

**STATEMENT OF
THE HONORABLE JOHN F. CLARK, DIRECTOR
UNITED STATES MARSHALS SERVICE**

**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE,
AND RELATED AGENCIES**

March 12, 2008

Chairman Mollohan, Ranking Member Frelinghuysen, and Members of the Subcommittee, I appreciate the opportunity to discuss the President's Fiscal Year 2009 budget request for the United States Marshals Service (USMS). As you know, the missions of the Service are diverse, the challenges we face significant, and our accomplishments many. I look forward to discussing how we, together, can address the critical issues facing our organization and provide the resources necessary to meet its growing demands, in the competent and professional manner the public expects.

I am here today on behalf of the more than 4,600 men and women of the United States Marshals Service located in 94 districts nationwide, six Regional Fugitive Task Forces, three foreign offices and our headquarters, as well as the myriad clients we serve including: the judiciary; other federal investigative agencies; our state and local partners and the public at large.

For FY 2009 the USMS requests 4,644 positions, 4,523 FTE (excluding reimbursable FTE) and \$933.1 million for our Salaries and Expenses appropriation and Construction appropriation. This includes a program enhancement of 73 positions and \$12.7 million to address critical Southwest Border requirements and international investigative activity in Mexico.

As a career deputy marshal, I can assure you that all of us take our fiduciary responsibilities very seriously. Whether protecting judges in high-threat situations, apprehending dangerous felons or safeguarding prisoners, we are committed to doing the best we can with the resources at hand. What follows is an overview of the services we provide in support of our core missions.

Fugitive Investigations and Apprehensions

Fugitive apprehension is among our most dangerous—and rewarding—activities. It benefits all our clients, particularly the general public, and fosters a sense of cooperation, achievement, and community among our law enforcement partners.

Using the full complement of assets at our disposal - - everything from targeted, direct involvement to the “force-multiplier” effect of the district, regional and state and local task forces and international fugitive apprehension - - over 94,000 felons were arrested by the Service and its partners in 2007. More than 36,000 violent felons, gang members and sexual predators have been arrested since the inception of one focused and targeted effort: *Operation FALCON* (Federal and Local Cops Organized Nationally). In terms of overall performance, we remain the most effective and productive federal fugitive hunters in the nation, arresting more federal fugitives than any other agency.

In addition to our active law enforcement network, we continue to obtain valuable results through our partnership with the media and help from the general public in pursuit of fugitives, particularly as a result of our **15 Most Wanted** profiled on *America’s Most Wanted* television program. Our participation in the Department of Justice’s Organized Crime Drug Enforcement Task Force (OCDETF) program has also been an effective resource in the apprehension of fugitives. The President’s 2009 OCDETF budget request includes six new deputy marshals to increase OCDETF apprehensions domestically and in Mexico. In the last five years, our international extraditions have grown at an accelerated rate with 772 extraditions in 2007, more than twice the number from 2002.

The following activities demonstrate how we apply our investigative techniques, resourcefulness, and coordinated efforts to provide vital services and outreach to safeguard communities and their environments.

Protecting America’s Communities and Preventing Crime

The *Adam Walsh Child Protection and Safety Act* is landmark legislation that protects America’s children and families. It authorizes the USMS to help state, local, tribal, and territorial authorities to locate and apprehend non-compliant sex offenders; investigate violations of the criminal provisions of the Act; and identify and locate sex offenders relocated as a result of major disasters, such as Hurricane Katrina.

With the unanimous passage of this legislation, Congress entrusted us with a solemn responsibility, one that we are diligently working to fulfill. The task we face is formidable. It is estimated that there are more than 630,000 registered sex offenders in the United States, and at least another 100,000 who have failed to comply with registration requirements.

To carry out these new missions, we established the Sex Offender Apprehension Program and designated a program management office to direct and coordinate the implementation of the Act within the agency. The USMS also designated sex offender investigation coordinators in each district office and Regional Fugitive Task Force to establish and maintain effective contacts with sex offender registration authorities, corrections officials, and other law enforcement agencies throughout the country.

Since passage of the Act, the USMS has opened more than 1,300 cases for violations of the Act and arrested over 240 individuals for violating its provisions. I share your concern, as well as the public's, that these predators be brought to justice as quickly as possible.

I also want to recognize the USMS's efforts aimed at preventing crimes. In FY 2007, we formalized our involvement in the **G.R.E.A.T.** (Gang Resistance, Education, and Training) program, which focuses on providing life skills to students in high-risk environments to help them avoid using delinquent behavior and violence to solve their problems. The program has four components – elementary school, middle school, families, and summer – and all four are being delivered by USMS personnel.

The USMS also intends to expand its *Fugitive Safe Surrender* program in FY 2008. Authorized under the *Adam Walsh Act*, *Fugitive Safe Surrender* is a creative, non-violent and highly-successful approach to fugitive apprehension. The goal is to reduce the risk to law enforcement officers who pursue fugitives, to the neighborhoods in which they hide, and to the fugitives themselves. This program does not provide amnesty; instead, it encourages persons wanted for non-violent felony or misdemeanor crimes to voluntarily surrender in a faith-based or other neutral setting. Partnering with state and local law enforcement, the judiciary, and the religious community, the USMS has undertaken a total of seven successful *Fugitive Safe Surrender* operations in Cleveland, Ohio; Phoenix, Arizona; Indianapolis, Indiana; Akron, Ohio; Nashville, Tennessee; Memphis, Tennessee; and Washington, D.C. Together, these operations resulted in the voluntary surrender of nearly 6,500 individuals wanted on outstanding warrants.

Protecting Judges and the Judicial Process **Using New Intelligence Investigative Techniques**

Our protection of the judiciary and the courts remains every bit as challenging. Today the USMS is dealing with a significant escalation in threats against the federal judiciary; up 69 percent in five years. Last year we protected more than 7,000 court officials; secured over 2,200 courtrooms; and received and analyzed 1,145 threats to the court family. In the last three years, we have significantly increased our threat intelligence and analysis capabilities, and have added much-needed resources to our Office of Protective Intelligence (OPI), which is responsible for reviewing and analyzing intelligence and facilitating the day-to-day sharing of threat intelligence information with federal, state, and local law enforcement agencies.

I am proud to say that by gathering protective intelligence, the USMS has moved from a reactive to a proactive response for investigating threats and inappropriate communications against judges and prosecutors. In September 2007, the USMS established the Threat Management Center (TMC) to improve the coordination of protective intelligence information. The TMC is a centralized location that collects, analyzes, and disseminates protective intelligence, both classified and unclassified, in a timely manner to assess and mitigate potential threats directed at members of the judicial

process. The TMC also facilitates information sharing with other federal law enforcement and intelligence agencies including the Federal Bureau of Investigation (FBI), the Department of Homeland Security (DHS), and the Central Intelligence Agency (CIA) as well as state and local law enforcement agencies that have protective responsibilities.

High-Threat Trial Security

High-threat trials generally involve international or domestic terrorists, drug kingpins, violent gang members, organized crime figures, or defendants in civil matters with a high degree of notoriety. An increasing number require enhanced security efforts such as: more deputies in court, armored vehicles, and security perimeters around courthouses to secure trial participants from internal and external threats. Some of these assets are extremely specialized and very expensive, but they are literally life-saving tools.

These proceedings also require extensive operational planning and support from specially-trained and equipped personnel. In some cases, Deputy U.S. Marshals from our Special Operations Group (SOG) are deployed to provide the highest level of security possible. Because of the long duration of most of these trials, it is frequently necessary to provide personnel from other districts on a temporary basis. These situations, particularly long-term requirements, present added challenges for those districts providing the temporary support. They continue to face all their ongoing demands, but with fewer resources. As long as the United States continues to fight terrorism around the world, and terrorists or other defendants are in this country to face trial, the complexity of the operations and threat levels associated with these cases will be a continuing challenge for the USMS.

This January, convicted terrorist José Padilla was sentenced in federal court in Miami, Florida. In order to support his lengthy trial, the USMS expended considerable resources increasing perimeter security, setting up additional barricades, coordinating with local authorities to close street traffic, arranging armored motorcades for prisoner transport, upgrading surveillance cameras, and providing additional personnel through several rotations of specially-trained Deputy Marshals. We are currently securing over a dozen such trials, and are anticipating several more this year.

The increase in gang-related trials also presents many challenges for the USMS. Prosecutions of defendants associated with the Aryan Brotherhood, the “Mexican Mafia,” the Mara Salvatrucha (MS-13) and other gangs or drug organizations continue. Far more violent than the average prisoner, these gang members require extra security when they are transported and produced for trial and various hearings. In addition to the potential threats in the courtrooms, these defendants present additional challenges in USMS cellblocks, and must be separated from co-defendants or segregated from the regular prisoner population because of their history of violence or risk of escape.

Infrastructure Challenges

A key to safeguarding these high-threat or high-profile prisoners, as well as other detainees, is physical security. The increasing number of detainees being presented for prosecution along the Southwest Border and elsewhere underscores the need for courthouse safety. This includes assessing and addressing courthouse security in all infrastructure areas including: space to move prisoners throughout a court facility; courtrooms; cellblocks; and sally ports. We have an ongoing requirement to renovate and repair many of these facilities to ensure healthy, safe, and secure conditions. The USMS utilizes the National Security Survey (originally developed in 1997 and updated every three years) to assist with prioritizing renovation projects.

Safety and security remain paramount. You may remember the Brian Nichols incident (which occurred in the Fulton County, Georgia Courthouse in March 2005); his murderous rampage resulted in the deaths of a Superior Court judge, the court reporter, a sheriff's deputy and a U.S. Customs Agent. Every day the USMS works to ensure a level of security that will help avoid such an incident in the federal system. However, in view of the surging prisoner population and the concomitant strain on our physical resources, maintaining such security is becoming increasingly problematic.

On the Southwest Border, many cellblocks and holding facilities are strained to double or triple their designed capacity. Under such conditions every aspect of security, health and sanitation are stretched beyond acceptable limits.

Witness Security Program

Among the most successful USMS responsibilities is the administration of the Federal Government's Witness Security Program. This program provides for the security, health, and safety of Government witnesses and their immediate dependents whose lives are in danger as a result of their testimony against drug traffickers, organized crime members, and terrorists. Since inception of the program, using protected witnesses has resulted in an 89 percent conviction rate.

Since 1970, more than 8,000 witnesses and over 9,700 family members have entered the program and have been protected, relocated, and given new identities by the USMS. The successful operation of this program is widely recognized as providing a unique and valuable tool to the Government's war against major criminal conspirators and organized crime, as well as its efforts to thwart the influence of international terror organizations. Additionally, approximately 70 percent of new participants are gang-related, creating new challenges for the program.

A significant number of new case participants are foreign-born. Relocating foreign nationals and ensuring their assimilation in a new community presents a host of difficult issues to overcome, including language and cultural barriers, requiring additional training for our Witness Security personnel. We are also increasingly called upon to

provide advice and training to our counterparts in foreign countries. During the last three years, personnel assigned to the Witness Security Program have assisted countries such as Austria, the Bahamas, Bosnia-Herzegovina, Chile, Colombia, Guatemala, Kosovo, Mexico, Moldova, Panama, Russia, Serbia, and Thailand in the establishment and training of witness security units.

I am pleased to report that no program participant who has followed the security guidelines of the program has been harmed while under the active protection of the USMS. I urge Congress to continue its support for this critical mission.

Operations Support

The Service Operations Support Division (OSD) is designed to provide the emergency and tactical support services in response to emergencies, disasters, and at times of heightened law enforcement. Its missions and responsibilities range from securing the Strategic National Stockpile, developing and maintaining plans for Continuity of Operations/Continuity of Government, National Response, and internal security, to operating the Explosives Detection Canine Program, the Communications Center and Emergency Operations Center. OSD also provides peer support in the event of a critical incident, shooting, or other stressful occurrence, such as the events of January 9, 2008, when Deputy U.S. Marshals from the District of Columbia Superior Court discovered the decomposing bodies of four young girls during a routine eviction.

Another major component of OSD is the aforementioned Special Operations Group (SOG), which is principally comprised of specially-trained Deputy U.S. Marshals in districts throughout the country. SOG manages the Emergency Medical Program and plays a crucial role in high-risk judicial proceedings. SOG members were instrumental in the successful apprehension of Ed and Elaine Brown, the New Hampshire tax evaders who were arrested peacefully last summer after a prolonged holdout. In addition to their basic duties supporting both district operations and headquarters, SOG members are deployed to Iraq and Afghanistan in support of the Department of Justice and Department of State initiatives in *Operation Iraqi Freedom* and *Operation Enduring Freedom*. Enhancing security for the courts, judiciary, and witnesses has been SOG's focus in these arenas. SOG deputies also continue to be deployed, domestically and internationally, in support of other national interests, many of which involve national security.

Southwest Border Enforcement and Prisoner Detention Services

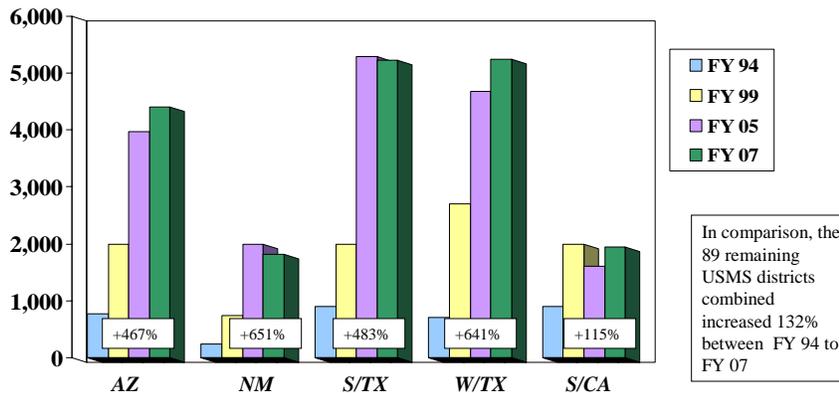
Undoubtedly one of the most acute challenges facing the USMS is continuing to provide essential security and detention services in support of Southwest Border (SWB) immigration initiatives. Concentrated efforts such as Operation Streamline, Operation Linebacker, and Arizona Denial Prosecution are designed to sweep the border of illegal aliens. These initiatives are taxing the resources of every federal, state, and local prosecutorial and law enforcement agency in the region, from San Diego to San Antonio and every sub-office in between.

With arrests and prosecutions soaring, the USMS is dealing with the increased challenge of processing, producing, housing, and transporting a growing number of federal detainees – while at the same time fulfilling all of our other law enforcement missions. I am grateful that the FY 2008 Consolidated Appropriations Act provided the USMS with \$15 million in emergency funding to address the SWB. However, our continued support of this mission requires additional resources. Consequently, the FY 2009 budget requests 73 positions (including 52 Deputy Marshals) and \$12.7 million for SWB district offices, including additional leased transportation vehicles. These resources will help to alleviate the crushing burden that the USMS is experiencing along the SWB.

Between 2000 and 2007, the average daily prisoner population in the Southwest Border districts increased by 72 percent. In fact, since FY 1994, the USMS average total prisoner population has risen 187 percent, whereas the Southwest Border districts' total population has grown a staggering 428 percent. Currently, these five districts¹ all rank within the top six USMS districts in terms of the largest prisoner populations (with the other being the Southern District of New York), and together these five districts have an average of more than 18,600 prisoners in custody on any given day.

¹ Southern District of California, District of Arizona, District of New Mexico, Western District of Texas, and Southern District of Texas.

USMS Population Growth up 428% in Southwest Border Districts FY 94 – FY 07



The sheer number of prisoners in the custody of these five districts makes finding sufficient detention space particularly challenging. The high volume of individuals coming through our cellblocks puts a constant strain on our workforce and requires our districts to be extremely creative in their daily management of resources and personnel. Despite our best efforts, we find ourselves increasingly forced to supplement our workforce with contract guards and temporary duty personnel from other USMS districts.

There are no signs of this upward trend abating. This year, the Customs and Border Patrol is funded to hire an additional 3,000 agents, which will drastically increase our workload. Already under severe strain, without the necessary and critical resources requested in the President's budget, the USMS will continue to experience major challenges in managing this increased prisoner population.

Information Technology

Sharing information within and among law enforcement agencies is critical to the continued support of law enforcement missions in today's world. The USMS needs access to our own systems, commercially-available databases, state and local information technology (IT) systems, and federal and departmental IT systems like the National Center for Missing and Exploited Children (NCMEC) sex offender registries. The ability to share information requires a robust, secure telecommunications and applications infrastructure and more IT staffing to provide 24/7 support across the nation for task force and judicial security operations.

Increasing the operational workload directly and permanently increases the need for IT throughout the USMS. Our use of high-speed telecommunications, networking,

and the Internet affects how well we hunt fugitives, handle cases involving missing or exploited children, provide security to judicial proceedings, and investigate threats. Our operational workload is consistently driven upward by cases and arrests generated by our sister federal law enforcement agencies, U.S. Attorneys' offices, and Southwest Border immigration initiatives. Our reliance on IT increases accordingly.

Current IT challenges facing the USMS include supporting SWB initiatives by collecting and providing appropriate information despite the lack of connectivity among the various federal agencies, as well as improving ongoing efforts to enhance and integrate our own internal information systems.

Our internal challenges are quite daunting. The Justice Detainee Information System (JDIS) is being designed to unite the various USMS law enforcement information systems into a modern, web-enabled application. JDIS contains vital, harmonized operational data to facilitate data sharing with other government entities and enable prompt identification and analysis of links between various personnel and incidents to potentially avoid or avert situations in which a judge, prisoner, or deputy is at risk.

Conclusion

Chairman Mollohan, Congressman Frelinghuysen, and Members of the Subcommittee, on behalf of the men and women of the United States Marshals Service, thank you for your ongoing support of our programs. I hope that I have given you a comprehensive overview of our Agency's mission that will be valuable as you consider your priorities for FY 2009 appropriations.

I am proud to say that during my time as Director, we have made significant progress in achieving our goals and meeting our priorities. We have addressed concerns expressed by the federal judiciary and Members of Congress related to judicial security, and we have built upon our successful track record of reducing the number of violent felons in our communities. We also have achieved positive results in our less visible program areas, such as training our Deputy Marshals, criminal investigators, threat investigators, and administrative employees.

I know that there is still much to do. I am committed to ensuring that we are efficient stewards of the resources you have entrusted to us, and I look forward to working with you to improve our performance in areas that are critical to domestic security and to build upon the successes we have already achieved. I need your assistance in providing the resources that will allow the United States Marshals Service to continue its tradition as the most versatile federal law enforcement agency. The men and women who proudly wear "America's Star" and the clients they serve deserve nothing less.