

**Statement of Stacia A. Hylton
Director, United States Marshals Service
Before the Senate Committee on Appropriations
Subcommittee on Commerce, Justice, Science and Related Agencies**

March 12, 2015

Chairman Shelby, Ranking Member Mikulski, and Members of the Subcommittee:

Good morning and thank you for the opportunity to testify on behalf of the President's Fiscal Year (FY) 2016 budget request for the United States Marshals Service (USMS or Agency). Our total request for nearly \$2.7 billion includes \$1.2 billion for Salaries and Expenses; \$1.5 billion for Detention; and \$15 million for Construction.

This year the USMS is proud to celebrate its 225th anniversary. For over two centuries, the USMS has succeeded in protecting America's citizens, upholding the Nation's Constitution, and anticipating the challenges that lie ahead. The Agency's many accomplishments over the years would not have been possible without the support from this Committee, so thank you. Likewise, the Agency's continued success will depend on our ability to provide the appropriate resources to support the judicial process. Incidents such as the shooting outside the Wheeling, West Virginia federal courthouse on October 9, 2013, remind us that the USMS must always be vigilant in protecting members of the federal judiciary. Thomas Piccard was armed with an assault rifle and a Glock 9mm handgun when he fired 23 rounds at the federal courthouse. Deputy Marshals, USMS court security officers (CSO) and local police responded and returned fire. Piccard was later pronounced dead at a local hospital. In the exchange, two of the CSOs suffered non-life threatening wounds. No one inside the building was injured during the incident.

In recent years, this Committee has also acknowledged the need for additional resources to safely guard the Nation's federal prison inmate and detention populations. While detention falls under "discretionary" resources, you recognized that there is nothing discretionary in a judicial order to detain an individual before trial. Over the past year we have worked to carefully assess agency spending and, where necessary, make improvements to reduce costs.

The USMS has also benefited from this Committee's decision to restore resources to the Agency's Salaries and Expenses appropriation. As a result, we were able to re-ignite our hiring process starting in FY 2014 and will add nearly 200 new Deputies by the end of FY 2015. This will allow us to keep pace with retirements and attrition. Lifting the hiring freeze has also enabled us to hire additional business professionals, including much needed administrative officers, financial analysts, and contract specialists.

The USMS remains committed to its many diverse mission areas, including work with federal, state, and local law enforcement partners to reduce violent crime in our neighborhoods.

This includes arresting gang members and sexual predators who perpetrate some of the most egregious crimes against society. Thank you for acknowledging our work alongside our Department of Justice (DOJ) colleagues at the Federal Bureau of Investigation; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, Firearms and Explosives; Bureau of Prisons; and U.S. Attorneys' Offices.

I can assure you that as a DOJ component, the USMS takes its fiduciary responsibilities very seriously. We have worked diligently with DOJ and the Office of Management and Budget (OMB) to present a reasonable budget that is mindful of the country's financial situation. We also work proactively and creatively to address shortfalls using existing resources. For example, with the Committee's support, we reprogrammed \$52 million from the Detention account over the last two fiscal years to avoid furloughing employees in several DOJ components, including the USMS. Aside from a small carryover balance equivalent to one week's worth of prisoner housing, the USMS has worked to ensure that Detention resources were made available to the Administration and Congress for other purposes.

It is my ongoing focus and priority to take transformational steps that are making the USMS a data-driven Agency that uses data to drive strategic and tactical business decisions. Ultimately, this is helping us present a performance-based budget to showcase how we are managing the resources appropriated by this Committee.

FY 2016 Program Increases

The FY 2016 budget request provides the necessary resources to maintain and enhance core USMS functions. The USMS safeguards the federal judicial process by: protecting federal judges, prosecutors, and court personnel; providing physical security in courthouses; protecting witnesses; transporting and producing prisoners for trial; executing court orders and arrest warrants; apprehending fugitives; and managing and disposing seized property. The FY 2016 request supports these missions by maintaining funding for core activities, as well as increasing funding to enforce the Adam Walsh Child Protection and Safety Act, establish annual Law Enforcement Safety Training, and renovate courthouses to remediate security deficiencies.

Adam Walsh Child Protection and Safety Act Enforcement

The USMS requests \$4.7 million for non-personnel costs associated with training, operations, and licensing fees to enhance the Agency's current level of sex offender enforcement. The National Center for Missing and Exploited Children estimates that there are approximately 769,000 sex offenders living in the United States. Approximately 100,000 of those offenders are non-compliant with their requirement to register. In FY 2014, the USMS arrested 4,470 failure-to-register/noncompliant sex offender fugitives.

One case in particular highlights the depravity associated with this type of criminal element. In September 2013, the USMS arrested Clyde Hall, Jr., a career sex offender who was

on the USMS' list of "15 Most Wanted" fugitives. Wanted for violating conditions of release and failure to register as a sex offender, Mr. Hall had been on the run since March 2012 and was the first person added to the USMS "15 Most Wanted" list for violating the Adam Walsh Child Protection and Safety Act. He had a violent and abusive criminal history dating back to 1985, with prior convictions for assault and multiple sex offenses. He admitted to sexually abusing two 10-year-old girls and raping two adult women. Mr. Hall was also diagnosed as a sociopathic career sex offender, prompting the state of New York to label him a Tier III sex offender -- New York's most dangerous sex offender classification. By coordinating investigative efforts through the USMS Sex Offender Investigations Branch and the National Sex Offender Targeting Center, the USMS apprehended Mr. Hall on the street in Portland, Maine without incident. His arrest is a prime example of USMS efforts to ensure the safety of innocent children, and law-abiding citizens.

Law Enforcement Safety Training

Officer safety training is one of the highest priorities for the USMS and every effort is made to ensure that personnel are adequately trained and equipped. In FY 2014, Deputy Marshals, working alongside federal, state, and local partners apprehended or cleared warrants on more than 105,000 federal and state fugitives. Deputy Marshals risk their lives every day investigating and apprehending the most violent fugitives in the nation and around the world. Accordingly, we are requesting \$1.5 million for Law Enforcement Safety Training.

Following the deaths of two Deputy Marshals and seven task force officers in FY 2011, the USMS established the Law Enforcement Safety Training program to specifically address high-risk fugitive apprehension. The Agency developed an intensive and comprehensive curriculum in advanced tactics, operational planning, communications, and trauma medicine. To date, the USMS has trained over 1,000 Deputy Marshals across the country under this program.

While we have trained many, we need to train all. We are seeking to hold a minimum of 12 regional courses a year, which would allow us to train all 4,500 Deputy Marshals on staff. I cannot tell you how many times Deputy Marshals have expressed their gratitude for the high quality training that has been provided.

It is important to continue the momentum and provide safety training to all Deputy Marshals. One case highlights the dangers faced by law enforcement every day and reminds us that we must consistently train our personnel to increase our tactical advantage. On September 12, 2014, a sniper opened fire at a Pennsylvania State Police barracks, murdering Trooper Bryon Dickson II and critically injuring Trooper Alex Douglass. The ensuing police manhunt for the suspect, Eric Frein, included 400 federal, state, and local law enforcement officers from Pennsylvania, New York, and New Jersey. This case had the potential for extreme violence

given that Frein was an accomplished survivalist, outdoorsman, and marksman. Forty-eight days later, on October 30, 2014, the USMS captured Mr. Frein in an open field without incident.

Gang Enforcement

This Committee has recognized the urgent need to contain the proliferation of gangs. Criminal gang activity has a severe impact across law enforcement because of its rising prevalence and high level of violence. Gangs are no longer isolated to motorcycle groups and violent urban street gangs. They now exist across the country in urban, suburban, and rural communities, with nearly one million members who are criminally active in the United States.

As the leader in apprehending the worst of the worst criminals, the USMS arrests approximately 300 fugitives per day. Between August 2010 and September 2014, the USMS conducted Operation Triple Beam, a nationwide gang enforcement initiative in 22 cities, which resulted in more than 4,200 arrests, the seizure of more than \$3 million in narcotics, \$1 million in U.S. currency, and over 900 illegal firearms.

Another example of USMS' efforts to combat gangs occurred last October 2014, when the USMS Gulf Coast Regional Fugitive Task Force arrested Christopher Green, a violent Crips street gang member in Greenville, Mississippi. He had outstanding violent felony arrest warrants for homicides in both the Greenville Police Department and the Las Vegas Metro Police Department. Although Green was a member of the Crips street gang in Pomona, California, he traveled around the country as their hit man. Cultivating critical information from confidential sources and using surveillance techniques, Deputy Marshals executed the arrest warrants and captured Green outside his residence without incident. The USMS will continue to vigorously pursue and arrest all violent felony fugitives, including gang members who threaten our communities.

Courthouse Renovation

The FY 2016 budget requests an increase of \$5.2 million for a total of \$15 million to renovate courthouses and court facilities with the most severe security deficiencies. The USMS occupies space in over 400 courthouse facilities. This space includes vehicle sally ports, cellblocks, prisoner interview rooms, secure corridors, prisoner elevators, and holding cells adjacent to the courtrooms. Construction projects are prioritized to address immediate life and safety issues first. The USMS supports the requested funding level and appreciates the incremental approach to this funding need.

Detention

The FY 2016 budget requests a total of \$1.5 billion to support the Federal Prisoner Detention (FPD) Program. This request includes base restoration of \$1.1 billion. As part of the FY 2015 appropriated budget, FPD's base was reduced by \$1.1 billion and the same amount was reprogrammed from the Asset Forfeiture Fund. Additionally, as part of the FY 2016 request, \$69.5 million of the carryover projected to be earned during FY 2015 is targeted for rescission.

The requested funding will support an average daily detention population (ADP) of 56,823 given a projected average per diem rate of \$80.60. The projected population reflects an 8 percent decrease from the peak average annual detention population of 61,721 attained during FY 2011. The reduction in the number of prisoners received by the USMS during FY 2014 was unprecedented after an increase the previous 20 years. The decrease in the ADP is attributable to several factors, including systemic efficiencies that have reduced the amount of time prisoners are housed by the USMS. Reductions in detention time are the result of continued fast-tracking of prosecutions – primarily for immigration offenses along the southwest border – and expedited transfers of sentenced prisoners to the Bureau of Prisons.

At this time, the USMS expects that the number of prisoners received into our custody will increase in FY 2015 and FY 2016 resulting in a modest increase in the ADP. The USMS will continue to keep the Committee apprised of any changes.

Adjustments to Base

The base adjustments reflect an increase for pay and benefits, the relocation of USMS Headquarters, operations and maintenance for legacy radio equipment, and Department of State charges for overseas staff. I would like to thank the Senate Committee on Environment and Public Works for its support in allowing us to move to a new Headquarters facility just two blocks from our current location. The move will reduce USMS' footprint by 41,000 square feet, or 10 percent, and save \$9 million in rent annually for a total of \$145 million in savings over the 15-year lease.

Conclusion

Chairman Shelby, Ranking Member Mikulski, 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 critical safety and security needs protecting the judicial family and process, securing federal courthouses, protecting witnesses, transporting and producing prisoners, executing court orders, apprehending fugitives, and managing seized property.