



Department of Justice

**STATEMENT OF THE
U.S. DEPARTMENT OF JUSTICE**

**DONALD W. WASHINGTON
DIRECTOR
U.S. MARSHALS SERVICE**

BEFORE THE

**U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND
SECURITY**

FOR A HEARING ENTITLED

**“OVERSIGHT OF THE FEDERAL BUREAU OF PRISONS AND THE U.S.
MARSHALS SERVICE ”**

PRESENTED

DECEMBER 2, 2020

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DIRECTOR
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STATEMENT FOR THE RECORD

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DECEMBER 2, 2020

Good morning Chairwoman Bass, Ranking Member Sensenbrenner, and other distinguished Members of the Subcommittee. I am honored to appear before you today to discuss the missions of the United States Marshals Service (USMS).

I would like to start by thanking you for your strong support of the USMS and providing us the resources that allow us to reduce violent crime and protect, defend, and enforce the American justice system.

Overview

In 2019, the USMS celebrated its 230th anniversary. For over two centuries, the USMS has held a unique role in the American judicial system. 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.

Even for an organization as storied as ours, 2020 has been a year with unique challenges. Like every American institution, the USMS has adjusted to the realities imposed by the COVID-

19 pandemic and accompanying economic disruption, while still conducting our critical law enforcement missions. As a federal law enforcement organization, we have a keen interest in the policing issues raised by the death of George Floyd and other highly publicized cases this summer. The USMS has been affected by the violent unrest in some American cities that put the federal judiciary directly at risk. Finally, on July 19, a deranged gunman attacked the family of federal judge Esther Salas at her home, killing her 20-year-old son and severely injuring her husband. This tragic incident brings to the forefront our sacred duty to protect the federal judiciary from threats to the rule of law and raises important issues about the availability of technology that criminals and disturbed individuals use to target protected individuals like judges.

Despite these challenges, the USMS continues to accomplish our varied and critical missions. I am proud of the way our workforce of approximately 5,500 Marshals, Deputy Marshals, and administrative employees has risen to meet this year's adversity. Courthouse operations have been reconfigured because of COVID-19, often under short deadlines. Enforcement operations are precisely focused on arresting the most violent criminals who need to be off the streets in order to make our communities safer, pandemic or not. We have reconfigured our prisoner operations to ensure the safety of the prisoners, our staff, and the court family. Deputies have been shifted from one part of the country to another to help defend federal property. Many of our employees are teleworking from home, juggling work, family, and their own concerns about safety. Others are out on the streets of our nation, risking themselves and their health in order to find and apprehend violent fugitives, wherever they may be. I am incredibly proud of our workforce and hope you are as well.

A recent example of our dedication is Operation Not Forgotten, where our Missing Child Unit worked with numerous other agencies to locate 26 missing and endangered children in Georgia and arrested nine criminals in the process. Using our renowned skills to locate wanted fugitives, we used relatively new authorities granted to us by Congress in 2015 to find these children, who were considered to be some of the most at-risk and challenging recovery cases in the area, based on indications of high-risk factors such as victimization of child sex trafficking, child exploitation, sexual abuse, physical abuse, and medical or mental health conditions. One

child was recovered in the company of a convicted child molester, who was promptly arrested and is now incarcerated.

Without the continued support of this committee, successes like these would not be possible. As the Director of the USMS, my priorities are to ensure the safety of USMS employees and protectees; reduce violent crime; and increase the professional development of our workforce.

The Fiscal Year (FY) 2021 President's budget request supports a robust addition to our workforce, specifically 363 positions, including 280 deputies, which are all carefully justified. The number one concern I hear from deputies, from the judiciary, and from the various Marshals and leaders who report to me is that we do not have enough people to execute the missions that we have been assigned. With your support, funding of these positions will improve the USMS's capabilities to meet our mission responsibilities in the years to come. I appreciate the chance 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 we believe is a hallmark of effective federal law enforcement.

COVID -19

From the outset of the COVID-19 pandemic, the USMS has taken proactive measures to contain the spread of COVID-19 amongst prisoners in its custody and began monitoring its detention population for COVID-19, formulating COVID-19 related guidance, and providing COVID-19 related resources addressing the USMS's prisoner detention mission.

The USMS does not own or operate any detention facilities. While some USMS detainees are housed in Bureau of Prisons (BOP) and private detention facilities, the majority of those in USMS custody are housed in facilities operated by state or local government facilities where we have an established intergovernmental agreement to house federal prisoners. All

decisions concerning infectious disease treatment, including decisions to isolate and quarantine prisoners, are made by medical and correctional staff working at each facility. Nevertheless, we have worked from the beginning of the pandemic to minimize the risk of COVID-19 to prisoners and staff, and have adjusted our processes from the beginning of the pandemic to account for our growing understanding of the disease and its transmission. For example, we have authorized COVID-19 testing at any facility where the USMS houses prisoners; and we are now testing many prisoners who are leaving our custody before they move to the BOP to serve their sentences. We also have widely distributed personal protective equipment (PPE) to our operational workforce who are arresting and interacting with prisoners, and we also provide PPE to prisoners in our custody upon their arrest.

The USMS currently houses prisoners in nearly 800 facilities located throughout the country, which reflects our legal requirements to house prisoners in proximity to their legal proceedings. Depending upon the needs of each judicial district, we might use some facilities to house just a few prisoners while others routinely house more than 1,000. In more than two-thirds of the facilities with USMS prisoners, we house fewer than 50 prisoners, representing a fraction of their total population.

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 recent years, and we see an increasing need to monitor public social media so that we have a better chance of detecting disturbed people who may be contemplating crimes against protected officials. 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. Because of COVID-19, we have instituted safety precautions in courthouses across the nation, including masking requirements, use of video conferencing for some judicial appearances, and increased screenings and protections for in-person prisoner appearances. 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 30,000 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 70,000 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 56 district fugitive task forces and operates eight regional fugitive task forces dedicated to locating and arresting wanted felons. We are 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. This year we began piloting the use of Unmanned Aerial Systems (UAS) in some of our fugitive apprehension operations, marking a carefully implemented, years-long development effort consistent with DOJ policy. We are excited about the ability of UAS to provide cost effective overwatch capabilities to our fugitive task forces that reduce risks to law enforcement personnel.

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 thousands of state and local agencies to coordinate and conduct sex offender compliance/enforcement operations throughout the country. In FY 2020, USMS conducted 2,759 non-compliant sex offender investigations and assisted with 52,738 compliance checks of known registered sex offenders.

Prisoner Operations

The USMS is responsible for the custody of more than 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 BOP institution, or otherwise ordered release from our custody. The USMS ensures the safe, secure, and humane care of prisoners in its custody. We currently provide housing, medical care, and transportation for an average daily population of about 63,000 federal prisoners located throughout the United States and its territories and escort prisoners to and from their court appearances. Our prisoner operations have been significantly affected by the sudden COVID-19 pandemic this year. Many court appearances have been substantially curtailed in certain parts of the country, depending on the severity of the disease outbreak there. The USMS does not own or operate detention facilities but partners with state and local governments to house approximately 70 percent of our prisoners. Additionally, the agency houses approximately 16 percent of its prisoner population in private detention facilities under direct contract and approximately 14 percent in Federal BOP facilities. In regular times, 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.

These factors have all been complicated by the COVID-19 pandemic. Jails and detention facilities are a particularly challenging environment for communicable diseases like COVID-19, and we have been taking appropriate and prudent measures to protect prisoners, staff, and the community while executing the lawful orders set by the federal judiciary. USMS is actively mitigating the COVID-19 threat for all new detainees. After arrest, all new intakes are screened for COVID-19 symptoms at the sally port prior to entering the courthouse facility. Prisoners are also screened when leaving the facility. Screening includes verbal COVID-19 screening questions, as well as temperature checks. Detainees are given facemasks upon arrest and must wear masks within the courthouse and during transportation. Inmate restraints are cleaned between uses. We are following guidance from the Centers for Disease Control and Prevention (CDC) on handling prisoners; this guidance has changed several times since the outbreak, and we will continue to evolve our prisoner operations as CDC guidance changes. We also have surveyed the approximately 800 state and local facilities actively housing USMS prisoners to determine if they are following CDC guidelines for

managing COVID-19 in correctional and detention facilities. We observed that the vast majority are following most of CDC's guidelines.

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 U.S. Virgin Islands. During normal times, JPATS handles more than 1,000 movements per business day on average, or about a quarter million movements a year. Since the arrival of COVID-19, prisoner movements have been sharply reduced as a safety measure. Between March 2020 and July 2020, there has been a 70 percent decrease in JPATS movements when compared to the same timeframe last year. JPATS uses all CDC recommended protocols including full personal protective equipment (PPE) for crews and face coverings for prisoners. JPATS has also implemented increased equipment and aircraft cleaning as well as crew/prisoner social distancing on flights.

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), which is 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 19,000 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 (SOG) 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, and high-threat judicial proceedings such as terrorist and drug kingpin trials.

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 including: 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, including a program to ensure every district has a highly trained Tactical Training Officer able to provide officer safety training on a continuous basis. Finally, we developed a program in

recent years 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.

Conclusion

Chairwoman Bass, Ranking Member Sensenbrenner, 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.