



United States Marshals Service

Chapter 373

fma.usmarshals@gmail.com

January 3, 2022

The Honorable Richard J. Durbin
Chairman
Senate Judiciary Committee
711 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member
Senate Judiciary Committee
135 Hart Senate Office Building
Washington, D.C. 20510

SUBJECT: Adam Walsh Act Enforcement by the U.S. Marshals Service

Dear Chairman Durbin and Ranking Member Grassley:

On June 3, 2021, following an invitation by the Senate Appropriations Committee, Subcommittee on Commerce, Justice, Science, and Related Agencies, we provided outside witness testimony for Fiscal Year 2022 appropriations for the U.S. Marshals Service (USMS).¹ We copied the Senate Judiciary Committee not only as a courtesy, but also to aid in its oversight function.

In our written testimony we voiced our longstanding concerns about the organizational structure of the USMS, as well as the exponential growth of the Agency's headquarters at the expense of its district offices where USMS missions are carried out each day. We raised questions about the duplication of efforts, "creating unnecessary and redundant layers of mid-level managers in the same cities to separately supervise those assigned to headquarter divisions and staff offices and those assigned to districts."

We continue to believe if the USMS does not reverse this troubling trend "it is only a matter of time before the Agency is no longer able to safely and consistently carry out its *primary* mission

¹ <https://www.fedmanagers.org/News-and-Media-Archives?bid=23&issuepage=1995>

of court security without risk of injury or worse to participants in the judicial process.” A recent event confirmed our worst fears related to another USMS mission.

Six weeks ago, a potentially avoidable tragedy occurred when a fugitive sex offender wanted in one state skipped bail and moved to another.² Five years later, he allegedly engaged in a crime of violence, injuring more than 60 people and killing six more. The fugitive was reportedly twice arrested and released by law enforcement in the state to which he fled, presumably when the index state would not extradite him. While not altogether unusual that an individual charged in one state is not always extradited to another, it raises questions whether opportunities to hold him accountable existed long before his rampage. If so, this horrible tragedy may have been entirely avoided. We wonder if similar “catch and release” of fugitive sex offenders is occurring elsewhere in the country, putting our youth at risk.

In 2006, Congress passed the Adam Walsh Child Protection and Safety Act. It was signed into law on July 27, 2006.³ The Act provides, “The Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements. For the purposes of section 566(e)(1)(B) of title 28, United States Code, a sex offender who violates a sex offender registration requirement shall be deemed a fugitive.” Subsequently, the USMS received—and continues to receive—tens of millions of dollars in funding and hundreds of criminal investigator positions to enforce the Act. According to the National Center for Missing and Exploited Children, “In the 15 years since the passage of the Act, the USMS has initiated more than 39,000 federal investigations and arrested more than 5,500 individuals for Adam Walsh Act violations.”⁴

It is unclear if the USMS had an open federal sex offender investigation on the fugitive in question, but it does not appear so if he was released twice over the past five years by authorities in the state to which he fled. Given this, we urge Congress and the Department of Justice (DOJ) to look for opportunities to mitigate the risk of a fugitive sex offender repeating additional crimes of violence across jurisdictions. Otherwise, the result can change the course of history, forever impacting the lives of fellow Americans, as occurred in a community that innocently went about its day celebrating the beginning of a holiday season.

First, we urge Congress to consider legislation that would require a local or state law enforcement authority receiving any federal funding for law enforcement initiatives to first contact the USMS when a fugitive sex offender is arrested and the original charging jurisdiction elects not to extradite. When this occurs, the USMS should be required to consult with an Assistant U.S. Attorney to determine whether federal prosecution is appropriate for the sex offender who violates a sex offender registration requirement and is deemed a fugitive from justice.

Next, we urge your careful review of our June 3rd letter to implore the USMS to reassign the hundreds of criminal investigators reporting to headquarter divisions and staff offices back to district offices. For example, there is no reason the Agency should be operating two Sex Offender

² <https://abc7chicago.com/darrell-brooks-jr-sex-offender-nevada/11265963/>

³ https://www.justice.gov/archive/olp/pdf/adam_walsh_act.pdf

⁴ <https://www.missingkids.org/blog/2021/adams-legacy-endures-15-years-of-child-protection>

Investigations Programs in which some Deputy U.S. Marshals with assignments in cities across the country report to the Investigative Operations Division (IOD)—reporting to Arlington, VA—while others report to district offices throughout the country.⁵ The fact is IOD’s total workforce is unnecessarily more than double the size of the largest district in the country where there is an apparent lack of accountability when USMS district leaders are most often unaware of headquarter division-led operations in cities across the country.⁶ How much longer can this be allowed to go on?

What’s more, IOD has variable assignments, some members of Regional Fugitive Task Forces, separate from the USMS’ Sex Offender Investigations Program, not to mention oversight by headquarter senior officials who may be hundreds to thousands of miles away. For example, too many Deputy U.S. Marshals based in Chicago—in fact dozens—report to an Assistant Director in Arlington VA (*i.e.*, the United States Marshal in the Northern District of Illinois has no oversight authority over these human capital resources to support *all* Agency missions in Chicago and Rockford, IL, also including district-wide sex offender investigations⁷). Imagine the overlap in efforts and little to no daily communication between the divisions and the districts. A co-author of this letter experienced this firsthand when he managed the Northern District of Illinois for more than two years between 2018 and 2020 when operational staff assigned to headquarter divisions were regularly unwilling to support a short-staffed district in fulfilling its judicial security and detention missions. In fact, many headquarter managers to whom they reported were unwilling to direct even temporary support for urgent assignments.⁸

We will never know if, with more local resources, the USMS in the districts in question might have identified the fugitive sex offender described above, or others, prompting a deliberative federal investigation. If so, he likely would have been in custody without the ability to allegedly commit another crime of violence that led to lives needlessly ending and dozens of others changed forever. The fact is the American people deserve their tax dollars to be spent on a USMS that is organizationally like other DOJ law enforcement components,⁹ as we suggested in our June 3rd

⁵ IOD, Sex Offender Investigations Organizational Chart, all who report to an Assistant Director in Arlington, VA. [Exhibit 1] Conversely, each USMS District receives one dedicated Sex Offender Investigation investigator.

⁶ <https://www.wlbt.com/2021/09/16/us-marshals-investigating-after-handcuffed-suspect-hit-face/>, <https://www.wfla.com/news/local-news/manatee-county/u-s-marshals-draw-guns-on-bradenton-mother-baby-after-knocking-on-wrong-apartment/>, and <https://www.wral.com/us-marshals-surround-durham-home-looking-for-fugitive-who-hadn-t-lived-there-in-years/20035210/>

⁷ IOD, Regional Fugitive Task Force Organizational Chart, all who report to an Assistant Director in Arlington, VA, compared to the organizational chart of the USMS, Northern District of Illinois, who report to a presidentially-appointed United States Marshal in Chicago, IL. [Exhibit 2]

⁸ For example, IOD’s then Assistant Director attempted to impose penalties on the USMS Northern District of Illinois for even asking for short-term human capital resources from Chicago-based headquarter divisional offices. He threatened to reassign federal warrants—despite them being addressed to the local United States Marshal—instead to what he referred to as IOD “experts” based in Chicago; and, in 2019 he reassigned all foreign extraditions with arrest warrants originating from the district to IOD’s Great Lakes Regional Fugitive Task Force, suggesting the Agency’s extradition program “belonged to IOD.”

⁹ Each of the 94 presidentially-appointed United States Marshals serve as the lead local agency liaison to local, state, and federal law enforcement partners, including the United States Attorney, Federal Judiciary, and other stakeholder; however, the agency’s organizational structure gives the Marshal **no authority** over dozens of USMS headquarter and staff office employees conducting law enforcement activities in their district. Conversely, local Special Agents in Charge at the ATF, DEA, FBI, and OIG control human capital resources in their local areas of responsibility.

letter where we said, “We hope the new USMS director will avoid being bamboozled by bureaucrats at USMS headquarters into believing Congressional mandates require continued growth of headquarter divisions and staff offices.” We then offered Exhibit C as proof such repeated assertions by bureaucrats to district managers are nonsense.

In sum, we ask for your prompt review of the issues raised herein (and on June 3rd). Please consider exercising your legislative and oversight authority so that steps are taken to learn from a tragedy in hopes it will never be repeated. We remain available to offer our continued engagement on these topics that are critically important to our way of life. In actual fact, we would welcome a meeting with Director Davis as the newest USMS chief executive—consistent with the terms of our more than 20-year Consultation Agreement—to offer and reinforce the views of district leaders across the country. Many are simply fed up with a diversion of human capital resources to USMS headquarters in Arlington, VA, resulting in a decreasing **local** workforce that districts have historically supervised, with expectations to effectively fulfill important Agency missions and with the accountability expected and experienced **locally** at other DOJ components.¹⁰

Sincerely,

Dave Barnes

Jason R. Wojdylo

Dave Barnes
President

Jason R. Wojdylo
Vice-President for
Law Enforcement Operations

cc: The Honorable Patrick J. Leahy
Chairman
Committee on Appropriations
437 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Richard C. Shelby
Ranking Member
Committee on Appropriations
304 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Jeanne Shaheen
Chairwoman
Subcommittee on Commerce, Justice,
Science, and Related Agencies
Committee on Appropriations
506 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Jerry Moran
Ranking Member
Subcommittee on Commerce, Justice,
Science, and Related Agencies
Committee on Appropriations
521 Dirksen Senate Office Building
Washington, D.C. 20510

¹⁰ In an April 2021 address on strengthening policing and building community trust, Attorney General Garland said, “Most of our nation’s law enforcement officers do their difficult jobs honorably and lawfully. I strongly believe that good officers do not want to work in systems that allow bad practices. Good officers welcome accountability because accountability is an essential part of building trust with the community, and public safety requires public trust.” The USMS FMA equally welcomes accountability at the USMS in its advocacy for excellence in public service.

The Honorable Ron Johnson
United States Senator
328 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Tammy Baldwin
United States Senator
709 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Catherine Cortez-Masto
United States Senator
313 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Jacky Rosen
United States Senator
713 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Gene L. Dodaro
Comptroller General
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

The Honorable Lisa O. Monaco
Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

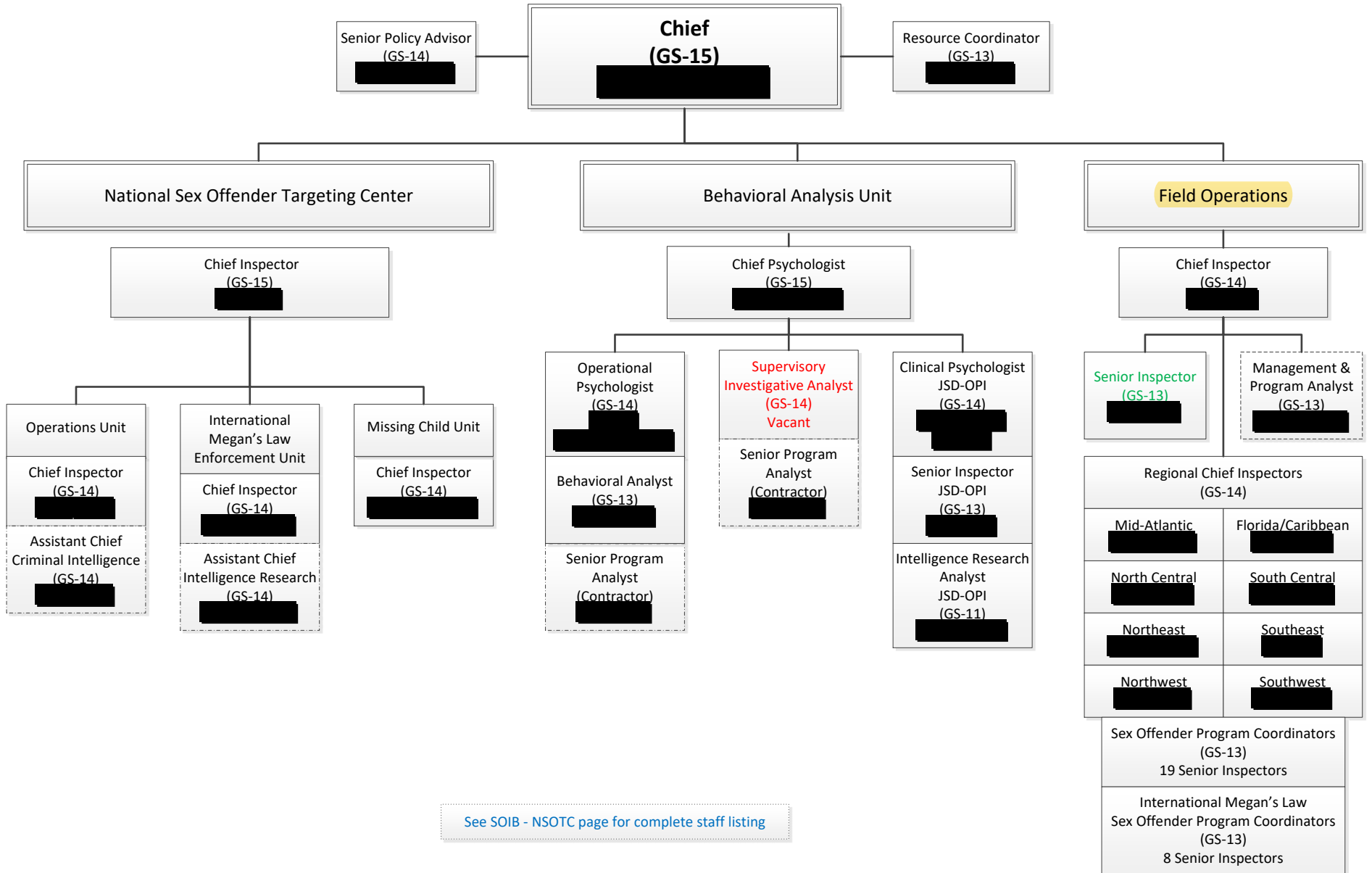
The Honorable Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

The Honorable Ronald L. Davis
Director
U.S. Marshals Service
Washington, D.C. 20530-0001

Exhibit 1

INVESTIGATIVE OPERATIONS DIVISION

Sex Offender Investigations Branch



See SOIB - NSOTC page for complete staff listing

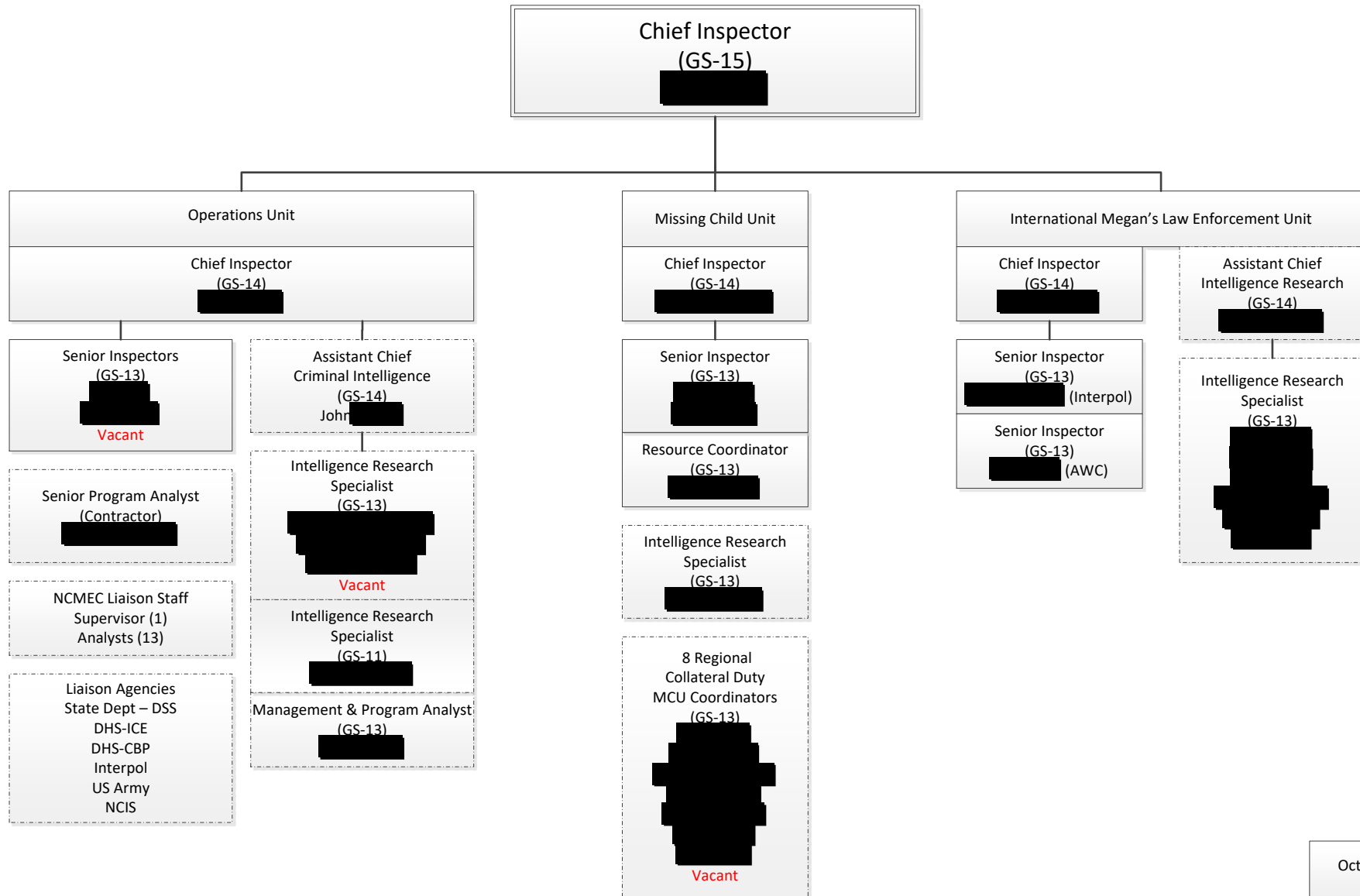
October 2021

See SOIB – SOPC page for complete staff listing

INVESTIGATIVE OPERATIONS DIVISION

Sex Offender Investigations Branch

National Sex Offender Targeting Center



INVESTIGATIVE OPERATIONS DIVISION

Sex Offender Investigations Branch

Field Operations

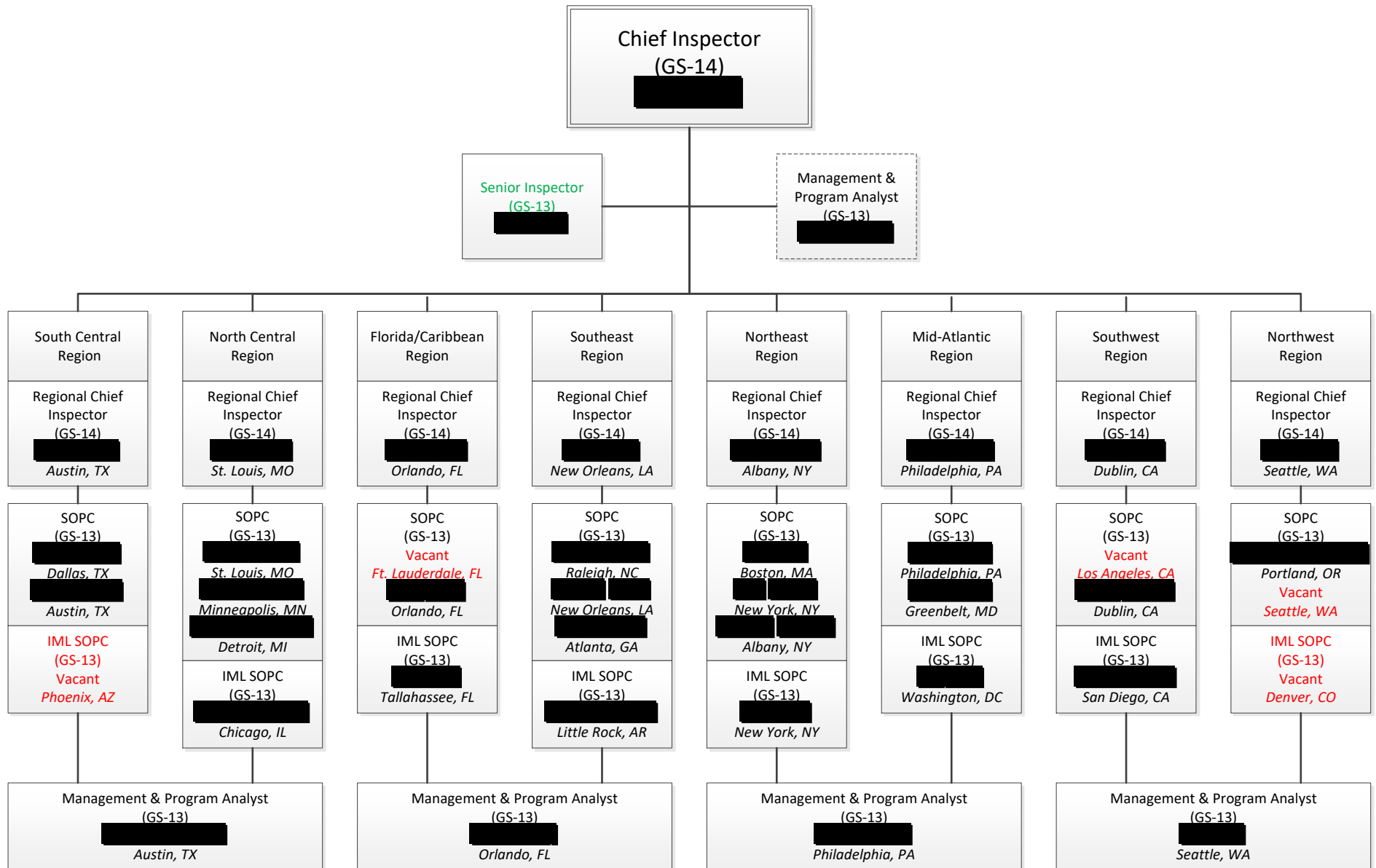
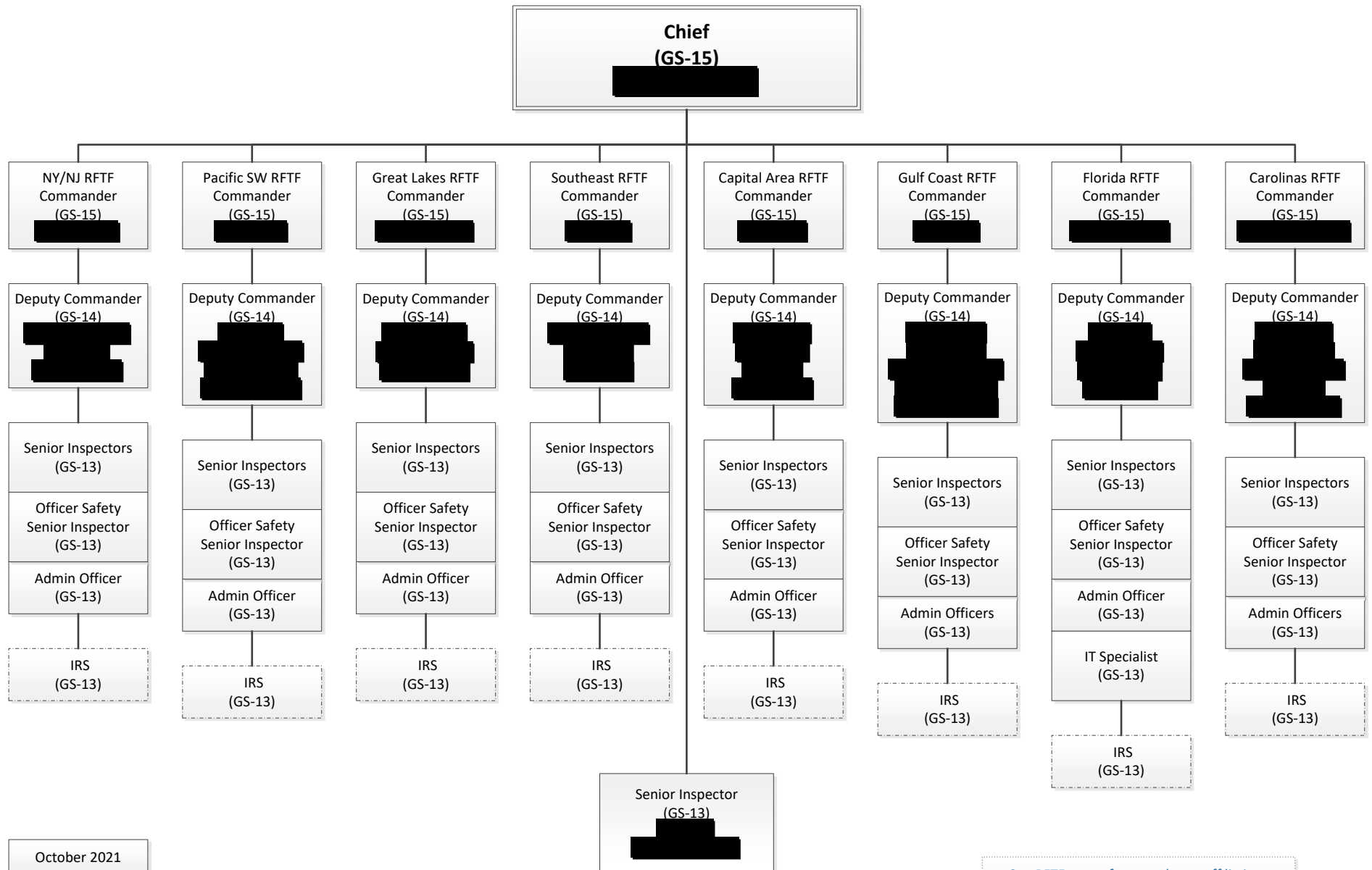


Exhibit 2

INVESTIGATIVE OPERATIONS DIVISION

Regional Fugitive Task Forces Branch

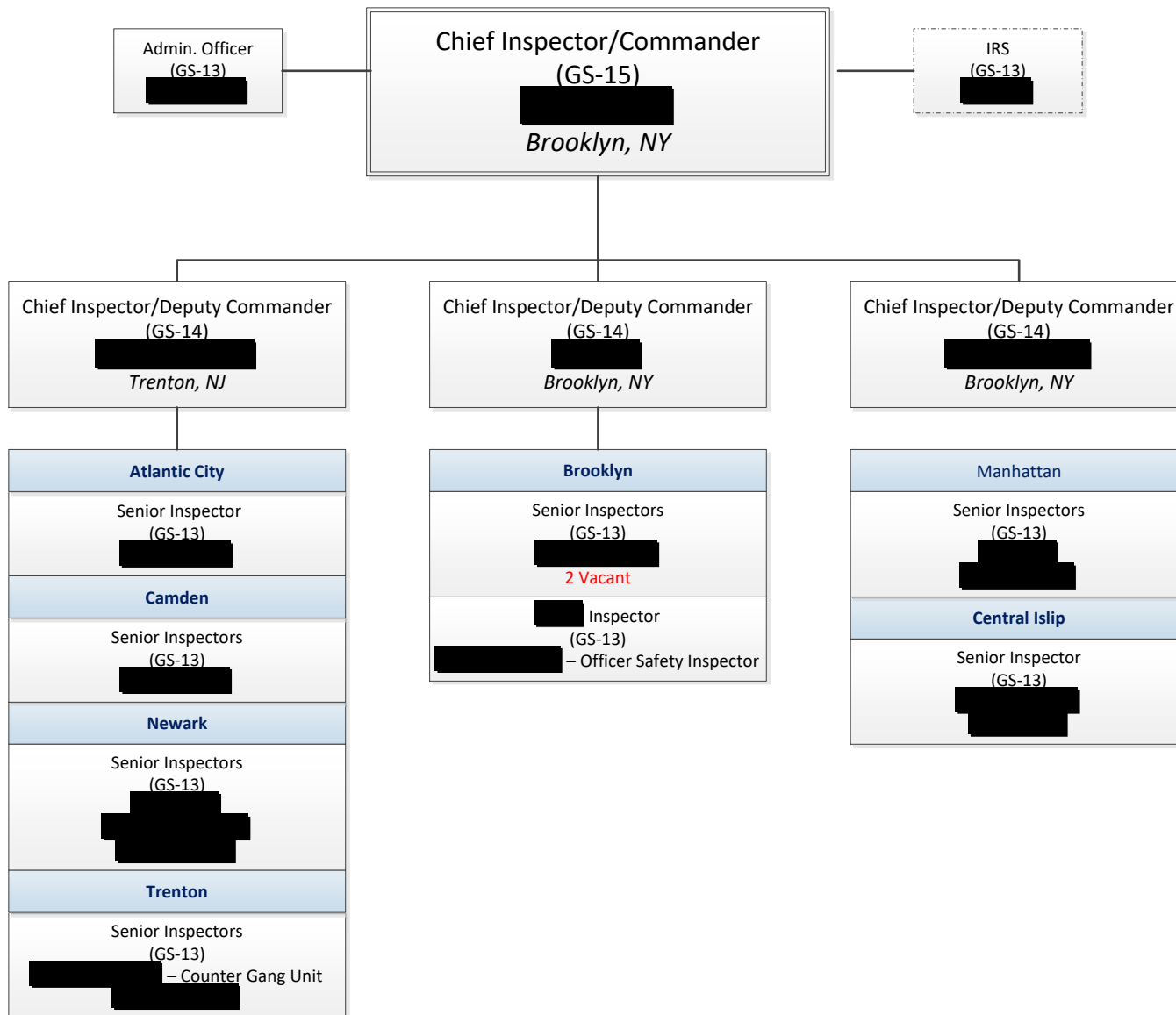


October 2021

[See RFTF pages for complete staff listings](#)

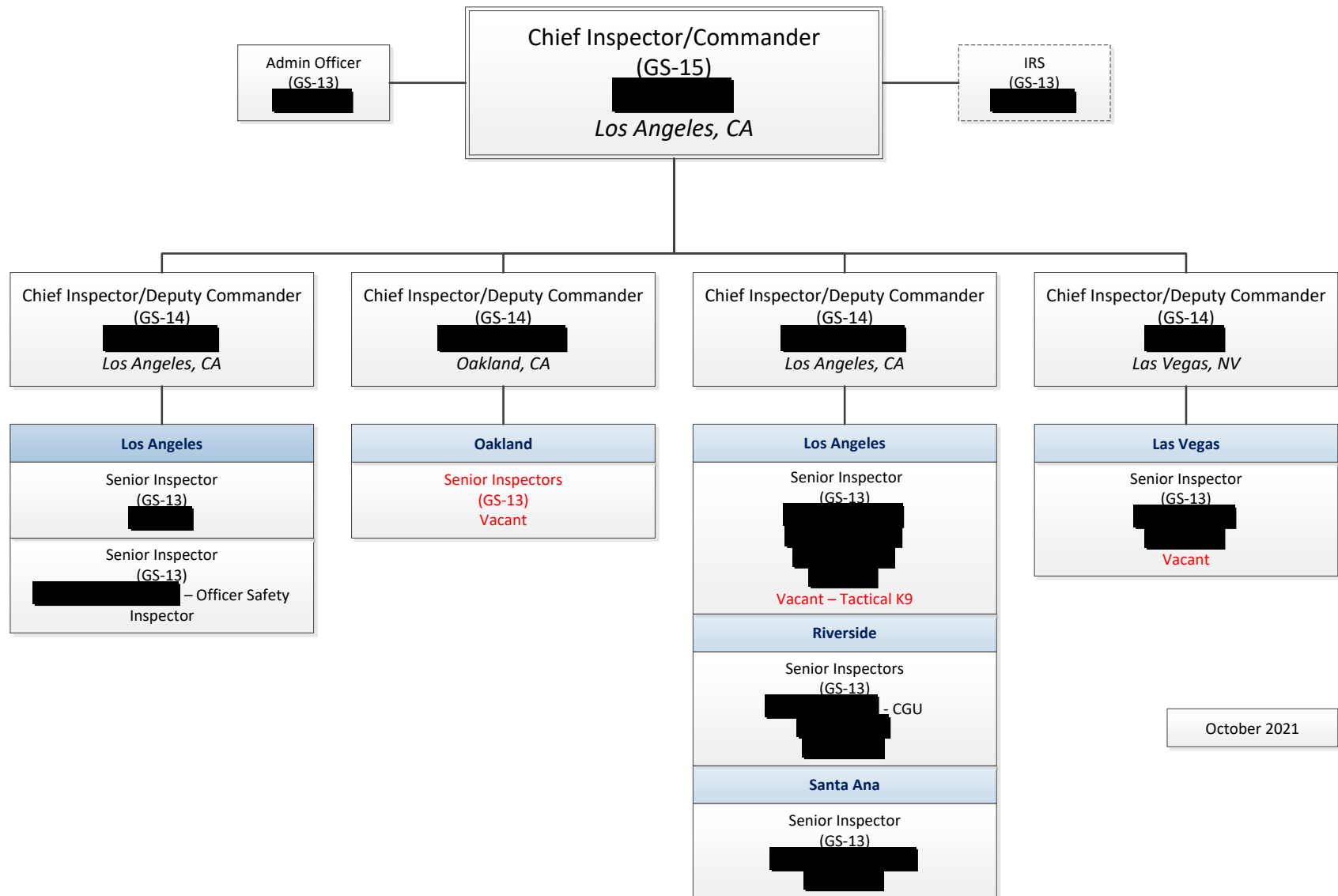
NEW YORK/NEW JERSEY REGIONAL FUGITIVE TASK FORCE

Investigative Operations Division



PACIFIC SOUTHWEST REGIONAL FUGITIVE TASK FORCE

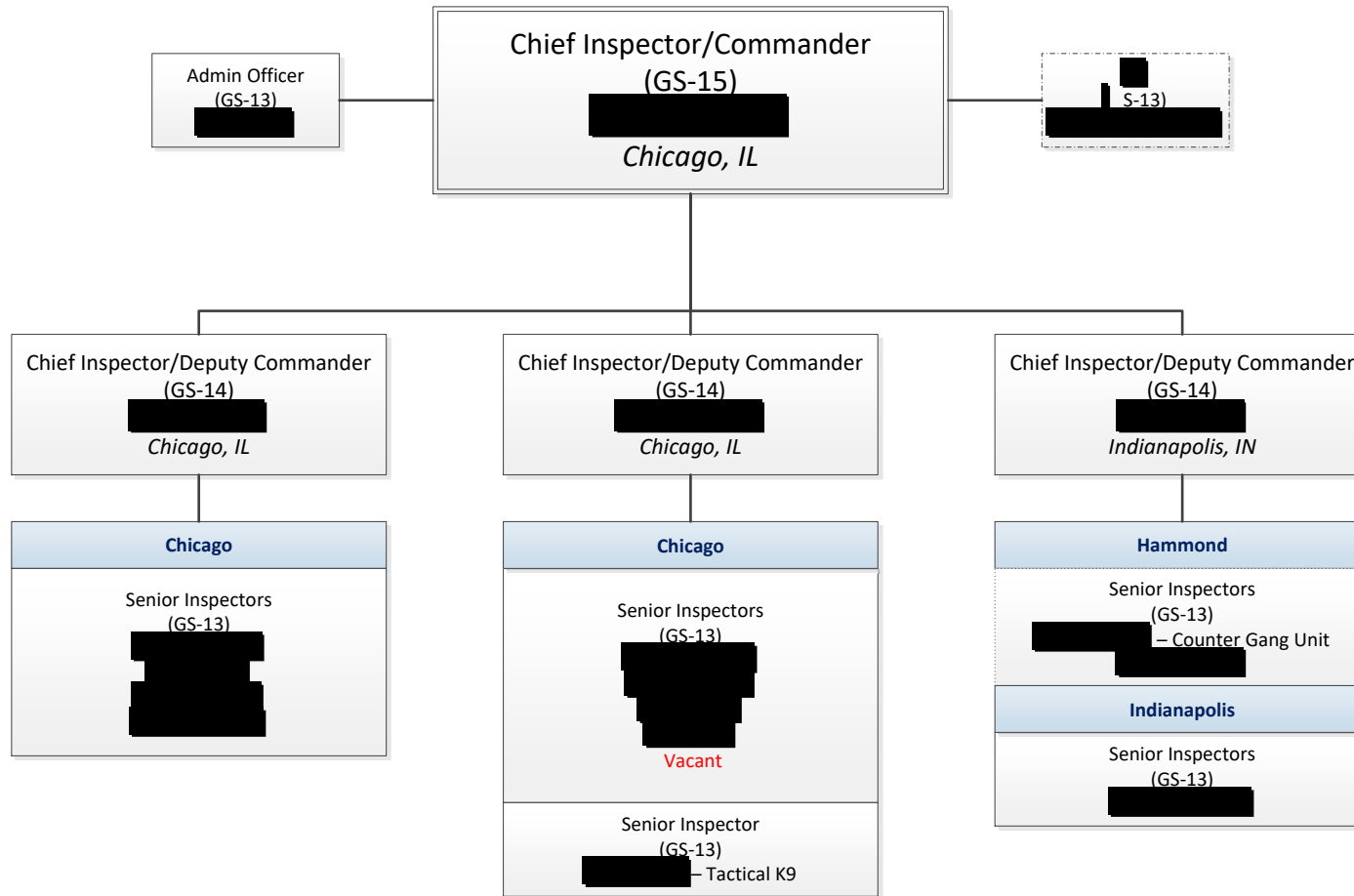
Investigative Operations Division



October 2021

GREAT LAKES REGIONAL FUGITIVE TASK FORCE

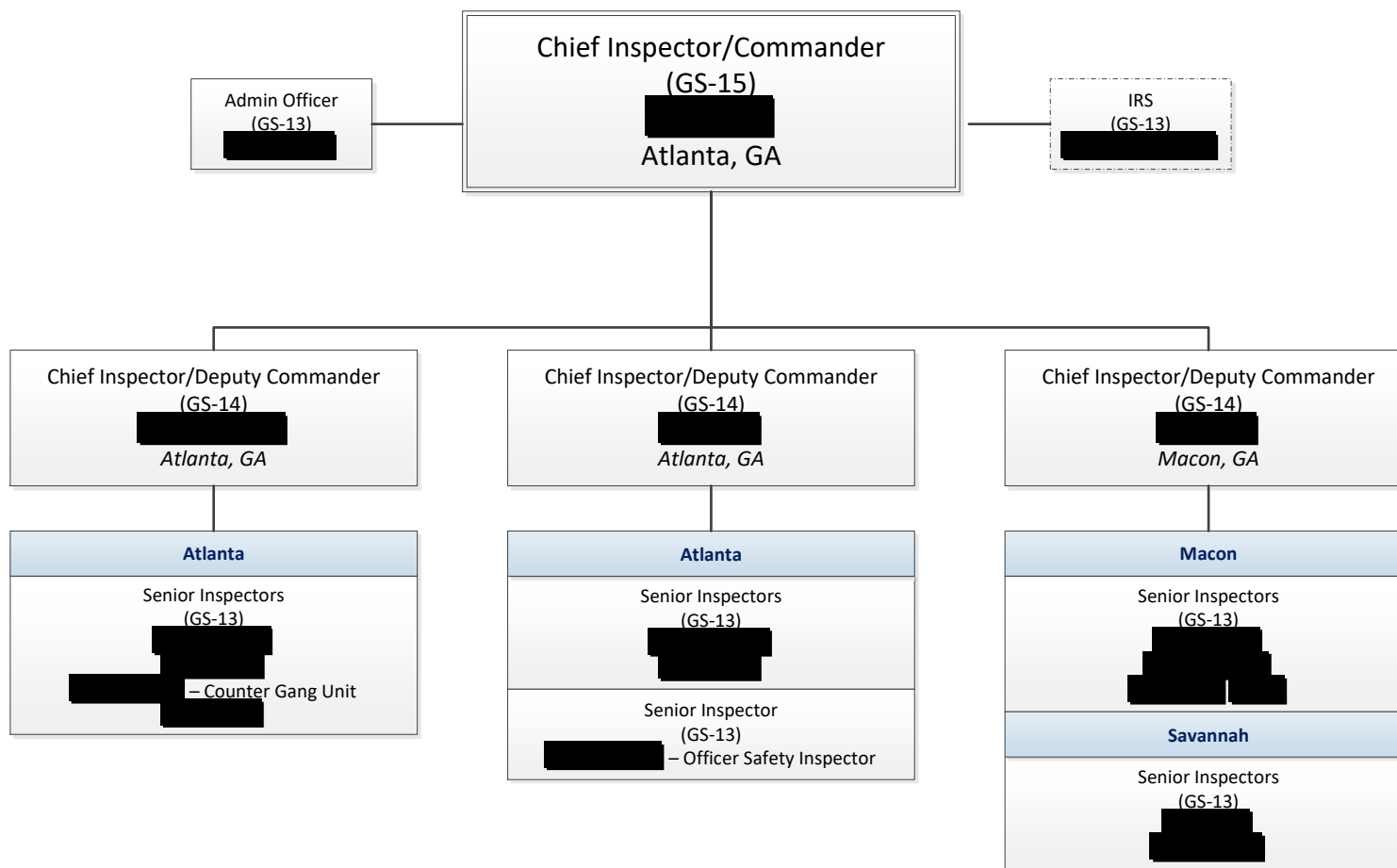
Investigative Operations Division



October 2021

SOUTHEAST REGIONAL FUGITIVE TASK FORCE

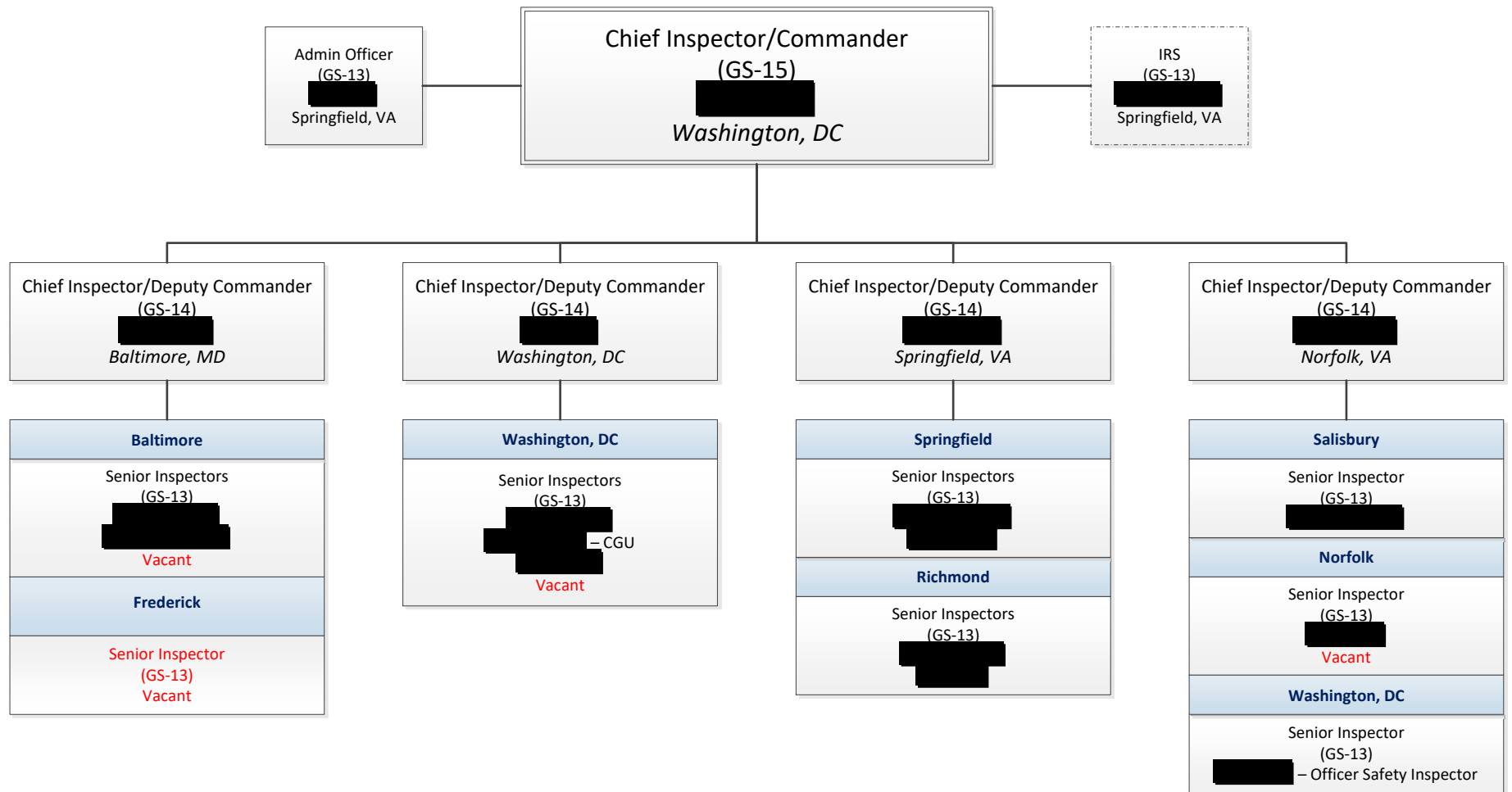
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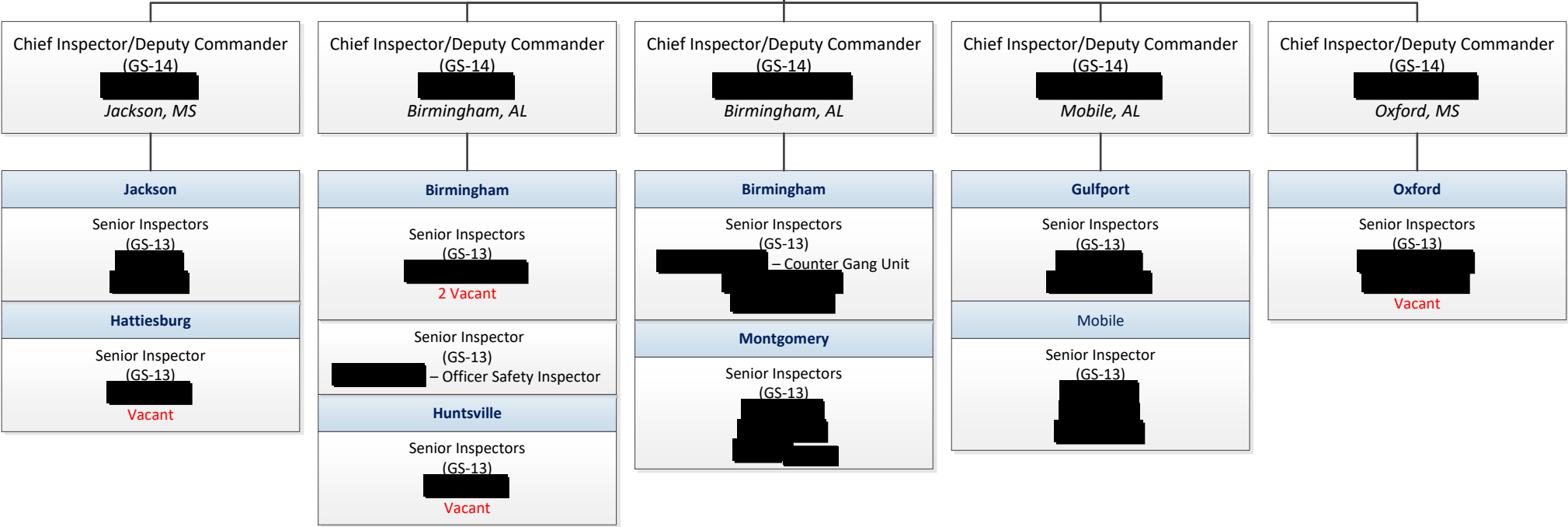
CAPITAL AREA REGIONAL FUGITIVE TASK FORCE

Investigative Operations Division



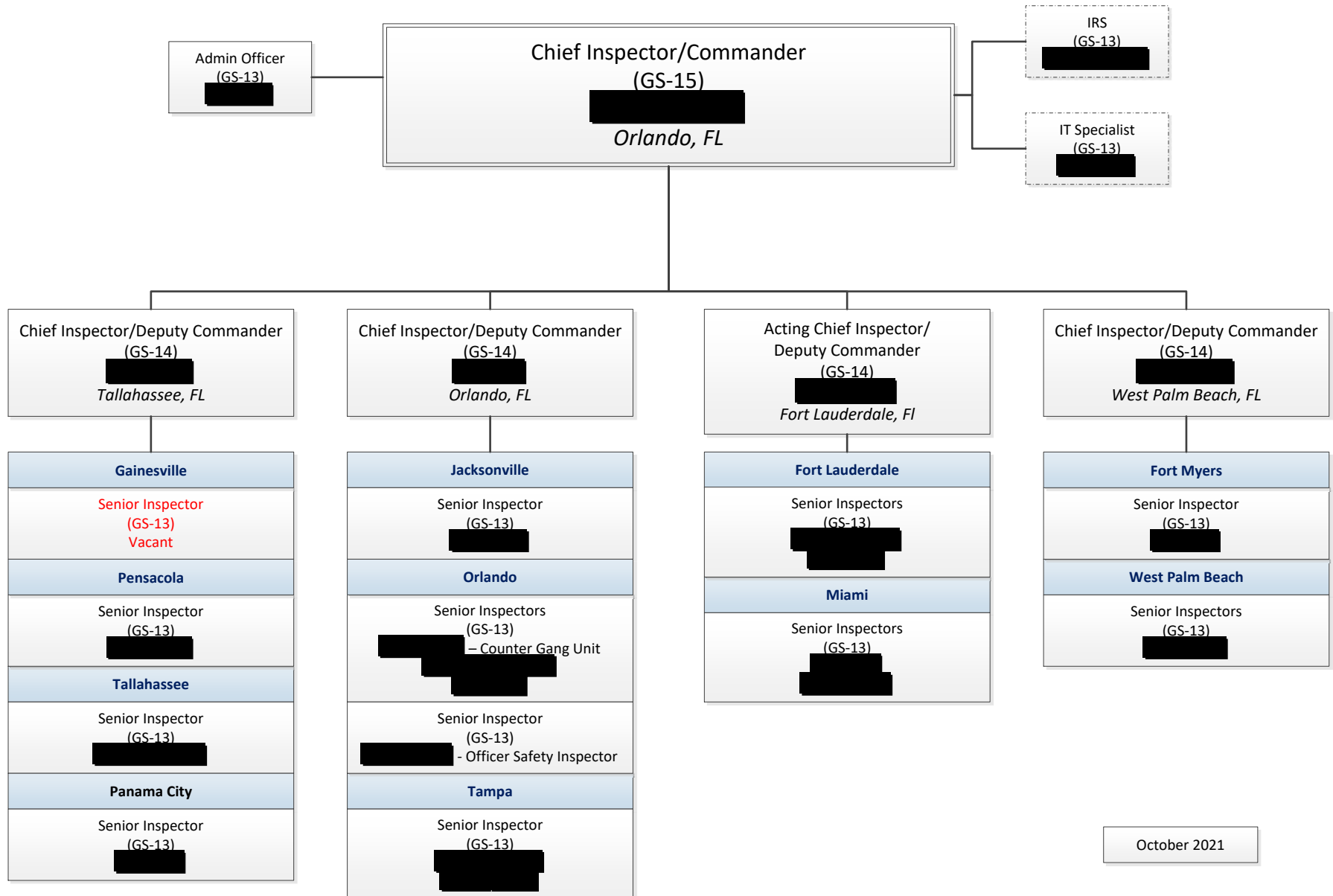
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GULF COAST REGIONAL FUGITIVE TASK FORCE
Investigative Operations Division



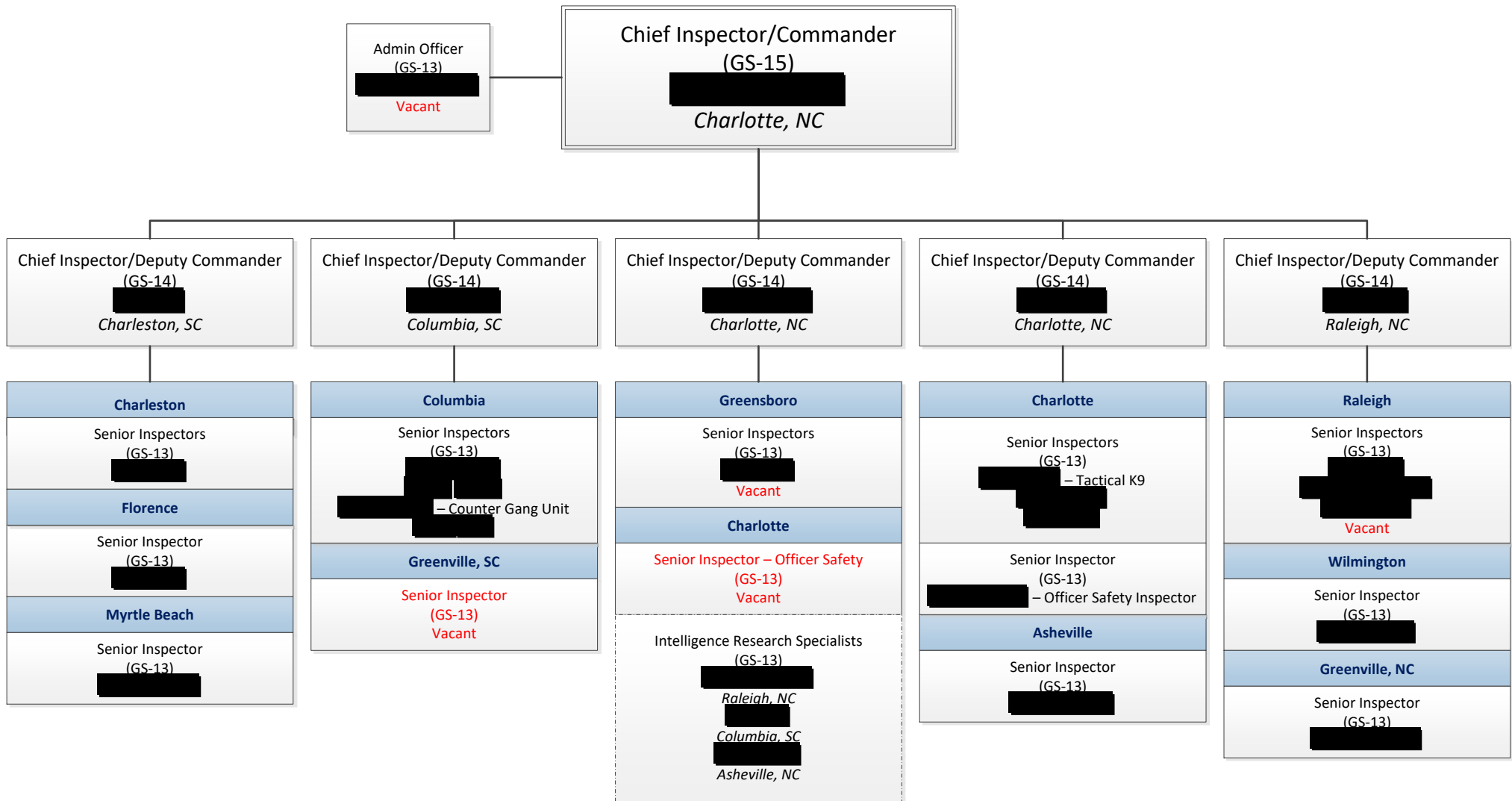
FLORIDA/CARIBBEAN REGIONAL FUGITIVE TASK FORCE

Investigative Operations Division



CAROLINAS REGIONAL FUGITIVE TASK FORCE

Investigative Operations Division



U.S. Marshals Service

Justice. Integrity. Service.



Northern District of Illinois

