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Description of document: United States Marshals Service (USMS) Agreements regarding Court Security between US Marshals Service and the Administrative Office of US Courts, 2006-2020

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United States Marshals Service  
Office of the General Counsel  
Freedom of Information Act Unit  
CG-3, 15th Floor  
Washington, DC 20530-0001  
[USMA Online FOIA Portal](#)

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**U.S. Department of Justice**

United States Marshals Service

*Office of General Counsel*

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*CG-3, 15<sup>th</sup> Floor  
Washington, DC 20530-0001*

May 09, 2023

**Re: Freedom of Information Act Request No. 2021-USMS-362755**

**Subject: FOIA Request re**

Dear Requester:

The United States Marshals Service (USMS) is responding to your Freedom of Information Act (FOIA) request received by USMS on September 02, 2021 for the following:

*"All written agreements, MOUS and MOAs between the USMS and the Admin Office of United States Courts."*

Pursuant to your request, the USMS conducted a search for records responsive to your request and located 31 pages of responsive documentation within the following offices/divisions:

JSD

To withhold a responsive record in whole or part, an agency must show both that the record falls within a FOIA exemption, 5 U.S.C. § 552(b), and that the agency “reasonably foresees that disclosure would harm an interest protected by exemption.” See § 552(a)(8)(A)(i)(I); *Machado Amadis v. U.S. Dep't of State*, 971 F.3d 364 (D.C. Cir. 2020). As described in this correspondence, the USMS reviewed responsive records to your request and asserted FOIA exemptions as appropriate. Further, the USMS has determined it is reasonably foreseeable that disclosure of the withheld information would harm an agency interest protected by the exemption. These pages are released to you with portions of 17 page(s) withheld and 0 page(s) withheld in full pursuant to the following Exemptions of the FOIA, 5 U.S.C. § 552(b):

(b)(6), FOIA Exemption (b)(6) allows an agency to withhold personnel, medical, and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Records that apply to or describe a particular individual, including investigative records, qualify as “personnel,” “medical,” or “similar files” under Exemption 6. A discretionary release of such records is not appropriate. See *United States Department of Justice (DOJ) v. Reporters Committee for Freedom of the Press*,

489 U.S. 749 (1989).

(b)(7)(C), FOIA Exemption (b)(7)(C) protects records or information compiled for law enforcement purposes to the extent that the production of such records or information could reasonably be expected to constitute an unwarranted invasion of personal privacy. A discretionary release of such records is not appropriate. See *United States Department of Justice (DOJ) v. Reporters Committee for Freedom of the Press*, 489 U.S. 749 (1989). Accordingly, the personally identifiable information of law enforcement officers and government employees was withheld from the responsive documentation. The disclosure of such sensitive information contained in records compiled for law enforcement purposes to the public could subject law enforcement officers and other government personnel to harassment and unwelcome contact. This could disrupt and impede official agency activity, as well as endanger the safety of law enforcement officials. Additionally, the personally identifiable information of third parties named in the records was withheld. The disclosure of third-party information could constitute an unwarranted invasion of personal privacy and subject the individuals to embarrassment, harassment, and undue public attention. Individuals have a recognized privacy interest in not being publicly associated with law enforcement investigations, not being associated unwarrantedly with alleged criminal activity, and controlling how communications about them are disseminated.

(b)(7)(E), FOIA Exemption (b)(7)(E) exempts from release information that would disclose law enforcement techniques or procedures, the disclosure of which could reasonably be expected to risk circumvention of the law. Public disclosure of law enforcement techniques and procedures could allow people seeking to violate the law to take preemptive steps to counter actions taken by USMS during investigatory operations. Information pertaining to case selection, case development, and investigatory methods are law enforcement techniques and procedures that are not commonly known. The disclosure of this information serves no public benefit and would have an adverse impact on agency operations. Furthermore, public disclosure of information such as internal URLs, codes, and internal identifying numbers could assist unauthorized parties in deciphering the meaning of the codes and numbers, aid in gaining improper access to law enforcement databases, and assist in the unauthorized party's navigation of these databases. This disclosure of techniques for navigating the databases could permit people seeking to violate the law to gain sensitive knowledge and take preemptive steps to counter actions taken by USMS during investigatory operations. The disclosure of this information serves no public benefit and would not assist the public in understanding how the agency is carrying out its statutory responsibilities.

(b)(7)(F), FOIA Exemption (b)(7)(F) protects law enforcement

information that "could reasonably be expected to endanger the life or physical safety of any individual." 5 U.S.C. § 552(b)(7)(F) (2006), amended by OPEN Government Act of 2007, Pub. L. No. 110175, 121 Stat. 2524. Courts have routinely upheld the use of Exemption (b)(7)(F) to protect the identities of law enforcement agents, as well as protect the names and identifying information of non-law enforcement federal employees, local law enforcement personnel, and other third persons in connection with particular law enforcement matters. See *Rugiero v. DOJ*, 257 F.3d 534, 552 (6th Cir. 2001); *Johnston v. DOJ*, No. 97-2173, 1998 WL 518529, \*1 (8th Cir. Aug. 10, 1998).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with the United States Marshals Service (USMS) determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may also contact Charlotte Luckstone or our FOIA Public Liaison at (703) 740-3943 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

*/s/ ER for*

Charlotte Luckstone  
Senior Associate General Counsel  
FOIA/PA Officer  
Office of General Counsel

Enclosure

MEMORANDUM OF AGREEMENT FOR COURT SECURITY  
BETWEEN GSA, USMS AND AOUSC

**I. INTRODUCTION**

The integrity of the judicial process requires that adequate security services be provided to the Federal courts. This Memorandum of Agreement (MOA) defines the areas of responsibility for each agency with respect to the Judicial Facility Security Program. It supersedes the 1987 Interagency MOA on Court Security between the General Services Administration (GSA), United States Marshals Service (USMS), and the Administrative Office of the United States Courts (AOUSC).

The three parties to this agreement recognize that the provision of adequate security services to the Federal courts requires a cooperative effort. To monitor this agreement and sustain continuing cooperation, the Administrator of General Services, Director, USMS, and Director, AOUSC, will direct their security officials to sponsor periodic regional meetings to share ideas and resolve key issues. Additionally, all attempts will be made at the local level to resolve any disputes arising from the implementation of this agreement. After these efforts are exhausted, issues will be directed to GSA Central Office, Federal Protective Service, for resolution in compliance with the 1997 Delegation of Authority to the Attorney General.

The requirements of this joint effort are delineated in the March, 1982, "Report of the Attorney General's Task Force on Court Security," the March, 1982, "Joint Statement of the Chief Justice and the Attorney General before the Judicial Conference of the United States," the December 1982, Delegation of Procurement Authority from GSA to the Department of Justice (DOJ), the June 1995, DOJ report entitled "Vulnerability Assessment of Federal Facilities," and the 1997 Delegation of Authority from GSA to DOJ delegating USMS authority to determine and provide the appropriate level of perimeter access control at all GSA-controlled facilities that house a judicial officer.

**II. DEFINITIONS**

Judicial Space

Includes but is not limited to the following: circuit, district, magistrate, and bankruptcy courtrooms and chambers; related court areas such as circuit and district executives' offices, Clerks' Offices, libraries, jury rooms and adjacent areas, such as judicial elevators and corridors, and offices for Probation and Pretrial Services and Federal Public Defenders.

Judicial Officers

Includes, but are not limited to, all circuit and district judges including senior judges, all magistrate judges and bankruptcy judges.

MEMORANDUM OF AGREEMENT FOR COURT SECURITY  
BETWEEN GSA, USMS AND AOUSC

Facility Perimeter

1. For Government-owned facilities, perimeter is the space and distance from the property line of facility to its exterior walls, including all points of egress and ingress.
2. For GSA-leased properties, the perimeter is the outside boundary of the leased space, as defined in the lease.

Access Control

For the purposes of this delegation, determining the appropriate level of access control at the perimeter, or all points of entrance including garages and loading docks, provides USMS the authority to:

1. Identify all fixed locations (points of ingress and egress) to be controlled; and
2. Determine and provide the appropriate level of building access control at all GSA-controlled facilities that house a judicial officer.

All decisions must be coordinated with the GSA/FPS, the Building Security Committee (BSC) or Court Security Committee (CSC), if CSC is serving as a BSC for a particular building, and consider compatibility with existing GSA and USMS systems.

**III. AGENCY RESPONSIBILITIES**

United States Marshals Service

The United States Marshals Service is responsible for:

- a. Developing a comprehensive nationwide court security program for the Federal judiciary
- b. Providing security services to the Federal Judiciary, including protection for court proceedings, court officials, and court areas occupied by the judiciary.
- c. Conducting uniform, comprehensive court security surveys of all dedicated Federal judiciary space within GSA-controlled facilities. These surveys will be conducted in cooperation with representatives of the Federal judiciary and GSA/FPS. GSA/FPS will be provided a copy of the completed survey.

MEMORANDUM OF AGREEMENT FOR COURT SECURITY  
BETWEEN GSA, USMS AND AOUSC

- d. Establishing a Court Security Committee in each district consisting of the following persons or their designees: the U.S. Marshal of the District who is the principal coordinator; the Clerk of the Court; the U.S. Attorney; U.S. District Court Chief Judge (or judge designee); a U.S. Magistrate judge; a representative of the bankruptcy court, where there is a circuit court district, a representative of that court and a GSA/FPS representative, if appropriate. If the CSC is serving as a BSC for a particular building, the CSC must meet the requirements contained in the 1995 DOJ Report concerning tenant and FPS representation when making decisions for the specific building.
- e. Reviewing and providing timely responses to proposed plans for new construction and/or repairs and alteration provided by AOUSC, or GSA for new or existing buildings housing the Federal judiciary.
- f. Reporting all criminal incidents and life threatening events committed on GSA controlled property to FPS. Cooperating fully with FPS response and investigation of crimes, including immediate access of properly identified FPS armed police officers, special agents and guards discharging official GSA/FPS duties and responsibilities.
- g. Contracting for court security officers and the purchase, installation, and maintenance of security systems in space occupied by the Federal judiciary following the December 1982 Delegation of Authority from GSA to DOJ.
- h. Participating fully with GSA as a member of the BSC for all GSA-controlled space housing judicial officers. CSC's can serve as BSC's for a particular building, if the requirements contained in the DOJ Vulnerability Assessment on tenant representation are met. The USMS will make every effort to ensure that all CSC's serving as BSC's meet these requirements.
- i. Determining and providing the appropriate level of perimeter access control at buildings housing judicial officers. The provision of access control security services will be coordinated with both GSA/FPS and the local building BSC.
- j. Funding any access control countermeasure that exceeds the recommendations of the building BSC and is not approved by FPS.
- k. The USMS will actively participate in the BSC or CSC to continually evaluate the provision of building security services to ensure that they are in accordance with generally accepted security practices.

MEMORANDUM OF AGREEMENT FOR COURT SECURITY  
BETWEEN GSA, USMS AND AOUSC

2. General Services Administration

The General Services Administration is responsible for.

- a. Providing general facility security and law enforcement functions, including all exterior security perimeter requirements, for all GSA-controlled facilities housing judicial officers.
- b. Conducting recurring facility physical security surveys and crime prevention activities, and coordinating a comprehensive occupant emergency plan (OEP) with representatives of the Federal judiciary and USMS. GSA will provide a copy to USMS.
- c. Participating in court security surveys of all dedicated Federal judiciary space within GSA controlled facilities.
- d. Participating in CSC's and BSC's.
- e. Providing timely review of proposed plans provided by USMS for new construction, renovations, and leased space projects to determine facility perimeter security needs as defined in PBS-PQ100.
- f. Providing proposed plans for new construction and renovation of court space in a timely manner for review and comment.
- g. Maintaining liaison with local fire and police agencies about building security, and assisting BSCs, CSCs and local USMS representatives in developing and achieving the objectives of building OEPs.
- h. Responding to and investigating all reported criminal incidents and life threatening events in all GSA-controlled facilities housing judicial officers.
- i. Establishing and providing technical advice to BSCs and/or CSCs, as appropriate, for all GSA-controlled space housing judicial officers.
- j. Providing additional protective personnel, security systems, and other security measures, including temporary access control during unusual situations for example, sensitive trials or alterations and construction in court assigned space. Any requests above the level established by GSA will be provided on a reimbursable basis.



MEMORANDUM OF AGREEMENT FOR COURT SECURITY  
BETWEEN GSA, USMS AND AOUSC

k. Evaluating compliance with Delegation of Authorities from GSA to the Attorney General.

l. Funding and implementing BSC recommended and GSA approved countermeasures for access control in all GSA space, excluding existing USMS countermeasures for which funds have been appropriated. Funding for countermeasures not recommended by the BSC, or approved by GSA/FPS, but required by USMS, will be the responsibility of USMS.

m. Performing background suitability/criminal history checks for all permanent contract employees assigned to work in judicial space within GSA-controlled Federal buildings, as required by GSA suitability policy. Upon request, GSA will provide to the USMS the results of the FPS pre-employment check for authorized prospective PBS service contract employees. The USMS will determine security access to its areas of responsibility, based on the information provided.

3. Administrative Office of the United States Courts

The Administrative Office of the United States Courts is responsible for.

a. Representing the policies and decision of the Judicial Conference of the United States.

b. Transferring funds to USMS for the Judicial Facility Security Program.

c. Monitoring the effectiveness of the USMS Court Security program, and its use of appropriated funds.

d. Initiating plans for new construction or renovation for the courts, and coordinating the review of plans for physical security with the USMS, as needed.

e. Providing USMS with space acquisition requests for the Federal judiciary to ensure security systems are included in plans.

f. Providing GSA and USMS with notice of any renovation projects so that provisions for security systems can be included, if required.

g. Advising the court districts of the need to ensure that all CSC's functioning as BSC's, meet the DOJ tenant representation requirements.

MEMORANDUM OF AGREEMENT FOR COURT SECURITY  
BETWEEN GSA, USMS AND AOUSC

IV. SECURITY SYSTEMS INSTALLATIONS

Installations

GSA will continue to accept projects submitted by USMS and/or AOUSC on a reimbursable basis. Decisions regarding systems installation will be made after assessing compatibility with existing GSA and USMS systems.

Requests for space

When AOUSC issues a Request for Space to GSA identifying the type and use of space required, USMS will evaluate the need for security requirements and coordinate with GSA. The cost of the equipment and installation will be funded by USMS.

Security Systems Installations Not Performed By GSA

When the USMS uses its contractor to install security equipment in court space, the installation will be coordinated with the GSA property manager if the security equipment connects to building electrical, security or fire systems. Coordination will also be effected with the FPS if any connection is made to GSA building security systems.

New Construction

Security requirements for the courts will be incorporated into the initial plans and layouts of the building. Plans and layouts will be as provided in the U.S. Courts Design Guide and "PBS-PQ100, Facilities Standards for the Public Buildings Service." GSA/FPS will specify security requirements for facility perimeter and exterior to include parking facilities, as provided for in PBS-PQ100, the GSA security criteria, and in coordination with USMS and AOUSC representatives. FPS and USMS security designers shall coordinate their respective systems requirements (b)(7)(E) (b)(7)(E) that meets the needs of both agencies. Security requirements shall be appropriately referenced in the prospectus document and included in the project budget request.



U.S. Department of Justice  
United States Marshals Service  
*Judicial Security Division*

Washington, DC 20530-1000

April 13, 2009

MEMORANDUM TO: United States Marshals  
Chief Deputy United States Marshals  
Judicial Security Inspectors

FROM: (b)(6), (b)(7)(C), (b)(7)(F) (b)(6), (b)(7)(C), (b)(7)(F)  
Assistant Director for Judicial Security

SUBJECT: Courtroom Camera Recording

The Judicial Security Division's (JSD) Office of Security Systems (OSS) has a long history of providing video recording equipment, used over the years and through various schemes to record images from courtroom cameras. With the old video cassette recorder (VCR) technology, courtroom recordings were often (b)(7)(E). (b)(7)(E) During the recent transition to digital video recorder (DVR) technology, courtroom camera recording was not handled uniformly, resulting in many DVRs capturing courtroom video on a full-time basis, i.e., (b)(7)(E). (b)(7)(E)

The Judiciary's Committee on Security has indicated some discomfort with this arrangement. The attached memorandum from the Committee Chairman to all federal judges details the Committee's concerns. The Committee and JSD have several issues to consider and address, including how to protect stored video data, whether to record only (b)(7)(E) and the circumstances under which the USMS can download the data to external media. As we engage the courts on these issues, you may receive inquiries from judges in your district. You can report that Headquarters elements are working closely with the Committee toward a uniform courtroom recording standard and protocol.

If you have any questions or concerns on this issue, please contact OSS Chief (b)(6), (b)(7)(C), (b)(7)(F) at (b)(6), (b)(7)(C).

Attachment

cc: (b)(6), (b)(7)(C), (b)(7)(F)  
Acting Deputy Director

(b)(6), (b)(7)(C), (b)(7)(F)  
Associate Director for Operations

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS  
AND THE UNITED STATES MARSHALS SERVICE  
REGARDING THE CREATION, RETENTION, USE, AND DISPOSAL  
OF COURTROOM SECURITY SURVEILLANCE VIDEO RECORDINGS**

1. Parties.

This Memorandum of Understanding (MOU) is entered into by the Administrative Office of the United States Courts, on behalf of the Federal Judiciary, and the United States Marshals Service (USMS), collectively referred to as “the parties.”

2. Background.

By longstanding practice, the USMS has made video recordings from the transmissions of courtroom security surveillance cameras installed on or in the walls of courtrooms (hereafter “courtroom video recordings”). The sole purpose of these cameras and the recordings of their transmissions is to enable USMS personnel and court security officers to monitor from a courthouse control room activity that occurs in [REDACTED] or at [REDACTED]. [REDACTED] These transmissions and courtroom video recordings are intended to be used only for security purposes.

The purpose of this MOU is to provide policy and procedural guidance to the parties regarding the creation, retention, use, and disposal of the courtroom video recordings.

3. Creation of Courtroom Video Recordings.

The creation of courtroom video recordings shall [REDACTED] in a courtroom, although judges and other court personnel will continue to be responsible for [REDACTED].

Courtroom video recordings of all transmissions from courtroom security surveillance cameras shall be made on a continuous, uninterrupted basis.

These recordings shall be made on digital video recording (DVR) equipment or such other equipment as may be regarded as the industry standard for this purpose.

The courtroom security surveillance cameras may never be used for audio recording.



#### 4. Ownership and Control of Courtroom Video Recordings.

The parties agree that the USMS manages, operates, and monitors the courtroom security surveillance system on behalf of the Federal Judiciary and that all courtroom video recordings are records of the Federal Judiciary. To the extent that the USMS has an ownership interest in the courtroom video recordings, it permanently and unconditionally assigns any claim or interest it has in the courtroom video recordings to the Federal Judiciary.

#### 5. Retention and Erasing of Courtroom Video Recordings.

All courtroom video recordings shall be maintained locally by USMS officials at each court location for a period of not less than 14 days, nor more than 30 days. The exact retention period, minimum or maximum (between 14 and 30 days), will be established by the chief judge of the district in which the video recordings are made, and will be determined in part by the capabilities of the particular video recording equipment used to create the recordings.

Absent a court order to the contrary, local USMS officials shall automatically erase or overwrite all courtroom video recordings at the end of the retention period.

#### 6. Release or Other Use of Courtroom Video Recordings.

In general, courtroom video recordings are to be viewed only by USMS personnel, contract court security personnel, judges, and authorized Judiciary employees.

A particular courtroom video recording may be authorized to be released to other persons or entities in only one of two ways:

- a. The chief judge of the district in which the recording is made may order that a courtroom video recording be released for security purposes. The chief judge's order shall provide specific guidance regarding the persons to whom the courtroom video recording may be released, when the release may be made, and what, if any, restrictions are placed on further distribution of the recording.
- b. The United States marshal of the district in which the recording is made, or his or her designee, may order release to appropriate law enforcement entities in the event of a security incident, if immediate release is determined to be necessary for law enforcement purposes. The United States marshal, or his or her designee, shall obtain the prior approval of the chief judge for such release, if feasible. In any event, the United States marshal, or his or her designee, shall promptly notify the chief judge of any such release.

7. Protection of Courtroom Video Recordings.


The USMS, its employees and agents shall maintain all courtroom video recordings as confidential and shall not release them to any person or entity except as specifically authorized by the United States marshal or the chief judge in accordance with this MOU.

If a request for a courtroom video recording is submitted to USMS personnel under the Freedom of Information Act (FOIA), the request shall promptly be forwarded to the chief judge of the district in which the recording was made for disposition. Under no circumstances shall USMS personnel release courtroom video recordings in response to an FOIA request without prior authorization from the chief judge.

8. Effective Date; Amendments to MOU.


This MOU shall become effective upon signature. This MOU may be amended only with the written consent of both parties.

For the Administrative Office of the United States Courts,

  
\_\_\_\_\_  
James C. Duff, Director

10-14-09      **OCT 14 2009**  
\_\_\_\_\_  
Date

For the United States Marshals Service,

  
\_\_\_\_\_  
John F. Clark, Director

11-17-09  
\_\_\_\_\_  
Date

SUBJECT: Court Security

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I ask for your continued support and cooperation as we work to resolve the critical issue of court security. The Office of Court Security of the Administrative Office will serve as the liaison with the Marshals Service in security matters. Please feel free to direct any questions or concerns to the Office of Court Security (FTS 786-6003).

(b)(6), (b)(7)(C)

William E. Foley

Enclosure

MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES MARSHALS  
SERVICE AND THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS  
REGARDING THE DEFINITION AND FUNDING OF VARIOUS FEDERAL COURT  
SECURITY PROGRAMS AND RESPONSIBILITIES

January 13, 1984

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On March 11, 1982, the Chief Justice and the Attorney General delivered a Joint Statement on court security before the Judicial Conference of the United States in which they declared that:

The provision of adequate security services to all the participants in the federal judicial system, most especially the Judiciary itself, is a critical element in the relationship between the Department of Justice and the Federal Courts. If we cannot ensure the safety of all participants in the judicial process, we cannot maintain the integrity of the system, we cannot – in sum – “establish justice,” as mandated in the preamble to the Constitution of the United States .

The Chief Justice and the Attorney General recognized that the problems of providing adequate court security services – especially underfunding and fragmentation or responsibility – can be resolved only through mutual understanding by all participants in the judicial process and by a concerted, coordinated response to judicial needs. To this end, it was agreed that:

1. The United States Marshals Service will assume primary responsibility and authority for the provision of security services to the federal judiciary. The judiciary in each district will, therefore, have a single individual to whom it can look for all judicial security matters -- the United States marshal for the district.
2. The March 1982 recommendations of the Attorney General’s Task Force on Court Security will be adopted and implemented as rapidly as possible .

The United States Marshals Service (USMS), the bureau of the Department of Justice that is vested with responsibility for providing court security services, and the Administrative Office of the United States Courts (AO) enter into this Memorandum of Understanding for the purposes of implementing the Joint Statement of the Chief Justice and the Attorney General, defining the court security programs of the USMS, and expressing the terms and conditions under which funds appropriated to the judiciary will be transferred to the Marshals Service for use in providing security to the federal courts.

1. Definition of USMS Security Programs

- a. The USMS manages and funds the following programs which provide judicial security:

(1) Technical Assistance Program. This program provides technical assistance in surveying and determining security requirements for existing federal court facilities and new acquisitions of space in which federal judicial business is or will be conducted. Included in this program are: designing, planning, and implementing physical security systems; performing technical



or physical inspections of court offices on a regular or requested basis; providing advice and assistance to the courts on security matters; and assessing security requirements for specific trials, hearings, and conferences. All expenses for salaries, overtime, travel, equipment, and related costs for this program are funded from the regular USMS appropriated budget.

(2) Courtroom Security Program. This program provides deputy United States Marshals

for the security of federal court proceedings by their physical presence in the courtroom, pursuant to the security level criteria specified in the March 1982 Report of the Attorney General's Task Force on Court Security. In addition, Deputy United States Marshals will handle juries and operate security equipment, where necessary. All expenses for salaries, overtime, travel, equipment, and related costs for this program are funded from the regular USMS appropriated budget.

(3) Personal Security Program. This program provides for the personal security of members

of the federal judiciary, trial participants, and other judicial officials whose welfare and safety are threatened as a result of performing their official duties. Personal security may include (b)(7)(E)

(b)(7)(E) and, where appropriate, (b)(7)(E). All expenses for salaries, overtime, travel, equipment, and related costs for this program are funded from the regular USMS appropriated budget.

- b. The USMS manages the following program, which is funded by the Judiciary through the AO :

Judicial Facility Security Program. This program provides uniformed security officers and security systems and equipment for judicial area security, beyond the three programs funded by the USMS. The goal of the program, as funds become available, is to provide security to the circuit, district, and bankruptcy courts, the U.S. Claims Court and such related court activities as magistrates' offices, clerks' offices, court executives' offices, court reporters' offices, libraries, probation offices, pretrial services offices, and federal public defenders' offices. (For general building and perimeter security see section 16, infra.)

Under this program the USMS will use money transferred by the judiciary to secure judicial areas, including but not limited to (b)(7)(E)

(b)(7)(E)

(b)(7)(E) To secure these areas the USMS will contract for uniformed court security officers and provide screening, selection, orientation, deployment, and personnel evaluation for such officers. The USMS will also contract for installation and maintenance of security systems and equipment, including, but not limited to,

(b)(7)(E)

(b)(7)(E)

(b)(7)(E) and other equipment necessary to satisfy unique and changing requirements.

## 2. Interagency Cooperation

The USMS and the AO recognize that the provision of security services to the federal courts

is a task of high national priority and great sensitivity, which requires a joint, cooperative effort. To this end, the two agencies agree to support each other's mission, to exchange information and views freely, and to work together in a spirit of cooperation and joint enterprise; as agreed to by the Chief Justice and the Attorney General in their Joint Statement before the Judicial Conference of the United States.

### 3. Transfer of Funds

Funds appropriated to the judiciary's court security appropriation account will be transferred to the USMS on Standard Form 1151 on the same basis as approved by the Congress; i.e., in the case of annual appropriations, the transfer will provide funds for the entire budget year; and in the case of a continuing resolution, the transfer will provide funds for the period covered by the resolution. The USMS will provide the AO with an annual apportionment plan outlining proposed obligations by object class on a quarterly basis.

### 2. Apportionments or Reapportionments

Pursuant to 31 U.S.C. § 1514, the USMS Comptroller will prescribe by regulation a system of administrative controls designed to restrict obligations or expenditures to the amount of apportionments or reapportionments made and to fix responsibility for the creation of any obligation or the making of any expenditures in excess of an apportionment or reapportionment of funds transferred by the AO.

Any officer or employee of the USMS who authorizes or creates expenditures in excess of apportionment shall be subject to administrative discipline (31 U.S.C. § 1518), and, if appropriate, the criminal sanctions contained in 31 U.S.C. § 1519.

### 5. Accounting

Records or all financial transactions will be maintained by the USMS Comptroller consistent with generally accepted accounting principles and in compliance with the rules and regulations prescribed by the Comptroller General and the Department of the Treasury.

### 6. Certification of Obligations and Unobligated Balances to the Treasury

The USMS Comptroller will report the status of the transfer appropriation account to the AO seven (7) calendar days before the Department of Treasury due date for TSA Form 2108, so that it may be included in the judiciary's report. The USMS will report the balances on a certified copy of TSA Form 2108.

### 7. Formulation and Presentation of Budget Estimates

The USMS will develop estimates of annual and supplement appropriations required for the Judicial Facility Security Program using a format developed by the AO in consultation with the USMS. This format will be submitted to the USMS by the AO no later than May 1 each year. These estimates, together with narrative justifications, will be submitted to the AO by July 1 each year for inclusion in the judiciary's annual budget request to the Congress and will be subject to the approval of the Judicial Conference of the United States. A representative of the USMS will attend the hearings before the Appropriations Committees or the Congress and, if called upon by the judicial

witness, will testify or respond to questions relating to the court security program.

#### 8. Budget Execution

The USMS Comptroller will prepare and transmit to the AO regular monthly reports on the status of funds and obligations incurred by object class within thirty (30) calendar days following the close of the accounting period. These reports will be prepared in a format that presents each object class for each individual district.

#### 9. Review of Accounts

The AO will examine accounts and supporting documentation relative to the expenditure of funds drawn from the court security transfer appropriation account. The USMS contracting officer will provide the AO on issuance with a copy of all purchase orders and reimbursable work authorizations for guard services and security systems and equipment.

#### 10. AO Program Oversight

The AO recognizes the special expertise of the USMS in providing court security services and the primary responsibility of the USMS to administer the nationwide court security program on a daily basis. The AO will support and assist the USMS in carrying out these responsibilities by providing appropriated funds, by expressing the concerns and needs of the Judiciary to the USMS, and by facilitating communications on security matters.

The USMS will determine the priorities when allocating or authorizing the expenditure of specific funds for security officers, systems, and equipment. The USMS, however, will consult with the AO in establishing general, overall program policies and priorities.

In order to fulfill its program, oversight responsibilities to the Judicial Conference and its appropriations responsibilities to the Congress, and in order to respond knowledgeably and effectively to inquiries from the courts, the AO must be informed of actual and projected allocation of resources and services made by the USMS. Therefore, in addition to the information specified in sections 8 and 9, the USMS periodically will provide the AO with a report in a format prescribed by the AO, on a district-by-district basis, which will include the following: (1) the recommendations for security personnel and other resources that are approved by each district court security committee; (2) the projected number of USMS contract court security officers and the types of equipment that the USMS plans to provide to each facility and the projected dates that such officers and equipment will be provided; and (3) current lists of the number of court security officers and other security personnel actually on duty, funded by the judiciary's court security appropriation, their posts and duties, hours of duty, and costs.

The USMS will provide the AO with access to the USMS automated court security data base and with copies of USMS Form 69 (Specification and Proposal Pricing Sheet) when issued.

#### 11. Court Security Surveys and Reviews

As recommended in the Attorney General's Task Force Report on Court Security, the USMS will conduct an initial comprehensive court security survey of all federal judicial facilities. Periodic reviews will be made thereafter to determine the adequacy of the level of security provided in each



court facility. In addition, the USMS will conduct security reviews on a case-by-case basis as funds, time, and availability of personnel permit upon the request of a district court security committee. These surveys and reviews will be funded by the USMS through its Technical Assistance Program. On request, copies of security surveys and reviews made by the USMS will be made available to the AO.

## 12. District Court Security Plans

Each district will have a court security plan approved by the court security committee for that district. The plan will identify the personnel and systems necessary to meet the security needs established by the court security survey or review conducted by the USMS.

Court personnel will be advised by the AO and the USMS to bring all security problems and all requests for additional security services to the attention of their local U.S. Marshal and the district court security committee.

All district court security plans and recommendations for security resources, once approved by the committee, will be forwarded by the Marshal to the Court Security Division of the USMS for appropriate action.

## 13. Denial of Security Services

Where a request for security services approved by a district court security committee is denied, the USMS will send a written response to the local marshal, with a copy to the AO, stating the reason for the denial. The marshal will notify the district court security committee.

## 14. Construction and Alterations of Court Facilities

The AO will consult with the USMS regarding the construction or new court facilities, so that the USMS may review the plans with a view towards incorporating security needs and arrangements in the final design. Whenever alterations are required in existing court facilities for security purposes, the USMS will consult with the AO during the planning stage.

When new construction, or alterations or existing court facilities rise to such expense that a prospectus must be prepared by GSA and approved by the Congress, the prospectus will include the cost of construction, conduits, wiring, and all security equipment and materials as specific dedicated line items.

Where construction or alterations do not require a prospectus, the AO (or GSA) will pay for the costs of construction, including the installation of necessary conduits and wiring for security equipment. The USMS will pay, from the judiciary's court security appropriation account, for the purchase and installation of security equipment such as (b)(7)(E). (b)(7)(E). The USMS will also pay, from the judiciary's court security appropriation account, for security materials included in the approved court security plan, such as (b)(7)(E).

(b)(7)(E)

15. Overtime Security Services

The USMS will provide court security officer services during overtime, weekend, and holiday hours to the extent that such services are approved by a district's court security committee and appropriated funds are available. This service may be provided: (a) by the USMS directly with Deputy United States Marshals; (b) by the use of contract court security officers; or (c) through payment of reimbursement by the USMS to GSA for the posting of Federal Protective Service officers or contract guard services. Items (b) and (c) are to be paid from the judiciary's court security account.

16. Building Perimeter Security Services

It is recognized that general building and perimeter security is the primary responsibility of the General Service Administration (or in some cases the United States Postal Service). Nevertheless, as the Report of the Attorney General's Task Force on Court Security notes, "security needs of the court rooms and other areas of a building occupied by the Federal Judiciary cannot be reasonably separated from the security needs of the entire building."

Where: (a) GSA does not provide security systems or personnel at the entrances to or perimeters of buildings housing federal court facilities, or at garages or parking facilities used by the courts; and (b) the provision of such systems or personnel is approved by the district court security committee as a necessary part of the overall security plan for the district, the USMS will either provide such systems or personnel directly or obtain them from GSA on a reimbursable basis.

17. Changes in the Terms of this Memorandum

Renegotiation of the terms and provisions of this memorandum may be initiated by either party by giving sixty (60) calendar days notice to the other party. Changes or modifications to this agreement will become effective only upon the mutual consent of both parties in writing.

18. Responsible Officials

The responsible official and point of contact for the AO is:  
Chief, Office of Court Security  
Telephone: 786-6003

The responsible official and point of contact for the USMS  
Chief, Court Security Division  
Telephone: 285-1195

APPROVED:

(b)(6), (b)(7)(C)  
William E. Foley

Director,  
Administrative Office  
of the United States Courts

DATE:

July 17, 1984

APPROVED:

(b)(6), (b)(7)(C), (b)(7)(F)  
Stanley E. Morris

Director,  
United States Marshals Service

DATE:

January 23, 1987