



Department of Justice

STATEMENT OF

JOHN F. CLARK
DIRECTOR

UNITED STATES MARSHALS SERVICE
DEPARTMENT OF JUSTICE

BEFORE THE

SUBCOMMITTEE ON COURTS AND COMPETITION POLICY
COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES

FOR A HEARING ENTITLED

“COURTROOM USE: ACCESS TO JUSTICE, EFFECTIVE JUDICIAL
ADMINISTRATION, AND COURTROOM SECURITY”

PRESENTED

SEPTEMBER 29, 2010

**Statement for the Record of
John F. Clark
Director
United States Marshals Service
Department of Justice**

**For a Hearing Entitled
“Courtroom Use: Access to Justice, Effective Judicial Administration,
and Courtroom Security”**

**Before the
Subcommittee on Courts and Competition Policy
Committee on the Judiciary
House of Representatives**

September 29, 2010

Thank you for the opportunity to discuss the role of the United States Marshals Service in providing for the security of the Federal judicial system.

Protecting the Judiciary

The Marshals Service is committed to safeguarding the judicial process by ensuring the secure conduct of judicial proceedings and providing protection for Federal judges, United States Attorneys, Assistant United States Attorneys, jurors, and other members of the Federal court family. Marshals Service personnel consider the safety and security of judicial proceedings a paramount concern and work to protect members of the judiciary by anticipating and deterring threats and employing innovative protective techniques. Judicial security includes both personnel security, such as protective details for members of the judiciary, as well as infrastructure for the secure movement of prisoners, many who pose significant security threats, through our Federal courthouses.

Every day, the Marshals Service holds an average of approximately 59,000 prisoners. In 2010 alone, the Marshals Service produced approximately 885,000 prisoners for Federal judicial proceedings. This high volume of prisoner production requires an infrastructure in our courthouses that not only protects the judicial family, but also the general public, whose access to judicial proceedings is a hallmark of the American legal system.

Increasing Threats

Since the passage of the Court Security Improvement Act, the Marshals Service established several new programs and enhanced others in an effort to better protect the judiciary and the court family. The Threat Management Center (“TMC”), opened in September 2007, provides 24/7 response capability for any threat received. The TMC is designed to facilitate

information sharing within the Marshals Service, with other intelligence agencies, and with other Federal, State, and local, law enforcement.

In fiscal year (“FY”) 2009, nearly 1,400 threats and inappropriate communications against Marshals Service protectees were investigated, analyzed, and assessed to determine the level of risk they represented. The Marshals Service also established a new District Protective Intelligence and Investigations Program which recruited, trained, and staffed 34 district offices with Protective Intelligence Investigators (“PII”). These PII/Deputy Marshals conduct complex protective investigations, identify and mitigate potential threats, and evaluate and manage subjects that pose a potential risk to Marshals Service protectees.

Preventing an incident from ever occurring is the ultimate goal of the Marshals Service and consequently, a counter-surveillance and surveillance detection program was begun in 2009 to detect and deter hostile surveillance. These missions protect both people and facilities using static and mobile surveillance to identify and track targets which may be known or unknown prior to the commencement of the operations.

The Marshals Service has a long and successful history of securing high-risk, high-threat, and high-public interest trials and court proceedings including those related to organized crime, the Patty Hearst trial and the Moody mail bombing. Today, the Marshals Service protects the judiciary and America’s communities while our courts prosecute high-threat terrorists and drug lords. We ensured security as our courts brought justice to criminals and terrorists like the World Trade Center bombers, former Panamanian President Manuel Noriega, Gulf Cartel leader Osiel Cardenas Guillen, Timothy McVeigh, and the Unabomber. The Marshals Service has a robust security plan in place at all Federal courthouse locations across the United States to handle any high-profile criminal defendant tried in a United States court.

These high-threat trials are becoming more routine, including cases against defendants who are members of al-Qaeda. The Marshals Service currently has custody of Ahmed Ghailani, the accused al-Qaeda terrorist charged in the 1998 bombings of two United States embassies in Africa. In June 2009, he was removed from Guantanamo Bay by the Marshals Service and transported to the Southern District of New York. Ghailani has been securely detained and managed since his arrival, and his trial has begun without any security breaches.

Infrastructure Requirements

Physical security is essential to safeguarding high-threat or high-profile prisoners, as well as other detainees, judicial personnel, and the general public. The increasing number of detainees presented for prosecution along the Southwest Border and elsewhere underscores the need for courthouse safety. This includes assessing and addressing courthouse security in all infrastructure areas including: space to move prisoners throughout a court facility; courtrooms; cellblocks; and sally ports. The Marshals Service has an ongoing requirement to renovate and repair many of these facilities to ensure healthy, safe, and secure conditions. To focus and direct these repairs, the Marshals Service uses a National Security Survey. Originally developed in 1997, this survey is updated every three years and is a useful tool to aid in the prioritization of renovation projects with safety and security being central to our infrastructure investments.

While we work to ensure that our security infrastructure meets the needs of today's judicial environment, particularly in high-threat trials, we must deal with the challenge of both aging and overcrowded courthouses. A 2009 United States Marshals Service National Facility Assessment revealed that 69% of Marshals Service facilities have serious security and safety deficiencies. Of the facilities surveyed, 65% lack adequate courtroom holding cells; 59% lack adequate isolation and holding cells; 56% do not have secure prisoner elevators; 44% of cellblocks lack adequate duress alarms; 50% do not have adequate prisoner-attorney interview rooms; and 51% do not have an enclosed vehicle sally port.

The Brian Nichols incident in the Fulton County, Georgia, Courthouse in March 2005 gravely illustrates the need for secure courthouses. His murderous rampage resulted in the deaths of a Superior Court judge, court reporter, sheriff's deputy, and a United States Customs agent. The Marshals Service works each day to ensure a level of security that will avoid such an incident in the Federal system. However, with a surging prisoner population, especially on the Southwest Border, our physical resources are strained. Maintaining a high-level of security with an expanding prisoner population, as well as a rising number of high-threat trials, is a challenge for the Marshals Service and the judiciary. On the Southwest Border, for example, many cellblocks and holding facilities operate at double or triple their designed capacity. Under such conditions every aspect of security, health, and sanitation are stretched beyond acceptable limits.

Optimal security at courthouses often requires that the Marshals Service occupy space wholly separate from space used by the judiciary and the public. Secure space is often the unseen backbone of a courthouse. Covered sally ports, separate and secure elevators, and private prisoner walkways are just a few examples of security infrastructure which is vital to maintaining the security of courthouses. Similarly, cellblocks must be adequate to ensure the proper execution of justice, the separation of prisoners, and the safety of prisoners, the judiciary and Marshals Service personnel alike. For example, proper ventilation systems must be in place to avoid transmission of infectious diseases among prisoners, judicial personnel, and the public in

our courthouses. At many United States courthouses, important infrastructure is in need of repair.

In FY 2010, Congress took a major step by funding the Marshals Service's courthouse construction program at \$14 million in the FY 2010 Commerce, Justice, Science Appropriations bill, and another \$8 million in the recently passed Southwest Border supplemental appropriation. With these funds, we are addressing the most pressing needs, as we continuously assess courthouse infrastructure and security concerns. The Department of Justice will continue to work hand in hand with the judiciary to identify security vulnerabilities and focus resources on the highest priority security improvements. I appreciate this Committee's attention to the security needs at Federal courthouses and assure you that we at the Marshals Service will work with you to protect our judiciary and the general public.