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REPORT TO THE CONGRESS

093697



BY THE COMPTROLLER GENERAL
OF THE UNITED STATES

U.S. Marshals Service-- Actions Needed To Enhance Effectiveness

Department of Justice

The Marshals Service is responsible for the security of Federal judicial areas and for the personal safety of judges. Many judges believe the security provided is not adequate. The problem is difficult to gauge, since court facility security has not been comprehensively evaluated. GAO recommends that Justice, in cooperation with U.S. Courts, General Services Administration, and the Postal Service, undertake such an evaluation and establish an overall plan for upgrading and maintaining security in the Federal courts.

With respect to certain other Marshals Service functions, GAO recommends (1) the recovery of all the costs incurred by the Service for serving process of private litigants (about \$16 million has not been recovered since fiscal year 1968) and (2) more efficient monitoring of the status and disposition of Federal arrest warrants.

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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a To the President of the Senate and the
Speaker of the House of Representatives

1 This report summarizes the results of our review of
the United States Marshals Service's efforts relating to
judicial security, process serving, and Federal arrest
warrants. It suggests ways in which the Congress and the
2 Department of Justice can improve the Service's efforts
in these areas. The objective of the review was to deter-
mine if the Service's functions could be performed more
effectively or economically.

Our review was made pursuant to the Budget and Account-
ing Act, 1921 (31 U.S.C. 53); the Accounting and Auditing
Act of 1950 (31 U.S.C. 67); and the December 1968 agreement
provided by the September 1968 resolution of the Judicial
Conference of the United States.

Copies of this report are being sent to the Director,
Office of Management and Budget, and the heads of the de-
partments and agencies directly involved.

Frederic B. Threlk
Comptroller General
of the United States

C o n t e n t s

	<u>Page</u>
DIGEST	i
CHAPTER	
1 INTRODUCTION	1
Scope of review	1
2 NEED FOR COMPREHENSIVE EVALUATION AND RESTRUCTURING OF COURT SECURITY MEASURES	2
Security problems in the Federal courts	2
The role of the deputy marshal in the courtroom--is it excessive?	6
Conclusions	9
Recommendations	9
Agency comments and our evaluation	10
3 COSTS FOR SERVING PROCESS NOT BEING RECOVERED	11
Fees charged private litigants are insufficient to recover costs incurred	11
Conclusions	13
Agency comments and our evaluation	13
Recommendation to the Congress	13
4 NEED FOR BETTER CONTROL OVER WARRANTS	14
Warrant controls need improvement	14
Warrant information not being sup- plied to the FBI	15
Efforts to improve warrant proce- dures	15
Conclusions	16
Recommendations	16
Agency comments and our evaluation	17
APPENDIX	
I Comments of U.S. judges in response to GAO court security questionnaire	18
II Estimated cost, revenues, and deficit for serving private litigant process--D.C. Superior Court	21

APPENDIX

Page

III	Estimated cost, revenues, and deficit for serving private litigant process--U.S. district courts	22
IV	Letter dated June 7, 1976, from the Assistant Attorney General for Administration, Department of Justice	23
V	Letter dated April 13, 1976, from the Assistant to the Director, Business and Personnel, Administrative Office of the United States Courts	26
VI	Letter dated April 30, 1976, from the Administrator, General Services Administration	28
VII	Letter dated April 9, 1976, from the Postmaster General	30
VIII	Principal Department of Justice officials responsible for administering activities discussed in this report	31

ABBREVIATIONS

GAO	General Accounting Office
GSA	General Services Administration
NCIC	National Crime Information Center
USPS	United States Postal Service

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

U.S. MARSHALS SERVICE--ACTIONS
NEEDED TO ENHANCE EFFECTIVENESS
Department of Justice

D I G E S T

Concern over violence and disorder in courtrooms has been increasing. Adequate protection of judges and courtrooms is essential to maintain court security and to safeguard court proceedings from intimidation. Judges are concerned about gaps in overall security. The problem is difficult to gauge, since security needs have not been comprehensively evaluated by the United States Marshals Service and others. Such an evaluation would identify the security measures needed to provide adequate protection in the courts.

Some judges have been requiring courtroom assignments of deputy marshals which are not in accordance with guidelines established by the Department of Justice and the Administrative Office of the United States Courts. This puts a strain on the Service's capacity to provide security coverage.

The Department of Justice said that any recommendations regarding court security should also be addressed to the other agencies involved; namely, the General Services Administration, the Administrative Office, and the United States Postal Service. These agencies, in commenting on the report, agreed with GAO's findings and conclusions regarding the need to comprehensively evaluate and restructure court security measures and said they wanted to be a part of any review or evaluation the Attorney General made.

GAO is recommending that the Attorney General, in cooperation with the Director of the Administrative Office of the U.S. Courts, the Postmaster General, and the Administrator of General Services, comprehensively evaluate the security needs of each court facility

and establish an overall plan for upgrading and monitoring judicial security. (See ch. 2.)

The law requires the Marshals Service to serve all process for Federal Government and private litigants originating in Federal courts. Federal agencies are served free, but a private litigant must pay a fee, which varies by type of service, plus mileage. In fiscal year 1975, marshals served an estimated 450,000 pieces of process for private litigants.

The fees charged private litigants which are set by statute have not been changed since 1962. Since fiscal year 1968, costs have exceeded revenues by about \$16 million. Therefore, the Congress should require the Attorney General to identify the current cost of serving process so that Service fees can be revised to approximate the cost of providing the service.

If fees are to be kept current, the Congress should either (1) require that the Attorney General periodically analyze the cost of serving process and propose fee adjustments or (2) vest the Attorney General with the authority to revise fees when necessary. (See ch. 3.)

The Marshals Service is responsible for controlling all Federal arrest warrants. Because its procedures and practices are inadequate (1) warrant activities of the Marshals Service and other law enforcement agencies are poorly coordinated, (2) some warrants are not executed at all, and (3) the Marshals Service attempts to apprehend suspects already arrested or acquitted. Also information on some warrants has not been entered into the Federal Bureau of Investigation's National Crime Information Center data bank on criminals. This reduces the chances that suspects will be apprehended.

GAO recommends that the Attorney General:

--Have the Director, U.S. Marshals Service, adopt procedures for monitoring the status and disposition of warrants.

--Direct the heads of the Department of Justice's law enforcement agencies, and request the heads of other Federal agencies, to coordinate their warrant activities with the Marshals Service.

--Evaluate the Service's need to participate in the National Crime Information Center. (See ch. 4.)

The Department of Justice has agreed that, in general, this report accurately reflects existing conditions. (See p. 10.)

The Department of Justice told GAO that (1) legislation is being drafted to revise fees, (2) the Service plans to send a letter to the appropriate Federal agencies to improve coordination procedures for warrant activity, and (3) the Service is moving toward greater National Crime Information Center participation. (See app. IV.)

CHAPTER 1

INTRODUCTION

The Office of U.S. Marshal was established by the Judiciary Act of September 24, 1789 (1 Stat. 73, 87), which charged it with (1) attending district, circuit, and Supreme courts and (2) executing all orders and commands directed to it under U.S. authority.

After 1789 the Congress began imposing such a wide variety of assignments on the marshals that they became Federal administration "handymen." They were directed to take the census and to supervise jails for Federal prisoners. Later, they were given custody of all vessels seized by revenue officers. Under other statutes, marshals became the courts' fiscal agents and the President's direct agents for executing his orders under the Alien Acts of 1798.

Today, marshals are officers of the Department of Justice and are supervised and directed by the Attorney General through the Director, United States Marshals Service. However, they also are executive officers of the Federal courts and are subject to de facto control by the judges.

The President appoints a U.S. marshal, subject to Senate confirmation, for each of the 94 judicial districts, except the Virgin Islands whose marshal is appointed by the Attorney General. All marshals are appointed for 4 years, except in the Canal Zone and the Virgin Islands where appointments are for 8 years. There is at least one marshal's office located in each of the 50 States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, and the Canal Zone. As of December 1975, 1,473 deputy marshals, who are hired under civil service competitive examination, were assigned to the districts. During fiscal year 1975, the Service spent about \$52.6 million.

SCOPE OF REVIEW

We reviewed process serving, warrant executing, and courtroom protection activities at headquarters and the northern Georgia, northern Illinois, Minnesota, Kansas, central California, and District of Columbia district offices to determine if the Service could perform these functions more effectively or economically.

We interviewed marshals, deputies, and administrative personnel and reviewed records and reports in the six districts. We also solicited information on court security from the chief judges of all 94 district courts; however, 2 districts did not respond.

CHAPTER 2

NEED FOR COMPREHENSIVE EVALUATION AND RESTRUCTURING OF COURT SECURITY MEASURES

Concern over violence and disorder in courtrooms has been increasing. Adequate protection of judges and courtrooms is essential to maintain court security and to safeguard the court proceedings from intimidation. The United States Marshals Service began a program to upgrade court security in 1971, but officials stated that due to lack of funds, many court facilities have not yet been given protection.

Some gaps in overall security concern judges. How important or widespread these are is difficult to gauge, since no comprehensive evaluation has been made by the United States Marshals Service and others. Such an evaluation would identify the security measures needed to provide protection in the courts.

Some judges have compounded the problem by requiring deputies to perform bailiff duties and nonessential tasks. Applying its limited resources to tasks which do not require marshals' deputies diminishes the Service's capacity for performing essential security.

SECURITY PROBLEMS IN THE FEDERAL COURTS

The Service lacks aggregate data for judging the overall effectiveness of court security measures. Complaints surface only when judges strongly assert that their security situation requires top-level attention.

For example, in December 1974 a former U.S. district court chief judge for the District of Columbia spearheaded a security survey of 14 district courts. This survey revealed various security problems, such as insufficient deputy marshals and General Services Administration (GSA) or United States Postal Service (USPS) guards, malfunctioning security devices, and easy access to buildings and/or courtrooms.

Such studies are useful in highlighting problems and in obtaining action to correct specific deficiencies but are difficult to use to form conclusions as to the incidence or seriousness of problems within the court system. While agreeing that such surveys are useful, Service officials noted that they normally lack the necessary depth and expertise.

Because aggregate data on court security is lacking, we sent questionnaires to the chief judges of the 94 district courts to obtain their opinions on their security program. We received responses from 92. In 41 cases, judges commented unfavorably on security in their districts. Below are a few of their comments; others can be found in appendix I.

"The divided authority between GSA and the Marshals Service is illogical and presents problems."

"Up until a few months ago, this district's security system had virtually collapsed. Only recently, through the efforts of the Judges Committee on Security Problems and through the joint efforts of our Administrative Office of the United States Courts and the United States Marshals Service, was significant progress made in repairing and maintaining our protective devices."

"The Marshals Service and GSA have developed plans but they have never been carried out. We are now advised that GSA is taking steps to install alarm systems and other security improvements. Whether this is just another empty promise is questionable. Even with the alarms installed, there is no assurance there are sufficient personnel to respond to such alarms."

Apparent gaps in the security of Federal courts concern the judges. How important or widespread these gaps are is hard to gauge, but the information available indicates more needs to be done.

Status of court security survey

The Service, GSA, USPS, and the Administrative Office all participate in providing court security. Since 1971 the Service has participated in surveys with GSA and USPS to identify physical security and aids needed at various court facilities. This program has been helpful in upgrading security although, as noted below, priorities based on assumptions of relative risk were not always followed.

As of September 30, 1975, 142 of the 360 court facilities nationwide had been surveyed. Only 95 had security systems installed under the Service's security program.

Twenty additional security systems are being installed and 14 are under consideration for installation in fiscal year 1977.

Effective protection is estimated to cost \$4,500 a judge and includes

- a judge's bench reinforced with bulletproof material,
- a duress alarm,
- a closed-circuit television camera,
- an electrically controlled door opener, and
- an emergency lighting system.

Service officials said they usually do not recommend the installation of devices at court facilities holding trial less than 40 days a year because it is not economical. This criterion is not written but is the only yardstick used to determine what should receive priority treatment.

Of the surveys conducted, however, 28 (20 percent) were at locations with less than 40 trial days and security systems had been installed at 19 of these locations. For example, Fairbanks, Alaska, and Bridgeport, Connecticut, received systems costing \$10,975 and \$27,325, respectively. During fiscal year 1974 Fairbanks had one trial lasting 2 days, while Bridgeport had six trials lasting 16 days. Some other low-use court facilities in which systems have been installed were:

<u>City</u>	<u>Number of trials 1974</u>	<u>Number of trial days</u>	<u>Security system installed</u>	<u>Estimated cost</u>
Aiken, S.C.	11	13	Yes	\$ 9,624
Gulfport, Miss.	16	12	Yes	3,000
Newnan, Ga.	24	29	Yes	11,686

The Service's 40-trial-day policy was not initiated until the program was well underway, according to Service officials. This resulted in some low-use facilities receiving attention out of turn. Officials from all these participating agencies believed that an overall study of court security problems and the effectiveness of existing measures was needed but, because of a lack of funds, did not plan to make one.

Division of responsibilities for protecting Federal courts and judges

The Service is responsible for the security of Federal judicial areas and the personal safety of judges. It also provides overall leadership in security matters. This involves a broad spectrum of activities, including guarding prisoners, searching courtrooms for explosives, searching spectators during sensitive trials, acting as liaison among law enforcement agencies, and making contingency plans for emergencies.

Although the Service has overall responsibility for court facility security, it does not have command over the total resources or personnel needed or involved in insuring effective court security.

The Service surveys court facilities to determine the security needs and recommends a security plan, including the installation of various security devices, such as duress alarms. The Administrative Office provides the funds for the purchase, installation, and maintenance of security devices. GSA negotiates the contracts for the Administrative Office and oversees the maintenance of the systems. GSA and USPS will also contract with the Administrative Office to provide additional building guards when the level of service demanded by the courts exceeds that which the two agencies have deemed adequate.

Various factors affecting the Service's command over the total resources or personnel needed to insure effective court security follow.

- No security system, manual or mechanical, can be installed without the approval of the chief judge. In effect, he becomes the planner and developer of any system that is installed. Various judges have differing philosophies on what security is needed.
- Most courtrooms are in buildings owned, operated, and guarded by GSA or USPS. These buildings host various tenants. Guards are paid for by the Administrative Office of the U.S. Courts to the extent the level of service exceeds that accorded other building tenants.
- Some of the deputy marshals' judicially imposed duties in the courtrooms overlap those of bailiffs and as such are supplemental. When bailiffs are

not available to perform such duties, the deputy marshals may be called upon.

--Apart from physical protection, many courts have security devices or systems of varying degrees of sophistication. Needs for these systems originate on the basis of surveys undertaken by the Service and GSA as appropriate. Responsibilities for selecting and funding equipment are divided among these parties, the USPS, and the Administrative Office.

Given the number of parties involved in overall court security, it is difficult to get a consensus on what needs to be done and how best to do it. Comprehensive planning is important if optimum security measures are to be pinpointed and the efforts of all parties are to be fitted together effectively and economically.

THE ROLE OF THE DEPUTY MARSHAL IN
THE COURTROOM--IS IT EXCESSIVE?

In responding to our questionnaire, 65 judges responded that they were satisfied with overall security measures in their courtrooms. One explanation is their general preference for full-time attendance of deputy marshals in the courtrooms instead of security systems.

A perennial problem in determining how staff is to be used within the total security system revolves around differences of perception of the deputy marshals' role and how it relates to that of the bailiffs. Using deputy marshals in place of bailiffs affects their ability to perform other duties, such as executing warrants. Conversely, if deputy marshals are needed in the courtroom but are unavailable, security suffers.

Deputy marshals are executive branch employees subject to control of the Department of Justice, whereas bailiffs are judicial branch employees subject to the control of the judge for whom they work. The debate over the roles of bailiffs and deputy marshals in the courtroom is longstanding. Since 1951, the Department of Justice has been trying to resolve the issue. A bailiff's duty is to preserve order in the court and to attend the jury; but in practice, he is also expected to render to the court many miscellaneous services. A deputy marshal is supposed to be assigned to assist the court in criminal cases, according to Service officials, when security situations are unusual.

Documents on the subject stress the temporary and exceptional nature of a deputy marshal's assignment to courtrooms. They discourage using deputies in courtrooms for civil nonjury cases and for services which should be done by bailiffs. They prefer temporary assignment in situations when a disturbance is anticipated, or when order must be restored in the courtroom, or when sequestered juries are being guarded.

When providing deputy marshals for the courtrooms, marshals attempt to adhere to guidelines from the Justice Department and the Administrative Office of the U.S. Courts which limit using deputies to exceptional cases. For example:

--In an August 27, 1970, letter to the Director, Administrative Office of the U.S. Courts, the Deputy Attorney General suggested a reappraisal of marshal use in judicial districts where the deputy U.S. marshal was required to be in attendance even though there were no prisoners present and the deputy performed duties ordinarily assigned to a bailiff. He added that applying service resources to other than those tasks requiring their specific talent reduced Service capability for providing essential security.

--A May 26, 1972, memorandum from the Administrative Office of the U.S. Courts to all Federal judges and clerks of court urged that deputy marshals not be employed in fixed posts or other routine guard duties, as bailiffs, or in other nonessential activities. This was done to insure maximum efficiency in using the Service's resources.

--A 1972 Department of Justice summary report based on a review of 33 U.S. marshals' offices in 16 districts concluded that efforts should be made to curtail assignment of deputies to civil nonjury cases and private civil jury cases--subject to such specific needs as security or crowd control.

Although the above guidelines generally emphasized that deputy marshals should be assigned to courtrooms only for exceptional cases, deputy marshals are assigned full time to some courts. Reasons we identified include:

--In some cases, judges believe very strongly that they need the added protection and are successful in obtaining it. On occasions, they have issued court orders directing attendance.

--In at least one district, deputies are assigned because of precedent.

--Some judges appear to have little faith in other security measures and see the deputy as the only really effective security they have.

Service officials believe that requiring deputy marshals to be assigned full time has little to do with security, since, according to these officials, judges frequently misuse the deputies as bailiffs and criers.

We obtained information on how extensively deputy marshals were being used at U.S. district court sessions. Of the 92 districts responding to our questionnaire, 29 required full-time assignment of deputies to courts for all trials. These 29 districts had a total of 331 deputies, of whom 90 were assigned to courts.

Inquiries to these 29 districts revealed that:

--Twenty-three of the U.S. marshals believed full-time assignment to courts adversely affected other functions of their offices. Also, 23 U.S. marshals did not favor permanent assignment of deputies. Fourteen U.S. marshals had not presented their chief judges alternative security plans to find out whether it might be possible to provide adequate security with less staff.

--Only three districts were using deputies strictly for security purposes. In the other 26 districts, deputies were also acting as bailiffs--calling witnesses and maintaining order and decorum. In 22 districts, permanent attendance by deputies permitted judges to dispense with hiring bailiffs.

--In five districts, deputies were used to some extent to perform such duties as washing judges' cars, chauffeuring judges, and picking up laundry.

Some judges indicated that the full-time presence of deputies at all trials, criminal and civil, is needed to maintain decorum and order. Thus, U.S. marshals find themselves directed by judges to have deputy marshals in full-time attendance in the courts while operating under more narrowly defined guidelines and constraints placed on them by the Department of Justice. Additional pressure is placed on the marshals when the other agencies involved in security (GSA or USPS) fail to provide service deemed adequate by judges.

CONCLUSIONS

Adequate protection of Federal judges and courtrooms is essential to maintain security and to safeguard the court proceedings from intimidation. Many court facilities have not yet been given adequate protection despite a special program the Service initiated in 1971 to upgrade court security. Gaps in overall security concern judges. The full extent of the problem is not known because a comprehensive evaluation of security needs has not been made. The Department of Justice, in conjunction with the other agencies involved in the program, should make such an evaluation and establish an overall plan for upgrading and maintaining judicial security.

Also, the requirements for the presence in court of deputy marshals as perceived by judges and as provided for by Justice and Administrative Office of the U.S. Courts guidelines apparently do not always agree, since judges continue to require many assignments not in accordance with the established guidelines. The assignments of deputy marshals not in accordance with established guidelines diminishes the Service's capacity for essential security. Although a general upgrading of the overall security program of the Federal courts could alleviate this problem, the Service, in the meantime, should continue to stress assignments in accordance with established guidelines.

RECOMMENDATIONS

We recommend that the Attorney General, in cooperation with the Director of the Administrative Office of the U.S. Courts, the Postmaster General, and the Administrator of General Services, comprehensively evaluate the security needs of each court facility and establish an overall plan for upgrading and maintaining judicial security. The Attorney General should:

- Compile aggregate data on security problems.
- Compile data on the use of deputies to perform duties not in accordance with Department of Justice policies.
- Compile data on the need for additional building guards, deputies, and mechanical and electronic devices.
- Consider whether effective judicial area security can be reasonably assured given the present division

of responsibilities and funding mechanisms. If not, explore alternatives, such as giving total security responsibility to either the Marshals Service or the Administrative Office.

- Prepare a comprehensive analysis of problems and viewpoints and an overall operational and financial plan for improving court security.

AGENCY COMMENTS AND OUR EVALUATION

The Department of Justice stated that in general the report accurately reflects existing conditions. (See app. IV.) The Department stated that, although coordinating security needs is in the best interests of all the agencies involved, it believes that the Attorney General's authority does not extend to acting as the conduit through which the other agencies are encouraged to take corrective action in their respective areas of the court security program.

Although the Attorney General does not have the authority to direct the other agencies to take necessary action to provide judicial security, the Marshals Service does have responsibility for the security of court facilities and the personal safety of judges. Therefore, we believe the Attorney General should be responsible for developing and maintaining an adequate security program for the Federal court system. Consequently, he should be developing close liaison and working with the other agencies to insure that the Federal court facilities are provided a secure environment.

The Administrative Office of the U.S. Courts generally agreed with our findings and conclusions regarding the need to comprehensively evaluate and restructure court security measures. (See app. V.) The Administrative Office pointed out two conditions which it believes are responsible for some deterioration of the court security program. The first is a lack of sufficient funds being made available to the Marshals Service and the General Services Administration; the second is personnel ceilings imposed on GSA which limit the number of security officers it can provide.

GSA and USPS also generally agreed with our findings and conclusions regarding the need to comprehensively evaluate and restructure court security measures. They said they wanted to be a part of any evaluation of the program. (See apps. VI and VII.)

CHAPTER 3

COSTS FOR SERVING PROCESS NOT BEING RECOVERED

The United States Marshals Service is required by law to serve all process for the Federal Government and private litigants which originates in Federal courts. Federal agencies are served free, but private litigants must pay a fee, which varies by type of service, plus mileage. In fiscal year 1975, marshals served an estimated 450,000 pieces of process for private parties at an estimated cost of \$11.50 each. The fees charged private litigants have not been changed since 1962. Since fiscal year 1968, costs have exceeded revenues by about \$16 million.

FEES CHARGED PRIVATE LITIGANTS ARE INSUFFICIENT TO RECOVER COSTS INCURRED

The Government's general policy, as set forth in title V of the Independent Offices Appropriation Act, 1952 (31 U.S.C. 483a), is that services provided to or for any person shall be self-sustaining to the extent possible. Office of Management and Budget Circular A-25 sets forth general guidelines for determining costs that should be considered in computing user charges for certain Government services and property. The circular also states "The cost of providing the service shall be reviewed every year and the fees adjusted as necessary." Fees for serving private litigant process, however, are set by statute and are not covered by provisions of A-25.

Public Law 87-621 (28 U.S.C. 1921), passed in 1962, established a \$3 fee for serving writs and summonses and a \$2 fee for serving subpoenas. A rate of 12 cents a mile is charged for travel in serving or attempting to serve each process, except in the District of Columbia, where no mileage fee is charged.

In addition to serving private litigant process issued by the U.S. district courts, the District of Columbia marshals' office serves private litigant process issued by the District's Superior Court. Fees charged by the marshal for Superior Court are limited by court rule and average only 75 cents, \$1.75 lower than the average fee for Federal process. Since fiscal year 1969, these lower fees have accounted for about \$4.8 million in unrecovered costs. (See app. II.) These unrecovered costs are in addition to those totaling about \$11 million not recovered on U.S. district court process. (See app. III.)

On September 9, 1975, as a result of our review, the U.S. marshal for the District of Columbia wrote to Superior Court recommending that all fees for service of process in Superior Court be increased. The chief judge of Superior Court has stated that he is in favor of an increase and that he will increase fees as soon as Superior Court has received sufficient data from the Service upon which to base new fees. Service officials said the Service is preparing the data.

Private litigants could use commercial process servers, but the fees would be substantially higher. The average fee charged by 16 commercial firms in 5 districts was about \$11, ranging from \$3 to \$35 for each process. The average mileage fee was 30 cents a mile, ranging from 15 to 70 cents. Some commercial firms also charged extra amounts for such services as

- investigative work associated with the service,
- extra attempts to serve at locations other than originally specified,
- emergency, rush, or priority service,
- time spent waiting for the individuals to be served, and
- extended trips outside the metropolitan area.

We previously recommended that process serving fees be raised. In a report entitled, "Need to Revise Fees for Services Provided by the Immigration and Naturalization Service and United States Marshals" (B-125051, Oct. 7, 1969), we pointed out that costs exceeded revenues by \$470,000 in fiscal year 1968. Due to rising costs, the estimated deficit for fiscal year 1975 totaled over \$4 million. Our 1969 report recommended that the Attorney General consider proposing to the Congress that Service fees be revised to recover the costs of providing the service or that the authority for revising the fees be vested in the Attorney General.

The Department of Justice's Office of Internal Audit issued a report on the "Determination, Collection, and Recording of Fees for the Service of Process, U.S. Marshals Service" in June 1973. The report commented that costs were exceeding the fees set in 1962. The Director, U.S. Marshals Service, in acting on the report in January 1974, requested the Office of the Deputy Attorney General to help draft

legislation to raise the fees to \$6 for all categories of process or to let the Attorney General revise the fees as required. Legislation has not been introduced in the Congress, and the Service now estimates the cost to be \$11.50.

CONCLUSIONS

The Marshals Service fees charged private litigants for serving process should be revised so that the charge for each type of service approximates the cost of providing it.

The taxpayer bears the cost of services not recovered by fees. Fairness and equity between the taxpayer and recipients of special benefits require that all governmental services or privileges providing special benefits to identifiable recipients, above and beyond those which accrue to the public at large, should be financed by a system of user charges designed to recover, but not to exceed, costs and should be borne by those who benefit from the specific service.

Although our 1969 report and the Department of Justice's Office of Internal Audit report in June 1973 recommended revising fees, the Attorney General has not proposed legislation to provide for such an increase.

AGENCY COMMENTS AND OUR EVALUATION

The Department told us, in June 1976, that legislation was being drafted for submission to the Congress, which would, if enacted, revise fees to cover the cost of the service and provide the Attorney General authority to revise fees. The Department has recognized this need since our 1969 report but has failed to submit legislation to the Congress. We, therefore, believe that the Congress should insure that such legislation is introduced.

RECOMMENDATION TO THE CONGRESS

The Congress should require the Attorney General to identify the current cost of serving process so that the Congress can revise the current fees to approximate the cost of providing service. If fees are to be kept current the Congress should either

- require that the Attorney General periodically analyze the cost of serving process and propose fee adjustments or

- vest the Attorney General with the authority to revise fees when necessary.

CHAPTER 4

NEED FOR BETTER CONTROL OVER WARRANTS

The United States Marshals Service is responsible for controlling all Federal arrest warrants. Because its procedures and practices are inadequate, inefficiencies result.

WARRANT CONTROLS NEED IMPROVEMENT

The status of warrants is not being effectively monitored. Arrest warrants originating in the Federal courts are sent to the Service to be worked. In practice, the Federal agency requesting the warrant will sometimes work it and make the arrest. Marshals will also work these warrants if deputies are available.

Ineffective monitoring resulted in (1) poorly coordinated apprehension efforts among the marshals' offices and other Federal law enforcement agencies, (2) some warrants never being worked, and (3) the Service's attempting to apprehend already arrested or acquitted suspects.

The Service ended fiscal year 1975 with 33,000 unexecuted warrants on hand; over 7,000 were for felons. A test of 359 warrants recorded as unexecuted at various marshals' districts disclosed that 81 (about 25 percent) were executed. In 43 cases suspects were apprehended and/or sentenced; in 38 cases charges were dropped or suspects acquitted. Deputy marshals in one district were working invalid warrants. At other districts, we could not determine this since the marshals had not established control procedures over warrants. The marshals stated, however, that since the warrants had not been purged, they were considered active and to be worked. Marshals' working of executed warrants results in wasteful expenditures of time and other resources. False arrests could also result.

We also checked the status of 186 warrants which the Service said were being worked by other Federal law enforcement agencies and found that:

- Agencies were working 125 warrants.
- 48 warrants had been executed.
- Agencies had no knowledge of 13 warrants.

Marshals stated that they did not plan to work these 13 warrants because they were for offenses usually worked by the other agencies.

The marshals offices were working, or were prepared to work, 57 of the 125 warrants that agencies were working. They were not, however, coordinating with the agencies. Certain marshals believed that coordination among arresting agencies, including other Service districts, the U.S. attorneys, and the clerk of the court, was poor. Some deputy marshals believed that poor coordination resulted in ineffective apprehension of suspects. They cited a case in which the Service arrested a suspect which the Drug Enforcement Administration had under surveillance and did not want apprehended at that time. According to Service officials, if the Service had been notified this situation would have been avoided.

WARRANT INFORMATION IS NOT
BEING SUPPLIED TO THE FBI

The Service has no policy that requires warrants be submitted to the Federal Bureau of Investigation's National Crime Information Center (NCIC). NCIC maintains computerized files on wanted persons and certain types of stolen articles. The NCIC network consists of computer terminals which make file information available to law enforcement officials in all 50 States within seconds. The network gives Federal, State, and local enforcement agencies the capability of quickly finding out if a suspect is wanted for crimes in other jurisdictions.

Various marshals recognized NCIC's benefits and were having their warrant data inputted through other law enforcement agencies when possible. These marshals believed that the Service's inability to directly use NCIC hindered their offices' participation in the NCIC network. To determine the extent district offices were using NCIC, we submitted 311 active warrants selected from the files of four marshals' districts. Eighty-seven warrants (28 percent), including 30 felony warrants, were not on NCIC files.

By failing to submit warrant data, the Service is reducing the chances that a suspect will be apprehended. By submitting its data, the Service could better use the considerable law enforcement resources available to it from State and local sources. Service officials said the lack of funds for necessary equipment and additional staff prevents participation in NCIC.

EFFORTS TO IMPROVE WARRANT PROCEDURES

In February 1975 the Service attempted to reduce its warrant backlog and implemented uniform warrant procedures

to prevent future backlogs. Under the Fugitive Felon Program, districts were to determine whether originating agencies were working warrants or whether the Service should pursue the suspects. Each district was also to purge its files of executed warrants by coordinating with other agencies.

As part of the program, district warrant squads were formed and deputies were to be assigned full time to work warrants and reduce backlogs. In four districts reviewed, although warrant squads were established, none spent all their time executing warrants. Individual U.S. marshals cited the lack of staff or time as the reasons why the warrant squads were not used full time and why executed warrants were not purged from the files. Several U.S. marshals said that, overall, inadequate feedback on the status of warrants, poor coordination, and limited staff contributed to the ineffective management of warrants. Service officials agreed that warrant procedures and practices were inadequate. They believed a review of the warrant operation was needed so that better program management could be instituted.

CONCLUSIONS

The Service is responsible for all Federal arrest warrants. Its procedures and practices for controlling the status and disposition of warrants are inadequate; thus, inefficiencies result.

The Service needs to establish procedures so that it can monitor the status and disposition of unexecuted warrants. Once the procedures are established, the Service should also provide the necessary staff, time, and other resources to alleviate such shortcomings as

- failing to coordinate warrant work with other Federal law enforcement agencies,
- failing to purge executed and invalid warrants,
- failing to insure that all active warrants are being worked, and
- spending time and other Service resources attempting to apprehend arrested or acquitted suspects.

RECOMMENDATIONS

We recommend that the Attorney General:

- Have the U.S. Marshals Service adopt procedures so that it can effectively monitor the status and disposition of warrants.

--Direct the Department of Justice's law enforcement agencies and request other Federal agencies to coordinate their warrant activities through the Marshals Service. The agencies should provide timely information to the Service on the status and disposition of warrants.

--Evaluate the need for the Service to participate in the NCIC network.

AGENCY COMMENTS AND OUR EVALUATION

The Department of Justice said it is not aware of any authority giving the Service exclusivity over Federal arrest warrants. (See app. IV.) We recognize that other Federal agencies do work warrants. (See p. 14.) The Service does, however, have primary responsibility for executing Federal arrest warrants and therefore should be the repository or clearinghouse for Federal warrants (18 U.S.C. 3053; Rule 4 FRCrimP; 28 U.S.C. 569 and 570).

A February 1975 memorandum from the Service's Director to all U.S. marshals stated that

"Since the Service is the focal point for all criminal process, it can provide unique service to the Judicial and Executive Branches of Government by consolidating Federal, State, and local efforts to apprehend subjects of criminal warrants and by appropriate dissemination of warrant information to preclude duplication of effort."

As the focal point for Federal arrest warrants, the Service needs adequate procedures to correct the noted problems and to promote effective monitoring and controlling of warrants.

The Department said in an effort to improve coordination, the Service plans to prepare a letter to other agencies pointing out their responsibilities to notify the Service of changes in the status or disposition of warrants.

Also, the Department stated that the Service is currently moving toward greater participation in the NCIC network.

COMMENTS OF U.S. JUDGES IN RESPONSETO GAO COURT SECURITY QUESTIONNAIRE

As noted in the report, 41 of the 94 judges surveyed commented unfavorably on security in their court districts. Below are synopsized comments from 24 of these judges.

The Chairman, Court Security Committee, and the chief judge are satisfied with the system generally as far as the marshal's personnel are concerned, but they are unhappy with the problems encountered with the electronic system.

Every courtroom should have a permanently assigned deputy. Security is becoming a serious concern. Court integrity and court personnel are not protected under the present system.

A permanently assigned deputy is essential to adequate court security. There is no way of anticipating the sudden development of security problems, even in civil cases, but particularly in criminal cases where defendants are not in custody. Under present practice, no deputy is present. The Marshals Service is definitely understaffed to provide needed security assistance to the courts.

If personnel were available, we feel that a deputy marshal should attend ALL criminal proceedings and ALL trials-- both civil and criminal.

Security should be evaluated.

One deputy was transferred and never replaced. We have only one left and cannot continue to operate under these conditions.

The only security measure that has been installed is a buzzer that is activated when the door of the main entrance to the judge's chambers is opened. Within the last month there has been some limited activity on the part of GSA's electricians installing wiring for an alarm between the judge's chambers and the marshal's office.

The Federal building has been denied Federal Protective Guards though requested many times. Adequate building security cannot be maintained without guards at building entrances.

Funding for physical security systems must be identified as a problem.

Closed-circuit television is not by itself an adequate system. We understand the marshal does not have adequate personnel to monitor the screen at all times. We therefore feel duress-type alarms to the marshal's office constitute a much better system.

I feel that there should be some sort of alarm bell to summon additional personnel to the courtroom when necessary. The standing rules of this court require the presence of deputy marshals during all trials. The character of the criminal defendants; downgrading of jurors by the Jury Selection Act; the general recalcitrant attitude of many criminal defendants, litigants, and witnesses; the growing militancy of some attorneys in the criminal and civil rights fields; and many other factors require that marshals be present at all times when court is held.

This District holds court in three divisions. The U.S. Marshals Service has one man assigned to each of the field offices. Because marshals have process to serve, prisoners to transport, and arrests to make, much of the time a judge and his personnel will be without any type of security at all and must depend on local authorities.

The Marshals Service here performs exceptionally well. But GSA guards at the building entrance are not very effective and security is poor. Perhaps the Marshals Service should oversee building entrance security also.

We do not have the extent of security afforded the State courts across the street from this courthouse. Everyone entering that building must pass through a metal scanning device. Attached is a report which indicates the objects discovered by the detector. We would not have the staff to implement this system, even if we had the equipment. Moreover, we are told that it requires two to three persons to screen those who are apparently carrying metal, to prevent a bottleneck at the building entrance.

The Deputy Marshal Security Court Coordinator is efficient, cooperative, and helpful, and the Court security is adequate. Prompt repair and maintenance for security equipment would be helpful.

A bulletproof screen should be installed in the bench.

Here we have the same situation as at most of our loca-

tions. Because our marshals have a large area to cover, unless we make arrangements for one to be available, there frequently will not be one in the office to answer a call if the alarm is sounded.

In case of trouble, it takes too long for building security personnel to get to the 9th or 10th floor. Also marshals are frequently all out of the office performing other duties unless special arrangements have been made because we expect trouble. Television cameras cover limited areas and courtroom entrances. They do not cover large areas at elevators or other hallways. We actually need more cameras to do an adequate job.

We have practically no security except for attendance of a marshal during criminal court when arranged for in advance. There are no marshals assigned at this location and no building security force. The nearest marshal's office is 25 miles away.

Additional television monitors on court floors No. 7 and 5 are necessary. Moving of the U.S. marshal from the eighth floor would provide needed security in moving prisoners in and out of the building.

Proper alarm devices have not been installed in the courtroom. A physical security survey should be conducted with view towards a contingency plan. Bomb threats have continuously interrupted trials in progress.

A complete court security package has been provided by the U.S. Marshals Service. The courtroom on the fourth floor has adjacent prisoner holding cells. The courtroom on the first floor will be provided with a prisoner holding cell soon as recommended by the U.S. Marshal. This is an old building with no private corridors or elevators for court personnel or prisoners. Very grave security hazards exist for sensitive cases due to poor building design.

A duress signal should be installed at judge's bench and chambers to alert the U.S. marshal's office should need arise.

Some time ago, monitors were installed in the corridors outside the courtroom. The marshal informs me that they are inoperative and that he has been told that a lack of funds prevents them from being repaired. There is no immediate occasion for their use, but they should be repaired so that they will be available when needed.

ESTIMATED COST, REVENUES, AND DEFICITFOR SERVING PRIVATE LITIGANT PROCESSD.C. SUPERIOR COURT

<u>Fiscal year</u>	<u>Esti- mated pro- cesses served</u>	<u>Average cost of service</u>	<u>Cost</u>	<u>Potential for collec- tion at 75 cents each</u>	<u>Uncol- lectable costs</u>
1969	301,530	\$ 4.53	\$1,365,931	\$226,148	\$1,139,783
1970	235,049	4.91	1,154,091	176,287	977,804
1971	219,097	5.22	1,143,686	164,323	979,363
1972	206,175	5.50	1,133,962	154,631	979,331
1973	<u>a/36,474</u>	5.93	216,291	27,356	188,935
1974	34,265	7.49	256,645	25,699	230,946
1975	30,982	<u>b/11.50</u>	356,293	23,236	<u>333,057</u>
					<u>\$4,829,219</u>

a/Decrease from fiscal years 1972 to 1973 is due to using commercial process servers in landlord-tenant cases.

b/Salary costs accounted for the large increase in average cost of service between fiscal years 1974 and 1975.

ESTIMATED COST, REVENUES, AND DEFICITFOR SERVING PRIVATE LITIGANT PROCESSU.S. DISTRICT COURTS

<u>Fiscal year</u>	<u>Esti- mated pro- cesses served (note a)</u>	<u>Average cost of service</u>	<u>Cost</u>	<u>Potential for collec- tion at \$2.50 each</u>	<u>Uncol- lectable costs</u>
1968	-	\$ -	\$ -	\$ -	\$ <u>b/470,000</u>
1969	284,232	4.53	1,287,571	710,580	576,991
1970	319,919	4.91	1,570,802	799,798	771,004
1971	389,382	5.22	2,032,574	973,455	1,059,119
1972	377,155	5.50	2,074,352	942,888	1,131,464
1973	357,998	5.93	2,122,928	894,995	1,227,933
1974	384,192	7.49	2,877,598	960,480	1,917,118
1975	422,385	<u>c/11.50</u>	4,857,428	1,055,962	<u>3,801,466</u>
					10,955,095
					Add: uncollectable costs D.C. Superior Court (See app. II.)
					<u>4,829,219</u>
					Total all uncollectable costs
					<u>\$15,784,314</u>

a/Figures do not include process served for D.C. Superior Court litigants.

b/As reported by GAO in its Oct. 7, 1969, report entitled, "Need to Raise Fees on Services Provided by the Immigration and Naturalization Service and the U.S. Marshals" (B-125051).

c/Salary costs accounted for the large increase in average cost of service between fiscal years 1974 and 1975.



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

JUN 7 1976

Mr. Victor L. Lowe
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Lowe:

This letter is in response to your request for comments on the draft report entitled "U.S. Marshals Service--Actions Needed to Enhance Effectiveness."

We have reviewed the draft report and find that it provides a generally accurate reflection of existing conditions. The report points out weaknesses in three functional activities of the U.S. Marshals Service (USMS); however, we are concerned that the report focuses its recommendations on the Department of Justice despite the known need for improvements that are the responsibility of agencies other than the USMS in areas of court security and bailiffs' activities.

The report recognizes that the USMS does not have command over the total resources or personnel needed to ensure effective security, but is dependent upon the effective discharge of specific responsibilities assigned three other organizations as well, one of which is not within the Executive Branch. However, the recommendations are addressed solely to the Attorney General. In our opinion, the report cover should include the names of all agencies having a responsible role in the court security program, and the recommendations should be redeveloped and addressed to the particular agency or agencies responsible for taking corrective action on specific deficiencies noted throughout the report. A number of the specific criticisms levied should be properly directed to the General Services Administration, United States



Postal Service, or the Administrative Office of the U.S. Courts (AOUSC), because these agencies manage either the security or the security resources for the areas criticized. While we recognize that it is in the best interests of all the agencies involved to coordinate security needs, it is beyond the authority of the Attorney General to act as the conduit through which the other agencies are encouraged to take corrective action in their respective areas of the court security program. Since these agencies are not subservient to the Attorney General, the overall impact of the report will be seriously diminished unless the report and the recommendations are addressed directly to the agencies involved.

The report makes several references to the lack of comprehensive evaluations of the security needs of court facilities. While it is true that the USMS has not made a comprehensive evaluation of the entire court facility security program, they have made comprehensive evaluations of the judicial and USMS areas. These are the areas that are within the current purview of the USMS. As of August 1, 1976, every Federal courthouse with a resident judge will have been surveyed and recommendations made to the AOUSC. The USMS believes that security requirements are too complex to have one general plan for the entire judiciary.

The recommendation that the Attorney General work with AOUSC to curb the practice of using deputies as bailiffs or for other questionable practices is not original. The Department and the USMS have attempted to do this for years working with both the AOUSC and individual judges. It should be noted that judges receive funds for the hiring of bailiffs, but some judges use those funds to hire an additional law clerk or messenger. They then call on the USMS to perform the bailiffs' duties. The problem becomes more acute for the USMS as the number of judges and magistrates steadily increases.

With respect to the need to revise fees for serving process, the Department is currently preparing draft legislation for submission to Congress to revise fees to cover the cost of the service. The legislation also will request that the Attorney General be given the authority to revise fees.

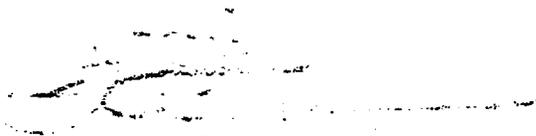
The report states that the USMS is responsible for controlling all Federal warrants. We are not aware of any authority which has given the USMS exclusivity over warrants, either physical control of the warrants or the working of warrants. The USMS is, however, the logical repository or clearinghouse for Federal warrants.

All Federal arrest warrants are not sent to the USMS. In practice, the Federal agency requesting the warrant will sometimes work the warrant. If a warrant becomes invalid, it is the responsibility of the Clerk of Court to inform the USMS. Likewise, if the status of a warrant changes, the appropriate law enforcement agency should notify the USMS. Successful control and monitoring of warrants by the USMS is dependent upon how seriously agencies accept their responsibilities in providing feedback information. In an effort to improve coordination procedures with other agencies, the USMS plans to prepare a letter for submission to each agency pointing out their responsibility to notify the USMS of changes in the status or disposition of warrants.

The report recommends that an evaluation be made of the need for the USMS to participate in the National Crime Information Center (NCIC) network. The USMS is currently moving toward greater NCIC participation. An NCIC station has been established in headquarters, and personnel to man the station are being recruited.

We appreciate the opportunity to comment on the draft report. Should you have any further questions, please feel free to contact me.

Sincerely,



Glen E. Pommerening
Assistant Attorney General
for Administration

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS
SUPREME COURT BUILDING
WASHINGTON, D.C. 20544

ROWLAND F. KIRKS
DIRECTOR

WILLIAM E. FOLEY
DEPUTY DIRECTOR

GILBERT L. BATES
ASSISTANT TO THE DIRECTOR,
BUSINESS AND PERSONNEL

April 13, 1976

Mr. Victor L. Lowe
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Lowe:

Reference is made to the portion (Chapter 2) of your draft report to Congress pertaining to court security, a copy of which was sent to Director Kirks with your letter of March 13.

We agree generally with the conclusions expressed in the report. Undoubtedly, the lack of sufficient funds being made available to the U. S. Marshals Service and the General Services Administration has been responsible to a great degree for some deterioration of the court security program. Also, personnel ceilings imposed upon GSA which have limited the number of security officers it can provide has impacted adversely on the effectiveness of the program.

We are in accord generally with the recommendations made in the report and will be glad to explore them with the Attorney General. However, additional funds, and manpower will be needed by the Marshals Service, GSA and the Judiciary if the recommendations are to be fully implemented. I might add that surveys are currently underway at our request by the Marshals Service and GSA in a number of additional buildings to determine the requirements for security systems and equipment to augment the deputy marshals and the GSA or Postal uniformed security officers. When such surveys are completed, funds for the installation of the recommended systems and equipment will be committed by the Judiciary to reimburse GSA for having the work done. It is planned to continue to have such surveys made until appropriate security systems have been installed in all federal courthouses subject to the availability of funds. Priority for installations are being given to those buildings in which judges are headquartered.

One additional recommendation we feel should be considered where the U. S. Marshals Service is concerned is to relieve it of the responsibility for movement of prisoners after sentencing. It would seem that such prisoner movement should more appropriately be a responsibility of the Bureau of Prisons. This would leave the Marshals Service responsible primarily for court security and court related duties which should permit it to improve its effectiveness in the court security area.

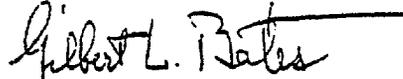
We feel the report is timely and will be beneficial in improving the court security program. It is understood that copies of the report were also sent

APPENDIX V

APPENDIX V

to the Marshals Service and GSA for comment. It would be of interest to us to receive copies of the comments of each of those activities when you have them.

Sincerely yours,

A handwritten signature in cursive script that reads "Gilbert L. Bates". The signature is written in dark ink and is positioned above the typed name. A horizontal line is drawn across the end of the signature.

Gilbert L. Bates

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



April 30, 1976

Honorable Elmer B. Staats
Comptroller General of the United States
General Accounting Office
Washington, D.C. 20548

Dear Mr. Staats:

This is in response to a letter dated March 18, 1976, from Mr. Fred J. Shafer, Director, Logistics and Communications Division, General Accounting Office (GAO), requesting comments on the General Government Division's draft report to the Congress on the U.S. Marshals Service.

GSA's role in the U.S. Courts Security Program is one of support. In the case of manpower and security systems for the protection of the judiciary, all necessary funding is by reimbursable work authorization from the Administrative Office of the U.S. Courts and the U.S. Marshals Service. Protection of buildings under the charge and control of GSA housing U.S. Courts is the responsibility of GSA. All normal protection costs for the protection of these buildings are funded by GSA.

We at GSA, in our support role to the Administrative Office of the U.S. Courts and the U.S. Marshals Service, have always considered the U.S. Courts Security Program of prime importance. We have endeavored to respond to the program in an effective and efficient manner, within our resources. If we are to continue with the program and if new demands will be placed on GSA for manpower and security systems, then additional funds and manpower must be part of any planning for the future.

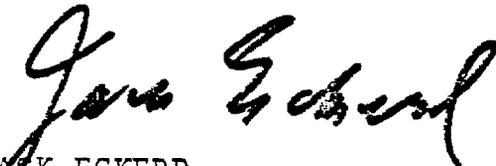
We agree that an evaluation is needed to identify current security needs in the courts and to provide protection. However, prior to any action to reevaluate the program, responsibility for the program must be clearly defined. It is suggested that any review or evaluation of the U.S. Courts Security Program by the Attorney General be done by a team which includes members of the Administrative Office of the U.S. Courts, the U.S. Marshals Service, and the General Services Administration

APPENDIX VI

APPENDIX VI

If we can be of further assistance in this matter, please do not hesitate to contact this office.

Sincerely,



JACK ECKERD
Administrator



THE POSTMASTER GENERAL
Washington, DC 20260

April 9, 1976

Mr. Victor L. Lowe
Director, General
Government Division
U. S. General Accounting Office
Washington, D. C. 20548

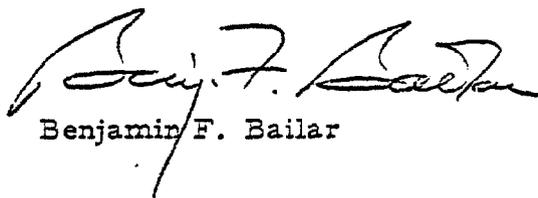
Dear Mr. Lowe:

We have just two comments to offer on your proposed report to the Congress on the U. S. Marshals Service.

1. The Attorney General's comprehensive evaluation of the security needs of each court facility, which is recommended in your report, should be closely coordinated with the Postal Inspection Service when the court facility is located in a building controlled by the Postal Service.
2. We find no problem with either the U. S. Marshals Service or the Administrative Office of the U. S. Courts controlling the security of courtrooms, judges' chambers, court employee office areas and adjacent hallways, but would object to their exercising protective control and authority over non-court related areas of Postal Service buildings.

We appreciate your affording us an opportunity to review this fine report.

Sincerely,


Benjamin F. Bailar

PRINCIPAL DEPARTMENT OF JUSTICE OFFICIALSRESPONSIBLE FOR ADMINISTERING ACTIVITIESDISCUSSED IN THIS REPORT

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	<u>From</u>	<u>To</u>
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Edward H. Levi	Feb. 1975	Present
William B. Saxbe	Jan. 1974	Feb. 1975
Robert H. Bork (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	May 1973
Richard G. Kleindienst (acting)	Mar. 1972	June 1972
John N. Mitchell	Jan. 1969	Feb. 1972
DIRECTOR, U.S. MARSHALS SERVICE:		
William E. Hall	May 1976	Present
Wayne B. Colburn	Jan. 1970	May 1976
Carl C. Turner	Mar. 1969	Jan. 1970

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