

**United States Marshals Service  
FY 2020 Performance Budget  
President's Budget**

**Construction Appropriation**



**March 2019**

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## I. United States Marshals Service (USMS) Overview

### A. Introduction

The USMS requests **\$14,971,000** for the Construction appropriation to plan, construct, renovate, equip, and maintain space controlled, occupied, or utilized by the USMS. The request equals the FY 2019 President’s Budget, and is \$38,429,000 less than the FY 2019 Continuing Resolution.

The Construction appropriation was first enacted in 1999 when Congress recognized the need to establish a separate funding stream to address USMS space needs. The USMS does not own any space; it leases space through the General Services Administration (GSA) in courthouse facilities and Federal buildings nationwide. At these locations, Deputy U.S. Marshals and administrative staff process prisoners for Federal court proceedings, conduct task force operations, and support all agency mission areas.

Budget	Construction	
	Positions	Amount (\$000)
FY 2018 Enacted	0	\$53,400
FY 2019 Continuing Resolution	0	\$53,400
FY 2020 Request	0	\$14,971

Electronic copies of the Department of Justice’s Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

### B. Organizational Background

As America’s first Federal law enforcement agency, the USMS is considered the Nation’s Police Force, and is responsible for protecting, defending, and enforcing the American justice system. The USMS protects the judicial process, the cornerstone of American democracy. The USMS uses the influence and reach gained through its accomplished history and broad authority to collaborate with other Federal, state, local, and international law enforcement agencies, as well as with concerned citizens and members of the judiciary, to form a united front against crime.

The USMS strategic plan identifies mission challenges and strategies to mitigate these challenges. This road map guides resource investment, establishes the steps to improve operational performance, and positions the USMS to meet future challenges. Over the past few years, the USMS has successfully executed its broad mission authority even as new mandates and congressional legislation have resulted in dynamic growth across program areas, often without the corresponding support for infrastructure. To successfully implement the strategic

plan while continuing to excel in executing the mission, transformational change is required. Therefore, the plan addresses infrastructure in addition to the mission areas.

### **C. USMS Construction Budget**

The requested \$14,971,000 provides the necessary resources to allow the USMS to support its construction plan by supporting six congressionally approved new US Courthouses, the Capital Security Program and USMS critical renovations while maintaining and repairing facilities that require immediate attention.

The USMS occupies space leased from GSA in over 400 courthouse facilities and Federal buildings across the country, including U.S. territories. GSA provides the basic requirements to conduct business in a typical office setting – walls, windows, ceilings, floors, and doors – as well as associated infrastructure such as lighting and ventilation. In addition to this basic infrastructure, the USMS has unique requirements that stem from its law enforcement mission. USMS facilities include vehicle sallyports, cellblocks, attorney/prisoner interview rooms, secure corridors, prisoner elevators, holding cells adjacent to courtrooms, and special purpose spaces such as indoor firing ranges and training rooms. These USMS-specific requirements are funded and built through the Construction appropriation.

The USMS must process, move, and detain prisoners in a secure environment. Renovation and alteration of USMS-controlled space, including installation and replacement of electronic security devices, is required to assure the safety and security of judicial officials, courtroom participants, the public, USMS personnel, and prisoners. USMS Publication 64, Requirements and Specifications for Special Purpose and Support Space, defines the specifications for constructing space and properly installing security measures in Federal courthouses. The USMS must ensure that doors leading to prisoner movement areas are properly secured with frame-mounted, motor-operated electromechanical locks, scramble pads, intercoms, duress alarms, door position switches, magnetic catches, and reinforced framing. Publication 64 identifies and provides detailed specifications for hundreds of devices, including plumbing fixtures and air filtration systems, to establish and maintain security standards that effectively prevent prisoner escape, prisoner self-harm, or harm to others.

Common security concerns typically involve a building's traffic circulation system (i.e. corridors, elevators, and stairways), because prisoners must be segregated from the public and members of the judiciary. A modern courthouse may incorporate three separate circulation systems, one each for the public, members of the judiciary, and prisoners. Secure prisoner movement areas include vehicle sallyports to ensure secure entry into the courthouse, prisoner elevators, and holding cells behind the courtrooms. However, many older courthouses do not have separated circulation areas. Combined circulation creates major security risks when USMS personnel bring prisoners into the courthouse through public areas and move them to courtrooms by means of public elevators and public corridors.

## **D. Sustainability**

Sustainability efforts will be updated in the Environmental Management Program Policy to comply with EO 13834. The USMS continues reducing the agency's energy footprint by reducing office space in some of its Districts. Also, new facility designs are incorporating numerous energy efficient features such as daylight harvesting sensors, water conserving faucets, time zone and motion sensor Light Emitting Diode (LED) lighting, and energy-saving tinted window film. These improvements will yield to a Leadership in Energy and Environmental Design (LEED) Certification from GSA.

The USMS is currently working with a terminal cleanup (deep cleaning) initiative for the purpose of controlling the spread of infections and evaluate the existence of possible pathogens in districts with high level of prisoners.

## **E. USMS Construction Programs**

The USMS maintains a list of pending construction projects that it has identified, reviewed, and prioritized for completion. In addition to these internal projects, the Construction appropriation supports projects designated under two programs conducted by GSA: the Capital Security Program and the New Courthouse Program. The USMS is required to fund these additional projects on specific timelines; therefore, completing these projects results in adjustments or scheduling delays to projects on the USMS list.

The following programs are areas that impact the USMS construction appropriation and contribute to the challenges in funding construction projects to completion.

### **1) USMS Renovation Program:**

The USMS currently has a backlog of renovation projects which remediate critical facility and security deficiencies across the country and U.S. territories. While newer facilities benefit from modern security features, older courthouses frequently require significant upgrades. Maintaining the USMS infrastructure is critical to the safety of judicial officials, courtroom participants, the public, and USMS personnel.

The FY 2020 funding request supports renovation projects that will heighten maximum security prisoner holding/movement space and provide better safety and security for USMS personnel, judiciary and public within the courthouses. The USMS is currently planning renovation projects in Flagstaff, AZ; Knoxville, TN; Texarkana, AR and Lincoln, NE.

### **2) New Courthouse Program:**

In FY 2016, GSA began its new U.S. Courthouse Program, when Congress appropriated funding for the building of ten new U.S. courthouses. Although Congress appropriates the funding to GSA, the funding only covers the cost of design and construction. The USMS must cover any additional funding from the USMS Construction Appropriation. The USMS is required to provide any above-standard items such as electronic security devices, equipment, furniture, audio/visual requirements, relocation, and network cabling. Because design and construction of

a new U.S. courthouse can take anywhere from three to five years, the financial impact of these ten new courthouse projects will continue to affect the USMS construction budget into FY 2020.

The new US courthouses that will require USMS funding in FY 2020 are Savannah, GA and Des Moines, IA. During FY 2018 and FY 2019, the USMS is funding new courthouse projects in Mobile, AL; Saipan, NMI; Council Bluffs, IA; Rock Island, IL; Nashville, TN; San Antonio, TX; Charlotte, NC; Greenville, MS; Greenville, SC; Anniston, TX; Harrisburg, PA; Toledo, OH and Reading, PA.

### **3) Capital Security Program:**

In FY 2012, GSA began the Capital Security Program, which funded \$20,000,000 in security enhancements for Federal courthouses on an annual basis. The Capital Security Program funds the construction of vehicle sallyports, prisoner elevators, holding cells, and maximum security corridors. However, it does not fund any electronic security devices or equipment for the USMS. For example, when GSA adds a prisoner elevator, the USMS has to fund the cost of security equipment such as cabling, secure access control, camera coverage, intercoms and duress alarm.

When the program began, the USMS was unaware of the financial impact that it would have on the Construction appropriation. Due to the timing of the selection of Capital Security Projects, the USMS does not know which locations are selected until the fiscal year has already begun. The USMS Construction appropriation typically has had to absorb approximately \$1,000,000 per year to fund Capital Security Program requirements. The FY 2020 request will support this requirement for additional renovations to USMS space, electronic security, furnishings and equipment.

### **F. Challenges**

The USMS continues to analyze cost savings measures for economies of scale; communicate transparently with the Department of Justice, Office of Management and Budget (OMB), and Congress; and pursue resources to accomplish its mission to provide the highest possible security for the Federal judicial process.

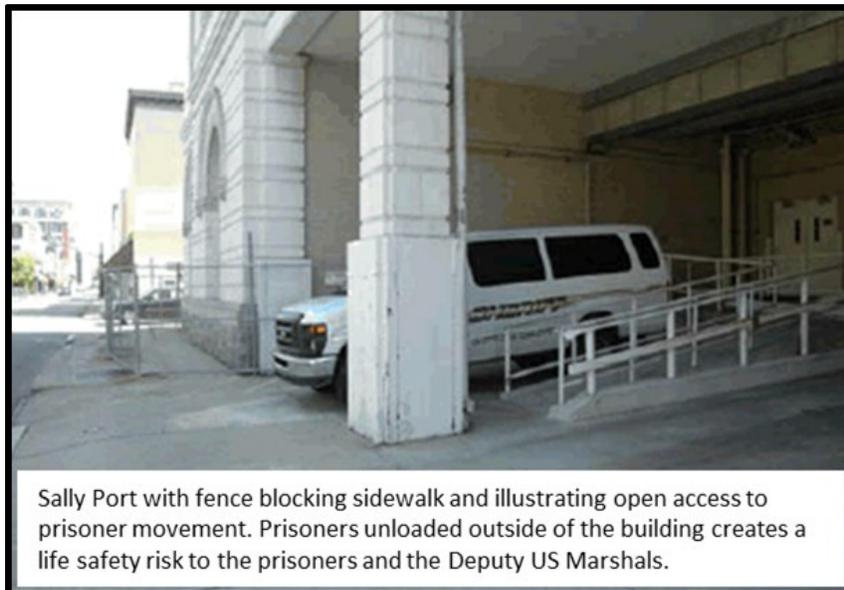
Functional, updated and well-maintained infrastructure is critical to the core mission of the USMS. The agency must provide security to judges, witnesses, and other participants in Federal proceedings and reduce the potential for harm to the public. Without the proper infrastructure, these missions are difficult to accomplish let alone perform at an optimal level.

## G. Typical Project Types

### *Sallyports*

Prisoner transport vehicles enter the courthouse through the vehicle sallyport, the first point of entry into the building's secure movement system. Sallyports are used exclusively by the USMS.

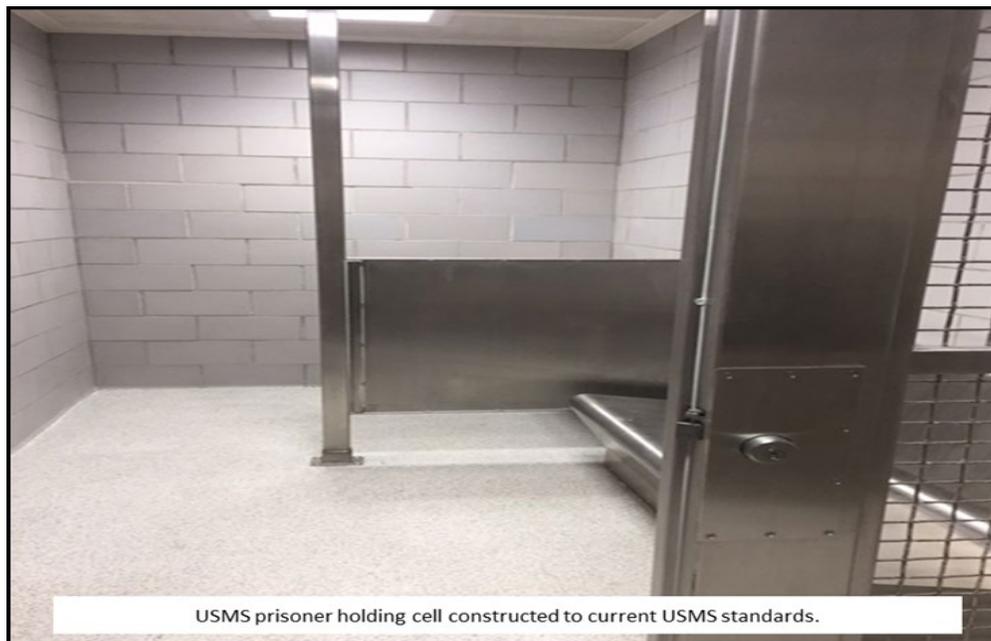
Publication 64 articulates standards for vehicle sallyport size, which is determined by the types of vehicle (automobiles, vans, buses, minibuses, or combinations thereof) that meet district office requirements as well as the district's current or anticipated prisoner vehicle fleet. Sallyports that fail to meet the security standards set forth in Publication 64 jeopardize public safety by increasing the risk of escape, and present a security threat to both USMS deputies and prisoners.



## *Prisoner Holding*

Holding cells in the main detention cellblock hold prisoners in a secure central location within the USMS space while they await court appearances or interviews with agents and attorneys.

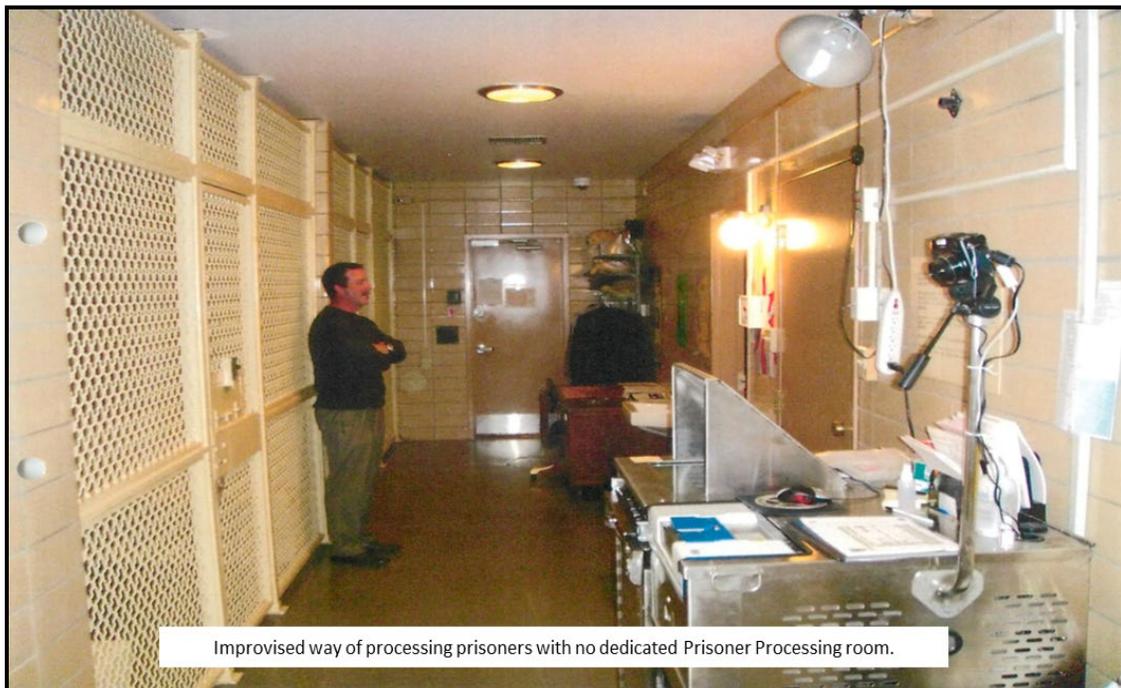
The unsecured furnishings found in older holding cells can easily be fashioned into weapons which could be introduced into the courtroom environment or used to assault USMS personnel or other prisoners. Older lighting fixtures provide a ready source of glass for weapons, or an attachment point for a suicide attempt. Painted furniture and walls offer opportunities to scratch graffiti and messages to other prisoners. Cells constructed in compliance with Publication 64 standards do not have these shortcomings.



## *Prisoner Processing*

The prisoner processing room is part of the main detention cellblock. Prisoners in restraints are escorted from the vehicle sallyport to this room to be photographed, fingerprinted, and processed before being taken to their cells. The room contains prisoner processing equipment, including a JABS (Joint Automated Booking System) station, and a sink and eyewash device.

Tight spaces, loose equipment, cables, and furniture present a hazard when processing one or more uncooperative prisoners. They can potentially be used as weapons against USMS personnel.



### ***Prisoner/Attorney Interview Room***

Interview rooms provide a private but secure place for prisoners to meet with their attorneys. Publication 64 specifies that each interview room have two sides, with a counter and security screen between them. Sound-rated slab-to-slab walls, limited egress, and signal lights ensure attorney/client confidentiality and provide for the safety of attorneys and the public.

Interview rooms that are not sight- and sound-isolated from holding cells may allow other prisoners and law enforcement personnel to overhear privileged conversations, and extra measures (such as removing prisoners from a cellblock) must be taken to mitigate this risk. Interview rooms that provide multiple egress points for prisoners present a risk for escape.



Out dated and not secured, prisoner/attorney interview area.



Prisoner/Attorney Interview room constructed to current USMS standards.

## H. Past, Current, and Upcoming Projects

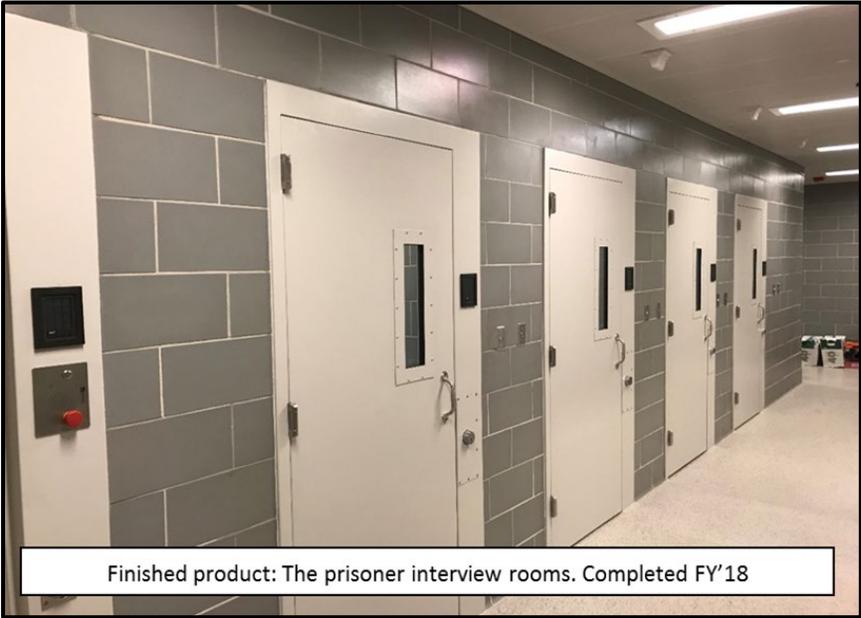
### *Recently Completed*

During FY 2017 and FY 2018, the USMS fully funded a total of 98 projects totaling \$64.7 million, including major renovations in Chicago, IL; San Francisco, CA; Los Angeles, CA; San Diego, CA and Fort Worth, TX. The photos below demonstrate some of these recently finished projects.

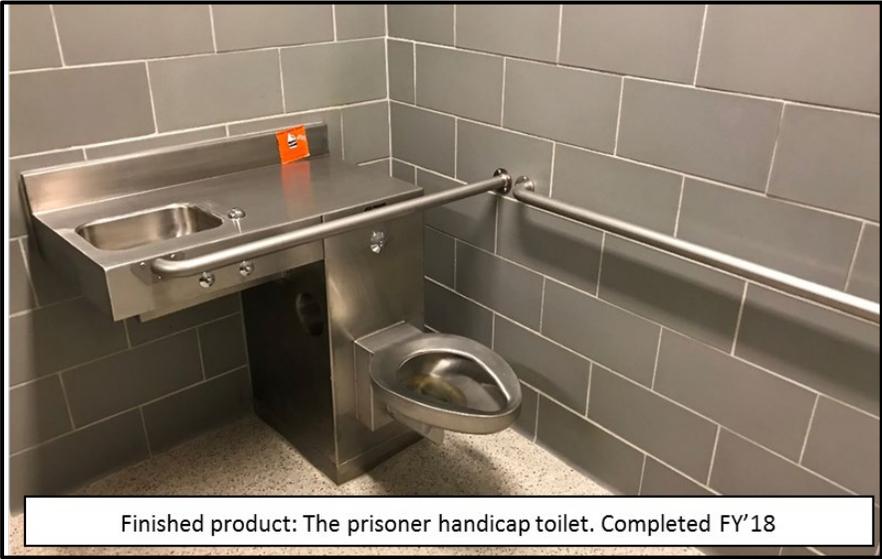
#### **Springfield, MA: Courtroom Holding cells and Dedicated Prisoner Elevator for USCH**



**Mobile, AL: New United States Courthouse**



Finished product: The prisoner interview rooms. Completed FY'18



Finished product: The prisoner handicap toilet. Completed FY'18

***Currently In Progress***

With additional funding provided in the FY 2018 Enacted budget, the USMS initiated six high-priority construction projects, with a total estimated cost of \$44.4 million. Locations where these projects are ongoing include Los Angeles, CA; San Diego, CA; Chicago, IL; Norfolk, VA; San Francisco, CA; and Fort Worth, TX. The photos below demonstrate some of these current projects.

**Midland, TX: Sallyport**



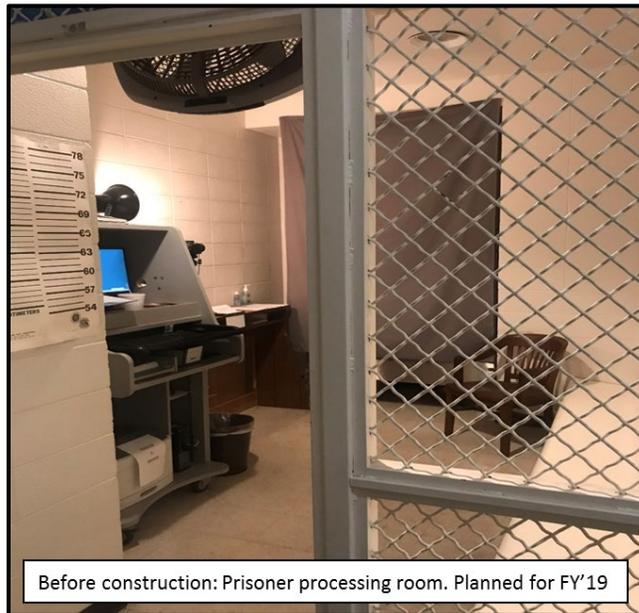
## Saipan: New U.S. Courthouse



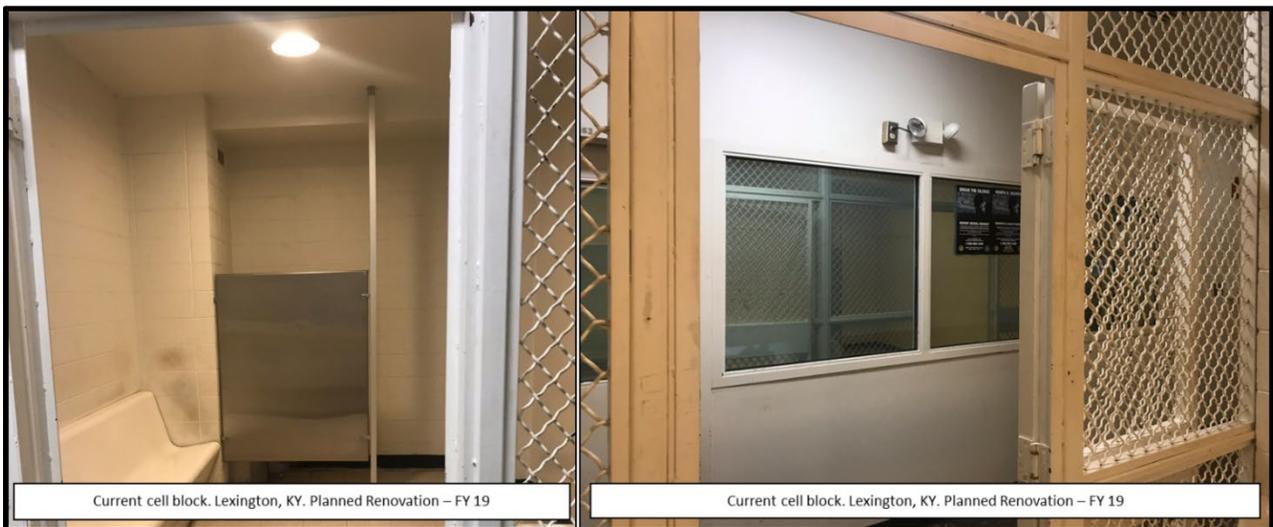
***Planned / Future***

The initiation of specific projects is always subject to change, based on availability of funding and relative priority compared to other projects in the backlog. Currently, the USMS is planning to initiate 28 projects in FY 2019 and FY 2020, including major renovations in Baton Rouge, LA; Texarkana, AR; Kansas City, KS; Rochester, NY; Albuquerque, NM; Del Rio, TX; Selma, AL; Lexington, KY; Springfield, IL; and Washington, DC. The photos below demonstrate some of these current projects.

**Lexington, KY: Detention and Operational Space Renovation and Consolidation**



Before construction: Prisoner processing room. Planned for FY'19



Current cell block. Lexington, KY. Planned Renovation – FY 19

Current cell block. Lexington, KY. Planned Renovation – FY 19

**Springfield, IL: Detention and Operational Space Renovation and Consolidation**



**Norfolk, VA: Detention and Operational Space Renovation and Consolidation**



**II. Summary of Program Changes**

<b>Item Name</b>	<b>Description</b>	<b>Positions</b>	<b>FTE</b>	<b>Amount (\$000)</b>	<b>Page</b>
	No changes proposed for FY 2020.				

### III. Appropriations Language and Analysis of Appropriations Language

#### United States Marshals Service

##### Construction

*For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$14,971,000, to remain available until expended.*

Note.—A full-year 2019 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Continuing Appropriations Act, 2019 (Division C of P.L. 115–245, as amended). The amounts included for 2019 reflect the annualized level provided by the continuing resolution.

##### Analysis of Appropriation Language

**Construction:** For clarification purposes, the support costs related to the Construction Appropriation shall include contract-related costs that are necessary to efficiently and effectively manage the corresponding workload associated in executing these construction projects.

#### IV. Program Activity Justification

<i>Construction</i>	<b>Direct Positions</b>	<b>Estimated FTE</b>	<b>Amount (\$000)</b>
2018 Enacted	0	0	\$53,400
2019 Continuing Resolution	0	0	\$53,400
Adjustments to Base and Technical Adjustments	0	0	(\$38,429)
2020 Current Services	0	0	\$14,971
2020 Program Increases	0	0	\$0
2020 Program Decreases	0	0	\$0
2020 Request	0	0	\$14,971
<b>Total Change 2019-2020</b>	<b>0</b>	<b>0</b>	<b>(\$38,429)</b>

##### 1. Program Description

The Construction appropriation allows the USMS to address the increasing renovation project backlog and critical major facility and security deficiencies. The USMS occupies over 400 courthouse facilities across the country and U.S. territories. While newer facilities benefit from modern security features, older courthouses require significant upgrades. Maintaining the USMS infrastructure is critical to the safety of judicial officials, courtroom participants, the public, and USMS personnel.

Construction projects focus on critical needs for courthouse security; space deficiencies; detention safety; rehabilitation of outdated cellblocks; meeting Occupational Safety and Health Administration (OSHA) standards; upgrading the historical buildings, spaces, and obsolete equipment that do not meet current security and safety standards; and supporting Departmental footprint and cost-reduction initiatives. USMS construction projects are currently prioritized into four categories:

- 1) Safety and Security Deficiencies – Addresses safety standards for all spaces within the cellblock including vehicle sallyports, courtroom holding cells, prisoner interview rooms, and secure prisoner corridors. Corrects critical failures to security, and immediate health and/or life safety issues. Examples: detention lock failures, control systems that may result in prisoner escapes; and air filtration defects that increase exposure to contagions such as tuberculosis or Methicillin-Resistant Staphylococcus Aureus (MRSA).
- 2) Court Initiated – Addresses the need for new U.S. Courthouses and holding cells for new courtrooms, upgrades to aging capital security, and renovation of buildings that do

not meet current safety and detention standards. These projects are coordinated with the U.S. Courts to reduce overall project cost while providing the necessary facility and security improvements needed to protect and support the U.S. Courts.

3) Support Space Renovations – Covers all non-detention space renovation to include the squad room, galley, conference rooms, vaults, and storage spaces.

4) Lifecycle Replacement – Scheduled replacement of overhead garage doors in sallyports; detention doors, locks, and controllers; vault doors and locks; and furniture, paint, and carpeting that are deemed obsolete or have reached the end of their lifecycle due to normal wear and tear.

Project scheduling is regulated based on available funds and risk assessment. For older buildings that require major renovation, project plans are phased over a number of fiscal years due to the magnitude of areas that need renovation and limited construction funds available. For example, a prisoner elevator may be renovated as a smaller contained project if the USMS lacks funds to renovate the entire cellblock and sallyport. As a result, the construction project schedule is a dynamic document, frequently adjusting to changes in funding availability and updated risk assessments. The phasing of new courthouses starts with conceptual designs, continues through preparation of construction documents and actual construction, and concludes with project completion. Funding for these projects is provided in multiple years (first year for site survey, second year for design, and third year for construction). Project scheduling is based on agency need, project knowledge, contract progression, project development, relocation schedule, project staffing, funding availability, damage levels caused by natural disasters, mandates through executive orders, and safety concerns due to high threat trials.

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Construction												
RESOURCES (\$ in thousands)			Target		Actual		Target		Changes		Requested (Total)	
			FY 2018		FY 2018		FY 2019		Current Services Adjustments and FY 2020 Program Changes		FY 2020 Request	
Total Costs and FTE (Reimbursable: FTE are included, but costs are bracketed and not included in totals)			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			0	\$53,400 [\$0]	0	\$43,932 [\$0]	0	\$53,400 [\$0]	0	(\$38,429) [\$0]	0	\$14,971 [\$0]
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE	FY 2018		FY 2018		FY 2019		Current Services Adjustments and FY 2020 Program Changes		FY 2020 Request	
Program Activity			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			0	\$53,400 [\$0]	0	\$43,932 [\$0]	0	\$53,400 [\$0]	0	(\$38,429) [\$0]	0	\$14,971 [\$0]
Performance Measure: Output	3.1	Active high risk construction projects - Total (\$000)	\$	32,066	\$	35,410	\$	25,794	\$	(14,581)	\$	11,213
		a. Safety & Security	\$	-	\$	17,094	\$	-	\$	-	\$	-
		b. Court initiated	\$	-	\$	15,722	\$	-	\$	-	\$	-
		c. Support Space Renovations	\$	-	\$	2,594	\$	-	\$	-	\$	-
		d. Lifecycle replacement	\$	-	\$	-	\$	-	\$	-	\$	-

**Data Definition, Validation, Verification, and Limitations:**

**Performance Measure – Outputs, Efficiencies, and Outcomes**

**1. Active high risk construction projects – Total (\$000):**

- a. Data Definition:** Construction projects that are active, but require funding to complete. Only the performance measure total is targeted. The actuals reported by sub category are a refinement.
  - (1) **Safety & Security:** Projects directly related to the safety and security of USMS staff and those remanded to USMS custody.
  - (2) **Court initiated:** Projects in direct support of United States Courts construction projects.
  - (3) **Support Space Renovations:** Projects associated with USMS space without a prisoner handling requirement
  - (4) **Lifecycle replacement:** Projects requiring the replacement of end of life equipment such as elevators.
- b. Data Validation and Verification:** Data derived from the Construction Project List (CPL). The CPL represents all projects, a portion of which are active high risk. Appropriations are applied to projects based on several criteria, one of which is active projects requiring funding.
- c. Data Limitations:** Total project cost is based on GSA estimates which can fluctuate from design until project completion.

Strategic Objective		PERFORMANCE MEASURE TABLE								
		Decision Unit: Construction								
		Performance Report and	FY 2014	FY 2015	FY2016	FY 2017	FY 2018		FY 2019	FY 2020
		Performance Plan Targets	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
3.1	Performance Measure: Output	Active high risk construction projects - Total (\$000)*	N/A	N/A	N/A	\$32,066	\$32,066	\$35,410	\$25,795	\$11,213
		a. Safety & Security	N/A	N/A	N/A	\$13,203	-	\$17,094	-	-
		b. Court initiated	N/A	N/A	N/A	\$16,789	-	\$15,722	-	-
		c. Support Space Renovations	N/A	N/A	N/A	\$1,928	-	\$2,594	-	-
		d. Lifecycle replacement	N/A	N/A	N/A	\$146	-	\$ -	-	-
N/A = Data unavailable										
* Targets established for performance measure total. Actuals reported by sub category are a refinement										

### 3. Performance, Resources, and Strategies

The USMS maintains the integrity of the Federal judicial system by:

- ensuring that U.S. Courthouses, Federal buildings, and leased facilities occupied by the federal judiciary and the USMS are secure and safe from intrusion by individuals and technological devices designed to disrupt the judicial process;
- guaranteeing that Federal judges, attorneys, defendants, witnesses, jurors, and others can participate in uninterrupted court proceedings;
- ensuring that all maximum security prisoner space, detained or circulated, is constructed in accordance with security standards to ensure the prevention of prisoner escape, prisoner self-harm, or harm to others.
- assessing inappropriate communications and providing protective details to Federal judges or other members of the judicial system;
- maintaining the custody, protection, and security of prisoners and the safety of material witnesses for appearance in court proceedings; and
- limiting opportunities for criminals to tamper with evidence or use intimidation, extortion, or bribery to corrupt judicial proceedings.

***Strategy: Refine the methodology to establish the priority projects for funding allocation and request, merging need, risk, utilization, safety, and conditions of the facility.***

In FY 2017, the USMS initiated a Real Property Portfolio Management Plan to prioritize out-year funding for USMS Construction projects. The goal is to balance competing priorities and provide long-term planning solutions to improve existing space and security deficiencies. This effort identified multiple assessment factors used to evaluate existing USMS space. The USMS is currently assessing the results in three pilot locations and will finalize the assessment criteria to implement nationwide.

***Strategy: Leverage and/or partner with other agencies for physical security research and development needs.***

The USMS established a liaison relationship with the Federal Protective Service (FPS). The liaison provides a direct link to FPS stakeholders in the field, which allows for enhanced troubleshooting and de-confliction efforts. FPS provides its Facility Security Assessment data to USMS for use as a contributing factor to prioritize projects and enhance understanding of security issues affecting the Federal community as a whole.