



Department of Justice

**STATEMENT OF
DAVID HARLOW
ACTING DIRECTOR
UNITED STATES MARSHALS SERVICE**

**BEFORE THE
SUBCOMMITTEE ON CRIME, TERRORISM, HOMELAND SECURITY
AND INVESTIGATIONS
COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES**

**FOR A HEARING ENTITLED
“OVERSIGHT OF THE BUREAU OF PRISONS AND THE U.S.
MARSHALS SERVICE”**

**PRESENTED
APRIL 26, 2017**

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Subcommittee on Crime, Terrorism, Homeland Security, and Investigations
Committee on the Judiciary
U.S. House of Representatives**

April 26, 2017

Chairman Gowdy, Ranking Member Jackson-Lee, and Members of the Subcommittee:

Good morning and thank you for the opportunity to appear before you today.

Approximately 4,000 U.S. Marshals and Deputy U.S. Marshals and nearly 1,500 administrative employees and detention enforcement officers make up the United States Marshals Service (USMS), our nation's oldest law enforcement agency. Since 1789, when George Washington appointed the first 13 Marshals, we serve as the enforcement arm of the federal courts and are involved in virtually every federal law enforcement initiative. From the Nation's inception, through our 19th century westward expansion, our role in the iconic 20th century civil rights struggles, and into the present, USMS has proudly contributed to the rule of law.

We are grateful for the opportunity to speak with you today about the many missions of the USMS, which include protecting the federal judiciary, apprehending fugitives, housing and transporting federal prisoners, managing and selling seized assets acquired by criminals through illegal activities, operating the Witness Security Program, and ensuring that convicted sex offenders are complying with their obligations. Many of our missions are accomplished working

side by side with other federal, state, and local law enforcement agencies, a force multiplier that is a quintessential example of effective government. The agency's headquarters is located in Arlington, Virginia, and provides support to 94 district offices across the country, including the District of Columbia, the Commonwealth of Puerto Rico, and three territories of the United States – the Virgin Islands, Guam, and the Northern Mariana Islands.

Judicial Security

Protecting federal judicial officials, which include judges, attorneys, and jurors, is a primary mission for USMS. Each year, Deputy U.S. Marshals investigate thousands of communications that are vetted into hundreds of significant threats against judges, prosecutors, and other members of the court family. Our investigations have been complicated by the exponential growth of social media communications in the last few years. Senior inspectors and deputies, as well as contract court security officers, provide security and screen visitors at more than 700 judicial facilities across the country. In order to secure those buildings and proceedings, deputies use the latest technology. In addition to providing security to judicial proceedings, Deputy U.S. Marshals also provide protective security details for certain governmental officials when required. The USMS also oversees the security aspect of courthouse construction projects, from design to completion. These protective measures, although not always visible to the general public, are critical to ensuring the security and stability of our federal judicial system.

Fugitive Operations

The USMS is the federal government's primary agency for fugitive investigations and apprehensions. Deputy U.S. Marshals arrest or clear more than 32,000 federal fugitives each year, and Marshals-led fugitive task forces, made up of federal, state, and local law enforcement partner agencies, arrest or clear more than 74,000 state and local fugitives every year. Many of these fugitives are the "worst of the worst"; violent repeat offenders whose capture immediately makes local communities safer. The USMS leads 60 district fugitive task forces and operates seven regional fugitive task forces dedicated to locating and arresting wanted felons. We are also the primary agency tasked with arresting foreign criminal fugitives believed to be hiding in the U.S., as well as working with law enforcement partners and governments worldwide to track, arrest, and extradite fugitives hiding in foreign countries.

The USMS is the lead federal law enforcement agency responsible for investigating sex offender registration violations. Following passage of the Adam Walsh Act in 2006, the Marshals Service has partnered with law enforcement personnel from more than 3,000 state and local agencies to coordinate and conduct sex offender compliance/enforcement operations throughout the country. In FY 2016 USMS conducted 1,920 non-compliant sex offender investigations and assisted with 64,370 compliance checks of known registered sex offenders.

Prisoner Operations

The USMS is responsible for the custody of approximately 200,000 federal detainees each year, beginning at the time of arrest by a federal agency (or remand by a judge) until acquittal, commitment to a designated Federal Bureau of Prisons institution, or otherwise ordered release from our custody. The USMS ensures the safe, secure, and humane care of prisoners in

its custody. We provide housing, medical care, and transportation for an average daily population of about 50,000 federal prisoners throughout the United States and its territories and escort prisoners to and from their court appearances. Each day, we escort approximately 2,292 prisoners to court appearances or for other matters in the 94 federal judicial districts. The USMS does not own or operate detention facilities but partners with state and local governments to house approximately 63 percent of its prisoners. Additionally, the agency houses approximately 18 percent of its prisoner population in private detention facilities under direct contract and approximately 18 percent in Federal Bureau of Prisons facilities. The detention of federal prisoners presents diverse and complex challenges, including: (1) locating detention space near federal courthouses; (2) coordinating with federal, state, and local authorities regarding the execution of writs, court orders, and the transfer of prisoners; (3) separating multiple co-defendant prisoners from each other to ensure their safety and security and the effective operation of the judicial system; and (4) managing prisoners with contagious diseases and chronic illnesses. The USMS annually reviews state, local, and private detention facilities that house federal prisoners to ensure the safe, secure and humane care and custody of those prisoners. Upon conviction, we generally deliver prisoners to their designated Federal Bureau of Prison institutions to serve their sentences. Prisoners that receive short-term sentences generally serve their sentences in USMS custody.

Prisoner Transportation

The USMS Justice Prisoner and Alien Transportation System (JPATS) transports prisoners between judicial districts and correctional institutions in the U.S., including Puerto Rico and the Virgin Islands. JPATS handles more than 1,000 movements per day on average,

about a quarter million movements a year. Prisoner movements take place for a variety of reasons, such as to testify at a trial, serve a sentence at a facility, or transfer between institutions. Our fleet of aircraft moves prisoners over long distances more economically and with higher security than commercial airlines.

Asset Forfeiture

The Department of Justice Asset Forfeiture Program is a key component of the federal government's law enforcement efforts to combat major criminal activity by disrupting and dismantling illegal enterprises, depriving criminals of the proceeds of illegal activity, deterring crime, and restoring property to victims. The USMS plays a critical role in identifying and evaluating assets that represent the proceeds of crime as well as efficiently managing and selling assets seized and forfeited by DOJ. Proceeds generated from asset sales are used to operate the program, compensate victims, and support various law enforcement and community initiatives. We manage a wide array of assets, including real estate, commercial businesses, cash, financial instruments, vehicles, jewelry, art, antiques, collectibles, vessels, and aircraft.

Witness Security

The USMS operates the federal Witness Security Program (WITSEC), sometimes referred to colloquially as the "Witness Protection Program." WITSEC provides for the security, safety, and health of government witnesses and their authorized family members, whose lives are in danger as a result of their cooperation with the U.S. government. The program has successfully protected an estimated 18,750 participants – including innocent victim-witnesses and cooperating defendants and their dependent family members – from intimidation and

retribution since it began in 1971. No participant following program guidelines has ever been harmed while under the active protection of the USMS. The program is a vital and effective tool in the U.S. government's battles against organized crime, drug trafficking, terrorism, and other major criminal enterprises. WITSEC personnel are the leading authorities and foremost experts on witness security matters, providing guidance and training to many government officials throughout the world.

Tactical Operations

The USMS performs tactical operations for sensitive missions involving homeland security, national emergencies, and domestic crises. The Special Operations Group is a rapidly-deployable, highly-trained force of tactically-trained deputies whose members are deployed in high-risk and sensitive law-enforcement situations, national emergencies, civil disorders, and natural disasters. SOG is comprised of 80-100 volunteer Deputy U.S. Marshals who complete rigorous training in specialties such as high-risk entry, explosive breaching, weapons employment, rural operations, evasive driving, less-than-lethal weapons, waterborne operations, and tactical medical support. SOG deploys specialized people and equipment in support of domestic operations such as 15 Most Wanted investigations, fugitive task force support, terrorist trials, and high-threat judicial proceedings.

Officer Safety

The USMS's fugitive apprehension mission is among the most dangerous in federal law enforcement, and officer safety is our top priority. Born of hard lessons learned, we developed Officer Safety Training that includes a 40-hour High Risk Fugitive Apprehension Course, which

focuses on the real dangers of the fugitive mission. This course focuses on topics to include: Deputy Trauma Medicine, Use of Force, Building Entries, Firearms Training, Vehicle Stops and Leadership. We also ensure that all personnel receive officer safety training on a continuous basis, to include, a program to ensure every district has a highly trained Tactical Training Officer able to provide officer safety training on a continuous basis. Finally, in 2014 we researched and developed a program for the cyclical replacement of body armor, which ensures that all body armor is replaced on a 5 year cycle to take advantage of advances in protective technologies.

Challenges

Like our counterparts in the other federal law enforcement agencies, the USMS has learned to balance our diverse missions with resource limitations. We constantly strive to be good stewards of the taxpayer resources that are entrusted to us, even as we live in a fiscally challenging environment. On the hiring front, we are constrained by competitive service hiring rules that our counterparts in FBI, DEA, and ATF do not have. If the Congress grants us excepted service hiring authority, USMS will be able to hire better candidates faster, using fewer taxpayer resources. This Committee has already been extremely helpful in examining this matter, and I look forward to discussing our hiring issues further with you today.

Conclusion

Chairman Gowdy, Ranking Member Jackson-Lee, 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 the Agency's programs. I am committed to ensuring that we are efficient stewards of

the resources you have entrusted to us. I look forward to working with you to ensure we meet our obligations to the Department of Justice, the federal judiciary, and the American people.