



NEWS RELEASE

Administrative Office of the U.S. Courts

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Security Levels and Manpower Faulted by Federal Judiciary

The U.S. Marshal Service's judicial security program is chronically understaffed and underfunded, a federal judge told a House subcommittee today.

"The primary statutory duty of the Marshals Service is the protection of the Judiciary," said Judge Jane Roth (3rd Cir.), who chairs the Security and Facilities Committee of the Judicial Conference of the United States. "Yet, time and time again we have found that the Service does not have the resources necessary to fulfill this obligation." Judge Roth testified before the House Judiciary Subcommittee on Crime, Terrorism and Homeland Security.

The problem is long-standing. Judge Roth cited a 1982 report by the Government Accountability Office that said the U.S. Marshals Service cannot properly manage responsibilities to both the executive and judicial branches. This remains the case, she said. Judge Roth also stated the importance of off-site judicial security following the murders of U.S. District Judge Joan Lefkow's husband and mother.

"The Marshals Service's judicial security program . . . has experienced significant budgetary problems," Judge Roth said, "because, in the view of the Committee on Security and Facilities, its law enforcement responsibility has a higher visibility than prisoner transportation, courtroom and off-site security, and threat assessment for judges and their families. It seems to my Committee that the Marshals Service never gets the resources it needs to get the job done."

To assist the Judiciary, the Judicial Conference asked the Subcommittee to:

- support a request for \$12 million in funding by the Judiciary that would provide a comprehensive package of off-site security equipment for all judges;
- support legislation that would require consultation and coordination by both the Director of the Administrative Office of the U.S. Courts and the Director of the U.S. Marshals Service regarding security requirements for the judicial branch;
- support legislation that would establish greater penalties for the recording of malicious liens against federal judges – liens filed in an effort to intimidate or harass a judge who has presided over a criminal or civil case involving the filer, or otherwise acted against the interests or perceived interests of the filer, his family, or his acquaintances;
- support firearms training for judges;
- support a statutory change that would provide emergency authority to conduct court proceedings outside the territorial jurisdiction of a court, a need that may arise following a natural disaster or terrorist attack, when court operations may be more readily and safely conducted in an adjoining district or circuit; and

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- support legislation that would provide permanent authorization to redact information from financial disclosure reports that could endanger the filer and without which authority certain personal information, not otherwise widely available, may be publicized.

At a recent meeting with the Attorney General, Judge Roth said she had expressed concerns about “leadership at the Marshals Service, the vacancies in several critical positions of great importance to the Judiciary at the Marshals Service, and the need for detailed information about Marshals Service staffing levels.” She specifically referred to the U.S.M.S. Office of Protective Intelligence, which handles threats against the Judiciary, and which is staffed by just three people. “At one point, these personnel did not even report to the individual responsible for judicial security at the Marshals Service,” she said. “Threat assessment cannot be a collateral duty. A focused, coordinated program with adequately trained personnel needs to be a priority.”

Requests to examine staffing levels have not been honored, according to Judge Roth, and requests to participate in the determination of adequate staffing levels have been denied.

“The Department of Justice refuses to share any information about Marshals Service staffing levels and formulas or to consider suggestions for change with us,” said Judge Roth. “Although we have not been privy to actual staffing allocations by judicial district, many U.S. Marshals report to us that their staffing levels have been significantly reduced. Some Marshals tell us that the districts are operating up to 30 percent below the number of Deputy Marshals needed to perform all of the local Marshal’s responsibilities adequately.”

Judge Roth told the subcommittee that numerous attempts have been made by the Judiciary to establish a working group with DOJ to address both on-and off-site security needs of the judicial branch. Three attempts at establishing such a group over the past four years failed. The Attorney General now has established a working group within DOJ to make recommendations on judicial security within 60 days.

“We greatly appreciate the Attorney General’s efforts,” said Judge Roth, noting, however, that the Judiciary is not a standing member of the group, nor is the group specifically focused on security for judges and their families.

“Based on past history,” said Judge Roth, “I am hopeful, but not confident, that his working group will provide useful advice to the Department of Justice and the Marshals Service. Unfortunately, it is almost two months since the tragic deaths of Judge Lefkow’s family members, and the Judiciary still does not know what specific plans the Marshals Service and the Department have for addressing our concerns.”