



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

February 28, 2003

Yvonne Bonner
Chief
Office of Internal Affairs
U.S. Marshals Service
600 Army Navy Drive
Arlington, VA 22202

Dear Ms. Bonner:

As part of our Agency monitoring activities, we have completed a review of the ethics program at the U.S. Marshals Service (USMS). This review was conducted pursuant to section 402 of the Ethics in Government Act of 1978, as amended. Our objective was to determine the program's effectiveness, measured largely by its compliance with applicable laws and regulations.

I have enclosed a copy of the report for your information. We found that USMS' ethics program complies with applicable laws and regulations. It is clear that ethics officials take their duties and responsibilities seriously and that they are dedicated to providing high quality services to agency employees in an effort to prevent ethical violations. Please contact Ilene Cranisky at 202-208-8000, extension 1218, if you wish to discuss this report.

Sincerely,

A handwritten signature in cursive script that reads "Jack Covaleski".

Jack Covaleski
Deputy Director
Office of Agency Programs

Enclosure



United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

February 28, 2003

The Honorable Glen A. Fine
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, NW.
Suite 4322
Washington, DC 20530-0001

Dear Mr. Fine:

As part of our Agency monitoring activities, we have completed a review of the ethics program at the U.S. Marshals Service (USMS). This review was conducted pursuant to section 402 of the Ethics in Government Act of 1978, as amended. Our objective was to determine the program's effectiveness, measured largely by its compliance with applicable laws and regulations.

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Sincerely,

A handwritten signature in cursive script that reads "Jack Covalesski".

Jack Covalesski
Deputy Director
Office of Agency Programs

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February 28, 2003

Paul R. Corts
Assistant Attorney General
for Administration
Department of Justice
Room 1111
950 Pennsylvania Avenue, NW.
Washington, DC 20530

Dear Mr. Corts:

The Office of Government Ethics (OGE) has recently completed its review of the ethics program at the U.S. Marshals Service (USMS), a bureau of the Department of Justice (DOJ). This review was conducted pursuant to section 402 of the Ethics in Government Act of 1978, as amended (Ethics Act). Our objective was to determine the effectiveness of the ethics program, largely measured by its compliance with applicable statutes and regulations. The review was conducted intermittently between November 2002 and January 2003.

HIGHLIGHTS

We found that USMS has a well-managed ethics program. It was apparent that ethics officials take their duties and responsibilities seriously and that they are dedicated to providing high quality services to agency employees in an effort to prevent ethical violations. This is especially evident in the areas of providing ethics training and advice. We commend the Ethics Officer's enthusiastic and skillful approach to managing the day-to-day aspects of the program and the recent hiring of another staff member to allow the Ethics Officer more time to focus on the substantive program aspects.

ADMINISTRATION OF THE PROGRAM

For the approximately 4,250 USMS employees who are located in headquarters in Arlington, VA and in 95 district offices, the agency's ethics program is centrally administered by the USMS' General Counsel, who serves as the Deputy Designated Agency Ethics Official (DDAEO) under your general direction. An acting General Counsel has been serving in the DDAEO position since the departure of his predecessor in August 2001.

The day-to-day operation of the ethics program primarily rests with one Associate General Counsel (AGC), who is commonly known as the Ethics Officer and who has served in this capacity for about four years. In addition to being in charge of daily ethics tasks, he also has other legal office responsibilities. One other AGC also handles some ethics program duties, including reviewing financial disclosure reports and providing ethics training and advice. The "ethics team" had consisted of three additional attorneys, who provided some limited ethics program assistance but who left the agency in the past year.

RELATIONSHIP WITH THE OFFICE OF INTERNAL AFFAIRS AND OFFICE OF INSPECTOR GENERAL

Ethics officials appear to be complying with 5 C.F.R. § 2638.203(b)(12) concerning ethics officials' interactions with USMS' Office of Internal Affairs and DOJ's Office of Inspector General (OIG). We were not able to assess USMS' compliance with § 2638.603 as no referrals for prosecution have been made to DOJ involving a USMS employee's alleged violation of the criminal conflict of interest statutes. However, an OIG investigator is currently consulting with DOJ's Public Integrity Section concerning a senior USMS official's possible violation of the statutes. As you know, § 2638.603 requires that agencies notify OGE of any referrals to DOJ, declinations by DOJ, and certain other related matters. The receipt of this information is an important means by which OGE can monitor USMS' system of enforcement, including whether disciplinary action is considered when DOJ declines to prosecute.

EDUCATION AND TRAINING

We found that USMS has an active ethics training program in place which exceeds OGE ethics training regulation requirements. We commend the efforts taken by ethics officials to make employees aware of rules and regulations in an effort to prevent potential ethical conflicts.

On an annual basis, as required by our regulation, ethics officials have been documenting how annual training will be conducted. We reminded them, however, that 5 C.F.R. § 2638.706 requires that the written plan contain estimates of the number of employees who will receive verbal or written training.

Initial Ethics Orientation

USMS' initial ethics orientation process ensures coverage of the basic requirements of the training regulation. As part of their in-processing, all employees are given required written materials (which are also available on the agency's ethics Web site) and they are required to certify that they have received this information. Beginning in 2003, new employees will be required to complete a Web-based interactive ethics training module as part of their orientation.

The orientation process for U.S. Marshals includes giving them a detailed binder of written ethics materials and in-person ethics orientation from ethics officials. According to the Ethics Officer, he provided several ethics briefings to the USMS Director, who is a Presidentially-appointed, Senate-confirmed (PAS) employee, shortly after his appointment in 2001.

Annual Ethics Training

We confirmed that almost all covered employees received annual ethics training in 2001 and 2002. By the close of our review in January, records showed that almost all public filers had received verbal ethics training in 2002. However, ethics training completion certifications were still being collected from other covered employees. When we last met, the Ethics Officer stated that about 80 percent of other covered employees had certified that they had completed computer-based training or his records supported that they had attended an in-person annual ethics training session. He was continuing to collect training confirmations from the remaining covered employees.

In 2002, training requirements were satisfied either by in-person training or by using OGE's training module entitled "Misuse of Position." Above and beyond providing annual ethics training to covered employees, ethics officials also maintained an active in-person ethics training schedule for non-covered employees. During 2002, 18 ethics training sessions were given to various employees groups as part of other ongoing employee training. According to records we examined, over 600 non-covered employees attended one of these sessions.

We attended one of the two annual ethics training classes offered to headquarters employees in December and observed that participants were fully engaged and it appeared that they were benefitting from in-person training based on the discussions that took place. Training consisted of providing a brief overview of the

Mr. Paul R. Cortis

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ethics rules and use of a unique USMS training game entitled "How to Become a Millionaire on a Government Salary." Both the Director and Deputy Director participated in this training session.

Again, above and beyond the requirements of our training regulations, every January, USMS requires that all employees acknowledge that they have received and read the Standards of Conduct, DOJ's supplemental standards of conduct (5 C.F.R. part 3801), and USMS' Code of Professional Responsibility. Employees' written certification of compliance with this acknowledgment requirement is reported to the Ethics Officer.

COUNSELING AND ADVICE

We were impressed with the advice dispensed by ethics officials. Besides meeting the minimum requirements of 5 C.F.R. § 2638.203(b)(7) and (8), it was evident to us that ethics officials market their counseling services in an effort to prevent ethical violations. We also commend officials for recently launching an ethics Web site which contains a host of useful information.

Advice given to employees is most often provided orally. As appropriate, however, it is also dispensed in written form, most frequently via e-mail. Of the approximately 35 written determinations that we examined, covering 2001 to the present, we found that the advice rendered was accurate, complete, and timely.

In an effort to ensure an understanding of the post-employment rules, while a variety of information is available on the agency's ethics Web site, covered employees are given ethics-related post-employment information when they attend a retirement briefing where post-employment matters are discussed. According to the Ethics Officer, he often provides U.S. Marshals with either an individual briefing or written materials.

OUTSIDE EMPLOYMENT AND ACTIVITIES

Through our review of the financial disclosure reports and the written counseling and advice, we believe that USMS is complying with the provisions of § 3801.106 of the supplemental standards of conduct concerning prohibited outside employment and, for certain types of outside employment, the requirement to obtain written prior approval. The Ethics Officer stated that he often counsels employees and supervisors on proposed outside activities which do not require prior approval, according to USMS Policy Directive No. 01-68.

PUBLIC AND CONFIDENTIAL FINANCIAL
DISCLOSURE SYSTEMS

The public and confidential financial disclosure systems at USMS were well-managed except for the delay in transmitting to OGE for review copies of public reports filed by senior-level (SL) U.S. Marshals.¹ USMS' use of cautionary notices to confidential filers is a good management technique to increase filers' awareness of potential conflicts of interest. As another good management technique, we suggested that ethics officials consolidate agency internal documents, supplementing DOJ's procedures established under section 402(d)(1) of the Ethics Act, which they agreed to do.

At the time of our fieldwork, all but a few of the reports filed by SL U.S. Marshals in 2002 had been certified. For the few reports not yet certified, ethics officials had outstanding questions remaining that required responses from filers. For those annual and termination reports that had been certified earlier in the year, we found that most were not forwarded to OGE until November 2002. We reminded officials that reports requiring little or no follow-up should be transmitted to OGE as soon as they are certified. They told us that they would forward the few remaining reports immediately after they are certified.

ACCEPTANCE OF TRAVEL PAYMENTS

For the period covering April 2001 through December 2002, approximately 15 travel payments were accepted under the General Services Administration's Interim Rule 4 at 41 C.F.R. part 304-1, implementing 31 U.S.C. § 1353. All were analyzed for conflicts of interest, in accordance with § 304.1-5.

While the Ethics Officer told us that the process for accepting travel payments from non-Federal sources is often a topic covered during ethics training and therefore employees are generally aware of the procedures, we suggested that the system be

¹Ninety-four of 95 U.S. Marshals are PAS employees (the U.S. Marshal from Guam/Northern Mariana Islands is appointed by the Attorney General). Although copies of all PAS U.S. Marshals' nominee public reports are forwarded for review to OGE under 5 C.F.R. § 2634.602(c)(1)(vi), only 27 (of 94 PAS U.S. Marshals) are SL whose positions require the filing of subsequent annual and termination public reports for which copies are forwarded to OGE. Non-SL U.S. Marshals file annual confidential financial disclosure reports.

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documented to help educate employees about not only the process, but the need to avoid potential conflicts. Ethics officials told us that they would do this and that they would post the procedures on the agency ethics Web site. We supplied sample procedures from other agencies to assist in this effort.

CONCLUSIONS

We are pleased to report that the ethics program at USMS complies with applicable ethics laws and regulations and that the various program elements are well-managed by capable and experienced staff. We believe that the ethics training and advisory services offered by ethics officials help employees to avoid ethical conflicts.

Our report provides some clarifications and suggestions for ethics officials. We believe that the recent hiring of a staff member to assist with administrative program tasks will enhance overall program operations. Since we are not making any formal recommendations for improving the ethics program at USMS at this time, no six-month follow-up is necessary.

In closing, I wish to thank you for all of your efforts on behalf of the ethics program. We are sending a copy of this report to the Office of Internal Affairs and to the Inspector General. Please contact Ilene Cranisky at 202-208-8000, extension 1218, if we can be of further assistance.

Sincerely,



Jack Covaleski
Deputy Director
Office of Agency Programs

OFFICE OF GOVERNMENT ETHICS
PROGRAM REVIEW DIVISION

REPORT PROCESSING ROUTING SLIP

AGENCY US Marshals Service (DJ08)
(Identify all locations/components covered by report.) (Audit tracking system code.)

STAFF Cranisky

Title	Initials or Signature	Date
Director*		
General Counsel*		
Deputy Director, OAP	<i>J. Cranisky</i>	2-25-03
PRD edit	<i>[Signature]</i>	2-19-03
Desk Officer review - Don Williams (to be completed by the following date: 2-20-03)	<i>[Signature]</i>	2/21/03
Assoc. Director, Program Reviews	<i>[Signature]</i>	2-14-03
Referencer	<i>[Signature]</i>	2-3-02
Ass't. to Assoc. Director, Program Reviews*		
Team Leader	<i>[Signature]</i>	2/3/2003

*When required

PERTINENT NOTES:

Rept # 03-008

FOR PRD USE:

Secretary, PRD Checklist ✓	Team Leader Checklist ✓
<ul style="list-style-type: none"> enter date of report into tracking system (matched to report date) 	<ul style="list-style-type: none"> check that tracking system shows locations/components reviewed
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<ul style="list-style-type: none"> distribute internal copies of report (as necessary) 	<ul style="list-style-type: none"> place copy of report on P: Drive indicate file name used <i>DJ0803</i>

THE ROUTING SLIP WILL BECOME PART OF THE PERMANENT REPORT FILE AFTER REPORT IS ISSUED AND SHOULD BE RETURNED TO PRD SECRETARY