



Office of the Inspector General U.S. Department of Justice

OVERSIGHT ★ INTEGRITY ★ GUIDANCE



Audit of the United States Marshals Service's Justice Prisoner and Alien Transportation System



Executive Summary

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Objective

The Department of Justice (DOJ) Office of the Inspector General (OIG) completed an audit of the U.S. Marshals Service's (USMS) Justice Prisoner and Alien Transportation System (JPATS). The objective of this audit was to evaluate USMS efforts to improve the effectiveness and efficiency of JPATS.

Results in Brief

We found that JPATS had established adequate controls over its billing process and flights to transport prisoners and detainees. JPATS's Law Enforcement Cabin Crew Policies and Procedures Manual defines the roles and responsibilities of each flight crewmember and establishes detailed procedures governing the transfer of prisoner and detainee custody and flight operations. However, we found that JPATS has not updated its internal budget guidance since 2003. On performance reporting, we could not reconcile JPATS's Quarterly Performance Reviews (QPR) figures for fiscal years (FY) 2014 and 2015 to underlying source data. We also found that JPATS needs to document how it sets specific performance targets to demonstrate that it transported detainees effectively and efficiently.

Recommendations

Our report provides four recommendations to the USMS regarding JPATS operations. Two recommendations relate to JPATS's performance measurement efforts, one relates to JPATS's ongoing electronic movement packet (MPAC) system, and one relates to JPATS's financial oversight. We discussed the results of our audit with the USMS and provided a draft of this report. The USMS response can be found in Appendix 3, and our analysis, as well as a summary of actions necessary to close the recommendations, can be found in Appendix 4.

Audit Results

Each year JPATS schedules and transports over 260,000 prisoner and detainee movements. JPATS operates under a revolving fund that receives deposits through reimbursable agreements with the USMS and the Federal Bureau of Prisons (BOP). Our audit assessed how JPATS: (1) tracked and assessed its performance and compliance, (2) transported prisoners and detainees, and (3) oversaw its financial management.

Tracking and Assessing JPATS Performance and Compliance – We found that JPATS generally achieved its self-reported QPR performance measures. However, JPATS was unable to support the data in its FY 2014 and 2015 QPRs. JPATS also needs to document how it sets performance targets to demonstrate efficient and effective movement of prisoners and detainees.

Transporting Prisoners and Detainees – We found that JPATS has developed and is testing its MPAC system to receive data directly from USMS and BOP systems. JPATS should continue its efforts to engage its customers and deploy such a secure, cloud-based system to populate movement requests electronically and facilitate the transfer of prisoner and detainee custody. Our observations and discussions confirmed that: (1) JPATS personnel generally followed established safety and operational policies and procedures, and (2) JPATS effectively communicated with its Ground Points of Contact to schedule and receive prisoners and detainees at landing sites.

Financial Management – JPATS uniquely receives its operating revenue via reimbursable agreements with customer agencies. Although it had developed a budget policy in 2003, we found that JPATS needs to update this policy and share it with its customers. In addition, we confirmed that JPATS properly received authorization to enter into a lease-purchase option to purchase a new plane in accordance with applicable requirements.

AUDIT OF THE UNITED STATES MARSHALS SERVICE'S JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM

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AUDIT OF THE UNITED STATES MARSHALS SERVICE'S JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM

INTRODUCTION

The Justice Prisoner and Alien Transportation System (JPATS) is a U.S. Marshals Service (USMS) division-level entity charged with scheduling and transporting Department of Justice (DOJ) prisoners and detainees to court hearings and detention facilities across the United States and its territories. Recording over 260,000 movements each year, JPATS is the largest transporter of prisoners and detainees in the United States. In fiscal year (FY) 2018, JPATS's two main customers were the USMS and the Federal Bureau of Prisons (BOP), each of which constituted about half of its total movements. JPATS also transports other federal, state, and local prisoners and detainees on a space-available, cost-reimbursable basis. In FY 2018, about 1 percent of JPATS movements were for non-federal customers.

In 1999, Congress created a unique revolving fund arrangement for JPATS, under which the program receives all operating revenue from law enforcement agency partners under reimbursable agreements to pay for transportation each fiscal year.¹ JPATS does not rely on appropriations for its funding. As a revolving fund, JPATS can carry over previous fiscal year funds received to the next fiscal year, which generally is not allowable for annually appropriated funds. The JPATS Executive Committee (JEC) provides executive oversight of the JPATS program. The JEC, which meets at least once per year, is chaired by the Assistant Attorney General for Administration and includes the directors of both the BOP and USMS. In its executive oversight capacity, the JEC reviews and approves: (1) JPATS's annual budget, including any capital carryover balances, (2) proposed expenditures exceeding \$1 million, and (3) long-term contracts and staffing plans.

JPATS is headquartered in Kansas City, Missouri. JPATS's Aviation, Safety and Standardization, Maintenance, and Aviation Security Enforcement Operations teams are located in Oklahoma City, Oklahoma, with a smaller hub located in Las Vegas, Nevada. In FY 2018, JPATS's fleet consisted of three Boeing 737-400 with the capacity to transport 126 individuals, one medium-sized aircraft with the capacity to transport 45 individuals, and an assortment of smaller leased aircraft. For FY 2018, JPATS's staffing plan included 110 Full-time Equivalents, with about 95 employees on board, and a budget of \$54.7 million. The capital carryover balance from FY 2017 was \$35.9 million.²

¹ JPATS was previously administered as part of the DOJ's Office of the Federal Detention Trustee (OFDT) until the OFDT was merged with the USMS in October 2012.

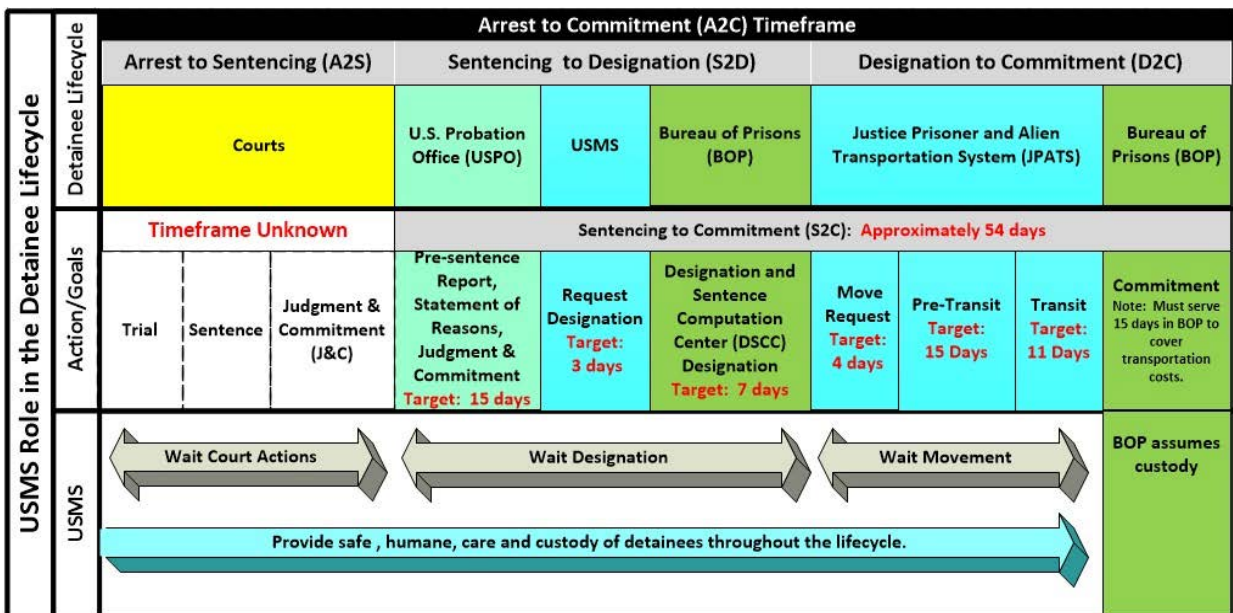
² The capital carryover account includes a general purpose, corpus, and capital improvement account.

An Assistant Director administers JPATS operations, and also develops strategic plans, supervises performance metrics, and chairs the JPATS interagency Working Group, which informs the JEC on JPATS activities.³ The Working Group meets quarterly to: (1) review operational metrics and financial performance data and (2) discuss interagency plans and challenges that might affect prisoner and detainee transportation needs.

USMS Detainee Life Cycle

As a USMS-headquarters division, JPATS operates separately from the 94 USMS federal judicial districts.⁴ Nevertheless, its mission falls within the broader goals of the USMS's Detainee Lifecycle, which includes the housing, medical care, transportation, and security of all detainees. Generally, the Detainee Lifecycle begins at sentencing, when the USMS usually takes custody of an individual, to commitment, when the USMS transfers custody of an individual to a prison or other detention facility. JPATS also manages USMS detainee out-of-district transfers. As shown in Figure 1, JPATS's role focuses on taking custody of and moving detainees and prisoners with minimal delay.

Figure 1
USMS Detainee Lifecycle



Source: USMS Prisoner Operations Division

³ JPATS Working Group members include officials from the following groups and agencies: JPATS, USMS Prisoner Operations Division (POD), USMS Financial Services Division, BOP Federal Transfer Center, BOP Correctional Programs Division, BOP Administration Division, and Justice Management Division Budget Staff.

⁴ Each USMS district plays an essential role transferring prisoners and detainees within their respective geographic area of responsibility, including transporting local prisoner movements (within 50 miles) and ground coordination with the BOP and JPATS during out-of-district moves.

Two other USMS divisions support JPATS operations. First, the USMS Prisoner Operations Division (POD) is responsible for managing prisoner and detainee related expenses, including developing USMS district prisoner and detainee operational policies and identifying cost effective measures to house and care for prisoners and detainees. The POD also administers the Federal Prisoner Detention (FPD) appropriation that is used to house, transport, and care for federal prisoners and detainees in private, state, and local facilities. As the entity responsible for the overall financial management of the FPD appropriation, the POD allocates FPD funds to JPATS to pay for detainee transportation costs. Second, the USMS Financial Services Division (FSD) provides accounting, budgeting, and procurement services to the POD and JPATS. JPATS maintains a separate Procurement Team with personnel at its Kansas City, Missouri, headquarters and FSD offices in the Washington, D.C. area.

OIG Audit Approach

The objective of this audit was to evaluate USMS efforts to improve the effectiveness and efficiency of JPATS prisoner and detainee transportation. The overall scope of our audit covered January 2013 to May 2018. To accomplish this objective, we assessed JPATS's: (1) performance and progress reporting, (2) prisoner and detainee movement procedures, and (3) financial management procedures. In addition, we interviewed JPATS and USMS officials located in the Washington, D.C. area; Kansas City, Missouri; and Oklahoma City, Oklahoma; and reviewed USMS documents supporting data collection, budget and financial control procedures, award oversight, and aviation safety protocols. In April 2018, we also observed a JPATS mission briefing and flight and received an overview of a detainee and prisoner transfer and flight operations.

Appendix 1 contains additional information on this audit's objective, scope, and methodology.

AUDIT RESULTS

Tracking and Assessing JPATS Performance and Compliance

JPATS demonstrated its progress towards tracking and assessing its performance, including establishing strategic goals, setting objectives to measure outcomes, and supporting its latest progress reports. However, JPATS was not able to support the results it reported on its FYs 2014 and 2015 Quarterly Performance Reviews (QPR). In addition, JPATS needs to document the methodology it uses to set specific performance targets under its strategic goals to demonstrate that it transported detainees in a cost effective and efficient manner.

Establishing Strategic Goals for JPATS

Office of Management and Budget (OMB) Circular A-123, Management's Responsibility for Enterprise Risk Management and Internal Control, requires that each federal agency establish and report on its progress towards meeting mission goals and objectives. In addition to establishing performance goals, the *Government Performance and Results Act Modernization Act of 2010* instructs federal agencies to ensure the accuracy and reliability of the data used to measure their progress towards meeting established performance goals.⁵ JPATS's Strategic Report for FYs 2014 through 2019 established four broad strategic goals, three of which directly pertain to measuring JPATS performance and efficiency. One of JPATS's strategic goals is to "Conduct safe, secure, humane transportation in a cost-effective, timely manner." To achieve this goal, JPATS has set sub-objectives to measure outcomes, one of which pertains to the timeliness and cost-effectiveness of prisoner and detainee movements.

JPATS tracks progress towards meeting its strategic goals via QPRs that capture both internal and external performance metrics. External performance metrics include the number of requests for air and ground movements and transportation and housing costs per prisoner or detainee. Internal performance metrics include the pre-transit and in-transit cost and time for each detainee, the actual costs of operating JPATS-owned aircraft compared to the budget, and use of aircraft and its associated availability. JPATS also uses QPRs to track project-based milestones that it has identified within its strategic goals.⁶ QPRs from FY 2013 to FY 2018 demonstrated that JPATS generally met its internal and external performance measures.

Supporting Reported Performance Results

JPATS leadership determines JPATS performance targets during QPR review sessions. QPRs document and support decisions regarding resource allocations, operational targets, and project milestones. JPATS provided evidence to support

⁵ 31 U.S.C. § 1115 (2011).

⁶ For example, in FY 2018, JPATS set project milestones pertaining to biometric verification. JPATS is also monitoring progress towards replacing its mid-size aircraft that it maintains in Las Vegas, Nevada.

the tested FY 2016, 2017, and 2018 QPRs. However, the queries we performed on FYs 2014 and 2015 JPATS's Management Information System (JMIS) data yielded different results than the results JPATS reported in its FYs 2014 and 2015 QPRs. As such, we could not reconcile various QPR data points in FY 2014 and 2015 to supporting records in JMIS.

For example, JPATS's QPR for the first quarter of FY 2014 reported an actual cost of JPATS-Owned Aircraft as \$3,008,771. However, JPATS's JMIS support for the same data element showed \$3,767,050, or \$758,279 more than reported in the QPR. JPATS officials told us they could not support reported QPR metric data for FYs 2014 and 2015. Since then, JPATS revised the way it computed its report numbers; however, JPATS officials stated they could not determine what change caused the difference in the data outputs. As a result, we were unable to reconcile the reported QPR figures to the current JMIS data, or adequately assess or verify the data provided to us as true and accurate.

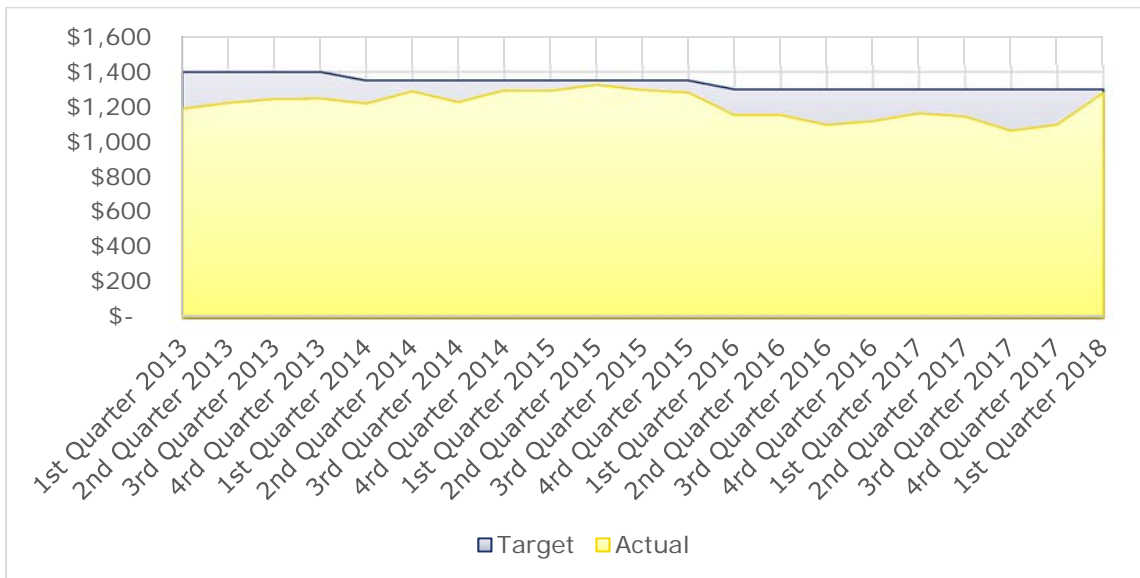
A USMS official with the Office of Strategic Insight, which is responsible for working across the component to compile and report QPR data, stated that while the Office of Strategic Insight received all data from each component group, JPATS is not required to maintain or "backup" the data used to generate QPRs. However, without backing up the data used to compile the QPRs or otherwise demonstrating that such data was validated at the time of QPR preparation, the USMS is unable to demonstrate that JPATS leadership received and relied on accurate and complete QPR results in making operational decisions. We therefore recommend that the USMS implement a JPATS data validation and retention policy to help ensure that future QPRs are accurate and fully supported.

Establishing Meaningful Performance Targets

To establish specific performance goals and financial targets, JPATS leadership stated that it considers historical prisoner movements, cost trends, and future prisoner and detainee population projections, which are based on evolving DOJ enforcement and prosecutorial priorities. Because there are no comparable transportation missions within the government, JPATS developed its own quarterly Transportation Unit Cost target to help drive what it believes is an efficient average cost of transporting each detainee.⁷ As shown in Figure 2, JPATS has uniformly stayed below its targeted quarterly Transportation Unit Cost since the first quarter of FY 2013.

⁷ To compile this target cost, JPATS takes into consideration the prisoner In-Transit Housing Costs, Ground Transportation Costs, and the billable flight hour Air Transportation Cost.

Figure 2
Target vs. Actual Transportation Unit Cost



Source: JPATS's QPRs, FY 2013 - 2018

To further validate JPATS performance targets, similar to the Actual Transportation Unit Cost target, we selected a sample of other QPRs and requested the methodology to establish those performance targets.⁸ A JPATS official stated that when JPATS sets performance targets, it sought to determine whether each target was still appropriate or if the target should be adjusted to drive more efficient results. However, JPATS has not documented the methodology it used to set its targets and lacks a standard operating procedure to guide how it should use QPR data to drive performance measures. As a result, the targets JPATS has established may have been too high or too low, resulting in targets that did not adequately promote a more efficient and effective program. Considering that empirically-based targets would provide JPATS the information needed to show that it transported detainees in a cost effective and efficient manner, we recommend that the USMS define how JPATS should establish targets on its QPRs.

Compliance Efforts

In an effort to obtain reasonable assurance regarding compliance with various administrative and operational rules and regulations, the USMS Office of Professional Responsibility (OPR) periodically completes a compliance review of each USMS program office. We judgmentally selected four conditions to confirm whether JPATS:

⁸ Between FYs 2013 through 2017, JPATS QPRs cited a total of six external and internal targets including: Transportation Unit Cost, Pre-transit Costs and Days, In-transit Costs and Days, and Owned Aircraft Costs.

1. Conducted an annual facility security survey to assess current conditions and security.
2. Documented all medical issues related to prisoner refusals.
3. Documented and reported to JPATS leadership flight-related incidents occurring during prisoner transportation flights.
4. Reported and documented whether pregnant prisoners or detainees were restrained on flights.

JPATS completes its own self-assessment in a 108-item electronic Self-Assessment Guide (eSAG). We reviewed the conditions that JPATS certified in its submitted self-assessment from FYs 2013 through 2017.⁹ Our review of supporting documents confirmed that JPATS fulfilled these four eSAG-certified conditions.

As part of the USMS, JPATS is subject to periodic OPR inspection. OPR last reviewed JPATS in 2015 and provided an overall compliance rating that resulted in a "low risk" determination.¹⁰ We reviewed this OPR inspection report and noted that its findings included JPATS: (1) not updating facility Occupant Emergency Plans and (2) not reporting instances when a pregnant prisoner or detainee was placed in restraints. We determined that JPATS appropriately responded to each of these inspection findings and agreed to take appropriate action to address them. Therefore, we did not note exceptions with regard to JPATS compliance monitoring.

⁹ JPATS's self-assessment questionnaires for FYs 2013 through 2017 ranged from 291 to 412 conditions.

¹⁰ The USMS OPR report considered entities achieving compliance of 80 percent or above to be at low risk, 60 to 80 percent to be at medium risk, and any entity below 60 percent to be at high risk.

Transporting Prisoners and Detainees

JPATS assigns specific personnel responsibilities to safeguard and secure prisoners and detainees in its custody during flights. To reduce the number of prisoners and detainees who are denied entry onto a flight for non-medical reasons, such as missing or incomplete paperwork, JPATS needs to continue its ongoing efforts to test and deploy a secure cloud-based system that populates movement requests electronically. We also confirmed that each USMS district has designated a Deputy U.S. Marshal to assist JPATS with pre-flight ground transfers and that JPATS has trained these individuals to perform these responsibilities.

JPATS uses several IT systems to schedule and move prisoners and detainees. Its Flight Operations System records logs of each flight and schedules shifts for each movement location. JMIS is a transportation application that tracks movement requests that JPATS receives via either the E-designate system from the USMS and its districts or the Justice Detainee Information System from the BOP.¹¹

JPATS also uses JMIS Assisted Routing and Scheduling and JMIS Route Optimizer applications to create movement schedules. JPATS reports that its routing and scheduling system automatically schedules, on average, 82 percent of JPATS detainee movement requests. The JMIS Route Optimizer then analyzes hundreds of route options to determine the routes that maximize the number of prisoner and detainees moved at once. The Route Optimizer also identifies the 10 most optimal routes in an effort to improve flight-route efficiency by reducing the number of flights necessary to transfer the prisoners and detainees scheduled for movement.¹²

Each evening, JMIS resets and reassesses possible routes based on updated detainee needs. It is not until a flight is within 3 days of departure that JMIS will “finalize” a particular route and send it to JPATS schedulers, who then incorporate all flight details and coordinate with specific USMS districts, as needed. Once the schedulers finalize flight information, JPATS schedulers then coordinate with ground transportation service providers (usually state and local jails or the BOP) to ensure that each scheduled prisoner and detainee is transported to the location where the aircraft will be boarded before the flight.

Flight Crew Roles and Responsibilities

JPATS has consolidated all policies concerning detainee transportation and flight operations in its Law Enforcement Cabin Crew Policies and Procedures Manual (Cabin Crew Manual). The Cabin Crew Manual defines the responsibilities of each employee in the prisoner and detainee movement process and establishes operational processes governing boarding flights and medical or detainee refusals.

¹¹ JPATS also has access to BOP’s SENTRY, where some data may be manually copied, such as prisoner medical or security information.

¹² Prisoners or detainees with special needs, such as juveniles and those who are particularly violent or have serious medical issues, are identified and are not automatically routed. In these cases, a JPATS employee will determine the best flight for those specific detainees.

Figure 3 details the various types of designated security personnel on each JPATS mission flight.

Figure 3 JPATS Flight Personnel and Responsibilities

Aviation Enforcement Officer-in-Charge (AEOIC). Coordinates with the Ground Point of Contact (GPOC), oversees all pre-flight mission briefings and cabin crew assignments, communicates relevant matters to the Pilot in Command (PIC), and coordinates post mission briefings.

Lead Aviation Enforcement Officer (LAEO). Serves as the backup AEOIC and assists in the pre-flight mission briefings, compiles and distributes the daily flight manifest, and oversees contractor performance.

Aviation Enforcement Officers (AEO). As full-time JPATS law enforcement personnel, responsible for prisoner and detainee custody and security during flights, oversee Aviation Security Officer assignments, and prepare arrival and destination documents for each flight.

Aviation Security Officers (ASO). As individual contractors under the direction of the AEOs, search and transport detainees on board aircraft, maintain perimeter security, and monitor particular section of the plane in flight.

Flight Medical Providers (FMP). Review all prisoner medical records for completeness and accuracy, ensure that prisoners are medically stable (fit-to-fly), respond to medical emergencies (e.g., seizures, chest pain, mental disorder, etc.), and communicate with the AEOIC on all issues pertaining to emergency ground transportation and in-flight diversion.

Source: JPATS Cabin Crew Manual and JPATS General Operating Manual

Before a mission flight, the assigned Aviation Enforcement Officer-in-Charge and Lead Aviation Enforcement Officer brief the Aviation Enforcement Officers (AEO) and Aviation Security Officers (ASO) on the specific role each will have on the flight, any expected flight security risks, and the weather and flight conditions. At the boarding site, a team of armed ASOs creates a perimeter around the plane to protect it from external threats. After a perimeter has been set, transport vehicles approach the plane and unload their detainees. Designated ASOs review paperwork associated with and search each detainee. Once restrained, a designated ASO clears each detainee to board the plane and guides the detainee to his or her assigned seat.

Prisoners and detainees undergo a similar process to disembark the aircraft. The AEO will confirm paperwork with officials at the prisoner or detainee destination, and then the transported individual will be offloaded and checked before being held in a ground vehicle or cell. After the plane has been emptied, AEOs and ASOs perform another security check of the plane and hold a debriefing to review the flight and identify best practices and issues to address and improve upon in the future. During our fieldwork, we attended a JPATS mission flight, where we observed and witnessed JPATS personnel fully executing the above protocols.

Efforts to Mitigate Non-Medical Refusals

A variety of medical and security reasons can cause JPATS to refuse taking custody of a prisoner or detainee to board a specific flight. According to JPATS, the most common causes of flight refusals are insufficient prisoner or detainee paperwork and medical or safety concerns, particularly dermal piercings, which JPATS separately monitors.¹³ JPATS often can only identify these reasons for refusal on the runway during its physical inspection of a prisoner or detainee before departure. During the second quarter of FY 2018, 58 prisoners and detainees were denied boarding onto their JPATS flight, representing less than 0.25 percent of the total movements performed by JPATS during this period.

Even though the number of refusals is small compared to the overall number of movements, each refusal can result in flight delays and additional costs due to empty seats on the flight.¹⁴ JPATS has examined ways to lower the number of non-medical refusals due to insufficient or incomplete paperwork at the time of custody transfer. Depending on a variety of factors, JPATS must collect several types of documents prior to taking custody of and moving a specific prisoner or detainee. These documents include a current photograph, a movement request, medical summary, and an assortment of other forms.¹⁵

In an effort to facilitate document access and availability between itself and its customers, JPATS has deployed and is testing a secure cloud-based system, referred to as the electronic Movement Packet (MPAC), to use data derived from USMS and BOP IT systems to populate electronic movement requests. JPATS anticipates that MPAC will allow its transport staff to receive all required documents and information electronically prior to movement. While MPAC has the potential to help JPATS reduce refusals due to missing or insufficient paperwork, to be fully effective and result in a more efficient prisoner transfer process, JPATS needs to obtain customer buy-in and testing of MPAC. We recommend that the USMS continue to work with the BOP to test MPAC capabilities to communicate with JPATS on prisoner movement information.

¹³ A dermal piercing is a piercing on any flat surface of the body, including the neck, wrist, fingers, or face held in place with a dermal anchor installed underneath the skin. Dermal piercings typically require specific tools or surgery to remove. JPATS requires documentation that a dermal piercing can only be removed by surgery prior to accepting a detainee or prisoner.

¹⁴ When a detainee is scheduled for boarding, but is denied, customers still pay JPATS for the unused seat and prevent JPATS from potentially using that seat space to move another detainee. The requesting customer would then have to pay JPATS again when the detainee is ultimately moved, effectively paying twice for one detainee.

¹⁵ These include: (1) medical records (e.g., USM-533 Prisoner in Transit Medical Summary or a BOP Electronic Medical Record Exit Summary for Inmate Intra-system Transfer); (2) court order or custody transfer documents (e.g., USM-129 Individual Custody and Detention Report or BOP's In Transit Data Form, USM-105 Cooperative Prisoner Transportation Agreement; or AO-245B Judgment in a Criminal Case, BP-S399 Transfer Order).

Aviation Safety and Flight Site Operations

As a federal agency that owns and operates aircraft, JPATS is responsible for maintaining the safety and operability of its aircraft fleet. The JPATS's General Operations Manual (Operations Manual) contains the primary aviation operating guidelines for JPATS and details required pilot qualifications, staff training, safety, and aircraft operational requirements. During our mission briefing and walkthroughs, we noted that JPATS consistently followed its own safety and operational policies and procedures.



JPATS plane on-site in Oklahoma City, Oklahoma. [Source: OIG]

Each USMS district designates a Deputy U.S. Marshal to serve as its Ground Point of Contact (GPOC) with JPATS and coordinate prisoner and detainee exchanges from the flight line to the aircraft.¹⁶ Per JPATS policy, the GPOC must arrive 1 hour prior to the arrival of any detainee transfer van or bus on the day of a scheduled flight.

Based on the Cabin Crew Manual, GPOC responsibilities include coordinating with JPATS, USMS districts, BOP institutions, and airport security to schedule flights for and exchanges of prisoners and detainees. The GPOCs also coordinate with JPATS staff to position transportation vehicles as required for security and to ensure that all vehicles are clear of the aircraft area prior to moving the aircraft. Consequently, the GPOCs play a critical role in ensuring that: (1) prisoner and detainee custody exchanges occur before the aircraft arrives, and (2) JPATS acquires all prisoner and detainee information from each facility or district releasing custody to JPATS. Depending on the needs of the USMS district, we found that JPATS could schedule airlifts weekly, biweekly, or episodically. Nevertheless, each

¹⁶ The GPOC also coordinates ground-to-ground detainee transportation for each USMS district. These duties temporarily cease when a JPATS aircraft arrives on scene for security reasons. GPOCs receive programmed training through LearnUSMS and follow-up training through JPATS.

USMS district dedicates a GPOC to coordinate with JPATS to facilitate prisoner and detainee transfers.

We surveyed seven Deputy U.S. Marshals designated as GPOCs and obtained an understanding of their role, what training each GPOC received, and how often each fulfilled GPOC responsibilities. The individuals surveyed generally expressed a consistent understanding and application of the GPOC role. We found that some GPOCs fulfilled additional duties related to prisoner and detainee transfers or performed some functions differently. Nevertheless, in each case we found that such differences were a result of unique district needs. For example, in Las Vegas, Nevada – which is a secondary hub for JPATS and thus did not require a liaison between JPATS, USMS districts, BOP institutions, and airport security – the GPOC focused on providing airlift site security. All surveyed GPOCs completed required training and maintained adequate airlift site contingency plans.

Overall, we concluded that JPATS appropriately communicated with and trained Deputy U.S. Marshals selected to serve as GPOCs so that they can fulfill their responsibilities in accordance with JPATS policies.

Financial Management

JPATS relies on a revolving fund financed by reimbursable agreements with its customers, and its final budget must be approved by the JEC. JPATS's final budget takes into account billing rates and funding to purchase, operate, and maintain its aircraft fleet and to award personal services contracts. Although we found no deficiencies with how JPATS handled its budget and invoices, we noted JPATS has not updated its budget policy since 2003. With JEC approval, JPATS followed required procedures and requirements to purchase a large aircraft to replace an aging midsize aircraft that it found difficult and costly to service. Our judgmental sampling determined that JPATS accurately invoiced its customers for provided services.

JPATS Budgeting Process

JPATS prepares and submits budgets to the USMS and the JEC for review and approval.¹⁷ To begin its budgeting process, JPATS obtains estimates from the BOP and USMS on their anticipated detainee flight hour requirements. JPATS then calculates: (1) the fixed and variable costs associated with fulfilling these requirements and (2) a billing rate for each flight hour for each plane in its fleet.¹⁸ JPATS uses this rate to charge its customers for each flight hour for a seat to transport a detainee.¹⁹

At each Working Group quarterly meeting, JPATS provides a status report that details the amount of its revolving fund budgeted and obligated over the duration of the quarter as well as the remaining balance. Unobligated funds result in excess funding that is carried over, with JEC approval, to the following year.

At the quarterly meetings, JPATS Business Management Team communicates to its customers its budgeted versus actual costs. When the JPATS operating result is not zero, JPATS either adjusts its proposed billing rate for the next budget cycle or, in the case of a net positive, holds any gains to pay for capital improvements approved by its customers and the JEC. Capital assets, such as real estate and aircraft, which JPATS acquires to fulfill mission objectives, are financed either through depreciation or capital surcharges.

¹⁷ JPATS is subject to OMB Circular A-11, *Preparation, Submission, and Execution of the Budget*.

¹⁸ The billing rate calculation uses projected expenditures identified by destination and aircraft type against the customer-projected flying hours. JPATS assigns direct costs to operate the flights needed to fulfill these projections and then allocates its anticipated overhead and other administrative expenses by the ratio of flight hours. JPATS then calculates the billing rate per flight hour by dividing the total estimated cost by the total number of projected flight hours for each location and aircraft type.

¹⁹ The JEC approves the JPATS billing rate as part of the overall budget approval process. JPATS regularly updates the Working Group on its billing rate, including when costs increase or decrease, and the effect such changes may have on its billing rate.

A standard operating procedure is needed to guide and assist both JPATS leadership and its customers in establishing and communicating the milestones and controls necessary for effective financial management.²⁰ JPATS officials stated they issued a budget policy in 2003 to outline its multifaceted Working Capital Fund process. While this document details the roles and responsibilities of JPATS and its customers, we found that actual JPATS financial management practices have been enhanced since JPATS issued the budget policy. For example, the budget policy provides that the billing rates for subsequent fiscal years may be adjusted based on end-of-year operating losses or gains. JPATS stated that, in addition to this policy, if customers agree, JPATS can retain the funds for a mutually agreed upon purpose. Therefore, we recommend that the USMS review and, as appropriate, update the JPATS budget policy and communicate the updated policy to JPATS customers.

Invoicing

JPATS charges its customers based on the number of actual flight hours and other directly assignable costs, such as medical expenses. To determine whether JPATS properly billed its customers for services, we judgmentally sampled a selection of 19 JPATS invoices from FYs 2014 through 2018. Our judgmental sample included a selection of bills sent to different customers, including the BOP, USMS, non-federal entities, and any other customer in the JPATS billing universe.²¹ The invoices sampled totaled almost \$36 million, or 14 percent of the nearly \$250 million that JPATS billed between FY 2014 and 2018.

Each selected invoice included a breakdown of flights for each customer, flight hours for each customer, the number of prisoners moved for each customer, and the amount charged for those movements. We reviewed the 19 tested invoices to ensure that each matched what each customer was charged and paid for that period. JPATS provided sufficient documentation to support the tested invoices.

Aircraft Lease and Purchase

In March 2018, we found that the JEC approved JPATS entering a lease with the option of purchasing an additional large aircraft. JPATS subsequently awarded a contract to MAG Aerospace structured as a lease with the option to purchase the aircraft after 6 months. The lease costs approximately \$8 million with a \$12 million option to purchase the aircraft, for a total cost of approximately \$20 million.²²

JPATS determined that the JPATS midsize aircraft: (1) was aging and difficult to service as it required specialized tooling, equipment, repair parts; and (2) required maintenance that cost a premium over its other aircraft. In addition, JPATS's midsize aircraft could not make long-distance flights, which limited JPATS

²⁰ Principle 3.09 of the *Federal Internal Controls Standards* requires federal agencies develop and maintain documents of internal control systems, which include financial management processes.

²¹ Appendix 2 details the billing sample selection.

²² Based on JEC meeting minutes from 2013 through 2015, JPATS communicated the cost savings associated with leasing and then buying the aircraft. JEC subsequently approved JPATS entering into the contract.

ability to make movements to and from Hawaii. Due to this aircraft's maintenance challenges and flight distance limitations, JPATS stated that sustaining its midsize aircraft became problematic and determined that it needed to be replaced. We spoke with JPATS leadership regarding this aircraft lease and purchase option decision and concerning how this decision affected its budget and operations. The JPATS Deputy Assistant Director stated that JPATS completed a cost analysis regarding potential aircraft purchase or leasing options. The cost analysis that purchasing an aircraft was better than leasing the aircraft. JPATS determined that purchasing an additional Boeing 737 would help it transport detainees and prisoners to all regions of the United States.

As a federal agency that owns aircraft, JPATS must follow OMB Circular A-126, *Improving the Management and Use of Government Aircraft*, which requires that agencies use their aircraft in the most cost effective way to meet their mission needs. OMB Circular A-11 also provides guidance for budgetary preparation, submission, and execution, including the funding of lease-purchases options. Specifically, OMB Circular A-11 states that when an agency enters into a lease-purchase or capital lease contract, its budget authority must be scored in the year in which the authority is first made available in the amount of the net present value of the Government's total estimated legal obligations over the life of the contract.

Based on the JPATS invoice, we determined that JPATS purchased the plane using contributions from its customers (\$7.6 million from the USMS and \$1.5 million from the BOP) and the remaining balance in its capital carryover fund. Based on our analysis, JPATS properly used the lease-purchase contract to purchase its new plane, in accordance with applicable requirements, and with the approval of the JEC.

Personal Services Contracts

The Federal Acquisition Regulation (FAR) generally prohibits federal agencies from awarding "personal services" contracts, which are contracts that make the contract personnel appear to be, in effect, government employees. However, the USMS is expressly authorized by law to issue personal services contracts for security guards.²³

We found that JPATS has used the USMS's authority to award around 90 sole-source personal services contracts to individual ASOs each year to acquire security in handing and transporting federal prisoners, detainees, and military prisoners. Each personal services contract requires that the ASO fulfill several qualifications, including having prior state or law enforcement experience and be physically able to provide security. Each annual ASO contract ranged anywhere from \$3,900 to \$65,000 and, during the scope of our audit, the total value of the ASO contracts was over \$4 million.

²³ 28 U.S.C. § 565 (1988)

Considering that the value of the ASO contracts were under the FAR's Simplified Acquisition Threshold of \$150,000, we found that JPATS applied FAR 13.106-1(b) as an avenue to make sole-source ASO awards.²⁴ Under this provision, the awarding agency needs to cite the circumstances under which it has determined the specific need for the award. We reviewed a judgmental sample of ASO contract files and found that JPATS Contracting Officials documented the circumstances for making the sole-source awards, namely the unique qualifications and specialized law enforcement experience required to perform ASO duties and transport federal prisoners and detainees in a safe and secure fashion. The documentation also indicated that USMS market research found no substitute method by which USMS could meet its unique and specific ASO needs.

JPATS officials stated that they performed a cost analysis that showed individual ASO contracts to be more cost effective than using a single blanket purchase order to obtain comparable security services. JPATS officials also stated that individual ASO contracts offer JPATS the flexibility it requires to: (1) set ASO work schedules, (2) monitor individual ASO performance, and (3) take quick action to address individual ASO performance concerns. Our field observations of how JPATS leveraged ASOs and our discussions with AEOs responsible for supervising ASO performance sustained these points. Previous OIG audits have found that DOJ components had awarded what appeared to be personal services contracts to independent contractors without authorization and identified internal control weaknesses in the hiring and monitoring of independent contract guards.²⁵ We considered these findings as a part of our analysis of JPATS's use of ASO contracts.

²⁴ Under FAR 13.106-1(b), for purchases not exceeding the Simplified Acquisition Threshold (\$150,000), Contracting Officials may solicit from one source if it is determined that the circumstances of the contract action deem only one source reasonably available.

²⁵ U.S. Department of Justice, Office of the Inspector General, *USMS Use of Independent Contractors as Guards*, Audit Report 05-24 (May 2005); U.S. Department of Justice, Office of the Inspector General, *Audit of the Drug Enforcement Administration's Asset Forfeiture Program Task Orders Awarded to Maximus, Inc., for Financial Investigative Services*, Audit Report 18-26 (April 2018).

CONCLUSION AND RECOMMENDATIONS

We found that JPATS generally met its self-reported QPR performance measures. However, JPATS was unable provide support or replicate QPR figures for fiscal years 2014 and 2015. Therefore, we could not assess or verify the accuracy of data JPATS reported to measure its performance. We also found that JPATS needs to document the methodology it uses to set specific performance targets to demonstrate that it actually transports detainees in a cost effective and efficient manner. We further found that JPATS needs to continue testing and deploying a secure cloud-based system to populate movement requests electronically and reduce the number of prisoners and detainees denied boarding a flight for non-medical reasons. Lastly, we determined that JPATS leadership and customers would benefit from updated policies that establish milestones and controls necessary to guide its financial management practices, particularly stemming from its revolving fund.

We recommend that the USMS:

1. Implement a JPATS data validation and retention policy to help ensure that future Quarterly Performance Reviews are accurate and fully supported.
2. Define how JPATS should establish targets on its Quarterly Performance Reviews.
3. Continue to work with the Federal Bureau of Prisons to test its electronic movement packet system capabilities to communicate with JPATS on prisoner movement information.
4. Review and, as appropriate, update the JPATS budget policy and communicate the updated policy to JPATS customers.

STATEMENT ON INTERNAL CONTROLS

As required by the Government Auditing Standards, we tested, as appropriate, internal controls significant within the context of our audit objectives. A deficiency in an internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to timely prevent or detect: (1) impairments to the effectiveness and efficiency of operations, (2) misstatements in financial or performance information, or (3) violations of laws and regulations. Our evaluation of USMS internal controls within JPATS was not made for the purpose of providing assurance on its internal control structure as a whole. USMS and JPATS management is responsible for the establishment and maintenance of internal controls.

Through our audit testing, we did not identify any deficiencies in JPATS's internal controls that are significant within the context of the audit objectives and based upon the audit work performed that we believe would affect JPATS's ability to effectively and efficiently operate, to correctly state financial and performance information, and to ensure compliance with laws and regulations.

Because we are not expressing an opinion on JPATS's internal control structure as a whole, this statement is intended solely for the information and use of JPATS. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS

As required by the *Government Auditing Standards* we tested, as appropriate given our audit scope and objectives, selected transactions, records, procedures, and practices, to obtain reasonable assurance that JPATS management complied with federal laws and regulations for which noncompliance, in our judgment, could have a material effect on the results of our audit. JPATS management is responsible for ensuring compliance with applicable federal laws and regulations. In planning our audit, we identified the following laws and regulations that concerned the operations of the auditee and that were significant within the context of the audit objectives:

- 31 U.S.C. § 1115 (2011)
- 28 U.S.C. § 565 (1988)
- 28 U.S.C. § 561g (2006)
- 28 C.F.R. § 0.111 (1989)
- OMB Circular A-11
- Federal Acquisition Regulation (FAR), including FAR 13.106-1(b)

Our audit included examining, on a test basis, JPATS's compliance with the aforementioned laws and regulations that could have a material effect on JPATS's operations, through interviewing JPATS, BOP, and USMS employees, reviewing JPATS policies, assessing JPATS internal control procedures, examining compliance with contract requirement, and examining JPATS QPR data and budget documents. Nothing came to our attention that caused us to believe that JPATS was not in compliance with the aforementioned laws and regulations.

OBJECTIVE, SCOPE, AND METHODOLOGY

Objective

The objective of this audit was to evaluate USMS efforts to improve the effectiveness and efficiency of JPATS prisoner and detainee transportation.

Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

To achieve our audit objective, we met with POD leadership at the USMS in Arlington, Virginia, and traveled to Kansas City, Missouri, to meet with JPATS leadership, including the Assistant Director, Deputy Assistant Director, and all JPATS division chiefs. We received walkthroughs of the scheduling system, boarded a JPATS mission flight from Kansas City to Oklahoma City, and received a tour of the BOP's Federal Transfer Center (FTC). While on the mission flight and FTC tour, the team observed various transportation protocols, including detainee paperwork review, pre-boarding process security checks, perimeter security, pre-mission briefing to the staff, deplaning process, and the FTC's detainee intake process. The team received a walkthrough of the dispatch ground operations in Oklahoma City.

We reviewed JPATS annual and strategic reports, as well as all policies and directives concerning the aviation, business, scheduling, security, and operational aspects of the program. We reviewed previous JPATS annual self-assessment tools and the underlying support to ensure compliance with existing USMS policies and procedures. We also reviewed JPATS program performance documents and associated material to determine how JPATS measures its performance against its stated strategic goals. We compared the existing strategic and performance documents against the strategic goals of USMS's POD and the BOP to identify potential performance gaps. We reviewed JPATS and POD compliance reviews, as well as several DOJ OIG and GAO audit reports related to JPATS.

We received a list of contracts and customer billing from JPATS. We reviewed documentation maintained for all contracts that JPATS awarded through a single source to review justifications provided for such awards. We also reviewed documentation JPATS maintained for customer billings selected for review. We employed a judgmental sampling design to obtain broad exposure of high dollar billings and JPATS customers. This non-statistical sample design did not allow projection of the test results to the universe from which the samples were selected. We also held interviews with GPOCs and BOP officials.

APPENDIX 2

JPATS BILLING JUDGMENTAL SAMPLE SELECTION

Fiscal Year	Invoiced JPATS Customer	Billing Amount (\$)
2014	BOP	\$ 2,008,736
	USMS Prisoner Operation Division	3,542,195
	Non-Federal	41,138
2015	BOP	2,356,085
	USMS Prisoner Operation Division	2,906,367
	Non-Federal	55,384
	U.S. Army	30,120
2016	BOP	1,964,915
	USMS Prisoner Operation Division	3,327,007
	Non-Federal	56,748
	U.S. Army	3,424
2017	BOP	4,504,275
	USMS Prisoner Operation Division	9,436,295
	Non-Federal	53,700
	USMS Tactical Operations Division	321,796
2018	BOP	1,996,149
	USMS Prisoner Operations Division	3,083,088
	Non-Federal	47,034
	USMS Investigative Operations Division	100,000
Total		\$ 35,834,456

THE U.S. MARSHALS SERVICE'S RESPONSE
TO THE DRAFT AUDIT REPORT



U.S. Department of Justice


United States Marshals Service

Office of Professional Responsibility

Washington, DC 20530-0001

July 11, 2019

MEMORANDUM TO: Jason R. Malstrom
Assistant Inspector General for Audit
Office of the Inspector General

FROM: John O. Bolen 
Assistant Director

SUBJECT: Response to Draft Audit Report: Audit of the United States
Marshals Service's Justice Prisoner and Alien Transportation
System

This memorandum is in response to correspondence from the Office of the Inspector General (OIG) requesting comment on the recommendations associated with the subject draft audit report. The United States Marshals Service (USMS) appreciates the opportunity to review the Report and concurs with the recommendations therein. Actions planned by the USMS with respect to OIG's recommendations are outlined in the attached response.

Should you have any questions or concerns regarding this response, please contact Krista Eck, External Audit Liaison, at 202-819-4371.

Attachments

cc: John Manning
Regional Audit Manager
Office of the Inspector General

Bradley Weinsheimer
Associate Deputy Attorney General
Department of Justice

David Metcalf
Counsel to the Deputy Attorney General
Department of Justice

Memorandum from Assistant Director John O. Bolen

Page 2

Subject: Response to Draft Audit Report: Audit of the United States Marshals Service's Justice
Prisoner and Alien Transportation System

Louise Duhamel
Acting Assistant Director, Audit Liaison Group
Internal Review and Evaluation Office
Justice Management Division

John Kilgallon
Chief of Staff
United States Marshals Service

USMS Response to OIG Draft Report
Audit of the United States Marshals Service's Justice Prisoner and Alien Transportation System (JPATS)

Recommendation 1: Implement a JPATS data validation and retention policy to help ensure that future Quarterly Performance Reviews are accurate and fully supported.

USMS Response (Concur): This is completed as of September 2018. Please see the attached document "Response to OIG Recommendation 1."

Recommendation 2: Define how JPATS should establish targets on its Quarterly Performance Reviews.

USMS Response (Concur): JPATS will create formulas for its Quarterly Performance Review targets by August 31, 2019.

Recommendation 3: Continue to work with the Federal Bureau of Prisons to test its electronic movement packet system capabilities to communicate with JPATS on prisoner movement information.

USMS Response (Concur): JPATS deployed the Movement Packet (MPAC) application to the Bureau of Prisons (BOP) and the United States Marshals Service (USMS), however not all documents required are currently available electronically. This is a complex, cross agency system and as such JPATS continues to work in partnership with BOP to automate the paperwork required for prisoner custody exchanges. BOP is leveraging the automation workflow through its Insight system and sharing the prisoner paperwork electronically directly within MPAC. BOP is estimating completion of this effort by September 30, 2019. With the USMS pilot deployment of Capture's Prisoner Management module, MPAC now receives documents from the pilot districts. Once Capture is released, MPAC will have all the USMS documents required. Full deployment of Capture is expected by September 30, 2019.

Recommendation 4: Review and, as appropriate, update the JPATS budget policy and communicate the updated policy to JPATS customers.

USMS Response (Concur): JPATS is currently updating the budget policy and will communicate the updated policy to its customers by September 30, 2019.

**OFFICE OF THE INSPECTOR GENERAL
ANALYSIS AND SUMMARY OF ACTIONS
NECESSARY TO CLOSE THE REPORT**

The OIG provided a draft of this audit report to the U.S. Marshals Service (USMS). The USMS's response is incorporated in Appendix 3 of this final report. In its response to our audit report, the USMS concurred with our recommendations and discussed the actions it will implement in response to our findings. As a result, the status of this audit report is resolved. The following provides the OIG analysis of the response and summary of actions necessary to close the report.

Recommendations for the USMS:

- 1. Implement a JPATS data validation and retention policy to help ensure that future Quarterly Performance Reviews are accurate and fully supported.**

Resolved. The USMS concurred with our recommendation. The USMS stated in its response that JPATS has implemented an archiving process for data used to produce its Quarterly Performance Review reports as of September 2018. Additionally it provided a narrative and screenshot of an archive dashboard, showing how users can generate reports by month or quarter.

This recommendation can be closed when we receive evidence of JPATS's data validation and retention policy and that Quarterly Performance Review figures are accurate and supported by the retained data.

- 2. Define how JPATS should establish targets on its Quarterly Performance Reviews.**

Resolved. The USMS concurred with our recommendation. The USMS stated in its response that JPATS will create formulas for its Quarterly Performance Review targets by August 2019.

This recommendation can be closed when we receive evidence that JPATS has established targets on its Quarterly Performance Reviews.

- 3. Continue to work with the Federal Bureau of Prisons to test its electronic movement packet system capabilities to communicate with JPATS on prisoner movement information.**

Resolved. The USMS concurred with our recommendation. The USMS stated in its response that JPATS has deployed the Movement Packet (MPAC) to the BOP and the USMS, however not all documents required are currently available electronically. It further stated that JPATS continues to work in partnership with the BOP to automate the paperwork required for prisoner

custody exchanges. The USMS reported that the BOP is leveraging automation workflow through its Insight system, which is estimated to be completed by September 2019. The USMS also reported that it has deployed a pilot of Capture's Prisoner Management module, which it expects to be fully deployed by September 2019. Both systems will share and allow the sharing of documents thru MPAC.

This recommendation can be closed when we receive evidence that JPATS continues to work with the BOP to test its electronic movement packet system capabilities to communicate with JPATS on prisoner movement information.

4. Review and, as appropriate, update the JPATS budget policy and communicate the updated policy to JPATS customers.

Resolved. The USMS concurred with our recommendation. The USMS stated in its response that JPATS is currently updating the budget policy and will communicate the updated policy to its customers by September 2019.

This recommendation can be closed when we receive evidence that JPATS has updated its budget policy and communicated the updated policy to JPATS customers.



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