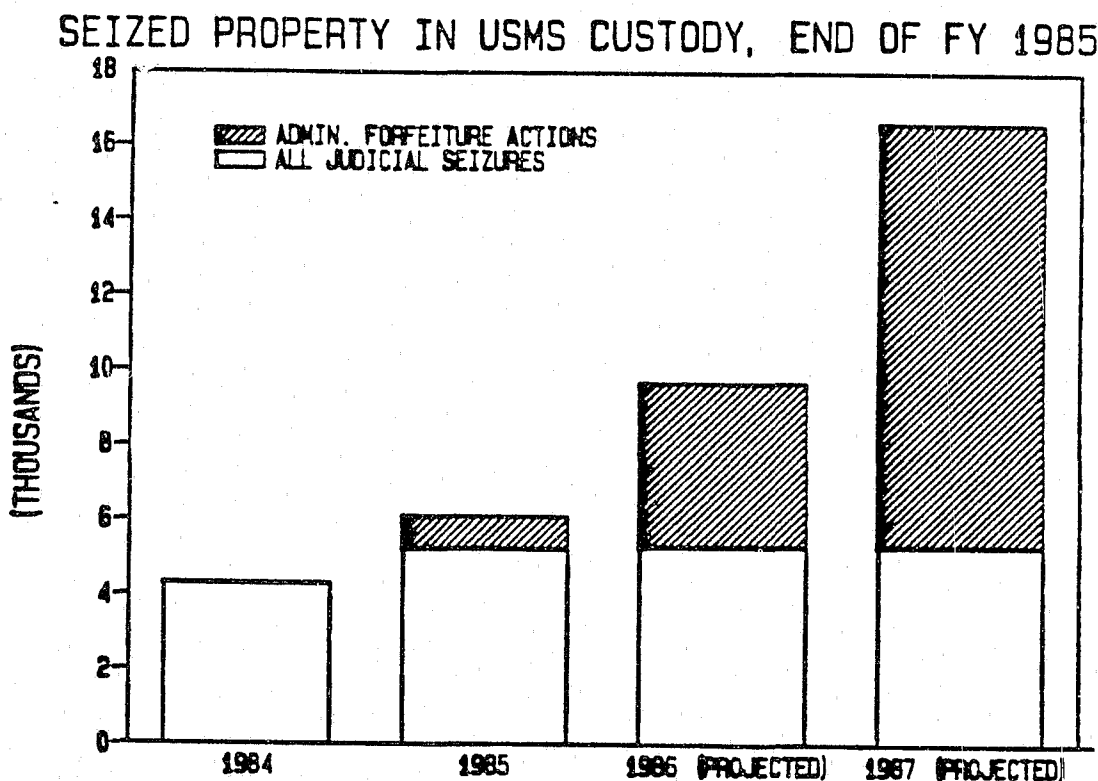
Chart 13

Number of DOJ- Seized Properties On Hand Value of DOJ- Seized Properties On Hand



The upward trend in USMS seizures is expected to continue as investigative agencies and case attorneys develop expertise and knowledge of special investigative and litigative procedures and capabilities. In 1984, excluding INS and DEA administrative cases, the number of seized property cases under USMS custody reached a record level of 4,381 cases overall (not just those onhand at the end of the fiscal year). In 1985, the annual number of cases exceeded this level, with a total of 6,114 cases, a 40 percent increase in seizures over FY 1984. The FY 1986 level is projected to reach 9,700 as the USMS assumes management and disposal responsibilities for DEA and INS administrative seizures.

Chart 14



With the concurrence of the Department, the USMS has delayed the takeover of property management and disposal responsibilities for assets administratively seized (e.g. those of high volume but relatively low value) by INS and DEA until additional USMS field office staffs are recruited for or assigned to the seized property program, and receive program training.

It is noted, however, that the USMS is already planning the procedures needed to assume DEA and INS administrative seizures during 1986. In fact, Interagency Agreements have been formalized between the USMS and the General Services Administration (GSA) for the sale of both conveyances and real property in selected geographical areas. The USMS is working on a plan to care for an estimated 86 percent of all vehicles seized by the Justice Department in the southwestern United States through the use of a combination of private sector and Government storage and disposal agreements.

The responsibility of the USMS does not end with the seizure of properties. To ensure that the Government receives the most benefit from the seizures and to prevent damage to properties that are under litigation, the USMS is responsible for managing and ultimately disposing of the properties in the most efficient and effective manner possible. The increasing complexity of the seizures also increases the complexity of the management function.

Consequently, one area of emphasis during FY 1985 was the management of seized real property and businesses. To minimize or avoid later problems, emphasis was placed on pre-seizure planning among investigators, prosecutors, and custodial managers to ensure that plans for seizing assets are carefully and deliberately made. Sound businesslike procedures for governing the management and disposition of seized real property and businesses were promulgated and coordinated with affected Departmental agencies.

Another change authorized by the CCCA allows the equitable transfer of forfeited property to state or local law enforcement agencies which participate in the seizure. The Department began transferring tangible property to participating state and local agencies early in 1985. Transfers of shares of forfeited cash and the proceeds of sales of property were not begun until after Congress appropriated funds in August 1985 to establish the Assets Forfeiture Fund. The USMS is responsible for tracking equitable sharing applications and decision documents nationwide. In FY 1985, the various Departmental agencies which are empowered to decide equitable transfers have granted transfers in excess of \$4 million.

SPECIAL OPERATIONS GROUP

In 1971, the Special Operations Group (SOG) was established within the USMS. This highly trained, self-sufficient, mobile reaction force is designated to provide Federal assistance at the request of the President or the Attorney General. It also provides back-up support to U.S. Marshals in the various judicial districts as they carry out their responsibility for enforcing major restraining orders and injunctions. This unit has the capability of assembling a fully operational reaction force at any point in the United States within six hours of initial notice.

In order to maintain this quick reaction time, all members of the SOG unit are required to carry their equipment with them at all times and to be prepared to leave on assignment at a moment's notice. In order to be self-sufficient, members receive special training in addition to the various special talents they brought into the unit from past experiences. Training includes scuba diving and underwater rescue techniques, as well as techniques of preserving evidence which has been found underwater; helicopter insertion and extraction of people; emergency medical care; rappelling down buildings; bomb recognition; crowd control; and use of special purpose gear such as night vision equipment. Members include both helicopter and fixed-wing pilots; emergency medical technicians; experts in explosive ordinance and disposal techniques; and bi-lingual Deputies.

The situations into which SOG is sent often require USMS personnel to work closely with personnel from other agencies, including local, state, Federal and international jurisdictions. This is particularly true of the relationship which exists between SOG and the armed forces. Under United States law, the government cannot use military force to restore order in civilian situations; therefore, the military authorities have to rely on civilian law enforcement agencies if trouble develops. While the USMS provides assistance to the military on an on-going basis through the Missile Escort program, SOG also provides specialized assistance. Under the terms of memoranda of understanding, SOG provides training in security involving civilians, assists in security programs when requested, and is committed to respond to the aid of the military if circumstances develop which the military security cannot handle.

In FY 1985, SOG assisted foreign ministers from approximately twenty countries evaluate the airport security of their countries. Before providing this assistance, SOG members first were trained by the Federal Aviation Administration (FAA) in FAA policies and procedures. SOG was then able to integrate its security and technical expertise, including the processing procedures and equipment used for screening passengers and cargo, with current FAA policies to provide the best possible assistance to the foreign ministers.

SOG also provided assistance within the USMS in the accomplishment of the Service's own missions. For example, in FY 1985, SOG was activated to safely move a well-trained terrorist group ("Los Macheteros") from Puerto Rico where they had been arrested to Connecticut where they were wanted on an indictment regarding the robbery of \$7 million in cash from a Wells Fargo depot in New Haven. SOG also assisted in high risk arrests for the FIST VIII operation.

CHAPTER 6

PRISONER RECEIPT AND PROCESSING

The USMS is responsible for all Federal prisoners detained for judicial proceedings. The Prisoner Support Program was established to ensure expeditious, economical, and secure methods for the custody, receipt, processing and production of Federal prisoners. This responsibility includes the need to acquire sufficient, acceptable detention space for Federal prisoners who must be detained in non-Federal facilities.

This responsibility is challenging in its diversity and complexity. Each year, more than 83,000 prisoners pass through the Federal court system. Each day, Deputy U.S. Marshals are faced with resolving such complex issues as investigating inmate suicides, arranging for the hospitalization and care of prisoners with terminal illnesses or contagious diseases such as AIDS, finding lodging for dependent children of prisoners and alien material witnesses, and deciding whether the USMS will grant the transfer of prisoners to state authorities pursuant to state writs.

The prisoner support function is also responsible for the negotiation, award and administration of approximately 850 intergovernmental agreements (IGAs) with state and local detention facilities for housing USMS prisoners when Federal facilities are not available. The Cooperative Agreement Program (CAP) and the Federal Excess Property Program (FEP) are designed to provide assistance to those state and local facilities that provide housing of Federal prisoners.

Each year, the USMS responds to thousands of Federal prisoners' complaints concerning alleged violations of the prisoners' civil rights. The Federal courts also call upon USMS personnel to investigate and resolve prisoner complaints against local jails. This assistance given to the local governments provides the USMS an extra opportunity to maintain the support of the local governments which house the majority of USMS prisoners.

The complaints cover a full range of problems. Some are seemingly trivial, such as the quality of toilet paper provided by the jail. Some are frivolous, such as the charge that the USMS was responsible for injuries a prisoner received in a two-story fall when his "sheet rope"

broke during an escape attempt. Others are far more serious allegations, such as charges of physical abuse or improper medical care.

Each individual arrested or detained for violation of Federal statute must be brought before a magistrate or judge for an initial hearing. Upon completion of the hearing, the prisoner may be remanded to the custody of the USMS until such time as the charges are dismissed or the prisoner is released on bond or personal recognizance, is tried and acquitted, or is convicted and delivered to an institution for service of the imposed sentence.

The USMS assumes custody of individuals arrested by the USMS and all other Federal agencies, as well as maintaining custody of detained illegal alien material witnesses. Each individual who is brought into USMS custody who is not already or has not been previously in the Federal prison system, is assigned a prisoner control number, fingerprinted and photographed. Records are established for criminal and personal data, personal property, medical history, and other data. Inquiries are made through the National Crime Information Center (NCIC) and various state or regional data bases to determine if there are other outstanding charges against the individual, and requests for name and fingerprint checks are forwarded to the Federal Bureau of Investigation.

In FY 1985, the receipt and processing of prisoners involved 10 percent of the average Deputy U.S. Marshal's duty hours. This included time spent in the actual receipt of prisoners as well as time spent in inspections of local jails or in administering interagency agreements with state or local detention facilities. Each Deputy averaged six hours per week in prisoner processing, and received an average of 55 prisoners into custody during the year.

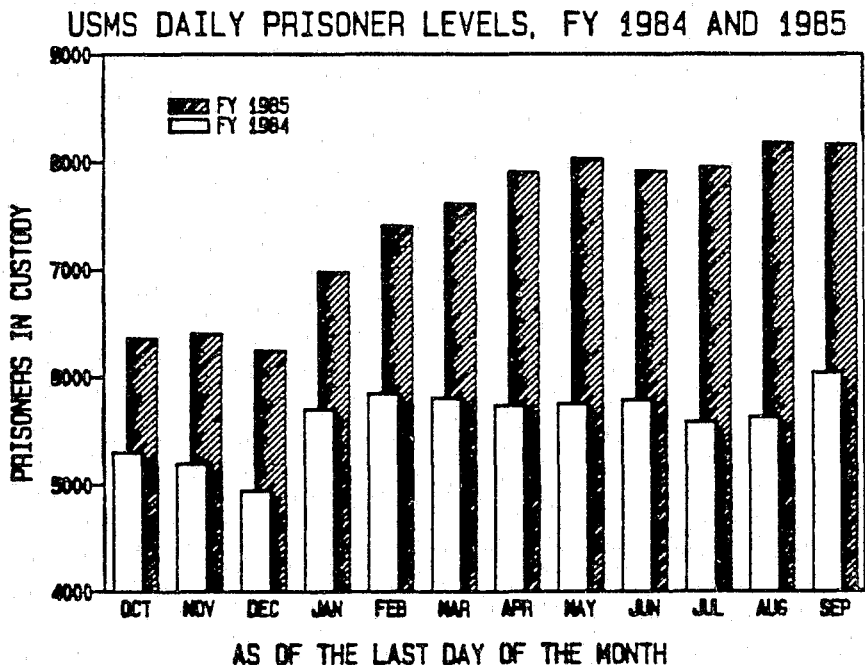
FY 1985 was a year of change in the area of prisoner support because of the impact of the the Bail Reform Act of the Comprehensive Crime Control Act. Prior to the enactment of this Act, the prisoner support workload had been declining. Although no specific cause for the decline was determined, it was likely caused by the emphasis by both the FBI and DEA on complicated cases designed to convict the higher level organizers of crime. In particular, the Organized Crime and Drug Enforcement Task Forces, implemented in June 1983, redirected Department of Justice investigative personnel into higher quality drug cases which is reflected in the reduced number of prisoners received by the USMS and produced for court appearances.

The implementation of the CCCA impacted several USMS workload patterns. These include the custody and housing of pre-trial defendants; production of defendants at detention and other judicial hearings and trial; and the apprehension of defendants who have violated release conditions or have failed to appear for trial. While the nature of these responsibilities of the USMS did not change with the enactment of the Bail Reform Act, the volume of work increased considerably.

From FY 1983 to FY 1984, the number of prisoners received into USMS custody declined by 2.5 percent. In FY 1985, the downward trend for the number of Federal prisoners received was halted as the number remained virtually constant.

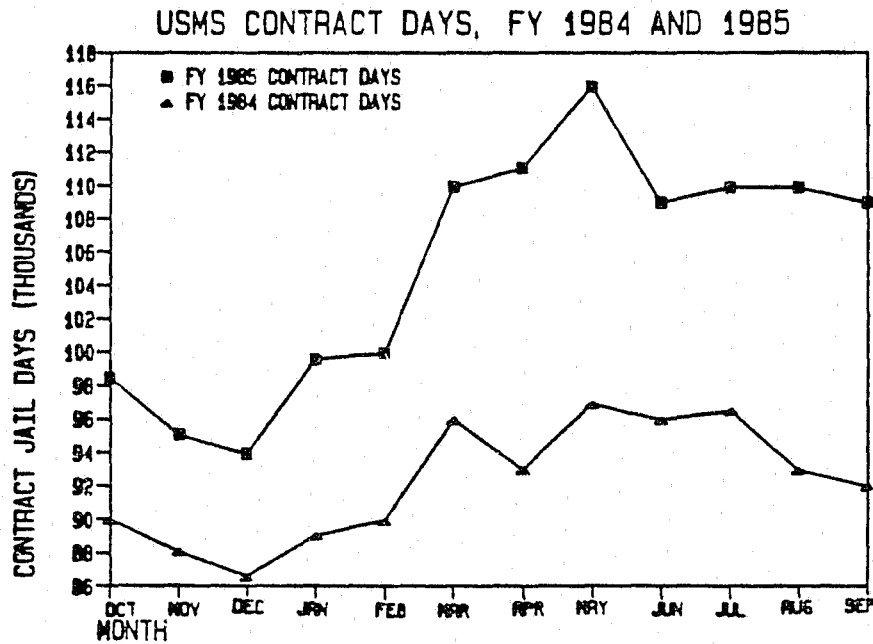
Most importantly, the daily average number of prisoners in USMS custody in FY 1985 increased by 32 percent over the FY 1984 daily average.

Chart 15



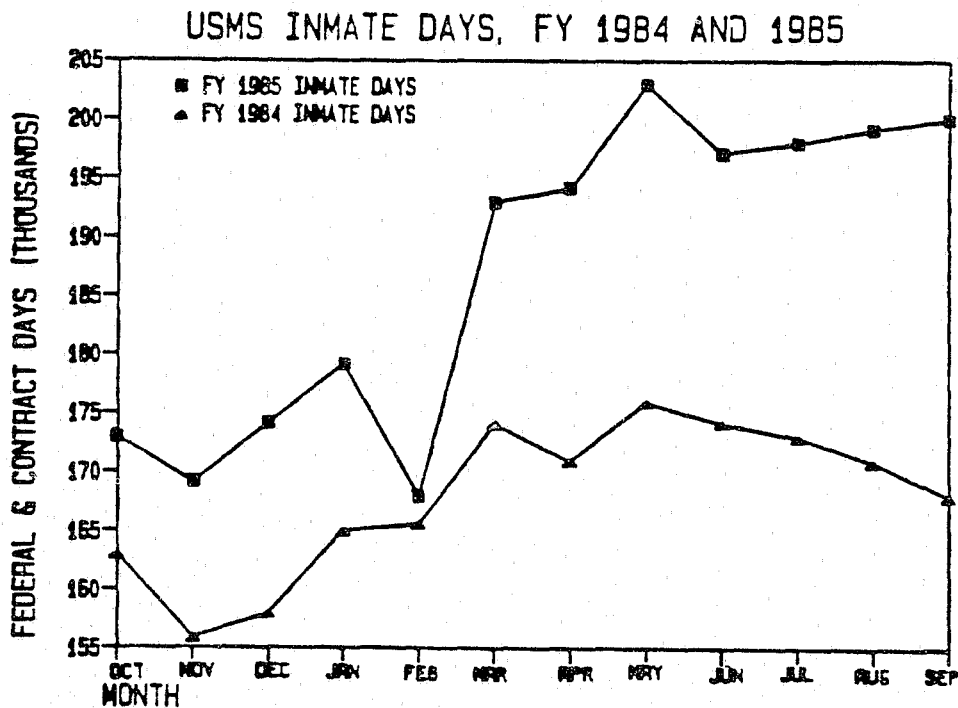
In addition, the average length of prisoner detention for both Federal and contract facilities increased from 26 days in FY 1984 to 29 days in FY 1985, an increase of 12 percent. At the same time, there was a 14 percent increase in the number of days of prisoner confinement in contract jails.

Chart 16



Also, there was an 11 percent increase in the number of days of prisoner detention accrued by all inmates in both Federal and contract facilities.

Chart 17



The increase in the daily prisoner population levels and the average length of prisoner incarceration was largely the result of the establishment of detention hearings; the more lengthy pre-trial review process; and the detention of convicted defendants who are awaiting sentencing, appeal, or the execution of the sentence, all of which were procedures changed by the CCCA.

Prior to the changes brought about by the bail reform provisions, defendants appeared before a magistrate for an initial hearing normally within 24 hours of arrest. Since it was generally considered that the defendant was likely to appear for trial, release conditions were usually set and only persons unable to post bond or other acceptable collateral were held in detention. In those cases where it was thought that the defendant might flee, bail was set at a financial amount that the court felt the person would be unable to meet. In recent years, even extremely high bails were being met in drug-related cases and the defendant would frequently flee the country once released.

The bail reform provisions require a judicial officer to set bond within the financial capabilities of the defendant and to release persons from custody unless the government can substantiate reasons for pre-trial detention. Reasons for pre-trial detention must be based on an evaluation of the probability that the person will flee or that the person will be a danger to society if released, and are presented at the detention hearing. These hearings, which often take on the appearance of a mini-trial, may go on for hours or be continued over a period of several days. In addition, a defendant can appeal the detention decision of a magistrate to a Federal judge. Information available through the Department's Criminal Division indicates that in FY 1985 the Government substantiated a risk of flight or danger to the community, or both, in 82 percent of the detention hearings held.

The arrest of 13 members of the Puerto Rican independence group known as the "Los Macheteros" highlighted one of several major cases involving detention hearings during FY 1985. This group is charged with assault, various RICO (Racketeer Influenced Corrupt Organizations) violations, and the robbery of \$7 million from the Wells Fargo Company, and is believed to be closely linked with several terrorist organizations. The Macheteros were removed to Connecticut for trial and held in USMS custody. During the period of September 8 through October 10, 1985, the USMS was responsible for producing the defendants at

detention and detention appeal hearings. Due to the high level security risk posed by this group and their associates, the lengthy pre-trial process, and the high security measures, the cost for the USMS was \$309,493. It is estimated that the cost for initial hearings, if held before the passage of the Act, would have been less than \$30,000.

FINDING ADEQUATE DETENTION SPACE

The Federal Government has traditionally relied upon state and local units of government to provide for the housing, custody, and care of persons detained for violations of Federal laws who are awaiting trial or sentencing or held as material witnesses in a Federal prosecution. However, the USMS has continued to encounter serious problems in obtaining adequate bedspace for its prisoners in cities where Federal court is held.

During FY 1985, approximately 815 Intergovernmental Service Agreements (IGA) were in effect between the USMS and state and local governments for jail space. This was a 3 percent increase over the number of agreements in effect during the previous fiscal year. Of these 815 agreements, 158 were written or modified during the fiscal year.

Periodic jail inspections are performed as a requirement of the IGA. These inspections are designed to ascertain the level of compliance of each facility with established national detention standards and to identify those conditions of confinement which are substandard and need improvement. In FY 1985, 294 jail inspections were completed. In many instances, the reports filed from these inspections motivated local officials to correct deficiencies and thereby reduce their liability in potential prisoner rights litigation.

Although the number of jails which have interagency agreements with the USMS increased three percent from FY 1984 to FY 1985, the number of local jails which severely restricted or terminated space for Federal prisoners increased four percent from 251 to 261. These restrictions or terminations were due to severe overcrowding and an ever-increasing amount of prisoner litigation and court orders concerning substandard conditions of confinement. The result for the USMS has been a significant increase in the number of unsentenced Federal prisoners who have to be detained in already overcrowded Federal institutions or in jails in outlying rural areas.

The growth in the Service's prisoner levels has generated increased demands for bedspace not only in already overcrowded local facilities, but also in Federal detention facilities as well. The shortage of bedspace in state and local facilities is well known. An area of growing concern, however, is the increasing population pressures on the Bureau of Prisons (BOP) facilities, which at the end of FY 1985 were currently 42 percent over their rated capacity.

In FY 1985, the average daily population of USMS detained prisoners housed in Federal institutions increased 16% (623 additional detainees a day). These prisoners represent 14% of the overall growth in the Federal prison system's daily population for that period. The Federal Detention Center at Terminal Island in Los Angeles has virtually become a USMS jail currently housing an estimated 475 prisoners. This facility, however, is currently 104 percent over its rated capacity. Due to contract jail space shortages, the Federal Detention Center (FDC) in Bastrop, Texas was established by converting an entire sentenced prisoner housing unit into a detention facility for 125 USMS prisoners from San Antonio and Houston. At present, however, Bastrop FDC is 50 percent over its rated capacity. Overcrowded Federal detention facilities create a variety of operational and security problems for the Bureau of Prisons. In addition, it costs an average of \$5.59 a day more to house a prisoner in a Federal institution than in a USMS contract facility.

COOPERATIVE AGREEMENT PROGRAM

A program which has had a major beneficial impact on the ability of the Marshals Service to provide for the adequate detention of unsentenced Federal prisoners is the Cooperative Agreement Program (CAP). Begun in 1982, this program allows the Marshals Service to enter into negotiated agreements with the state and local governments for the necessary renovation or construction of detention facilities in exchange for guaranteed bed space for the Federal prisoners for a specified time period. The amount of funding is based on the number of guaranteed beds provided for Federal prisoners. Since the beginning of the program, the Service has acquired a total of 2,853 bedspaces in 51 Federal Court cities; but, the increased number of prisoners confined as a result of the Bail Reform Act provisions are diluting the gains made by the CAP program. In FY 1985, 19 CAP projects were awarded in 12 districts with a total funding value of \$11,201,300.

CHART 18

COOPERATIVE AGREEMENT PROGRAM AGREEMENTS AWARDED IN FY 198

<u>USMS DISTRICT</u>	<u>JAIL</u>	<u>FUNDING</u>	<u>NUMBER OF BEDS</u>	<u>LENGTH OF AGREEMENT IN YEARS</u>
E/CA	Sutter Co.	\$ 190,000	18	5
E/CA	Yolo Co.	1,500,000	64	10
N/CA	Oakland City	85,950	24	5
M/FL	Hamilton Co.	350,000	50	15
M/FL	Hillsborough Co.	2,000,000	50	15
M/FL	Union Co.	180,000	15	5
M/LA	E Baton Rouge	200,000	20	20
MA	Essex Co.	330,000	15	7
N/NY	Montgomery Co.	50,000	18	10
M/NC	Guilford Co.	750,000	40	15
S/OH	Franklin Co.	750,000	40	15
N/OH	Portage Co.	95,000	10	10
S/TX	Montgomery Co.	1,500,000	100	15
S/TX	Starr Co.	519,050	80	20
E/CA	Sacramento Co.	1,500,000	23	15
M/FL	Seminole Co.	300,000	30	5
ID	Ada Co.	251,300	12	10
W/LA	LaFayette Parrish	50,000	8	2
S/TX	Webb Co.	600,000	0*	NA*
USMS TOTAL	19	\$11,201,300	617	

* Additional FY 85 funding provided to Webb Co., Texas insured the continued availability of 250 bedspaces for 15 years acquired under a previous CAP award.

FEDERAL EXCESS PROPERTY PROGRAM

As part of the effort to give local jails an incentive to provide temporary housing for Federal prisoners, the Marshals Service developed the Federal Excess Property (FEP) Program in 1982 for contract facilities. This program allows local facilities to utilize government furnished excess Federal property which will enhance jail services and programs and has led to a greatly improved level of cooperation between the USMS and state and local governments in the area of jail space availability for Federal prisoners.

During FY 1985, excess property valued at \$1,573,271 was transferred to 106 state and local jail and correctional facilities in 30 districts. Consumable items such as clothing and individual equipment accounted for 70 percent of the transferred property. The following chart shows the distribution of items by type.

CHART 19

FY 1985 REPORT OF EXCESS PROPERTY TRANSFERRED TO CONTRACT FACILITIES
BY PROPERTY CATEGORY

<u>PROPERTY CATEGORY</u>	<u>FEDERAL STOCK CODE</u>	<u>PROPERTY VALUE</u>
Aircraft Components and Accessories	16	\$ 3,156
Metal Working Machinery	34	5,127
Services & Trade Equipment	35	912
Special Industry Machinery	36	1,200
Construction, Excavating, Highway Equipment	38	1,255
Refrigeration, Air Conditioning, & Air Circulation Equipment	41	23,757
Plumbing, Heating and Sanitation Equipment	45	3,159
Hand Tools	51	2,718
Communication Detection & Coherent Radiation Equipment	58	65,569
Electrical & Electronic Equipment	59	800
Electrical Wire & Power & Distribution Equipment	61	56,334
Medical, Dental, & Veterinarian Equipment	65	18,278
Instruments & Laboratory Equipment	66	1,969
Photographic Equipment	67	5,660
Furniture	71	196,345
Household & Commercial Furnishings & Appliances	72	1,488
Food Preparation & Serving Equipment	73	56,209
Office Machinery (Text Processing, etc.)	74	20,067
Musical Instruments, Phonos, & Home Radios	77	7,406
Recreational and Athletic Equipment	78	230
Cleaning Equipment & Supplies	79	2,302
Textiles, Leathers, Tents	83	1,122
Clothing & Individual Equipment & Insignia	84	616,429
Miscellaneous	99	481,779
NATIONAL TOTAL		\$1,573,271

FEDERAL STOCK CODE is the itemized stock number used in the GSA coding system.

CHAPTER 7

PRISONER PRODUCTION AND TRANSPORTATION

The U.S. Marshal is responsible for the timely production of Federal prisoners for legal hearings, meetings with counsel, and at trials. This includes the movement of prisoners from one geographic location to another if required for such a production, and for the movement of sentenced prisoners to institutions for service of sentence, as well as the transfer of sentenced prisoners between institutions. The USMS is responsible for ensuring the rights, safety, and security of pre-trial detainees and sentenced prisoners in USMS custody even while they are in transit. These responsibilities can be grouped into the two functions of Prisoner Production and Prisoner Transportation.

Prisoner Production involves the local transportation of prisoners to and from contract and Federal facilities and district holding cells for appearances at judicial proceedings in accordance with court calendars and for out-patient medical care and hospitalization, as required. When specifically ordered by the courts, the USMS also escorts prisoners to such public ceremonies as weddings, communion services, and funerals.

Prisoner Transportation involves the movement, transfer and custody of prisoners from one USMS district to another or from the USMS to another agency. When the transfer is of sentenced prisoners from the USMS to the Bureau of Prisons (BOP) and the BOP facility receiving the prisoners is more than 25 miles outside the originating USMS district, the transfer is considered a "long-haul" and is coordinated at the national level.

Transfers of unsentenced prisoners between USMS districts when the distance between the originating district and the ultimate destination is more than 25 miles are also called long-hauls and involve the national program. Transfers of an unsentenced prisoner from one USMS district to a contiguous USMS district when the transfer does not require a trip of more than 25 miles into the contiguous district, or transfers of a sentenced prisoner to a BOP facility within the originating district, are "short-haul" movements and are handled by the originating district without assistance of the national program.

As Chart 20 indicates, the number of Prisoner Productions increased 5.6 percent from FY 1984 to FY 1985. The average number of productions per prisoner increased from 3.5 in FY 1984 to 3.7 in FY 1985. During this time, overtime hours expended in this activity increased by 161 percent. The increase is tied to the nature of this program activity. Because the USMS has no control over the scheduling of court proceedings, movement of prisoners must often be accomplished before or after the normal workday, resulting in overtime for the transportation teams even if court begins and ends at normal times.

CHART 20

PRISONER PRODUCTIONS, FY 1985

<u>WORKLOAD CATEGORY</u>	<u>FY 1984</u>	<u>FY 1985</u>	<u>PERCENT CHANGE</u>
NUMBER OF PRISONER PRODUCTIONS	290,648	306,802	5.6
AVERAGE NUMBER OF PRODUCTIONS PER PRISONER	3.5	3.7	

Also in FY 1985, as seen in Chart 21, the number of Prisoner Transportation movements increased by 8.1 percent. At the same time, as the number of prisoners moved increased, the total hours expended in district support of prisoner transportation decreased by 2%.

Chart 21

PRISONER TRANSPORTATION, FY 1985

<u>WORKLOAD CATEGORY</u>	<u>FY 1984</u>	<u>FY 1985</u>	<u>PERCENT CHANGE</u>
NUMBER OF PRISONERS MOVED	59,547	64,345	8.1
TOTAL HOURS EXPENDED IN PRISONER TRANSPORTATION	211,002	206,407	-2.18
AVERAGE NUMBER OF HOURS EXPENDED PER PRISONER TRANSPORTED	3.5	3.2	

In FY 1985, the prisoner production and transportation functions accounted for 16 percent of the average Deputy U.S. Marshal's duty hours in FY 1985. Each Deputy produced an average of 223 prisoners for court appearances and transported an average of 77 prisoners during the fiscal year.

NATIONAL PRISONER TRANSPORTATION SYSTEM

Short-haul transportations are routinely completed by district personnel in ground vehicles (government-owned cars, vans, and buses). Long-haul transportations are coordinated at one central office at the national level to ensure that the maximum number of prisoners are moved in the most efficient and cost effective manner. This central office is known as the National Prisoner Transportation System (NPTS) and is composed of USMS aircraft with supporting bus and van feeder systems. When NPTS cannot meet court-imposed deadlines due to the limited frequency of its runs, commercial air service is used.

Prior to FY 1984, the aircraft used by the USMS were leased for the purpose of transporting these prisoners. The use of the leased aircraft became known as the "airlift." During FY 1984, the Marshals Service implemented a program to acquire Service-owned aircraft to use in the airlift program. Through Federal seizures, in FY 1984 the Service acquired, at no cost to the government, eight single and multi-engine aircraft with a market value of \$500,000. In FY 1985, the USMS acquired a B727-100 jet to replace the smaller Sierra Pacific Convair 580. Valued at \$4,654,485, the jet was obtained by the USMS at no cost through the surplus property program. Retrofitting was required to bring the aircraft up to Federal Aviation Administration standards and to equip it for transporting prisoners. This was made possible using funds which would have been expended in leasing aircraft to make the prisoner trips.

During FY 1985, a total of 64,345 prisoner movements were conducted by the Marshals Service. Of this total, 10,994, or approximately 17 percent, were conducted by the airlift. Only 1,542 of these transportations, or 2.4 percent, were accomplished by commercial air. For commercial air trips, NPTS uses a centralized ticketing program to control the scheduling of prisoner trips. This program ensures the use of the best rates available, the maximum use of the Government contract rates for travel between certain designated cities, and limits the per diem reimbursement and overtime expended.

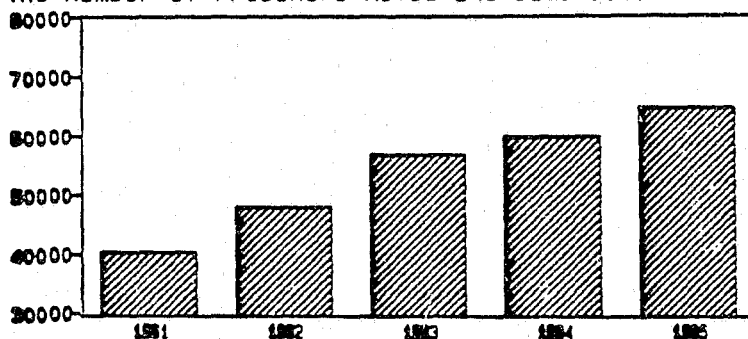
The implementation of NPTS through FY 1985 has resulted in reductions to the average cost per move as well as the overall costs of the system. For example, in FY 1984 the average cost to move one prisoner for one trip was \$81; in FY 1985 it was \$72. Also, whereas the average cost was \$697 per commercial air flight and \$896 for charter aircraft arrangements in FY 1982, in FY 1985 the average cost per movement by NPTS airlift was reduced to \$200 per prisoner.

As important as the reductions in the cost of the movements have been, the NPTS system has contributed more to the efficiency of the USMS by steadily reducing the number of workyears required to move prisoners. As Chart 22 shows, the number of prisoners moved through the NPTS system has consistently climbed while the number of workyears has decreased.

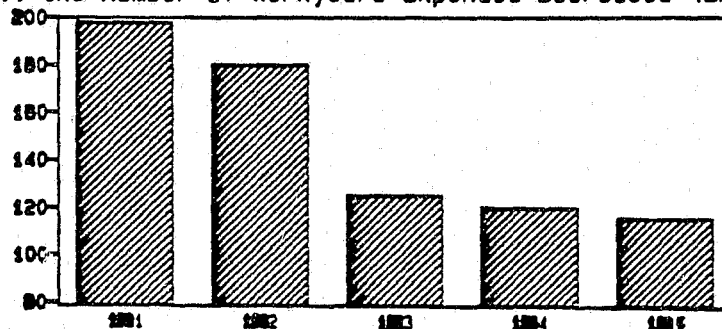
CHART 22

NATIONAL PRISONER TRANSPORTATION SYSTEM

The Number of Prisoners Moved Increase 59.9% While



... the Number of Workyears Expended Decreased 42%



CHAPTER 8

MANAGEMENT, BUDGET, AND ADMINISTRATION

The purpose of this section is to highlight the management, budget and administration of the USMS. Chart 23 depicts the budget of the programs previously described. It represents the final FY 1985 Marshals Service appropriation which was enacted after one budget amendment and two supplemental budget authorizations. The Organized Crime and Drug Enforcement Activity was added as a budget decision unit during FY 1985.

Chart 23

FINAL FY 1985 APPROPRIATION ENACTED

<u>Program Area</u>	<u>Permanent Positions</u>	<u>Work- Years</u>	<u>Dollar Amount</u>
Enforcement			
Operations and			
Execution of			
Court Orders	684	659	38,537,000
. Organized Crime and			
Drug Enforcement	13	13	689,000
Protection of the			
Judiciary	378	357	20,810,000
Witness			
Protection	262	240	\$19,053,000
Prisoner processing,			
Detention, Production,			
and Transportation	945	880	41,573,000
Management and			
Administration	<u>297</u>	<u>291</u>	<u>19,287,000</u>
TOTAL	2,579	2,440	\$139,949,000

The Management, Budget and Administration program area accounted for 15 percent of the Marshals Service FY 1985 appropriation. In FY 1985, this program was divided into Executive Direction and Control, Administrative Services, Financial Support Services, and U.S. Marshals Training.

EXECUTIVE DIRECTION AND CONTROL

Management areas include the Offices of the Director and Deputy Director, Office of the Assistant Director for Financial Management, Office of the Assistant Director for Inspections, Office of Legal Counsel, Office of Congressional and Public Affairs, and Office of Special Operations. These offices provide the executive direction and control necessary to effectively manage and coordinate the various operations of the 94 district offices. Specialized management support functions are provided from the Headquarters divisions and offices to minimize the time spent by managers and supervisors in the field on administrative matters, to ensure consistency in the application of USMS policies and procedures, and to provide stringent control for those management activities contained within these programs.

ADMINISTRATIVE SERVICES

The administrative service function in FY 1985 included the Equal Employment Opportunity Office; the Personnel Management Division; the Procurement and Property Management Division; the Space, Communication, and Transportation Division; the Informations Systems Division; and the Resource Analysis Division. In conjunction with the executive direction and control function mentioned above, the administrative service function supports the district offices on a wide range of administration matters necessary for effective operations. In addition, for all areas of administrative responsibility, it provides information and policy recommendations to the executive direction and control units.

FINANCIAL SUPPORT SERVICES

USMS financial support responsibilities include payment of fact witnesses, protected witnesses, local jail administrators for housing USMS prisoners, court reporters, and various expenses incurred by the USMS and the U.S. Attorneys in conducting official business. Financial support services also include the collection of funds for services rendered by the USMS through the sale of seized property and the recording and reporting of these transactions.

U.S. MARSHALS TRAINING

The U.S. Marshals Training program provides initial, refresher, specialized, and management training for the law

enforcement and administrative support personnel of the Service. Courses are developed, implemented, and updated by Marshals Service personnel to continually provide comprehensive instruction and skills important to the Service.

Training of law enforcement and support personnel remained one of the highest priorities of the USMS in FY 1985. A record 1,671 students were trained at the USMS Training Academy located at the Federal Law Enforcement Training Center (FLETC), Glynco, Georgia, during FY 1985. As indicated in Chart 24, a total of 1,942 individuals received some form of USMS sponsored training in FY 1985.

Chart 24

NUMBERS OF CLASSES AND STUDENT PARTICIPANTS, FY 1985

<u>CLASS</u>	<u>NUMBER OF CLASSES</u>	<u>NUMBER OF STUDENTS</u>
Criminal Investigator Training	8	185
Basic Deputy U.S. Marshal Training	8	186
Advanced Deputy U.S. Marshals Training	7	163
Range Officers Training	2	48
Law Enforcement Specialist Training Program	8	45
Fugitive Investigative Training	1	24
Witness Security, Basic Training	2	28
Protective Service School	1	23
Calibre Press Street Survival School	1	272
Court Security School	1	6
Court Security Officer Orientation Course	13	606
Marine Law Enforcement Training School	3	4
Fugitive Investigation Training Program	1	7
Prisoner Detention Support Training	1	46
Fugitive Investigation Class Conference	1	6
Basic Instructor Training Program	3	12
Administrative Financial Management School	2	59
State and Local Court Security Training	6	222
Totals	69	1942

In addition to the training provided by the Academy, the Special Operations Group (SOG) Training Center at Camp Beauregard, Louisiana, provides specialized training to personnel from inside the USMS, from other Federal agencies, and from state and local law enforcement agencies. In FY 1985, training was provided to 75 U.S. Marshals and Chief Deputies, to 65 Border Patrol personnel, and to 375 individuals from other Federal, state, and local law enforcement agencies.

Physical fitness training was instituted in FY 1985 through the establishment of a program called Fitness-In-Total (FIT). The overall objective of the FIT program is to provide long-term enhancement of the health and physical well-being of USMS employees. To administer the FIT program at the local level and to assist employees in reaching their fitness goals, special training is provided to a few employees in each district and at the USMS national headquarters. In FY 1985, 160 employees were trained as Fitness Coordinators at the Institute for Aerobics Research in Dallas, Texas.

Individuals joining the FIT program go through several program steps: medical screening, fitness assessment, goal setting, and exercise and nutrition planning. Incentives to join the program include a video presentation of the advantages and activities involved in the program, special FIT T-shirts and shorts to wear while working out, and fitness contests. With the added encouragement of the USMS Director and the local Fitness Coordinators, approximately one quarter of the USMS workforce joined the program in its first year. Several individuals have even become aware of previously undetected serious illnesses through the medical screening process and are now able to receive treatment for these.

APPENDIX A

STAGES IN FEDERAL CRIMINAL JUSTICE PROCESSING

Arrest Without a Warrant

When a Federal investigator or any authorized law enforcement officer has probable cause to believe a felony has been committed by a particular offender, the officer may arrest the offender. The offender is then transported to an office of the arresting agency where he or she is booked. Booking is the preparation of arrest records and fingerprinting of the offender. The arresting officer then presents the offender to the nearest available magistrate where a complaint is filed.

Complaint

The complaint described in the above paragraph is a written statement of the essential facts constituting the offense charged, attested to by the complainant under oath before a Federal magistrate.

Arrest with a Warrant

If the complaint establishes probable cause to believe that a felony has been committed by a particular offender, a warrant for the arrest of the offender shall be issued. The warrant, signed by the magistrate, contains the name and/or description of the offender, the offense charged in the complaint, and the demand that the offender be arrested and brought before the nearest available magistrate. In lieu of a warrant, the magistrate may issue a summons which contains the same information as a warrant, but directs the offender to appear before the magistrate at a stated time and does not demand his/her arrest.

Initial Appearance Before a Magistrate

As soon as possible after the arrest procedure, the defendant* must be brought before the nearest available magistrate for an initial appearance. A bail hearing may occur to determine bail and a detention hearing may occur to determine if the defendant should be detained until trial. Many districts have a Pretrial Services Agency, under which the defendant is interviewed by a Pretrial Services Officer before the bail or detention hearing. The interview is voluntary and confidential. No inquiries are made

*Upon arrest, the offender becomes a defendant in the criminal action initiated by the United States.

concerning the alleged offense, and nothing the defendant says can be used to prove any elements of the alleged offense. The Pretrial Services Officer will attempt to obtain information from the defendant on his family ties; financial situation/income, debts, assets; community ties; health; and prior convictions. After the interview, the Pretrial Services Officer attempts to verify as much of the information as time before the bail hearing will permit by contacting family, friends and other references as well as law enforcement agencies concerning past convictions and outstanding warrants.

The Pretrial Services Officer evaluates the verified information, prepares a bail recommendation and submits this to the magistrate before the bail hearing, if possible. The defendant has access to the Pretrial Services report. In addition to the bail recommendation from the Pretrial Services Officer, the magistrate receives recommendations from the U.S. Attorney and the Federal Public Defender.

As a result of the Comprehensive Crime Control Act (CCCA) of 1984, the defendant must either be released under specified conditions immediately after the initial appearance before a magistrate, or a detention hearing must be held to determine if pretrial detention will continue.

At the detention hearing the prosecuting attorney presents arguments for the continued detention. The defendant has the right to testify, to present witnesses or other evidence in his behalf, and to cross-examine witnesses for the government. Either defense or government attorneys can move that the detention hearing be continued to prepare their arguments.

Detention hearings, especially for the more complex cases, may last over several days. The USMS has custody of all pre-trial and pre-sentence prisoners, and are responsible for producing defendants as needed until released or convicted.

Preliminary Hearing

At preliminary hearings, the defendant may cross-examine government witnesses and may introduce evidence in his/her own behalf. In a preliminary hearing, hearsay evidence is admissible. Objections to evidence on the ground that it was acquired by unlawful means are not relevant at the preliminary examination; motions to suppress evidence must be made to the trial court. If from the evidence the

magistrate determines there is no probable cause to believe that an offense has been committed or that the defendant committed it, the Federal magistrate shall dismiss the complaint and discharge the defendant. The decision to prosecute is at the discretion of the U.S. Attorney.

Determination of Formal Charges

If the U.S. Attorney decides to prosecute, he/she will present the charge(s) to the court for indictment or upon waiver of indictment by the defendant will sign an information to present the charge(s) to the U.S. District Court.

Indictment

To obtain an indictment, the prosecutor, an Assistant U.S. Attorney, presents the case to a grand jury. The grand jury generally consists of 16 to 23 citizens who convene to determine whether probable cause exists to justify charges. The proceeding is restricted in that the defendant's counsel may not represent the defendant nor participate in the proceeding. Members of the grand jury may ask any questions they wish, and after they review all the evidence, vote to issue or not issue an indictment on the charge requested, or on some other charge. The indictment identifies the offense(s) to be proven by the United States in the U.S. District Court.

Information

An Information is a formal charging document similar to an indictment, signed by the U.S. Attorney but not presented to the grand jury. The prosecutor prepares an information describing the offense(s) and presents it to the magistrate.

Arraignment

After the defendant is either indicted or charged by information, he/she is brought before a Federal court, read the charges and asked to enter a plea in response to each charge. The defendant may waive the reading of the information/indictment but must enter a plea at that time.

Plea Bargaining

Plea bargaining is a compromise between the prosecution and the defendant concerning the disposition of the offenses charged in the indictment. Plea bargaining is a common practice and may occur at any stage in the proceedings.

Pretrial Motions, Hearings and Conferences

Motions can be filed at any point in the pretrial proceedings unless otherwise stated in the Federal Rules of Criminal Procedure. Pursuant to some motions, the court may order a pretrial evidentiary hearing to resolve issues in the case. At any time after the indictment or information, the court may allow pretrial conferences to promote a fair and expeditious trial.

Trial

Defendants who enter "not guilty" pleas will receive a jury trial or if a jury trial is waived, a judge trial. At trial, the prosecution will present evidence to establish the defendant's guilt and the defense may present rebuttal evidence or simply rest. Proof of the defendant's guilt must be beyond a reasonable doubt. If the defendant is found not guilty on all charges, the case is terminated and the defendant is released. If he is found guilty on one or more counts, he is generally sentenced at a later time, to enable the court to order a pre-sentence investigation and report.

Pre-Sentence Investigation and Report

The U.S. Probation Service of the Federal courts shall conduct a pre-sentence investigation and report to the Court before the imposition of sentence unless the defendant waives a pre-sentence investigation and report or the court finds there is sufficient information in the record to sentence the defendant without it.

The Judge may inspect a pre-sentence report at anytime with the written consent of the defendant. The pre-sentence report contains the offense, the defendant's prior record, personal and family data, an evaluation of the defendant, and a recommendation as to sentence. Any information that may aid the court in sentencing is sought in a pre-sentence investigation and report.

Sentencing

On a predetermined date, the defendant must appear in court for sentencing. Each offense of which the defendant is convicted has its own range of penalty. Depending on the offense, the judge's sentencing options include: prison, probation, fines, offender programs, and suspended sentences.

Appeals

A convicted defendant may appeal to the Federal Appellate Courts for review of their cases. The defendant may also plead for a reduction of sentence to the District Attorney within a certain number of days of their conviction.

Probation

A defendant sentenced to probation is not incarcerated in a prison, but has certain limitations placed on his freedom, as governed by the Court and rules of the Probation Officer. Violation of the limitations, or conditions of probation may result in a violation of the defendant's probation. Under those circumstances a Probation Officer may arrange for the offenders incarceration.

Incarceration

A defendant sentenced to incarceration in prison is placed under the custody of the Attorney General and delegated to the Bureau of Prisons (BOP).

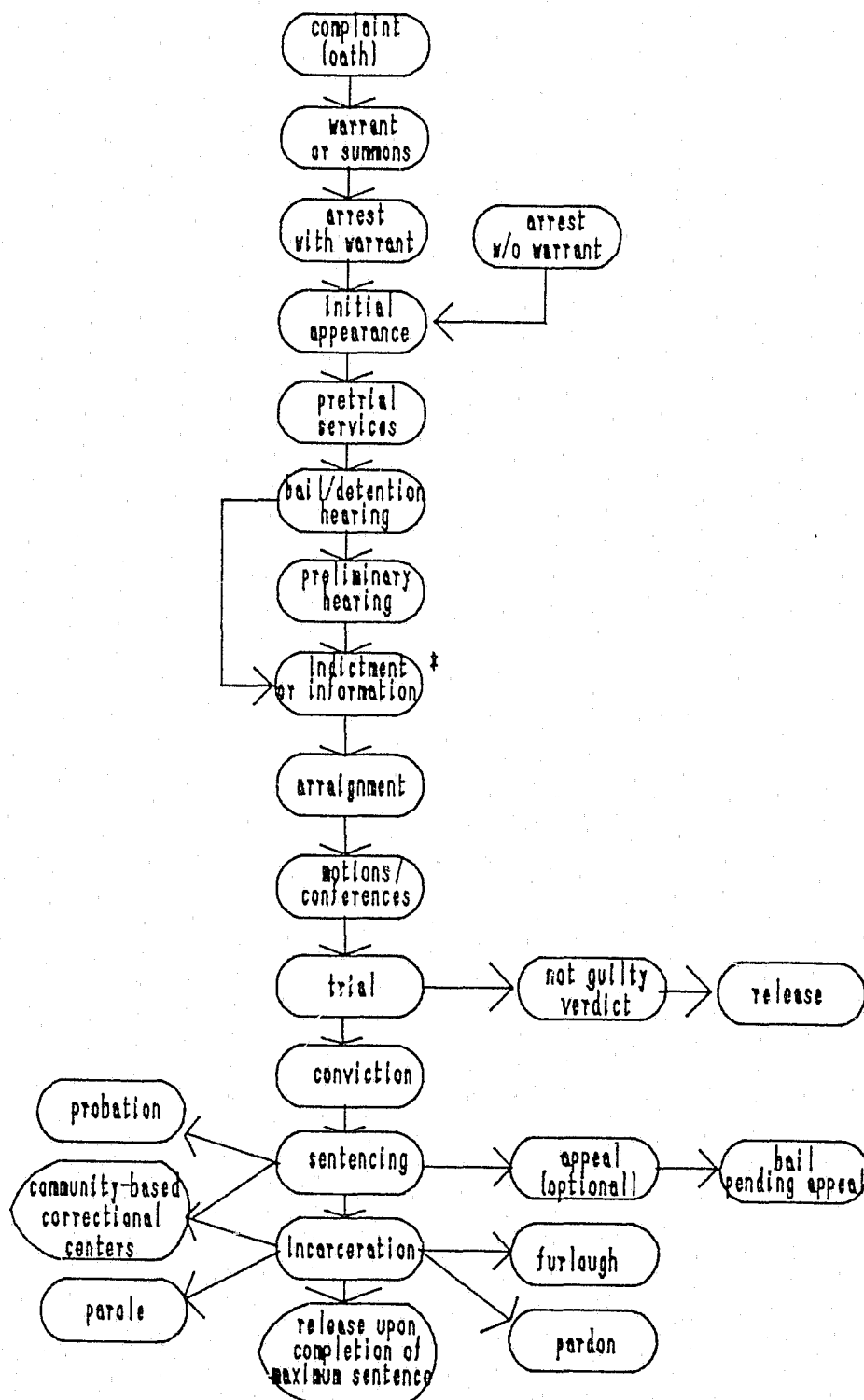
Conditions of Release from Incarceration After Sentencing

A convicted prisoner can be released on bail pending appeal of conviction. Once incarcerated, an inmate may be placed on temporary furlough and released for a short amount of time under certain restrictions from the BOP. An inmate might also be released to a community-based correctional center (half-way house) at any point in the sentence but is released usually during the last months in prison prior to parole.

Upon completion of the minimum sentence, an inmate is eligible for parole. Parole provides the release of an inmate from incarceration under the supervision of a Federal Probation Officer. However, release on parole is at the discretion of the Parole Commission following a parole hearing. The length of time remaining on the maximum sentence determines the parole period if released. Upon a successful completion of this parole period, the individual is discharged from the sentence.

On exceptional cases, upon a case review and recommendation of the Pardon Attorney and approval by the President of the United States, an offender may be pardoned or forgiven of the offense and released from incarceration. Inmates not released by any of the above means will be released upon completion of their maximum sentence.

FEDERAL JUSTICE SYSTEM PROCESS



* may begin the judicial process along with warrant or summons to appear in district court for arraignment.

APPENDIX B

USMS SUPPORT OF OTHER FEDERAL JUSTICE SYSTEM COMPONENTS

The USMS provides the following range of support services to other Federal Justice System Components:

To Other Federal Investigative Agencies

- . Investigation of felony warrants on behalf of Federal agencies without arrest authority;
- . Photographic, fingerprinting, and vital statistic services for all arrested Federal prisoners;
- . Custody and care of remanded Federal prisoners; and
- . Seizure, management and disposal of assets captured by the Justice Department.

To U.S. Attorneys

- . Personal protection of U.S. Attorneys;
- . Witness protection, relocation and child visitation services in return for testimony in critical criminal cases;
- . Service of process;
- . Payment of witness fees and expenses;
- . Production of prisoners and witnesses for hearings and trials;
- . Providing testimony in cases where the USMS prepared prosecution reports; and
- . Planning assistance and technical advice on seizures and forfeitures.

To Pre-Trial Services

- . Care, custody and transportation of violators until completion of hearings; and
- . Production of defendants for pre-trial interviews.

To Federal Judges

- . Analysis of threats against, and personal protection for the Federal Judiciary and their family members;
- . Protection of jurors and all other persons serving the court;
- . Staffing for, and advice on courtroom and courthouse security, as well as other protective services as may be assigned;

- . Investigation of bond default cases; and
- . Execution of court orders.

To U.S. Probation Service

- . Apprehension of probation violators.

To Bureau of Prisons

- . Investigations of Federal fugitives escaped from Federal prisons;
- . Transportation services for Federal detainees remanded to USMS custody throughout justice system processing and transfers between Federal institutions; and
- . Arrest of Community Treatment Center failures and sentenced prisoners committed to non-Federal detention facilities.

To U.S. Parole Commission

- . Apprehension of parole violators;
- . Production of violators at hearings; and
- . Housing, transportation and support services for violators until committed to Federal institutions.

To USMS Interface With International, Foreign, State and Local Law Enforcement Agencies

- . Special deputations to state and local law enforcement officers which enable them to assist in the Federal investigative and prosecution efforts;
- . Funds for regional sweeps of Federal, State, and local fugitives (through the Fugitive Investigation Strike Team - F.I.S.T.);
- . Coordination of arrest and secure transportation of international extradition cases;
- . Funds and supplies for jail improvement and renovation (through the Cooperative Agreement and Federal Excess Property Programs);
- . Inspections of local contract jail facilities;
- . State and local training in court security, jail operations, fugitive investigations, and the establishment of on-going intergovernmental F.I.S.T. operations;
- . Cooperative transportation of state fugitives; and
- . Execution of joint use detention contracts with state and local units of government.