



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

JAMES C. DUFF
Secretary

September 4, 2020

Honorable Richard C. Shelby
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Honorable Patrick J. Leahy
Ranking Member
Committee on Appropriations
United States Senate
Washington, DC 20510

Honorable Jerry Moran
Chairman
Subcommittee on Commerce, Justice,
Science, and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

Honorable Jeanne Shaheen
Ranking Member
Subcommittee on Commerce, Justice,
Science, and Related Agencies
Committee on Appropriations
United States Senate
Washington, DC 20510

Honorable Shelley Moore Capito
Chairwoman
Subcommittee on Homeland Security
Committee on Appropriations
United States Senate
Washington, DC 20510

Honorable Jon Tester
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairs Shelby, Moran, and Capito and Senators Leahy, Shaheen, and Tester:

We write to you on behalf of the Judicial Conference of the United States on an urgent matter regarding the safety of federal judges and their families and to seek additional appropriations for fiscal year (FY) 2021 for the U.S. Marshals Service and Federal Protective Service to improve judicial security.

As widely reported in news accounts, on July 19, 2020, an assailant went to the New Jersey home of U.S. District Judge Esther Salas and shot and killed her 20-year-old son and critically wounded her husband. The assailant had a history of racist, misogynistic internet postings, many targeting Latina judges. In the aftermath of this tragedy, and in response to increasing threats against federal judges, the Judicial Conference approved five recommendations for congressional action for improving judicial security. These actions include: (1) seeking legislation to enhance the protection of judges' personally identifiable information, particularly on the internet; (2) supporting the development of a resource, in coordination with the U.S. Marshals Service, to monitor the public availability of judges' personally identifiable information and potential and actual threats; (3) supporting additional appropriations for the U.S. Marshals Service to replace and sustain home

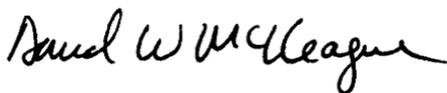
intrusion security systems installed in judges' homes with current security capabilities and technologies; (4) supporting increased appropriations for the U.S. Marshals Service to hire additional Deputy U.S. Marshals in accordance with the District Staffing Model; and (5) supporting a direct appropriation to the Federal Protective Service to fund required upgrades of security cameras at U.S. courthouses. A sixth recommendation seeking legislation to eliminate the sunset provision which grants the Judicial Conference authority to redact financial disclosure reports has been a goal of the Judicial Conference for many years.

Each of the recommendations are matters of long-standing concern to the Judiciary and we strongly believe this comprehensive approach to judicial security is required in the aftermath of this tragedy. We are working with the House and Senate Judiciary Committees on authorizing legislation to address protecting judges' personally identifiable information and enhanced monitoring of online and other threats. In addition, we are asking the Appropriations Committees and the subcommittees of jurisdiction for the U.S. Marshals Service and the Federal Protective Service – Commerce, Justice, Science, and Related Agencies, and Homeland Security, respectively – to provide additional funding in the form of supplemental appropriations, FY 2021 annual appropriations, or a combination of both, to the U.S. Marshals Service to replace the existing home security systems for federal judges with current technology (\$7.2 million initially and \$2 million per year in recurring costs) and to hire 1,000 additional Deputy U.S. Marshals (\$250 million first-year cost) in line with the District Staffing Model. In addition, we request \$267 million in direct appropriations be provided to the Federal Protective Service to fund required upgrades and replacement of exterior perimeter security cameras (video surveillance systems) at 650 U.S. courthouses and federal facilities that house judicial activities. Additional details on these funding requests are provided in the enclosure.

We ask for your prompt attention to these urgent funding requests. Threats against federal judges are increasing and it is imperative that the Judicial Branch and Legislative Branch work together to take action to prevent another tragedy involving judges and their families.

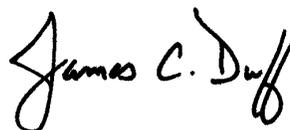
Thank you for consideration of this urgent funding request. Please contact us if you have any questions or require additional information.

Sincerely,



David W. McKeague
Chair, Committee on Judicial Security

Sincerely,



James C. Duff
Secretary

Enclosure

cc: Honorable John N. Kennedy
Honorable Chris Coons
Attorney General William Barr
Acting Secretary Chad Wolf
Director Russell Vought

Commerce, Justice, Science, and Related Agencies Appropriations Subcommittee**Home Intrusion Detection Systems Upgrades and Replacements (\$7.2 million)**

The U.S. Marshals Service (USMS) administers the Home Intrusion Detection System (HIDS) program in consultation with the federal Judiciary. The HIDS program was created in 2005 following the killing of U.S. District Judge Joan Lefkow's mother and husband in their Chicago home by an assailant. In response to that tragedy, Congress provided the USMS \$11.9 million in FY 2005 one-time supplemental funding (P.L. 109-13) for increased judicial security outside of courthouse facilities, including home intrusion detection systems at federal judges' primary residences. Approximately \$1 million of that funding was used to start the HIDS program, and in 2007 an equivalent amount was included in the USMS annual appropriation to provide a dedicated source of funding for the program. Since 2007, the USMS has allocated \$1 million to \$1.4 million annually for HIDS, with any amounts above the initial \$1 million budget being absorbed from within the USMS general salaries and expenses appropriation.

The lack of increased investment in the HIDS program makes it impossible for the USMS to fully meet program needs, including cyclical maintenance of security systems and, significantly, providing security system upgrades that are compatible with current technology. Since inception of the HIDS program judges have raised significant concerns regarding the low quality of equipment installed as well as limited monitoring and maintenance services. Current HIDS system components and functionality are inadequate and require judges to rely on antiquated security systems.

Based on estimates provided by the USMS, the Judicial Conference requests \$7.2 million in supplemental appropriations or FY 2021 annual appropriations be provided to the USMS to replace the existing systems with current technology that allows for video and recording applications as well as mobile control and monitoring. Including these components in standard security systems not only increases the situational awareness for judges but also facilitates investigatory efforts if an incident does occur. Installing HIDS systems at approximately 2,400 judges' primary residences at a cost of approximately \$3,000 per system will cost \$7.2 million plus \$2.0 million in annual recurring funding beginning in FY 2022, adjusted for inflation each year, to cover new installations, system monitoring, and maintenance. The USMS estimates HIDS upgrades would take 12-18 months to complete.

Additional Deputy U.S. Marshals (\$250 million, dependent on pace of hiring/training)

The primary mission of the U.S. Marshals Service is to protect, defend, and enforce the American justice system by securing federal court facilities and ensuring the safety of judges and other court personnel; apprehending fugitives and noncompliant sex offenders; exercising custody of federal prisoners, and providing for their security and transportation from arrest to incarceration; ensuring the safety of protected government witnesses and their families; executing federal warrants and court orders; managing seized assets acquired through illegal means; and providing custody, management, and disposal of forfeited assets. By statute, the USMS is the principal security support force in the federal judicial system. All USMS personnel support the security of the judiciary and the judicial process.

Most of the USMS's district workload is performed by Deputy U.S. Marshals (Deputies) and is driven by external factors/entities beyond the USMS's control (i.e., prisoner productions, judicial security, court operations). The USMS has developed a District Staffing Model (DSM) to measure workload of the 94 federal judicial districts and the workforce required. The DSM data and formulas are reviewed/adjusted annually. The DSM is the best indicator of the USMS's workload-to-workforce gap and consistently reflects severe understaffing of Deputy positions. The current staffing model indicates that additional Deputies are needed to bridge the gap.

In 2020, the USMS has 3,885 authorized Deputy positions, with over 90 percent of the positions on board. Of these positions, 3,102 positions are in the districts and are available to support the security of judges and court operations. Based on current workload projections, the DSM staffing model recommends 4,329 positions, a shortfall of 1,227 district Deputy positions. The FY 2021 Budget requests an increase of 280 Deputy positions, 200 of which would support DSM workload in the districts. The Judiciary supports this element of the FY 2021 USMS budget request and requests appropriations to hire an additional 1,000 Deputies as quickly as USMS can hire and train the additional positions. The first-year cost would be \$250 million if all 1,000 positions were hired at once.

Homeland Security Appropriations Subcommittee

Direct Appropriation to the Federal Protective Service for Exterior Perimeter Security Camera (video surveillance systems) Upgrades and Replacement (\$267 million)

The Federal Protective Service (FPS) provides security for federal facilities managed by the General Services Administration and, as such, serves as a security partner for the Judiciary, working alongside USMS. Instead of receiving a direct appropriation from Congress, FPS derives its funding through reimbursements from the tenants housed in the facilities it protects. FPS costs are still divided into two categories: basic and building specific. The basic FPS security charge includes funding for general law enforcement activities on GSA-controlled properties, such as responding to emergency calls and monitoring perimeter building alarms. Building specific charges include costs related to the protective service officers assigned to specific facilities and security countermeasures, such as x-ray machines, the purchase, installation, and maintenance of exterior perimeter security cameras (referred to as video surveillance systems, or VSS), and other perimeter security equipment.

At the courthouses where it has a presence, FPS manages the security cameras that are located on the exterior of these facilities. These cameras are a critical tool in the overall security of the courthouse. The Judiciary has had a longstanding concern regarding FPS VSS, specifically the lack of a comprehensive strategy for timely repair of inoperable cameras, cyclical maintenance, replacement, and upgrades of the VSS. FPS has indicated that funding constraints are the primary reason for the current state of its security cameras program due to federal tenants in courthouses, other than the Judiciary, being unable or unwilling to pay their share of building specific countermeasures (i.e., exterior perimeter security cameras), leaving the VSS program underfunded. Many of FPS' VSS systems at these facilities are analog systems that are failing.

All VSS will exceed the manufacturer's suggested replacement term of seven years by the time FPS replaces these systems.

The Judicial Conference has long supported a direct appropriation for FPS versus the current agency reimbursement model. However, given the immediate need to improve judicial security, the Judicial Conference seeks a one-time direct appropriation in supplemental appropriations or FY 2021 annual appropriations of \$267 million to FPS to upgrade and replace VSS at 650 courthouses and federal buildings that house judicial activities. FPS estimates it would take approximately 5 years to upgrade and replace VSS nationwide. The cost of operations and maintenance of the systems plus a charge for the cyclical replacement of these systems should be included in the building specific charges paid by the tenant agencies.



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JAMES C. DUFF
Secretary

September 4, 2020

Honorable Nita M. Lowey
Chairwoman
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Honorable Kay Granger
Ranking Member
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Honorable José E. Serrano
Chairman
Subcommittee on Commerce, Justice,
Science, and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Honorable Robert B. Aderholt
Ranking Member
Subcommittee on Commerce, Justice,
Science, and Related Agencies
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Honorable Lucille Roybal-Allard
Chairwoman
Subcommittee on Homeland Security
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Honorable Chuck Fleischmann
Ranking Member
Subcommittee on Homeland Security
Committee on Appropriations
United States House of Representatives
Washington, DC 20515

Dear Chairs Lowey, Serrano, and Roybal-Allard and Representatives Granger, Aderholt, and Fleischmann:

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supporting additional appropriations for the U.S. Marshals Service to replace and sustain home intrusion security systems installed in judges' homes with current security capabilities and technologies; (4) supporting increased appropriations for the U.S. Marshals Service to hire additional Deputy U.S. Marshals in accordance with the District Staffing Model; and (5) supporting a direct appropriation to the Federal Protective Service to fund required upgrades of security cameras at U.S. courthouses. A sixth recommendation seeking legislation to eliminate the sunset provision which grants the Judicial Conference authority to redact financial disclosure reports has been a goal of the Judicial Conference for many years.

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David W. McKeague
Chair, Committee on Judicial Security

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Enclosure

cc: Honorable Mike Quigley
Honorable Tom Graves
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Director Russell Vought

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