

# **CAPITAL SECURITY PROGRAM**

## JUDICIARY CAPITAL SECURITY PROGRAM

This chapter presents the judiciary’s requirements and priorities for the Capital Security Program (CSP), which is funded as a Special Emphasis Program within the General Services Administration’s (GSA) Federal Buildings Fund. The CSP provides funding to address serious security deficiencies in existing courthouse buildings where physical renovations are viable in lieu of constructing a new courthouse. The authority necessary to make renovations of this scope falls under the jurisdiction of GSA.

The judiciary’s fiscal year (FY) 2021 request level for the CSP is \$31.4 million. Proposed projects to be funded through this request are discussed in detail below. The actual projects funded, and the dollar amounts associated with them, may change depending on the final amount appropriated for the CSP and the most recent project cost estimates available at the time of appropriation. If funding is limited or costs have changed, requested projects that cannot be accommodated within the available appropriation will be reduced in scope or deferred to the following fiscal year.

The judiciary built its FY 2021 budget request for the CSP on the FY 2020 enacted appropriation, which provided no funding for the CSP in FY 2020.

**Capital Security Projects Requested for FY 2021.** The judiciary requests that \$31.4 million be provided for CSP in FY 2021 as described below.<sup>1</sup>

The judiciary will keep the Appropriations Committees apprised of any changes to its FY 2021 CSP appropriations requirements, including any changes resulting from a proposed reprogramming of Raleigh CSP project funds. (See discussion of the canceled Raleigh, North Carolina, CSP project under FY 2016 on p. 15.9.)

**1. Theodore Levin U.S. Courthouse, Detroit, Michigan. \$11.6 million.** The Levin Courthouse was constructed in 1934 and is listed on the National Register of Historic Places. The 402,935 usable square feet, ten-story plus basement structure houses 13 courtrooms and 13 chambers. Its Asset Management Planning (AMP) process Facilities Benefits Assessment (FBA) Security score is 17.0 on a scale of 1 to 100<sup>2</sup>. Security deficiencies at this courthouse will be partially addressed by constructing an enclosed USMS sally port, adding a visitor access enclosure, providing courtroom holding cells on two floors, and incorporating a

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<sup>1</sup> All project cost estimates are subject to further verification by GSA.

<sup>2</sup> An FBA Security score of 100 represents an “ideal courthouse” and a score below 60 represents a “poor courthouse.”

detention grade elevator cab in the existing shared freight elevator shaft to provide improved prisoner movement. This project was requested in FY 2019 and FY 2020, but no program funding was provided in either fiscal year.

**2. U.S. Courthouse, Augusta, Georgia. \$19.8 million.** The U.S. Courthouse in Augusta was constructed in 1916 and expanded in 1930. It is listed on the National Register of Historic Places. The 28,321 useable square feet, three-story plus basement structure houses two courtrooms, one hearing room, and three chambers. Its AMP process FBA Security score is 26.4. Security deficiencies at this courthouse will be addressed by replacing an existing open air carport with an enclosed U.S. Marshals Service (USMS) sally port and separate judges' parking area, enlarging/reconfiguring the existing security screening queuing area, providing a dedicated judges' elevator and a dedicated prisoner elevator, reconfiguring the first floor to provide secure and restricted circulation paths for prisoners and judges, and constructing a new prisoner movement circulation corridor over the first-floor roof to provide secure circulation on the second floor. This project was requested in FY 2019 and FY 2020, but no program funding was provided in either fiscal year.

### **Future Capital Security Project**

The judiciary studies and approves projects on a rolling basis for participation in the CSP. The following future project will be next in line to receive funding:

**Ross Adair Federal Building and U.S. Courthouse, Fort Wayne, Indiana. \$17.6 million.** This location was approved for a CSP study in June 2016 and currently has an AMP process FBA Security Score of 29.9. The study was completed in Fall 2018 and approved by the local and circuit courts. Security deficiencies at this courthouse will be addressed by adding a new judges' parking garage, new USMS sally port and secured parking for USMS staff, two new prisoner elevators, new security screening station, new fire egress stairs, new jury room, and new holding cell. Also, two dedicated judges' elevators will be provided (one is repurposed from an existing shared elevator and the other is a new elevator that will provide restricted circulation to the second floor, including courtrooms).

## PROGRAM DESCRIPTION

The CSP was endorsed by the Judicial Conference of the United States in September 2010 to assist the courts at locations that have significant security deficiencies but may not qualify for a new courthouse building that would, among other things, address their security needs. The purpose of the CSP is to improve physical security in buildings occupied by the judiciary. Program goals include:

- Utilizing existing building assets and federal resources cost-effectively;
- Addressing security deficiencies which place the public, prisoners, judges, and federal employees at risk; and
- Providing a low-cost alternative to high-cost capital improvements.

The CSP was first funded in FY 2012 when Congress designated \$20 million within GSA's Federal Buildings Fund to address security deficiencies in federal courthouses using mechanisms such as constructing additional secure corridors; adding or reconfiguring elevators; constructing USMS sally ports; creating visual barriers; and reconfiguring security screening areas. Project prioritization, selection, and implementation are handled collaboratively by stakeholders from the courts, the USMS, and GSA. This valuable program has resulted in greater security at federal courthouses in the selected locations at a fraction of the cost of new courthouse construction. Recent funding for the CSP is summarized in the table below.

<b>Fiscal Year</b>	<b>Funding</b>
FY 2012	\$20 million
FY 2013	\$20 million
FY 2014	\$0
FY 2015	\$20 million
FY 2016	\$20 million
FY 2017	\$26.7 million
FY 2018	\$20 million
FY 2019	\$0
FY 2020	\$0

Renovation projects that enhance security are selected for the program through an objective and collaborative review process that includes stakeholder representatives from local courts and their circuit judicial councils, the USMS, GSA, Federal Protective Service

(FPS), the Judicial Conference’s Space and Facilities Committee in consultation with the Judicial Conference’s Judicial Security Committee, and the Administrative Office of the U.S. Courts (AO). The process consists of:

1. ***Preliminary List.*** Development of a preliminary list of potential CSP projects begins with data collected through the judiciary’s AMP<sup>3</sup> process that identify courthouses with poor security ratings. These data are then compared with risk assessment data collected independently by the USMS and with GSA data on government facilities that are in need of physical improvement. A preliminary list of potential projects is then compiled based on these sources of data.
2. ***In-Depth Analysis and Resulting Short List.*** Each project on the preliminary list is then reviewed and validated during a more in-depth analysis conducted by stakeholder representatives of local courts and their circuit judicial councils, the USMS, GSA, FPS, and the AO. This review looks at specific security deficiencies at each courthouse and identifies potential conceptual solutions. Potential projects are then evaluated against a list of factors to determine the relative priority of the potential projects. Factors may include whether there is a separate circulation pattern for judges, prisoner movement, and the public; the number of resident judges; the type of caseload and proceedings; other repair and alteration projects planned; USMS risk assessment and incident reports; and the presence of high-risk prisoners regularly in the courthouse.
3. ***Space and Facilities Committee Review and Validation.*** The Space and Facilities Committee reviews and, in consultation with the Judicial Security Committee, approves the specific courthouse locations to move on to the next step in the project selection process – completion of a capital security study.
4. ***Capital Security Study and Final Recommendations.*** Using judiciary funding, the AO contracts with an architect-engineering firm to conduct a capital security study for each court location approved by the Space and Facilities Committee. Each study reviews the security issues specific to that court location, identifies potential solutions, and documents the three best options with corresponding budget estimates. The study also identifies other projects that are already planned or underway by the USMS, GSA, or the judiciary to ensure design solutions are fully coordinated.

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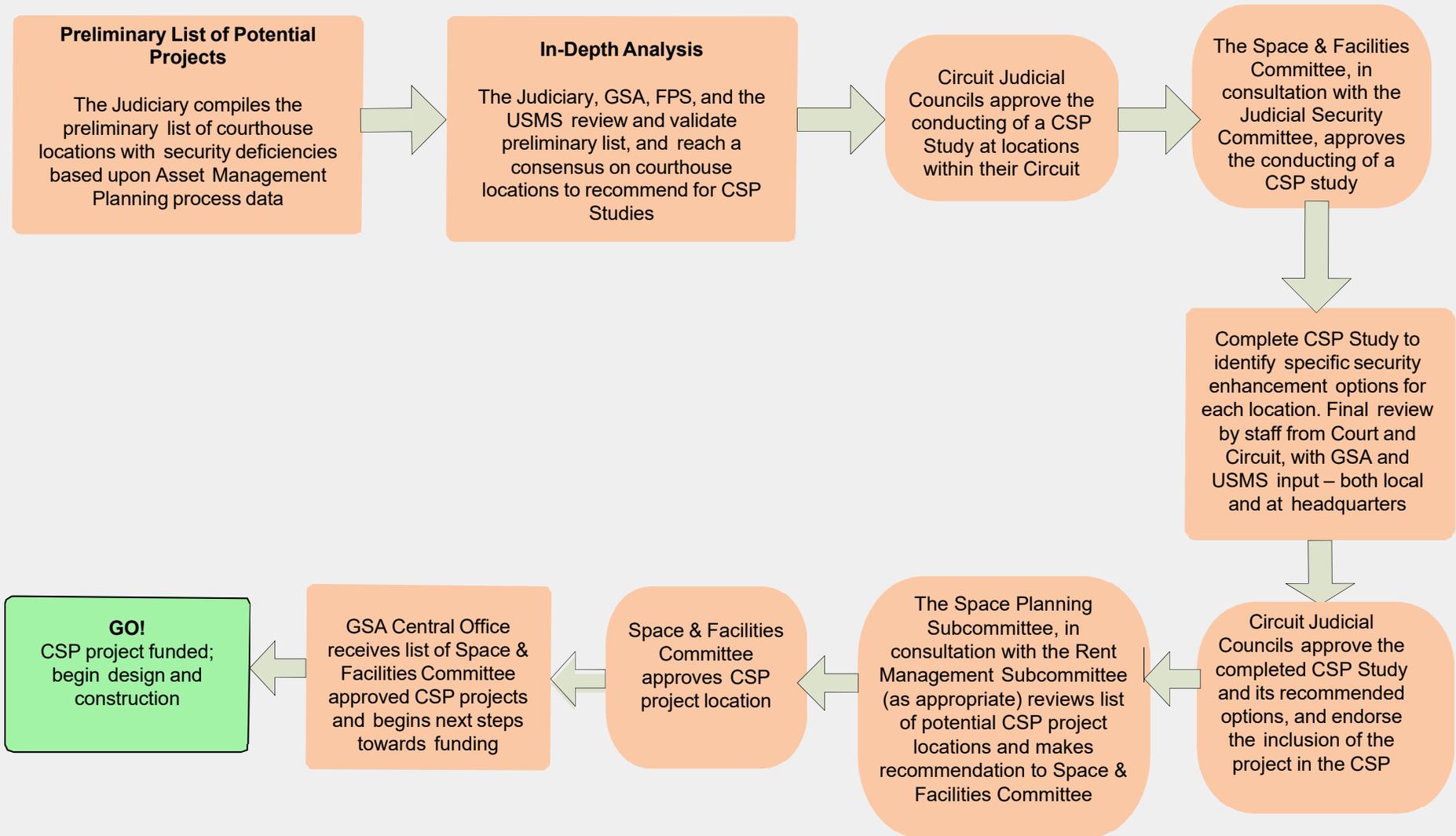
<sup>3</sup> Under the AMP process, each district and circuit adopt a long-range facilities plan that includes an evaluation of each courthouse location for urgency of space needs. As part of the process, facility benefit assessments are conducted on each courthouse to determine how well the existing facility supports the needs and operations of the court. An urgency evaluation list is then developed each year, placing each courthouse location in rank order. This rank is used to determine the urgency of space needs. The AMP process was adopted by the Judicial Conference in 2008.

The Space and Facilities Committee's Subcommittees on Space Planning and Rent Management then review the options and budgets for each project location, including rent impacts, if applicable, and recommend a final list of projects to the Space and Facilities Committee. The Space and Facilities Committee then reviews the recommendations and approves the locations to proceed with a CSP project.

5. ***Notification to GSA.*** GSA is advised of the result of the Space and Facilities Committee's review of the final list of projects. If the list of projects exceeds the congressional budget limitation for that fiscal year, projects are moved to the next fiscal year while keeping their rank order.

The flow chart that follows illustrates the steps involved in the approval of CSP projects for funding.

# High-Level Capital Security Program (CSP) Process Summary



## **STATUS OF CSP PROJECTS:**

**FY 2020 CSP.** Congress did not provide funding for CSP in FY 2020.

**FY 2019 CSP.** Congress did not provide funding for CSP in FY 2019.

**FY 2018 CSP.**

1. **Hato Rey Complex, Clemente Ruiz Nazario U.S. Courthouse and Federico Degetau Federal Building, San Juan, Puerto Rico (Phase 2).** \$20 million. The Hato Rey complex, which includes the Degetau Federal Office Building and Ruiz Nazario U.S. Courthouse, serves as the headquarters for the District Court in the District of Puerto Rico. A CSP project study completed in 2016 evaluated existing conditions of both buildings and proposed a preferred concept solution to address additional deficiencies of each structure. The recommendation for the Ruiz Nazario Courthouse involves construction of a secure judges' parking garage, designation of a judges' elevator, and the addition of a shared judge/prisoner elevator. At the Degetau Federal Building, a new USMS vehicle sally port is proposed in conjunction with a new shared judge/prisoner elevator. In April 2018, staff from GSA, the AO, and the circuit met to review and clarify the scope. Staff also discussed options regarding the facility's seismic vulnerability and the potential of a new courthouse annex project being pursued. A courthouse annex project currently is on Part II of the *Federal Judiciary Courthouse Project Priorities* list. Funding for a Phase 2 CSP project was appropriated and authorized by Congress in June 2019. The project is currently under design.

**FY 2017 CSP.**

1. **U.S. Post Office and Courthouse, Alexandria, Louisiana (construction only).** \$9 million. The project scope is summarized below (FY 2016 CSP); \$9 million from FY 2017 appropriations will be used for construction costs.
2. **U.S. Courthouse, Paducah, Kentucky.** \$17.7 million. The original CSP project in this location was identified to address security deficiencies by improving secure circulation, and adding a dedicated prisoner elevator, a dedicated judges' elevator, restricted judges' parking, and a USMS vehicle sally port for prisoner transport vehicles. Estimated construction completion was originally March 2021; however, in September 2017, GSA issued a report and analysis of assets potentially impacted by Executive Order 13717, which established a Federal Earthquake Risk Management Standard. Based on the standard, the Paducah Courthouse was identified as being Exceptionally High Risk and

requiring seismic mitigation. Options to address the risk have been evaluated and as a result this CSP project has been cancelled. Instead, GSA has determined that the work required for the CSP and seismic upgrades are interrelated in terms of their execution and must therefore be accomplished as one project. GSA believes that all deficiencies can be remedied through a prospectus-level renovation and alteration project that will include CSP security improvements, as well as seismic and overall building upgrades. GSA intends to request funding for this project in FY 2022 after a comprehensive feasibility study is conducted. This study began in October 2019 and is anticipated to be completed in spring 2020.

Accordingly, GSA submitted in May 2019 a request to Congress to reprogram the \$17.7 million that had been previously reserved for the Paducah CSP project to cover necessary costs for prior year CSP projects that have encountered funding shortfalls. These projects are: Raleigh, North Carolina; Texarkana, Arkansas/Texas; Monroe, Louisiana; and Alexandria, Louisiana. In addition, \$3.18 million of the proposed reprogramming will be used to complete a newly approved project in Fort Worth, Texas, as described below.

**Eldon B. Mahon U.S. Courthouse, Fort Worth, Texas. \$9.0 million (\$3.18 million from CSP; \$4.3 million from USMS; \$1.82 million from GSA's R&A FY 2019 Spending Plan).** The USMS has a completed security improvement design for this Eldon B. Mahon U.S. Courthouse in Fort Worth, Texas. This facility currently has an AMP process FBA Security Score of 42.75. The design includes a new prisoner/judge's elevator, sally port, holding cells, and restricted and secure circulation, as well as USMS command center renovations. Detailed construction documents and cost estimates have been completed and the project is ready for construction. The total project construction cost estimate is \$9.0 million, and \$4.3 million is available from the USMS. Because of this funding shortfall, and because this project aligns with many of the goals of the CSP program, the Space and Facilities Committee, at its November 2018 meeting, approved this project for program participation and approved the reallocation of funds originally intended for Paducah, Kentucky. Approximately \$3.18 million was reprogrammed from funds originally intended for Paducah, Kentucky, plus \$1.82 million from GSA's FY 2019 Major Repairs & Alterations Spending Plan.

## **FY 2016 CSP.**

- 1. Terry Sanford Federal Building, Raleigh, North Carolina. \$15.7 million.** Security deficiencies at this courthouse were intended to be addressed by adding and/or reconfiguring elevators, providing secure parking for judges, and constructing additional secure circulation corridors with security screening revisions to better accommodate both the courts and the Military Entrance Processing Station (MEPS) - a future tenant. The design for this project was completed in October 2017. The construction bids received were significantly higher than the budget, therefore, the design was revised in April 2019. In addition to the \$15.7 million of FY 2016 funding, approximately \$6.8 million was reprogrammed from funds originally intended for the Paducah, Kentucky, project to cover this shortfall due to scope changes and lack of competition, for total project availability of \$22.5 million.

**As a result of CSP project delays and other recently identified building deficiencies in the Sanford Federal Building that are beyond the scope of the proposed CSP project, the Eastern District of North Carolina withdrew support for this project in November 2019. The Fourth Circuit Judicial Council approved this action in December 2019. The judiciary will work with GSA to identify remaining funds for the Raleigh CSP project that can be proposed for reprogramming to unfunded CSP projects.**

- 2. U.S. Post Office and Courthouse, Alexandria, Louisiana (design only). \$1.93 million.** Security deficiencies at this courthouse will be addressed by constructing restricted judges' parking, a judges' elevator, and reconfigured corridors to facilitate restricted circulation for all judges. The USMS will have new space that includes an enclosed sally port, holding cells, a prisoner elevator, and reconfigured corridors to facilitate secure prisoner transport. Full funding for this project was requested in FY 2016. Due to increased cost estimates for other projects, however, FY 2016 appropriations were only sufficient to complete the Alexandria project's design (\$1.93 million). Construction funding (\$9.0 million) was received in FY 2017 appropriations and an additional \$1.0 million was reprogrammed from funds originally intended for the Paducah, Kentucky, project to cover a budget shortfall. This shortfall was due to underestimated direct costs, escalation, and market conditions. Final design is planned for completion in February 2020 and construction award is planned for Spring 2020.

3. **Ron De Lugo Federal Building, St. Thomas, U.S. Virgin Islands (Phase 2).** \$2.37 million. Security deficiencies at this courthouse will be addressed by constructing enhancements to the first-floor entry screening and access control space. The project will provide air-conditioned space for USMS screening equipment, thus prolonging its useful life, organize the processing space to minimize lobby queuing, provide separate adjacent zones for an employee entrance and occupant/visitor entrance, and improve ballistic protection available to court security officers. Estimated construction completion is November 2020.

#### **FY 2015 CSP.**

1. **J. Robert Elliot Federal Building and U.S. Courthouse, Columbus, Georgia.** \$6.7 million. Security deficiencies at this courthouse were addressed by constructing an enclosed USMS sally port and prisoner and judges' elevators with secure prisoner movement, reconfiguring and constructing new corridors, and adding perimeter fencing. The project was completed in Summer 2019. As a result of the project, the AMP process FBA Security Score for this courthouse improved from 38.2 to 60.2 and the overall FBA score improved from 54.9 to 61.7.
2. **Federal Building and U.S. Courthouse, Monroe, Louisiana.** \$6.1 million. Security deficiencies at this courthouse will be addressed by enclosing a sally port, adding one or two elevators (for prisoners and judges), and reconfiguring/constructing new corridors. Additional judiciary funding (\$2.8 million) will be used to build a new courtroom and jury assembly to address courthouse needs in lieu of building a new courthouse. The design was completed in November 2017. A budget shortfall is anticipated due to two-plus years of escalation between the initial and projected construction start dates and underestimated general cost conditions for the project. In addition to the \$6.1 million of FY 2015 funding, approximately \$3.4 million was received from funds originally intended for the Paducah, Kentucky, project to cover this budget shortfall for total project funding availability of \$9.5 million. Anticipated construction award date is March 2020 with anticipated substantial construction completion in February 2022.
3. **U.S. Courthouse and Post Office Building, Texarkana, Texas/Arkansas.** \$7.2 million. Security deficiencies at this courthouse will be addressed by consolidating the USMS space into one location, enclosing a sally port, adding elevators for prisoners and judges, building corridors for secure circulation, and reconfiguring building entry screening areas. The design was completed in May 2018 and construction started in October 2019 with anticipated substantial construction completion in summer 2021. In addition to the \$7.2 million of FY 2015 funding, approximately \$3.3 million was reprogrammed from funds

originally intended for the Paducah, Kentucky, project to cover budget shortfall, resulting in total project funding availability of \$10.5 million. This shortfall was due to underestimated direct costs, escalation, and market conditions.

**FY 2014 CSP.** Congress did not provide funding for CSP in FY 2014.

**FY 2013 CSP.**

**Ron De Lugo Federal Building, St. Thomas, U.S. Virgin Islands (Phase 1). \$20 million.** Several major security deficiencies at this courthouse will be addressed by constructing judges' and prisoner elevators, a restricted judges' garage, a USMS sally port, and other security-related site improvements. The FY 2013 Phase 1 project is currently under construction. The project could not afford to swing tenants out of the courthouse during construction and therefore, a five-phase, 36-month construction schedule was instituted. GSA has confirmed that it cannot use its hurricane funding authority to pay the delay costs due to difficulty in obtaining labor and materials following the hurricanes in 2017. In May 2019, \$402,000 was received from GSA's FY 2019 Major Repair and Alterations Spending Plan to cover delay costs due to difficulty in obtaining labor and materials following Hurricane Irma in 2017. A follow-on Phase 2 project to construct an adequate security screening area in the building's lobby was funded in FY 2016 in the amount of \$2.37 million. The overall project schedule has been extended by approximately five months with anticipated substantial construction completion in November 2020.

**FY 2012 CSP.**

1. **Federal Building and U.S. Courthouse, Benton, Illinois. \$4.7 million.** Security deficiencies at this courthouse were addressed by reconfiguring and constructing new corridors, adding an elevator, enclosing a sally port, and constructing visual barriers. The project is complete, and the court resumed occupancy of the space in January 2015. As a result of the project, the AMP process FBA Security Score for this courthouse improved from 46.1 to 80.2 and the overall FBA score improved from 51.7 to 61.1.
2. **Hato Rey Complex, Clemente Ruiz-Nazario U.S. Courthouse and Federico Degetau Federal Building, San Juan, Puerto Rico (Phase 1). \$3.1 million.** Security deficiencies at this courthouse were partially addressed by constructing a new dedicated elevator for prisoner movement. The project is complete, and the court resumed occupancy in July 2015. As a result of this project, the AMP process FBA Security Score for this courthouse improved from 58.9 to 68.2 and the overall FBA score improved from 70.4 to 73.0. A follow-on Phase 2 CSP project study has been completed to evaluate remaining security

concerns not addressed by the FY 2012 project. The resulting project was funded in FY 2018 (described above under FY 2018).

3. **Frank M. Scarlett Building, Brunswick, Georgia. \$5.5 million.** A new judge's elevator, perimeter fence, and enclosed parking area were constructed. Secure circulation was provided on the upper floors by re-stacking the clerk's public access operations, relocating the magistrate and bankruptcy judges' chambers, and constructing a USMS sally port and prisoner elevator. The project is complete, and the court resumed occupancy of the space in May 2017. As a result of the project, the AMP process FBA Security Score for this courthouse improved from 41.1 to 63.9, and the overall FBA score improved from 61.2 to 67.7.
  
4. **U.S. Courthouse and Post Office, Lexington, Kentucky. \$6.7 million.** Security deficiencies at this courthouse were addressed by reconfiguring and constructing new corridors, adding dedicated prisoner and judges' elevators, enclosing a sally port, and constructing visual barriers. In addition to the security enhancements, two new fire egress stairwells were constructed to make the facility compliant with life safety codes. Construction was completed in July 2017. As a result of the project, the AMP process FBA Security Score for this courthouse improved from 37.2 to 58.7 and the overall FBA score improved from 61.9 to 67.7.