

The Office of the Inspector General (OIG) announced today the release of a report examining the Department of Justice's management of international fugitive removal activities. The United States Marshals Service (USMS) requested that the OIG review the international fugitive removal process, with a specific emphasis on what the Department could do to better manage and control what the USMS identified as the "spiraling cost" of returning international fugitives to the United States for judicial proceedings. According to the USMS's records, between FY 2010 and FY 2013, the actual cost of all USMS removal activities increased by over 65 percent, from \$3.2 million to remove 646 international fugitives in FY 2010 to \$5.3 million to remove 875 international fugitives in FY 2013. The OIG's audit found that the Department can improve its decision-making process when determining whether to remove an international fugitive to the United States, including consideration of the costs related to executing the removal event.

Coordination is a critical piece of the international fugitive removal process, and we found successful coordination between the USMS, the Criminal Division's Office of International Affairs (OIA), other DOJ law enforcement components, and prosecutors in executing the transportation of international fugitives to face prosecution in the United States. However, we identified a disconnect within the removal process between those approving removals and those executing them. The USMS, which has primary responsibility for funding and executing removal activities, is not involved in the decision-making process when individual removal events are considered. While some removal events are conducted with minimal cost, we identified several removal events that cost the USMS over \$200,000 each. We found that prosecutors consider many factors when making removal decisions, but they are not provided with the USMS's cost information. Given the impact that high-cost removals can have on the USMS budget, we believe that Department officials should be aware of the estimated costs as one of the factors to consider before approving a removal.

In addition, the OIG's review found that the Department can improve its process for considering possible case outcomes when considering whether to conduct a removal. We reviewed a sample of 145 removals and identified 11 instances where fugitives received a sentence of "time served" after being returned to the United States. 5 of these 11 fugitives were non-U.S. citizens, meaning that immediately following sentencing they faced deportation from the United States. We also reported on at least one prosecution that was dismissed after the non-U.S. citizen was returned to the United States at a reported cost of over \$13,000.

In its written response to a draft of our report, the Department agreed that it is appropriate to consider whether the expenditure of resources is merited for a removal, and also informed us that although the 11 defendants were sentenced to "time served," the defendants each served an average of approximately 20 months in prison, and pleaded guilty to at least one of the felony charges against them. The Department's response also indicates that several defendants cooperated with the government in its investigations of other individuals and were ordered to pay restitution or forfeit the proceeds of their crimes. While we understand that returning international fugitives to the United States may result in some jail time, cooperation, or an order for restitution or forfeiture, these results should not preclude the Department from analyzing the outcomes of similar cases and considering whether the potential outcomes warrant the expenditure of USMS resources, which are not unlimited and which could financially impact the USMS's ability to fulfill its other important responsibilities.

Our audit also identified issues with the USMS's management of the data it maintains about removal events and their cost, and we believe the USMS can improve the management of its program by conducting routine analyses of its data. For example, the USMS could use the data to identify and regularly assess the factors that drive the costs of removals, which would allow the USMS to better assess the costs of its removal activities. We also determined that the USMS does not have adequate internal controls to ensure that it is conducting the removal of international fugitives in the most fiscally responsible manner possible. For example, we found several instances where more than the standard number of deputies participated on the removal without adequate written justification, and other instances where there was no documented justification for the use of expensive charter flights to transport fugitives to the United States.

The OIG made nine recommendations to the Office of the Deputy Attorney General (ODAG) and the USMS to improve the management of international fugitive removal activities. The ODAG and the USMS agreed with all of the recommendations.

The report can be found on the OIG's website
at: http://www.justice.gov/oig/reports/2014/s1501_2.pdf.