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Description of document: US Marshals Service (USMS) Transition briefing prepared by US Marshals Service for the incoming Biden Administration 2020

Requested date: 14-October-2021

Release date: 19-April-2024

Posted date: 05-Aug-2024

Source of document: Freedom of Information Act Request
United States Marshals Service
Office of the General Counsel
Freedom of Information Act Unit,
CG-3, 15th Floor,
Washington, DC 20530-0001
[USMS FOIA Portal](#)

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U.S. Department of Justice
United States Marshals Service
Office of General Counsel

CG-3, 15th Floor
Washington, DC 20530-0001

April 19, 2024

Re: Freedom of Information Act Request No. 2022-USMS-000027
Subject: FOIA Request re 2020 Briefing Documents

Dear Requester:

The United States Marshals Service (USMS) is responding to your Freedom of Information Act (FOIA) request received by USMS on October 14, 2021 for the following:

"A digital/electronic copy of the transition briefing document(s) (late 2020) prepared by USMS for the incoming Biden Administration.."

Pursuant to your request, the USMS conducted a search for records responsive to your request and located 12 pages of responsive documentation within the following offices/divisions:

Office of General Counsel
Office of the Director

To withhold a responsive record in whole or part, an agency must show both that the record falls within a FOIA exemption, 5 U.S.C. § 552(b), and that the agency "reasonably foresees that disclosure would harm an interest protected by exemption." See § 552(a)(8)(A)(i)(I); *Machado Amadis v. U.S. Dep't of State*, 971 F.3d 364 (D.C. Cir. 2020). As described in this correspondence, the USMS reviewed responsive records to your request and asserted FOIA exemptions as appropriate. Further, the USMS has determined it is reasonably foreseeable that disclosure of the withheld information would harm an agency interest protected by the exemption. These pages are released to you with portions of 6 page(s) withheld and 1 page(s) withheld in full pursuant to the following Exemptions of the FOIA, 5 U.S.C. § 552(b):

(b)(6), FOIA Exemption (b)(6) allows an agency to withhold personnel, medical, and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Records that apply to or describe a particular individual, including investigative records, qualify as "personnel," "medical," or "similar files" under Exemption 6. A discretionary release of

such records is not appropriate. See United States Department of Justice (DOJ) v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989).

(b)(7)(C), FOIA Exemption (b)(7)(C) protects records or information compiled for law enforcement purposes to the extent that the production of such records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy. A discretionary release of such records is not appropriate. See United States Department of Justice (DOJ) v. Reporters Committee for Freedom of the Press, 489 U.S. 749 (1989). Accordingly, the personally identifiable information of law enforcement officers and government employees was withheld from the responsive documentation. The disclosure of such sensitive information contained in records compiled for law enforcement purposes to the public could subject law enforcement officers and other government personnel to harassment and unwelcome contact. This could disrupt and impede official agency activity, as well as endanger the safety of law enforcement officials. Additionally, the personally identifiable information of third parties named in the records was withheld. The disclosure of third-party information could constitute an unwarranted invasion of personal privacy and subject the individuals to embarrassment, harassment, and undue public attention. Individuals have a recognized privacy interest in not being publicly associated with law enforcement investigations, not being associated unwarrantedly with alleged criminal activity, and controlling how communications about them are disseminated.

(b)(7)(E), FOIA Exemption (b)(7)(E) exempts from release information that would disclose law enforcement techniques or procedures, the disclosure of which could reasonably be expected to risk circumvention of the law. Public disclosure of law enforcement techniques and procedures could allow people seeking to violate the law to take preemptive steps to counter actions taken by USMS during investigatory operations. Information pertaining to case selection, case development, and investigatory methods are law enforcement techniques and procedures that are not commonly known. The disclosure of this information serves no public benefit and would have an adverse impact on agency operations. Furthermore, public disclosure of information such as internal URLs, codes, and internal identifying numbers could assist unauthorized parties in deciphering the meaning of the codes and numbers, aid in gaining improper access to law enforcement databases, and assist in the unauthorized party's navigation of these databases. This disclosure of techniques for navigating the databases could permit people seeking to violate the law to gain sensitive knowledge and take preemptive steps to counter actions taken by USMS during investigatory operations. The disclosure of this information serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities.

(b)(7)(F), FOIA Exemption (b)(7)(F) protects law enforcement information that "could reasonably be expected to endanger the life or physical safety of any individual." 5 U.S.C. § 552(b)(7)(F) (2006), amended by OPEN Government Act of 2007, Pub. L. No. 110175, 121 Stat. 2524. Courts have routinely upheld the use of Exemption (b)(7)(F) to protect the identities of law enforcement agents, as well as protect the names and identifying information of non-law enforcement federal employees, local law enforcement personnel, and other third persons in connection with particular law enforcement matters. See *Rugiero v. DOJ*, 257 F.3d 534, 552 (6th Cir. 2001); *Johnston v. DOJ*, No. 97-2173, 1998 WL 518529, *1 (8th Cir. Aug. 10, 1998).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with the United States Marshals Service (USMS) determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may also contact Charlotte Luckstone or our FOIA Public Liaison at (703) 740-3943 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

/s/ ERT for

Charlotte Luckstone
Senior Associate General Counsel
FOIA/PA Officer
Office of General Counsel

Enclosure

LEADERSHIP OF U.S. MARSHALS' OFFICES
TRANSITION 2020-21
(as of September 17, 2020)

District	U.S. Marshal	Appointment Type (PAS, Acting under VRA, or Acting per AG designation)	Chief Deputy U.S. Marshal (career)	Comments/Questions	Designated Career Employee *	Authority Needed to Make Career Employee Acting **	
Middle District of Alabama	Jesse Seroyer Jr.	PAS	(b)(6); (b)(7)(C); (b)(7)(F)		(b)(6); (b)(7)(C); (b)(7)(F)	Automatic Under VRA	
Northern District of Alabama	Chester Martin Keely	PAS		Automatic Under VRA			
Southern District of Alabama	Mark F. Sloke	PAS		Automatic Under VRA			
District of Alaska	Rob Heun	PAS		Automatic Under VRA			
District of Arizona	David P. Gonzales	PAS		Automatic Under VRA			
Eastern District of Arkansas	Vacant			Automatic Under VRA			
Western District of Arkansas	Vacant			US Marshal candidated Gregory Tabor should be confirmed by Senate soon.		Automatic Under VRA	
Northern District of California	Donald O'Keefe	PAS		Automatic Under VRA			
Eastern District of California	Lasha Boyden	Acting Under VRA		Automatic Under VRA			
Central District of California	David M. Singer	PAS		Automatic Under VRA			
Southern District of California	Steven C. Stafford	PAS		(b)(6); (b)(7)(C); (b)(7)(F)		(b)(6); (b)(7)(C); (b)(7)(F)	Automatic Under VRA
District of Colorado	David A. Weaver	PAS		Automatic Under VRA			
District of Connecticut	Larry Bobnick (Acting)	Acting Under VRA		Automatic Under VRA			
District of Delaware	Michael C. McGowan	PAS		Automatic Under VRA			
District of Columbia, District Court	Vacant			Automatic Under VRA			
District of Columbia, Superior Court	Robert A. Dixon	PAS		Automatic Under VRA			
Middle District of Florida	Bill Berger	PAS		Automatic Under VRA			
Northern District of Florida	R. Don Ladner	PAS		Automatic Under VRA			
Southern District of Florida	Gadyaces Serralta	PAS		Automatic Under VRA			
Middle District of Georgia	John Cary Bittick	PAS		Automatic Under VRA			
Northern District of Georgia	Michael Yeager	PAS		Automatic Under VRA			
Southern District of Georgia	Davd L. Lyons	PAS		AG Appointment			
District of Guam	Fernando L. G. Sablan	PAS		Automatic Under VRA			
District of Hawaii	Charles L. Goodwin	PAS		Automatic Under VRA			
District of Idaho	Brent R. Bunn	PAS		Automatic Under VRA			
Central District of Illinois	Brendan Heffner			Automatic Under VRA			
Northern District of Illinois	Vacant			There is currently a candidate pending Presidential Nomination		Automatic Under VRA	
Southern District of Illinois	Bradley Maxwell	PAS		Automatic Under VRA			
Northern District of Indiana	Todd L. Nukes	PAS	Automatic Under VRA				
Southern District of Indiana	Joseph D. McClain	PAS	(b)(6); (b)(7)(C); (b)(7)(F)	(b)(6); (b)(7)(C); (b)(7)(F)	Automatic Under VRA		
Northern District of Iowa	Douglas J. Strike	PAS	Automatic Under VRA				
Southern District of Iowa	Ted Kamatchus	PAS	Automatic Under VRA				
District of Kansas	Ronald L. Miller	PAS	Automatic Under VRA				
Eastern District of Kentucky	Norman E Arflack	PAS	Automatic Under VRA				
Western District of Kentucky	Gary B. Burman	PAS	Automatic Under VRA				
Western District of Louisiana	Vacant	PAS	There is currently a candidate pending for Presidential Nomination.	Automatic Under VRA			
Middle District of Louisiana	William Brown	PAS	Automatic Under VRA				
Eastern District of Louisiana	Scott Illing	PAS	Automatic Under VRA				
District of Maine	Theodor G. Short	PAS	AG Appointment				

LEADERSHIP OF U.S. MARSHALS' OFFICES
TRANSITION 2020-21

(as of September 17, 2020)

District	U.S. Marshal	Appointment Type (PAS, Acting under VRA, or Acting per AG designation)	Chief Deputy U.S. Marshal (career)	Comments/Questions	Designated Career Employee *	Authority Needed to Make Career Employee Acting **		
District of Maryland	Johnny L. Hughes	PAS				Automatic Under VRA		
District of Massachusetts	John Gibbons	PAS				Automatic Under VRA		
Eastern District of Michigan	Owen Cypher	PAS				Automatic Under VRA		
Western District of Michigan	Bruce Nordin	Acting per AG Designation				Nordin is permanent CDUSM	Automatic Under VRA	
District of Minnesota	Ramona L. Dohman	PAS				Automatic Under VRA		
Northern District of Mississippi	Danny McKittrick	PAS				Automatic Under VRA		
Southern District of Mississippi	Mark B. Shepherd	PAS				Automatic Under VRA		
Eastern District of Missouri	Jonathan Jordan	PAS				Automatic Under VRA		
Western District of Missouri	Mark James	PAS				Automatic Under VRA		
District of Montana	Rod Ostermiller	PAS				Automatic Under VRA		
District of Nebraska	Scott Kracl	PAS				(b)(6) (b)(7)(C) (b)(7)(F)	(b)(6); (b)(7)(C), (b)(7)(F)	Automatic Under VRA
District of Nevada	Gary Schofield	PAS				Automatic Under VRA		
District of New Hampshire	Enoch F. Willard	PAS				Automatic Under VRA		
District of New Jersey	Juan Mattos, Jr.	PAS				Automatic Under VRA		
District of New Mexico	Sonya K. Chavez	PAS				Automatic Under VRA		
Eastern District of New York	Vincent DeMarco	PAS				Automatic Under VRA		
Northern District of New York	David McNulty	PAS				Automatic Under VRA		
Southern District of New York	Ralph Sozio	PAS				Automatic Under VRA		
Western District of New York	Charles Salina	PAS				Automatic Under VRA		
Eastern District of North Carolina	Michael East	PAS				Automatic Under VRA		
Middle District of North Carolina	Steven L. Gladden	PAS				Automatic Under VRA		
Western District of North Carolina	Gregory Forest	PAS				Automatic Under VRA		
District of North Dakota	Dallas Carlson	PAS				Automatic Under VRA		
District of Northern Mariana Islands	Fernando L.G. Sablan	PAS				Automatic Under VRA		
Northern District of Ohio	Peter J. Elliott	PAS				Automatic Under VRA		
Southern District of Ohio	Peter C. Tobin	PAS				Automatic Under VRA		
Eastern District of Oklahoma	Kerry Pettingill	PAS				AG Appointment		
Northern District of Oklahoma	Clayton D. Johnson	PAS				Automatic Under VRA		
Western District of Oklahoma	Johnny L. Kuhlman	PAS				Automatic Under VRA		
District of Oregon	Russel E. Burger	PAS				Automatic Under VRA		
Eastern District of Pennsylvania	Eric S Gartner	PAS				Automatic Under VRA		
Middle District of Pennsylvania	Martin J. Pane	PAS	(b)(6) (b)(7)(C) (b)(7)(F)	(b)(6); (b)(7)(C); (b)(7)(F)	Automatic Under VRA			
Western District of Pennsylvania	Michael D. Baughman	PAS	Automatic Under VRA					
District of Puerto Rico	Wilmar Ocasio	PAS	Automatic Under VRA					
District of Rhode Island	Wing Chau	PAS	AG Appointment					
District of South Carolina	Thomas M. Griffin	PAS	Automatic Under VRA					
District of South Dakota	Daniel C. Mosteller	PAS	AG Appointment					
Eastern District of Tennessee	David Jolley	PAS	Automatic Under VRA					
Middle District of Tennessee	Denny W. King	PAS	Automatic Under VRA					
Western District of Tennessee	Tyreece Miller	PAS	Automatic Under VRA					
Northern District of Texas	Richard Taylor	PAS	Automatic Under VRA					
Western District of Texas	Susan Pamerleau	PAS	Automatic Under VRA					

LEADERSHIP OF U.S. MARSHALS' OFFICES

TRANSITION 2020-21

(as of September 17, 2020)

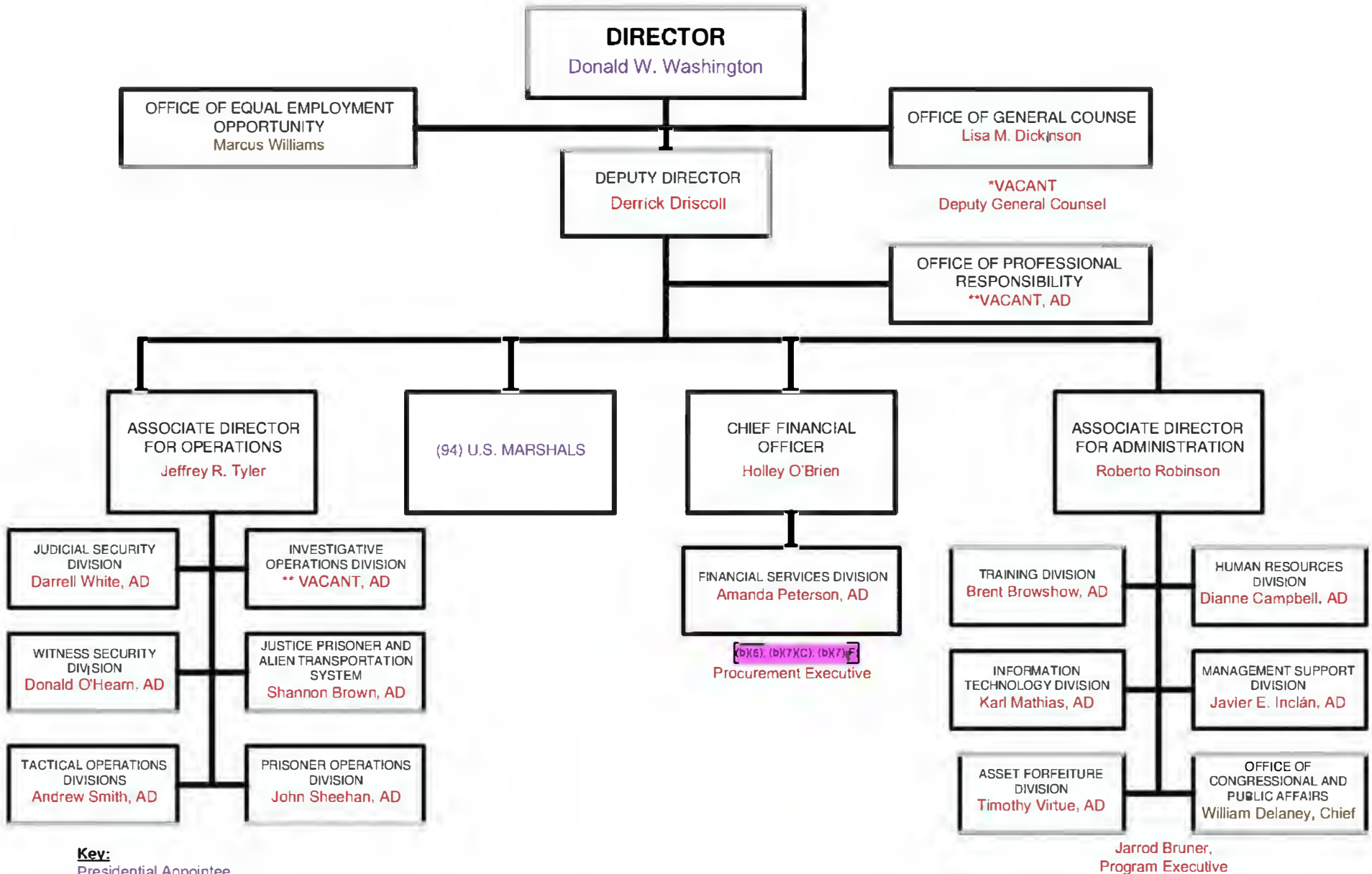
District	U.S. Marshal	Appointment Type (PAS, Acting under VRA, or Acting per AG designation)	Chief Deputy U.S. Marshal (career)	Comments/Questions	Designated Career Employee *	Authority Needed to Make Career Employee Acting **
Eastern District of Texas	John Garrison	PAS	(b)(6); (b)(7)(C); (b)(7)(F)		(b)(6); (b)(7)(C); (b)(7)(F)	Automatic Under VRA
Southern District of Texas	T. Michael O'Connor	PAS		Automatic Under VRA		
District of Utah	Matthew D. Harris	PAS		Automatic Under VRA		
District of Vermont	Bradley LaRose	PAS		Automatic Under VRA		
District of the U.S. Virgin Islands	James E. Clark	PAS		Automatic Under VRA		
Eastern District of Virginia	Nick E. Proffitt	PAS		Automatic Under VRA		
Western District of Virginia	Thomas Foster	PAS		Automatic Under VRA		
Eastern District of Washington	Craig E. Thayer	PAS		AG Appointment		
Western District of Washington	Vacant			There is currently a candidate pending for Presidential Nomination.		Automatic Under VRA
Northern District of West Virginia	J.C. Raffety	PAS		Automatic Under VRA		
Southern District of West Virginia	Michael T. Baylous	PAS		Automatic Under VRA		
Eastern District of Wisconsin	Thomas P. Conlon	Acting Under VRA		Automatic Under VRA		
Western District of Wisconsin	Kim Gaffney	PAS		Automatic Under VRA		
District of Wyoming	Randall Huff	PAS		Automatic Under VRA		

* The default assumption is that the Chief Deputy US Marshal in each district will be designated as the career acting.

** There is no action needed to make a Chief Deputy US Marshal the Acting US Marshal under the VRA for no longer than 210 days. If the VRA acting period is expiring, or the AG wishes to designate someone besides the Chief Deputy as Acting, then an AG designation is needed under 28 USC § 562. An AG designation lasts until the 30th day following the end of the next session of the Senate.

UNITED STATES MARSHALS SERVICE

KEY PERSONNEL



Key:
 Presidential Appointee
 Non-Career SES
 Career SES and SL
 Limited Term
 Schedule C
 Career Non-SES

* Career SES Position: Announcement and selection pending.

** Career SES Position: Selection has been made and is pending OPM certification of the executive core qualifications.

Source: Component information as of September 8, 2020

UNITED STATES MARSHALS SERVICE

The Judiciary Act of 1789 established the Office of the United States Marshal and the original 13 Federal judicial districts and called for appointment of a Marshal for each district. The Senate confirmed President Washington's nomination of the first Marshals on September 26, 1789.

The Attorney General began supervising the Marshals in 1861. The Department of Justice was created in 1870 and the Marshals have been under its purview since that time. On May 12, 1969, DOJ Order 415-69 established the United States Marshals Service (USMS), with its Director appointed by the Attorney General. On November 18, 1988, the USMS was officially established as a bureau within the Department under the authority and direction of the Attorney General with its Director appointed by the President.

The USMS is the nation's oldest and most versatile Federal law enforcement agency. Since 1789, federal marshals have served the nation through a variety of vital law enforcement activities. Ninety-four U.S. Marshals, appointed by the President or the Attorney General, direct the activities of 94 district offices and personnel stationed at more than 400 locations throughout the 50 states, Guam, Northern Mariana Islands, Puerto Rico and the Virgin Islands, with headquarters located in the Washington, D.C. area.

The USMS occupies a uniquely central position in the federal justice system by being involved in virtually every federal law enforcement initiative. Approximately 5,000 Deputy Marshals and career employees perform the following nationwide, day-to-day missions.

The USMS ensures the functioning of the federal judicial process by:

- protecting members of the judicial family (judges, attorneys, witnesses, and jurors);
- providing physical security in courthouses;
- safeguarding endangered government witnesses and their families;
- transporting and producing prisoners for court proceedings;
- executing court orders and arrest warrants;
- apprehending fugitives; and
- seizing assets gained by illegal means and providing for the custody, management and disposal of forfeited assets.

The role of the Marshals has had a profound impact on the history of this country since the time when America was expanding across the continent into the western territories. With changes in prosecutorial emphasis over time, the mission of the USMS has transitioned as well. In more recent history, law enforcement emphasis has shifted with changing social mandates. With more resources dedicated to apprehending and prosecuting suspected terrorists, the USMS constantly assesses and responds to the increasing demands for high-level security required for many violent criminal and terrorist-related court proceedings.

The USMS budget is directly aligned to support personnel and funds associated with the following agency missions and program areas:

- **Judicial and Courthouse Security** – ensure a safe and secure environment for all who participate in federal judicial proceedings. This mission is accomplished by anticipating and deterring threats to the judiciary, maintaining the ability to deploy protective measures at any time, and implementing the necessary security measures for all federal court facilities;
- **Fugitive Apprehension** – enhance the safety and security of our Nation’s communities by conducting complex criminal investigations to locate and apprehend federal fugitives, egregious state or local fugitives and non-compliant sex offenders. This is accomplished by fostering cooperative working relationships with federal, state, local, and foreign law enforcement agencies; developing and leveraging national expertise in sophisticated technical operations; conducting psychological assessments of sex offenders; locating and recovering Critically Missing Children and collecting, analyzing and sharing criminal intelligence. The decision unit includes the management and disposal of all DOJ’s seized and forfeited assets;
- **Prisoner Security and Transportation** – ensure the custody of all federal prisoners is safe and humane from the time of arrest until the prisoner is acquitted, arrives at a designated Federal Bureau of Prisons facility to serve a sentence, or is otherwise ordered released from U.S. Marshals’ custody. This includes providing housing, medical care, and transportation throughout the U.S. and its territories; producing prisoners for all court-ordered appearances; and protecting their civil rights through the judicial process;
- **Protection of Witnesses** – provide 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, terrorists, organized crime members, and other major criminals; and
- **Tactical Operations** – ensure that the USMS is able to respond immediately to any situation involving high-risk/sensitive law enforcement activities, national emergencies, civil disorders, or natural disasters. A key component of this response is the USMS Special Operations Group (SOG). SOG utilizes its enhanced tactical capabilities to support USMS operations around the world in furtherance of the rule of law. The USMS also maintains other capabilities to manage crises including explosive detection canines; operating a 24-hour Emergency Operations Center; and ensuring that Incident Management Teams and Mobile Command Centers are always available.

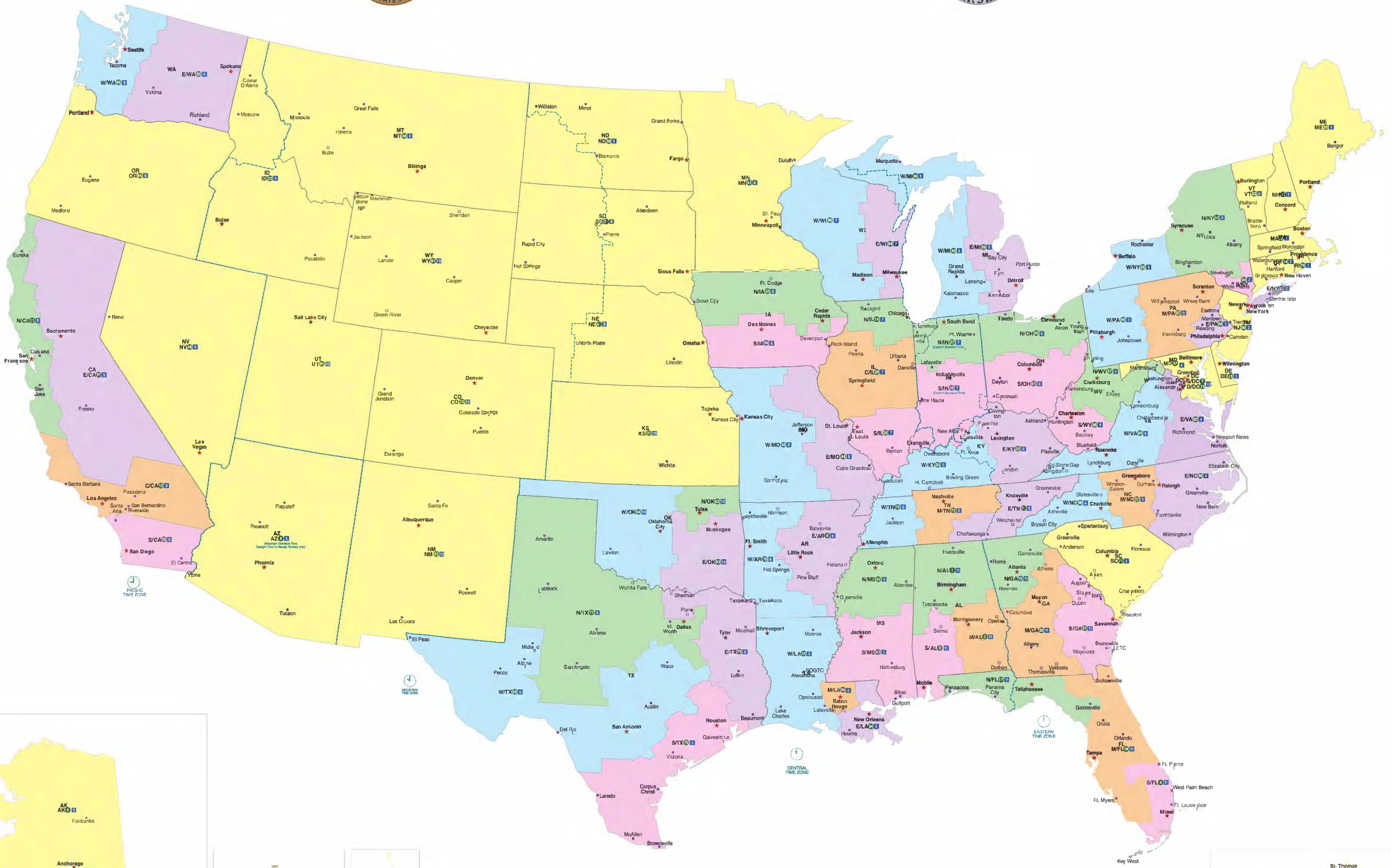
The USMS also partners with numerous organizations and programs, including:

- The Administrative Office of the United States Courts (AOUSC) provides funding for administering the Judicial Facility Security Program;

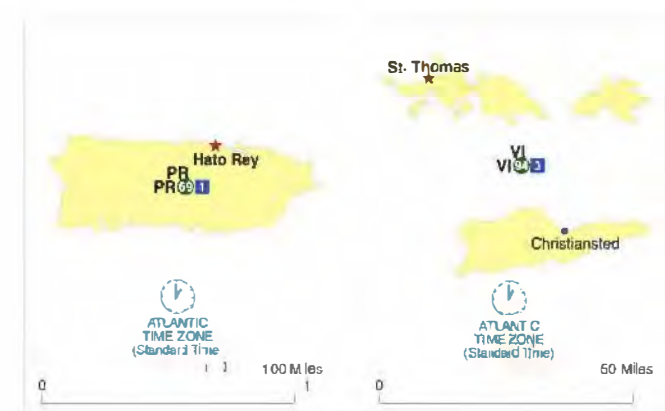
- The Asset Forfeiture Fund provides funding for managing and disposing of seized and forfeited assets;
- The Department's Fees and Expenses of Witnesses appropriation provides funding for securing and relocating protected witnesses; and
- The Organized Crime Drug Enforcement Task Force (OCDETF) provides funding for apprehending major drug case fugitives.



U.S. Marshals Service Districts



- ★ Main Office
- ◊ Suboffice
- ◻ Occupied Only During Term of Court
- Ⓛ District Number
- Ⓜ Federal Judicial Circuit
- Timezone Boundary



Component	Topic Title	Topic Description
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USMS-JOD	Lack of dedicated funding to execute the USMS Extradition Mission	The United States Marshals Service (USMS) is responsible for the execution of the U.S. Government's extradition program in accordance with Public Law, United States Code, the Code of Federal Regulations, and Department of Justice (DOJ) and Department of State (DOS) operating manuals. This is a non-discretionary workload. Base resources for the program provided by the Congress are approximately \$3 million annually. For fiscal years (FY) 2017-2019, the average costs were \$9 million annually and in FY 2020 the cost was \$14 million, absorbed from other financial resources within the agency. The continued uptick can be attributed to limited availability of chartered flights combined with general inflationary and other costs associated with commercial air travel. For FY 2021, total expenditures are projected to exceed \$14 million, even with extreme efforts at cost avoidance, efficiencies and reduction.
USMS-IOD	Missing Child Unit	The Missing Child Unit (MCU) of the United States Marshals Service is a program managed by the Sex Offender Investigations Branch housed within the Investigative Operations Division. Their mission is to assist in the recovery of Critically Missing Children that include abducted children as well as those taken during a non-custodial parental abduction and critically missing runaways who fall victim to human and sexual trafficking as well as other forms of isolation on the streets of this country. The mission is currently unfunded and is reliant on the investigative resources of both Headquarters and the Districts to provide the personnel to investigate these complex cases and eventually locate and return these children to a safe environment. With only two full time program management positions, the mission is always competing with the other annually important priorities of the Marshals Service.
USMS-JSD	Legislation regarding Judicial PII online and Judicial Security resources	As widely reported in news accounts, on July 19, 2020, an assailant went to the New Jersey home of U.S. District Judge Esther Salas and shot and killed her 20-year-old son and critically wounded her husband. The assailant had a history of racist, misogynistic internet postings, many targeting Latina judges. In the aftermath of this tragedy, and in response to increasing threats against federal judges, recommendations for improving judicial security have been submitted by the Judicial Conference for congressional action. These actions, coordinated through the Administrative Office of the US Courts and DOJ, include: <ol style="list-style-type: none"> 1. seeking legislation to enhance the protection of judges' personally identifiable information, particularly on the internet; 2. supporting the development of a resource, in coordination with the U.S. Marshals Service to expand the capabilities of Protective Intelligence to monitor the public availability of judges' personally identifiable information and potential and actual threats; 3. supporting additional appropriations for the U.S. Marshals Service to replace and sustain home intrusion security systems installed in judges' homes with current security capabilities and technologies; 4. supporting increased appropriations for the U.S. Marshals Service to hire additional Deputy U.S. Marshals in
USM-POD	The Federal Prisoner Detention (FPD) appropriation	The USMS is required to house all prisoners remanded to the custody of the Attorney General. The Federal Prisoner Detention (FPD) appropriation is responsible for all costs associated with the care and custody of Federal detainees in private, state, and local facilities. The USMS cannot refuse a judicial order due to lack of detention capacity, staffing, or funding. Law enforcement and prosecutorial priorities directly impact USMS detention resource needs, as increases in arrests and prosecutions lead to increases in the Average Daily Population (ADP). Due to COVID-19 restrictions, the federal prisoner pipeline waiting to be transferred to a Federal Bureau of Prisons facility has grown up to approximately 20,000. This number is astronomical despite the slower court proceedings and limited court hours spent processing prisoners. Several recent memos reflect the current administration's priorities: Renewed Commitment to Criminal Immigration Enforcement issued April 2017, Department Charging and Sentencing Policy issued May 2018, and Zero Tolerance for Offenses Under § USC issued May 2018. In FY 2019, the FPD appropriation was enacted at \$1.552 billion and received \$155 million in supplemental funding in the "Emergency Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border Act, 2019," and \$72 million in DOJ transfers. In FY 2020, the FPD received another \$69.6 million in DOJ transfers to maintain solvency. For FY 2021, the President's Budget provides \$2.047 billion which reflected known priorities established within the DOJ at the time of the budget submission. Subsequent initiatives or changes in law enforcement or litigating components priorities can significantly affect the detention requirements. Additionally, the impact of COVID-19 testing costs and delays in the movement of sentenced prisoners from the custody of USMS to the custody of the Federal Bureau of Prisons (BOP) will significantly impact the FY 2021 FPD budget requirements.

Year	Average Daily Population	President's Budget (\$000)	Appropriated Funding (\$000)	Detention Obligations (\$000)
2017	50,317	\$1,504,009	\$1,430,414	\$1,423,577
2018	55,776	\$1,536,000	\$1,536,000	\$1,612,064
2019*	61,435	\$1,536,000	\$1,707,397	\$1,840,882
2020**	62,276	\$1,867,461	\$1,867,461	\$1,968,978

* In FY 2019, the FPD initially was appropriated \$1.552 billion and in order to remain solvent received another \$155 million in Supplemental appropriations and \$72 million in Department transfers totaling \$1.779 billion

** In FY 2020, the FPD received \$69.6 million in Department transfers for a total of \$1.937 billion.



U.S. Department of Justice
United States Marshals Service
Tactical Operations Division

Washington, DC 20530 0001

December 11, 2020

MEMORANDUM TO: United States Marshals Service Employees

FROM: Andrew Smith
Assistant Director (b)(6); (b)(7)(C)

SUBJECT: Wearing of Face Masks is Required in United States Marshals Service Workplaces

There has been a recent, significant increase in diagnoses, hospitalizations, and deaths from COVID-19 throughout the United States. It is vitally important for United States Marshals Service (USMS) personnel to diligently lean forward to prevent the spread of the disease and to protect ourselves, fellow teammates, and others we encounter. Along with social distancing, wearing face masks is recognized by the Centers for Disease Control and Prevention (CDC) as the most important precaution we can take to mitigate the transmission of COVID-19 in the workplace and to help protect everyone.

COVID-19 is transmitted predominantly by respiratory droplets generated when people cough, sneeze, sing, talk, or breathe. Many individuals infected with COVID-19 show no symptoms but can be highly contagious to others who could then develop very severe symptoms. CDC guidance recommends community use of non-valved, multi-layer cloth masks that cover the mouth and nose and fit snugly on the face to reduce the spread of COVID-19 droplets. **Single-layer masks, bandanas, and neck gaiters do not afford the protection of multi-layer face masks and are not acceptable for use in USMS workspaces.**

Properly worn face masks reduce the transmission of the virus to others and also protect the wearer by reducing the inhalation of virus-laden droplets. The personal and community benefit of wearing masks is due to the combination of these effects and increases with growing numbers of people using masks consistently and correctly. **Wearing face masks should be combined with social distancing of 6 feet or more, not in place of social distancing, particularly in indoor settings.**

The most recent CDC guidance recommends the wearing of face masks in most indoor spaces (such as entryways, hallways, elevators, meeting rooms, and restrooms) even when social distancing of 6 feet occurs. Face masks may be removed while eating (while socially distanced).

Subject: Wearing of Face Masks is Required in United States Marshals Service Workplaces

For those who occupy an office, it is strongly recommended that masks be removed only when one is alone in his/her office space. Based on growing evidence noted in CDC guidance, small COVID-19 droplets and airborne particles (aerosols) can remain suspended in the air and be inhaled by others. These droplets can travel distances well beyond 6 feet even in a large office setting that may not have good ventilation. For this reason, any personnel working in a cubicle should remove their masks only when alone and at a safe distance from any other employees. Additionally, the wearing of masks is essential for employees who utilize USMS fitness facilities. The physical exertion associated with most exercise results in increased inhalation and exhalation, which creates an increased risk of transmitting the virus if face masks are not worn.

Use of face masks, social distancing, frequent hand washing, and monitoring for symptoms, at work and when off-duty, can substantially reduce the spread of COVID-19 within the USMS workplace. Should you have any questions, please contact the Pandemic Response Team at [\[redacted\]@usdoj.gov](mailto:(b)(7)(E)@usdoj.gov). Thank you for your continued dedication and resiliency during this challenging period.

Counts	
RNO	Count
American Indian or Alaska Native	50
Asian	161
Black or African American	707
Hispanic or Latino	656
Native Hawaiian or Other Pacific Islander	15
Two or more	85
Unspecified	5
White	3849
Grand Total	5528
RNO by Employee Type	Count
Administrative	1557
American Indian or Alaska Native	16
Asian	72
Black or African American	338
Hispanic or Latino	149
Native Hawaiian or Other Pacific Islander	3
Two or more	29
Unspecified	1
White	949
Operational	3971
American Indian or Alaska Native	34
Asian	89
Black or African American	369
Hispanic or Latino	507
Native Hawaiian or Other Pacific Islander	12
Two or more	56
Unspecified	4
White	2900
Grand Total	5528
Gender	Count
F	1355
M	4173
Grand Total	5528
Gender	Count
F	1355
Administrative	979
Operational	376
M	4173
Administrative	578
Operational	3595
Grand Total	5528
Gender by RNO	Count
F	1355
American Indian or Alaska Native	17
Asian	45
Black or African American	284
Hispanic or Latino	178
Native Hawaiian or Other Pacific Islander	4
Two or more	24
Unspecified	1
White	802
M	4173
American Indian or Alaska Native	33
Asian	116
Black or African American	423
Hispanic or Latino	478
Native Hawaiian or Other Pacific Islander	11
Two or more	61
Unspecified	4
White	3047
Grand Total	5528

Percentages	
RNO	Percentage
American Indian or Alaska Native	1%
Asian	0.02912446
Black or African American	13%
Hispanic or Latino	12%
Native Hawaiian or Other Pacific Islander	0%
Two or more	2%
Unspecified	0%
White	70%
Grand Total	100%
RNO by Employee Type	Percentage
Administrative	28%
American Indian or Alaska Native	0%
Asian	1%
Black or African American	0.06114327
Hispanic or Latino	3%
Native Hawaiian or Other Pacific Islander	0%
Two or more	1%
Unspecified	0%
White	17%
Operational	72%
American Indian or Alaska Native	1%
Asian	2%
Black or African American	7%
Hispanic or Latino	9%
Native Hawaiian or Other Pacific Islander	0%
Two or more	1%
Unspecified	0%
White	52%
Grand Total	100%
Gender	Percentage
F	25%
M	75%
Grand Total	100%
Gender	Percentage
F	25%
Administrative	0.17709841
Operational	7%
M	75%
Administrative	10%
Operational	65%
Grand Total	100%
Gender by RNO	Percentage
F	25%
American Indian or Alaska Native	0%
Asian	1%
Black or African American	5%
Hispanic or Latino	3%
Native Hawaiian or Other Pacific Islander	0%
Two or more	0%
Unspecified	0%
White	15%
M	0.75488423
American Indian or Alaska Native	1%
Asian	2%
Black or African American	8%
Hispanic or Latino	9%
Native Hawaiian or Other Pacific Islander	0%
Two or more	1%
Unspecified	0%
White	55%
Grand Total	100%