



February 2017

# FEDERAL COURTHOUSES

## Actions Needed to Enhance Capital Security Program and Improve Collaboration

Accessible Version

# GAO Highlights

Highlights of [GAO-17-215](#), a report to congressional requesters.

## Why GAO Did This Study

The variety of civil and criminal cases tried in 400-plus federal courthouses can pose security risks. The CSP was started in 2012 and was designed to be a less costly alternative to building new federal courthouses by adding key security features to existing courthouses. Congress has provided \$20 million in obligational authority for the program in each of the fiscal years that it has been funded.

GAO was asked to review physical security at federal courthouses. This report discusses (1) the extent to which federal stakeholders have identified security concerns; (2) how the CSP addresses courthouse security concerns; and (3) what actions federal agencies could take, if any, to improve courthouse security. GAO reviewed agency documents, AOUSC security scores, and interviewed officials from the Marshals Service, FPS, GSA, and AOUSC. GAO also visited eight courthouses to include six locations selected for CSP projects, and two that were considered but not selected. Although these site visits cannot be generalized to all CSP project locations or all federal courthouses, they provide insight into federal agencies' practices to secure courthouses.

## What GAO Recommends

GAO recommends that (1) the Marshals Service and FPS improve the courthouse security information they collect; (2) GSA and AOUSC improve the CSP's transparency and collaboration through better documentation; and (3) GSA establish a working group or other forum to enhance coordination. The agencies concurred with GAO's recommendations.

View [GAO-17-215](#). For more information, contact Lori Rectanus at (202) 512-2834 or [rectanusl@gao.gov](mailto:rectanusl@gao.gov).

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### Actions Needed to Enhance Capital Security Program and Improve Collaboration

## What GAO Found

Three federal agencies—the Administrative Office of the U.S. Courts (AOUSC), the U.S. Marshals Service (Marshals Service), and the Federal Protective Service (FPS)—collect information about security concerns at federal courthouses related to the agencies' respective missions. However, only AOUSC develops information that can be used to understand security concerns across the courthouse portfolio. In contrast, the Marshals Service and FPS collect information on security concerns on a building-by-building basis in varied ways, but the manner in which the information is collected prevents it from being used to understand portfolio-wide security concerns. This is inconsistent with GAO's risk management framework. Both agencies are taking steps to improve their information, but it is not clear whether these improvements will provide the portfolio-wide information stakeholders need to make risk-informed decisions.

The General Services Administration (GSA) has initiated 11 projects at 10 courthouse locations nationwide, as part of its Judiciary Capital Security Program (CSP); two projects have been completed. Local officials said that these projects have already improved or will improve security at the selected courthouses once completed. CSP improvements have been aimed at separating the paths of judges, prisoners, and the public, so that trial participants only meet in the courtroom. Transparency and collaboration issues have emerged among federal stakeholders as the program has been implemented. For example, not all key stakeholders GAO spoke to were clear on the eligibility of specific locations for CSP projects and varied in their views about how collaborative the process to select CSP projects has been. Although stakeholders have taken some steps to improve CSP transparency and collaboration as the program has evolved, some issues remain. Taking additional steps to improve documentation of decision-making and sharing this document with stakeholders could further enhance transparency and collaboration and better assure that all of the agencies and policy makers have the same understanding of how the program is supposed to work, that it is addressing the most urgent courthouse security needs, and that the expertise of all stakeholders is being used to ensure program efficiency.

GAO found that agencies could take additional actions to enhance security at federal courthouses by addressing a related GAO open recommendation, and establishing a formal mechanism such as a working group or forum to enhance coordination and information sharing. Specifically, in 2011, GAO recommended that the agencies update a 1997 memorandum of agreement to clarify their roles and responsibilities. This action has not been done although FPS has taken some steps to start the process. In addition, GAO found that GSA, AOUSC, the Marshals Service, and FPS had not routinely met to address courthouse security issues at a national level where decision-making authority exists. This lack of a formal meeting mechanism inhibits their ability to communicate regularly about their roles and responsibilities and share information about security concerns.

This is a public version of a law enforcement sensitive/limited official use report issued in October 2016.

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Figure 1: General Depiction of Federal Stakeholders' Roles in  
Courtthouse Security

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**Abbreviations**

AOUSC	Administrative Office of the U.S. Courts
CSP	Judiciary Capital Security Program
DHS	Department of Homeland Security
DOJ	Department of Justice
FPS	Federal Protective Service
GSA	General Services Administration
ISC	Interagency Security Committee
MOA	memorandum of agreement
OMB	Office of Management and Budget
SEPS	Security and Emergency Planning Staff
U.S. Marshals Service	Marshals Service

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February 16, 2017

The Honorable Bill Shuster  
Chairman  
The Honorable Peter A. DeFazio  
Ranking Member  
Committee on Transportation and Infrastructure  
House of Representatives

The Honorable Lou Barletta  
Chairman  
The Honorable Hank Johnson  
Ranking Member  
Subcommittee on Economic Development,  
Public Buildings, and Emergency Management  
Committee on Transportation and Infrastructure  
House of Representatives  
The Honorable André Carson  
House of Representatives

Federal courthouses are critical to the U.S. judicial process and to processing civil and criminal cases related to federal crimes such as domestic and international terrorism and organized crime, extremist groups, gangs, and drug trafficking. This environment can pose particular security risks to the 400-plus<sup>1</sup> federal courthouses nationwide, making the physical security of courthouses essential. However, our prior work has found that various attributes influence courthouse security and that older or historic buildings may not be able to support, or may make it more difficult to address security at those courthouses.<sup>2</sup> The Consolidated

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<sup>1</sup>These courthouses include federal district, appellate, and bankruptcy courthouses, and there are 454, according to the Administrative Office of the U.S. Courts (AOUSC) at the time of our review. The General Services Administration (GSA) reported to us that the agency counts 445 federal courthouses, at the time of our review. AOUSC and GSA count courthouses differently because of how each defines what constitutes a courthouse. For the purposes of its long-range facilities assessment, AOUSC defines a courthouse as a building that contains a courtroom. GSA counts a building as a courthouse if it has a real property designation as a courthouse or courthouse/office and/or has space identified as courtroom/judiciary by GSA's National Building Space Assignment Policy standards.

<sup>2</sup>GAO, *Federal Courthouses: Improved Collaboration Needed to Meet Demands of a Complex Security Environment*, [GAO-11-857](#) (Washington, D.C.: Sept. 28, 2011).

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Appropriations Act, 2012 created the Judiciary Capital Security Program (CSP) with \$20 million in obligational authority.<sup>3</sup> The program was designed to improve physical security in buildings occupied by the judiciary and the U.S. Marshals Service (Marshals Service) in lieu of construction of new facilities.

The Administrative Office of the U.S. Courts (AOUSC), an agency within the judicial branch, implements the policies of the Judicial Conference of the United States,<sup>4</sup> including its security policies, and provides a range of legislative, legal, financial, technology, management, administrative and program support services for federal courts. Except for law enforcement and related security functions the General Services Administration (GSA) manages federal facilities, including courthouses, and is responsible for operation, maintenance, and protection as outlined in the Homeland Security Act of 2002.<sup>5</sup> The Marshals Service, a component of the Department of Justice (DOJ), protects federal judicial facilities and personnel. The Federal Protective Service (FPS), a subcomponent of the National Protection and Programs Directorate within the Department of Homeland Security (DHS), provides facility security assessments at federal courthouses owned or leased by GSA.<sup>6</sup> We have previously found that these federal stakeholders have faced challenges in implementing assigned responsibilities when addressing the demands of the complex environment of courthouse security.<sup>7</sup>

You asked us to review physical security concerns at federal courthouses and federal stakeholders' efforts to address these concerns. This report addresses the following questions:

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<sup>3</sup>Pub. L. No. 112-74, 125 Stat. 786, 911 (2011).

<sup>4</sup>The Judicial Conference, chaired by the Chief Justice of the United States, is the principal policy-making body for the judicial branch and security issues involving the federal courts.

<sup>5</sup>Pub. L. No. 107-296, § 422, 116 Stat. 2135, 2184 (2002) (codified at 6 U.S.C. § 232).

<sup>6</sup>Throughout this report, we refer to federal agencies and the judiciary, which have responsibilities related to courthouse security, as federal stakeholders.

<sup>7</sup>[GAO-11-857](#). In this report we recommended that DHS and DOJ update a memorandum of agreement (MOA) to clarify stakeholders' roles and responsibilities, among other things. DHS and DOJ concurred with this recommendation but it remains open.

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- To what extent have federal stakeholders identified security concerns across the portfolio of federal courthouses?
  - How has the CSP addressed courthouse security concerns and how, if at all, can the program be improved?
  - What actions, if any, could federal agencies take to improve courthouse security?

This report is a public version of a previously issued report identified by DHS and DOJ as containing information designated as law enforcement sensitive/limited official use, which must be protected from public disclosure. Therefore, this report omits sensitive information including specific security concerns, the results of AOUSC's security scores, and the names and locations of courthouses we visited or whose information we analyzed. The information provided in this report is more limited in scope, as it excludes such sensitive information, but it addresses the same questions that the law enforcement sensitive/limited official use report does, and the overall methodology used for both reports is the same.

To address these objectives, we reviewed agency documents including capital-planning documents, security assessments, and other reports, and interviewed AOUSC, Marshals Service, and FPS officials to determine what information they collect, and to understand how they identify security concerns. We did not independently determine what constitutes a physical security concern; rather, we relied on these federal stakeholders to determine physical security concerns as defined by their own standards and guidance. As part of our review of these data, we assessed federal stakeholders' documentation and written responses about data collection procedures and their views of the quality of the data. We determined that AOUSC's data were sufficiently reliable for our purposes, and we analyzed the results of AOUSC's data in 2016. We also reviewed and analyzed federal stakeholders' documentation on the CSP, and interviewed relevant officials about methods used to select project locations and collaborate with other federal stakeholders. We visited 6 of the 10 federal courthouse facilities selected for a CSP project, which we selected to cover CSP projects at various stages of implementation (completed, under construction, and pre-construction), as well as two locations considered for the CSP but not selected. During the site visits, we toured the courthouses to observe security concerns and the ways CSP projects have addressed or will address them. We interviewed local officials from the Marshals Service, FPS, GSA, and local court officials to obtain information about CSP implementation, as well as their views on

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courthouse security concerns in general. Although information obtained from these site visits cannot be generalized to all CSP project locations or all federal courthouses, the site visits provided us with insights into federal agencies' practices to secure courthouses. We compared federal stakeholders' efforts to select projects and collaborate to criteria in our *Standards for Internal Control in the Federal Government*<sup>8</sup> and the Office of Management and Budget's (OMB) directive on open government.<sup>9</sup> Further details on our scope and methodology can be found in appendix I.

We conducted this performance audit from June 2015 to February 2017, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

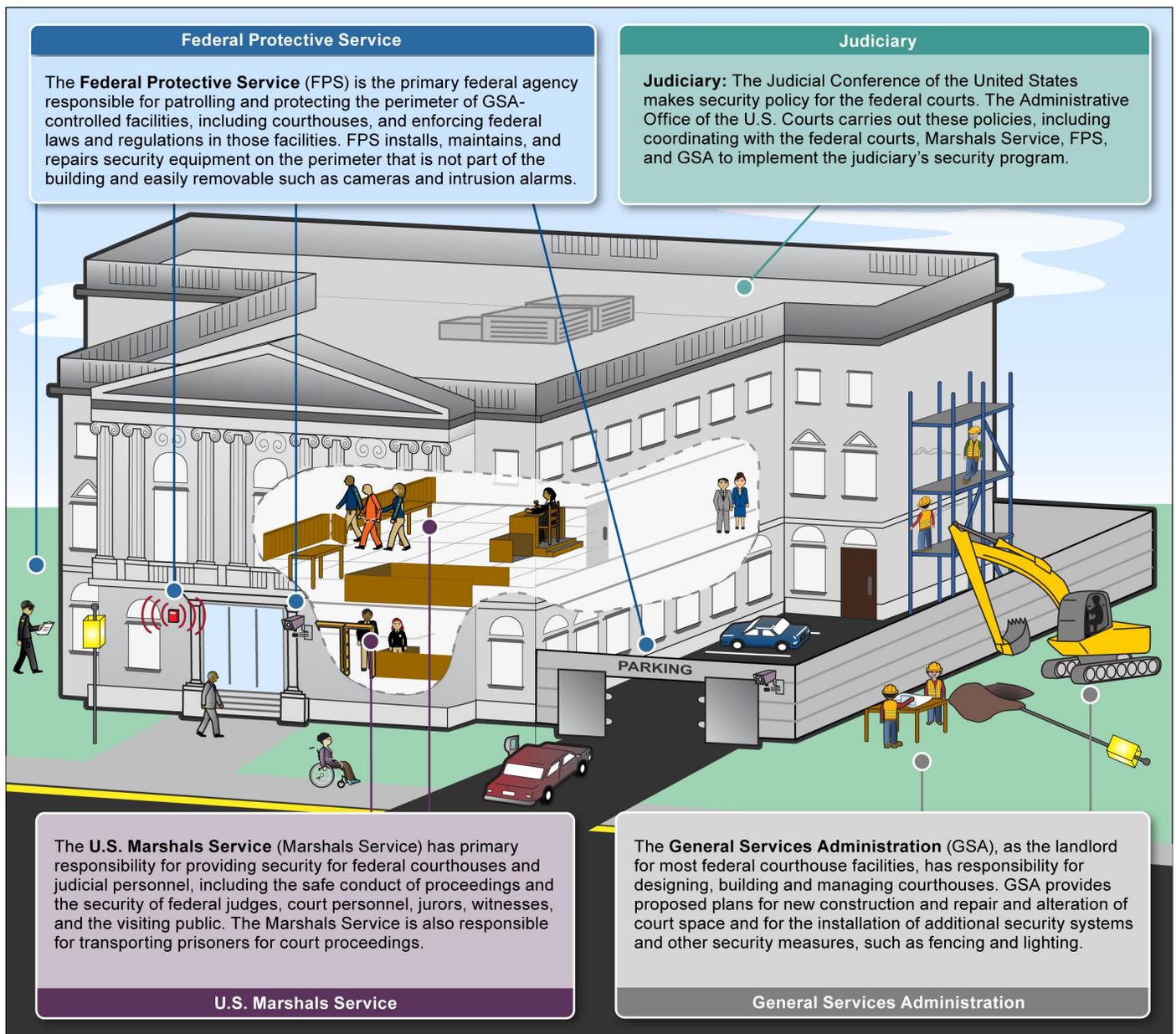
Security at federal courthouses is complex and involves multiple federal stakeholders with different roles and responsibilities (see fig. 1).

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<sup>8</sup>See GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C. November 1999). The Federal Managers' Financial Integrity Act of 1982 (Pub. L. No. 97-255, 96 Stat. 814) requires GAO to issue standards for internal control in government. In 2014, we updated those standards see GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C. September 2014). This document provides managers criteria for designing, implementing, and operating an effective internal control system.

<sup>9</sup>OMB, *Open Government Directive*, OMB Memorandum M10-06 (Washington, D.C.: Dec. 8, 2009). The directive also recognizes that the presumption of openness does not preclude the need to protect confidential information. While OMB directives are not applicable to the judicial branch, funding for the CSP is provided through the Federal Buildings Fund administered by GSA—an executive agency that is subject to OMB directives.

**Figure 1: General Depiction of Federal Stakeholders' Roles in Courthouse Security**



Source: GAO analysis of judiciary, Marshals Service, GSA, and FPS information. | GAO-17-215

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A 1997 memorandum of agreement (MOA)<sup>10</sup> between these entities defines the roles and responsibilities for each of these stakeholders in protecting federal courthouses and the federal framework for securing courthouses. The MOA recognized areas in which stakeholders are to coordinate their security efforts and established an informal collaboration and oversight mechanism at the regional level.

The following federal stakeholders receive funding for court security activities in different ways:

- FPS is funded by the security fees it collects from agencies that occupy GSA facilities for the security services FPS provides<sup>11</sup> and does not receive a direct appropriation.<sup>12</sup>
- The judiciary receives a court security appropriation. The amount for fiscal year 2016 was approximately \$538 million.<sup>13</sup> AOUSC uses part of this appropriation to pay for FPS fees and transfers part to the Marshals Service for specific judiciary related costs or security equipment.
- In addition to the funds received from AOUSC, the Marshals Service receives direct appropriations for construction in space controlled, occupied, or used by the Marshals Service for prisoner holding and related support (for example, vehicle sally ports and prisoner elevators).<sup>14</sup>

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<sup>10</sup>This memorandum was reaffirmed in 2004 to acknowledge the transfer of FPS from GSA to DHS.

<sup>11</sup>FPS charges federal agencies that occupy GSA facilities three fees: (1) a basic security fee of \$0.74 per square foot for fiscal year 2016, (2) a building-specific administrative fee, and (3) a security work authorization administrative fee. All customer agencies in GSA-controlled properties pay the basic annual security fee. Customer agencies in facilities for which FPS recommends specific countermeasures to mitigate vulnerabilities pay the building-specific administrative fee, along with the cost of the countermeasures implemented. Customer agencies that request additional countermeasures pay the security work authorization administrative fee, along with the cost of the countermeasures.

<sup>12</sup>Rather than receiving a direct appropriation, FPS has statutory authority to obligate and spend its collected fees.

<sup>13</sup>Pub. L. No. 114-113, 129 Stat. 2242, 2441 (2015).

<sup>14</sup>A vehicle sally port is a secure entryway for the loading and unloading of prisoners.

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- Instead of receiving direct appropriations, GSA administers the Federal Buildings Fund, which is the primary source of funds for operating federal space held under the custody and control of GSA and the capital costs associated with the space.<sup>15</sup> The Federal Buildings Fund is funded primarily by income from rental charges assessed to tenant agencies occupying GSA-held and -leased space that approximate commercial rates for comparable space and services.<sup>16</sup> Congress exercises control over the Federal Buildings Fund through the appropriations process that sets annual limits—called obligational authority—on how much of the fund can be obligated for various activities. GSA, as an executive branch agency, requests obligational authority from Congress as part of the annual President’s Budget Request. GSA’s total obligational authority for fiscal year 2016 was approximately \$10.2 billion.<sup>17</sup>

The Interagency Security Committee (ISC) addresses the quality and effectiveness of physical security for federal facilities, including courthouses.<sup>18</sup> The ISC sets out the risk management process for federal facilities in the ISC’s risk management standard.<sup>19</sup> Pursuant to this standard, FPS conducts facility security assessments, which consist of identifying and assessing threats to, and vulnerabilities of, a facility as well as identifying countermeasures (e.g., security equipment) best suited to mitigate vulnerabilities at the facility. These assessments generally focus on building systems and perimeter and entry issues.

The ISC risk management standard also lays out standards for establishing facility security committees, which consist of a representative from each of the tenant agencies in the facility, and which are responsible for addressing security issues identified in the facility security assessment

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<sup>15</sup>GSA sometimes receives supplemental appropriations to meet repair or new construction needs.

<sup>16</sup> For more on the Federal Buildings Fund, see GAO, *Federal Buildings Fund: Improved Transparency and Long-term Plan Needed to Clarify Capital Funding Priorities*, [GAO-12-646](#) (Washington, D.C.: July 12, 2012).

<sup>17</sup>Pub. L. No. 114.113, 129 Stat. 2242, 2451 (2015).

<sup>18</sup>The ISC, chaired by DHS, consists of 53 federal departments and agencies, has as its mission the development of security standards and best practices for nonmilitary federal facilities in the United States.

<sup>19</sup>ISC, *The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard*, 1<sup>st</sup> edition (Washington, D.C.: August 2013).

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and approving the implementation of recommended security countermeasures. These standards include the following:

- facility security committees are established when two or more federal tenants with funding authority occupy a facility,
- findings from the FPS facility security assessments are to be presented at facility security committee meetings, and
- meeting minutes must document each vote to approve or disapprove a recommended countermeasure, and if agenda decisions are disapproved, the meeting minutes must document the chosen risk management strategy.

As new threats to federal facilities have emerged, the federal government has released additional directives related to the security of federal facilities, including courthouses. For example:

- *The National Strategy for the Physical Protection of Critical Infrastructures and Key Assets*. Following the attacks on September 11, 2001, the White House developed this National Strategy to ensure that initial efforts to protect key assets were sustained over the long term.<sup>20</sup> Courthouse security falls under the National Strategy which outlines the guiding principles that underpin national efforts to secure infrastructure and assets vital to public health and safety, national security, governance, economy, and public confidence.
- *The National Infrastructure Protection Plan*. DHS developed this plan to guide the national effort to manage risks to critical infrastructure.<sup>21</sup>

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## AOUSC Is Able to Identify Security Concerns across the Courthouse Portfolio, While the

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<sup>20</sup>The White House, *The National Strategy for the Physical Protection of Critical Infrastructures and Key Assets* (Washington, D.C. February 2003).

<sup>21</sup>DHS, *National Infrastructure Protection Plan 2013: Partnering for Critical Infrastructure Security and Resilience* (Washington, D.C.: December 2013).

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## Marshals Service and FPS Are Able to Identify Concerns at the Individual Building Level

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### AOUSC Develops Portfolio-Wide Information About Security Concerns

Identifying security concerns at federal courthouses is critical to managing the risk to those courthouses. We previously compiled a risk management framework applicable to protecting federal facilities that defined risk management in general as managing across a portfolio.<sup>22</sup> We have also issued other reports in recent years that discuss the importance of understanding risk comprehensively (rather than only on an individual building basis) in order to effectively protect federal facilities consistent with that definition.<sup>23</sup> AOUSC collects security information in a way that provides a picture of portfolio-wide concerns and can be used to comprehensively understand security concerns across the portfolio of federal courthouses. AOUSC assesses and scores courthouses on the security features of court operations, in accordance with the U.S. Courts Design Guide<sup>24</sup> as part of their long-range capital-planning process,

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<sup>22</sup>GAO, *Homeland Security: Further Actions Needed to Coordinate Federal Agencies' Facility Protection Efforts and Promote Key Practices*, [GAO-05-49](#) (Washington: D.C.: Nov. 30, 2004). In this report, we identified key practices for facility protection through a comprehensive literature review of Inspector General reports and our previous reports. We also interviewed officials from major property-holding agencies, and validated our results using an expert symposium on facility protection.

<sup>23</sup>In [GAO-11-857](#), we said that an advanced use of risk management involves the ability to gauge risk across a portfolio of facilities and that this was important because it could allow stakeholders to comprehensively identify and prioritize risks at a national level and direct resources toward alleviating them. In GAO, *Homeland Security: Greater Attention to Key Practices Would Improve the Federal Protective Service's Approach to Facility Protection*, [GAO-10-142](#) (Washington, D.C. Oct. 23, 2009), we reported that a building-by-building approach to risk management rather than a comprehensive approach to assessing risk provides less assurance that the most critical risks at buildings across the country are being mitigated.

<sup>24</sup>Judicial Conference of the United States, *U.S. Courts Design Guide*, 2007 (Revised December 2015). The guide translates requirements of the federal judiciary into criteria for the design and construction of court facilities.

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according to AOUSC officials.<sup>25</sup> Through this process, AOUSC develops security scores for courthouses that range from 0 to 100, with 100 being an ideal courthouse that meets all assessed security factors, as determined by the judiciary. These scores allow the judiciary to compare security needs across courthouses and understand the relative security deficiencies of one courthouse compared to others. AOUSC has three categories to describe these security scores: below 60 is poor, 60–79 is marginal to acceptable, and 80–100 is good.

AOUSC's scores reflect different aspects of courthouse security, such as whether the courthouse has separate pathways for judicial personnel, prisoners, jury members, and the public; secured parking for judges; vehicle sally ports for prisoner transport; an adequate number of courtroom holding cells; and physical barriers to block unwarranted vehicular access. While AOUSC's security scores consider some aspects of security on the perimeter and in space where prisoners are held, detailed assessments of these aspects of security are the responsibility of FPS and the Marshals Service, consistent with their missions.<sup>26</sup>

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### Marshals Service and FPS Identify Building-Specific Security Concerns That Cannot Readily Be Tracked across the Portfolio of Courthouses

The Marshals Service and FPS also identify security concerns at individual courthouse facilities, focused on their respective missions, but unlike AOUSC, they do not currently collect this information in a way that

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<sup>25</sup>The judiciary's Asset Management Planning process involves assessing, identifying, and ranking its space needs, and this information is to be used to develop housing strategies for the judiciary. In this process, AOUSC assesses factors from several categories—building condition, space functionality, security, and compliance with judiciary space standards—and develops scores to manage long-term planning.

<sup>26</sup>AOUSC assessments include certain perimeter security factors, but are not specifically measured against the ISC standard that FPS uses when conducting facility security assessments. Similarly, AOUSC assessments do not include all factors contained in the Marshals Service standard—U.S. Marshals Service, *Publication 64, Volumes I and II: Requirements and Specifications for Special Purpose and Support Space Manual* (2014 Edition) and *Volume 3: Judicial Security Systems Requirements and Specifications* (2005). *Publication 64* provides construction requirements, specifications, and security product information for Marshals Service space, as well as requirements for judiciary space protected by the Marshals Service, such as the lobby, public areas, and courtrooms.

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it can be readily compared across the portfolio of courthouses to gauge the overall concerns with these buildings. As discussed below, the Marshals Service identifies security concerns through two kinds of project requests to address security concerns.<sup>27</sup> The Marshals Service is taking steps to improve the information it collects; however, these steps may not enable it to understand concerns portfolio-wide as defined by our risk management framework, because of the reasons discussed below.

- Marshals Service officials told us that previously, they had no means to prioritize among project requests to correct deficiencies in judicial space, such as those in courtrooms.<sup>28</sup> The Marshals Service is piloting an initiative to create a means of prioritizing these requests into three levels of priority. However, Marshals Service officials told us that they still will not be able to compare similar concerns from one courthouse to another once the improvements to the process are made, because similar concerns would fall into the same priority level, and the initiative does not have a method for prioritizing within the same priority level.
- For projects to correct deficiencies in Marshals Service space, such as the areas used to move prisoners throughout the courthouse, headquarters Marshals Service officials told us that they currently rely on institutional knowledge to evaluate requests.<sup>29</sup> Marshals Service officials said that it can be difficult to determine which projects to fund and not all officials would arrive at the same decisions, as there is currently no standard process for reviewing project requests and making funding decisions. To improve this process, the Marshals Service is developing a decision matrix to document how decisions are made, but officials said they were not sure if this process would result in a way to compare projects as part of the portfolio of

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<sup>27</sup>The Marshals Service also collects certain data on threats to protected court personnel and incidents, but we found these data were not sufficiently reliable to manage risk across the portfolio of federal courthouses. In addition to Marshals Service data, the DOJ's Security and Emergency Planning Staff (SEPS) conducts compliance reviews for individual buildings, including some courthouses. SEPS officials told us these reviews primarily originate with requests from the SEPS Compliance Review Team. However, these reviews cannot be used to assess vulnerabilities across the portfolio of courthouses.

<sup>28</sup>These project requests are submitted by Judicial Security Inspectors.

<sup>29</sup>These project requests are submitted by headquarters Marshals Service project managers or district managers in the field.

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courthouses, as they are still early in the process of developing the matrix.

FPS conducts facility security assessments of individual buildings, including courthouses. These assessments consist of identifying and assessing threats to and vulnerabilities of a facility, for example, whether security equipment is working properly.<sup>30</sup> FPS shares these assessments and recommendations for countermeasures with the building's facility security committee as part of the security services it provides to its customer agencies, and the facility security committee votes on whether to approve or disapprove suggested countermeasures.<sup>31</sup>

Information on the status of FPS countermeasure recommendations—whether facility security committees have accepted, rejected, or not made a decision—can provide insight into the level of risk tenant agencies accept at a particular facility and enables risk-informed decisions. FPS began tracking the facility security committee decisions at the individual facility level in fiscal year 2015. Our prior work has found that the tool FPS uses to conduct facility security assessments was not designed to compare risks across federal facilities.<sup>32</sup> FPS officials recognize the value of being able to analyze countermeasures across courthouses and other federal buildings. They said that this information would provide a greater understanding of which countermeasures were consistently accepted or rejected, which could help FPS make better recommendations for all federal buildings, not just courthouses, in its facility security assessments. For example, if FPS knew that a particular recommendation was

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<sup>30</sup>We previously found that FPS may not have a complete understanding of the risk at federal facilities because FPS does not assess the threat, consequences, or vulnerabilities to specific undesirable events as called for by the ISC standard. We recommended that the Secretary of Homeland Security direct the ISC to supplement its risk assessment guidance with information on how to incorporate threat, consequence, and vulnerability assessments into a risk assessment methodology and DHS concurred, but the recommendation remains open. See GAO, *Federal Facility Security: Additional Actions Needed to Help Agencies Comply with Risk Assessment Methodology Standards*, [GAO-14-86](#) (Washington, D.C. March 5, 2014).

<sup>31</sup>A vote to approve a countermeasure is a financial commitment by federal tenants, who are responsible for funding their prorated share of the cost.

<sup>32</sup>See GAO, *Federal Protective Service: Actions Needed to Assess Risk and Better Manage Contract Guards at Federal Facilities*, [GAO-12-739](#) (Washington, D.C.: Aug. 10, 2012). FPS has an interim vulnerability assessment tool, referred to as the Modified Infrastructure Survey Tool. We recommended that DHS address the tool's limitations. DHS concurred with this recommendation and it remains open.

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frequently rejected because it is cost prohibitive, FPS might look for another less costly option to mitigate that deficiency, according to officials.

FPS is also pursuing the capability to track the status of countermeasures in an automated way as part of initial plans for a software upgrade for its vulnerability assessment tool that allows FPS inspectors to review recommended countermeasures, among other things. However, officials were not certain when, or if, this capability will be ultimately included in the upgrade. FPS officials said that absent the capability to track countermeasure status in an automated way, obtaining information on whether countermeasure recommendations are accepted or rejected across all courthouses (or analyzing it by other variables) would be a labor-intensive process because relevant data are not easy to retrieve and would have to be done so manually. FPS officials said that there might be other ways to obtain this capability, but so far, they have not developed them. Further, FPS officials said that facility security committees often do not report whether they are approving or disapproving a countermeasure, even though the ISC standard calls for approval or disapproval to be documented in the facility security assessment. Tracking information on countermeasure implementation across the portfolio could help hold facility security committees accountable for their responsibilities under the ISC standard.

The improvements that both agencies are making to their information on security concerns are promising but may not provide the portfolio-wide information that decision makers need to make risk-informed decisions. Portfolio-wide information could enhance the way that headquarters Marshals Service officials make decisions when selecting security projects, so that the selections address the most urgent needs and FPS could be in a better position to understand the degree to which facility security committees are accepting risk at federal facilities.

# CSP Shows Potential for Enhancing Security at Federal Courthouses, but Greater Transparency and Collaboration Could Improve the Program

## Officials at CSP Locations Cite Improvements in Security as a Result of the Program

Congress provided \$20 million in obligational authority for the CSP in the Consolidated Appropriations Act, 2012<sup>33</sup> and also provided obligational authority for the program for fiscal years 2013, 2015, and 2016, which GSA has designated for 11 projects in 10 locations.<sup>34</sup> The program, which is funded from GSA’s Federal Buildings Fund, is intended to address security deficiencies in existing buildings where physical renovations (“brick and mortar solutions”) are viable, and to provide a vehicle for addressing security deficiencies in a timely and less costly manner than constructing a new courthouse. Program goals include: (a) utilizing existing building assets and government resources cost-effectively; (b) addressing security deficiencies which put the public and government staff at risk; and (c) providing a low-cost alternative to high-cost capital investments. Courts with adequate space to house judicial officers but with poor physical security are eligible to participate because such courts are unlikely to obtain a new courthouse in the foreseeable future. As of March 2016, two projects had been completed, two were in construction, four were in design, and three had not yet begun design, as shown in Table 1.

**Table 1: Funding and Security Information for Judiciary Capital Security Program (CSP) Projects, Fiscal Years 2012–2016, as of March 2016**

Fiscal year	Project	Project amount <sup>a</sup>	Security score as of March 2016 <sup>b</sup>	Project status
2012	Location 1 of 4	\$4.7 million	80.2 <sup>c</sup>	Complete (January 2015)
2012	Location 2 of 4	\$3.1 million	68.2 <sup>d</sup>	Complete (July 2015)

<sup>33</sup>Pub. L. No. 112-74, 125 Stat. 786, 911 (2011).

<sup>34</sup>The CSP was not funded in fiscal year 2014.

Fiscal year	Project	Project amount <sup>a</sup>	Security score as of March 2016 <sup>b</sup>	Project status
2012	Location 3 of 4	\$5.5 million	41.1	In construction (estimated completion October 2016)
2012	Location 4 of 4	\$6.7 million	37.2	In construction (estimated completion December 2016)
2013	Location 1 of 1	\$20 million	34.8	In design
2015	Location 1 of 3	\$6.723 million	14.3	In design
2015	Location 2 of 3	\$6.068 million	26.5	In design
2015	Location 3 of 3	\$7.209 million	4.1 and 16.6 <sup>c</sup>	In design
2016	Location 1 of 3	\$15.7 million	56.1	Expenditure plans submitted to Congress. Senate authorization, January 2016; House authorization, March 2016
2016	Location 2 of 3	\$2.37 million	15.4	Expenditure plans submitted to Congress. Senate authorization, January 2016; House authorization, March 2016
2016	Location 3 of 3	\$1.93 million	68.2	Expenditure plans submitted to Congress. Senate authorization, January 2016; House authorization, March 2016
Total	n/a	\$80 million		n/a

Source: GAO analysis of General Services Administration (GSA) and Administrative Office of the U.S. Courts (AOUSC) information. | GAO-17-215

<sup>a</sup>The project amount is the amount that GSA submitted to Congress in its expenditure plan for each fiscal year that the CSP was funded.

<sup>b</sup>AOUSC assesses and scores security features, among other things, as part of a long-range capital-planning process. These scores range from 0 to 100, with 100 representing a courthouse that fully meets all assessed factors. Scores in this table are rounded to the nearest one tenth. These numbers are based on 2016 data. These courthouses were chosen for a CSP project before the 2016 assessments.

<sup>c</sup>The location with the score of 80.2 is one of the completed CSP projects. Before the CSP project, that courthouse's security score was 46.1 (as of July 2014 data).

<sup>d</sup>Before the project this location's security score was 58.9 (as of July 2014 data).

<sup>e</sup>This location has two security scores—one for each part of the building.

CSP projects are designed to improve the separation of circulation in accordance with the U.S. Courts Design Guide, which states that an essential element of security design is the physical separation of the public, judges, and prisoners into three separate paths of circulation so that trial participants do not meet until they are in the courtroom during formal court proceedings. AOUSC officials told us that having three separate paths of circulation is important so that judges are protected from being influenced or threatened by parties to court proceedings, their families, or other members of the public when entering and circulating through a courthouse. They also told us that criminal defendants pose a security risk to co-defendants, witnesses, and the general public. Some of the CSP improvements to address these separate paths of circulation include:

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*Adding or enlarging sally ports:* Some federal courthouses have no vehicle sally port (or an inadequate one) for the Marshals Service to load and unload prisoners.

*Building secure parking for judges:* Some federal courthouses do not have a secure place for judges to park and enter the building.

*Adding elevators for prisoners and/or judges:* In some of the older courthouses, the structure of the building and location of elevators may not permit three separate paths of circulation.

*Reconfiguring space to provide secure patterns of circulation:* Some federal courthouses cannot accommodate the three separate paths of circulation without space reconfiguration.

While CSP projects may not address every security deficiency in a building, officials at locations that have been selected for a CSP project told us that the projects will provide (or have provided) significant improvements to security at those locations. For example, a local GSA official said that the security changes as a result of a completed CSP project has created a “night and day” difference in the overall security of the building as the parking and circulation issues have been addressed. In addition, local Marshals Service officials said that when the CSP project at their location is completed, it will address their highest security priorities and improve security. AOUSC officials have re-evaluated their security scores for the two projects that have been completed, and the security scores have improved. At one location the security score increased from 46.1 (poor) to 80.2 (good), and at the other, the score increased from 58.9 (poor) to 68.2 (marginal to acceptable).<sup>35</sup>

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## Selection Process for CSP Projects Has Evolved since Inception, with Some Improvements to Transparency and Collaboration

The process used to select potential CSP project locations has continued to evolve since the program began in 2012, and as a result, transparency

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<sup>35</sup>GSA and AOUSC officials told us that the CSP project where the security score increased from 58.9 to 68.2 was very small and that this location is being considered for additional CSP projects to address remaining security concerns.

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and collaboration related to potential CSP project location selections and program execution have improved. According to OMB's directive on open government, transparency promotes accountability and collaboration improves the effectiveness of government by encouraging partnerships and cooperation.<sup>36</sup> Similarly, our prior work has recognized that leading practices for capital-planning include that an agency's project prioritization process be transparent about how project rankings are determined, among other things.<sup>37</sup> In addition, our prior work also recognized that collaboration is key to ensuring the efficient use of limited resources to address issues that cut across more than one agency, and that collaboration ensures that federal efforts draw on the expertise of the involved agencies.<sup>38</sup>

At the time of our review, two rounds of CSP project location selections had been finished, and a third round was underway. With each round, the transparency of selection evolved as more criteria were added for selection and more people were involved in the selection process. More specifically:

- During the first round of selections, for fiscal year 2012 only, according to AOUSC officials, AOUSC selected four project locations using professional judgment informed by the expertise of GSA and the Marshals Service to get them started quickly because a report and spending plan on program implementation had to be submitted within 90 days of the enactment of the Consolidated Appropriations Act, 2012.<sup>39</sup> For example, one location was chosen because it had an existing concept study that could be used as a basis for the project, and another was prioritized, in part, because of a threat to a judge at that location, according to AOUSC officials.

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<sup>36</sup>OMB, Memorandum M10-06.

<sup>37</sup>[GAO-12-646](#).

<sup>38</sup>GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, [GAO-06-15](#) (Washington, D.C.: Oct. 21, 2005).

<sup>39</sup>Pub. L. No. 112-74, 125 Stat. 786, 911 (2011). The reporting requirement was included in the House Report accompanying H.R. 2434, the Financial Services and General Government Appropriations Bill, 2012 (H. Rep. No. 112-136 at 48 (2011)); and in the Senate Report accompanying S. 1573, the Financial Services and General Government Appropriations Bill, 2012 (S. Rep. No. 112-79 at 83 (2011)).

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- For the second round of project location selections, for projects funded in fiscal years 2013 through 2017, criteria were developed for selection following a two-step process. First, the judiciary developed a preliminary list of project location candidates following a set of “Go/No Go” factors. For example, only courthouse facilities that were federally owned and had resident judges were eligible for selection. Second, AOUSC conducted what it referred to as a “deep dive analysis” that involved a number of factors. While this allowed greater insight into how locations were selected, from our review of AOUSC documents, we noted that there was still a lack of clarity about how some of these factors would be measured. For example, one factor was “type of caseload and proceedings” meaning that a “significant” number of criminal proceedings are conducted in the facility, but it was not clear how locations were evaluated on these criteria. As a result, for the CSP projects selected in round two, we were unable to determine how the criteria were used to prioritize project locations amongst each other and why certain project locations were ultimately selected over others because the decisions (such as why some were selected and others were eliminated from contention) were not documented and it was not clear how all criteria were defined and applied.
  - The process for the third round of potential CSP project location selections (for projects 2018 and beyond) contained additional improvements. AOUSC and federal stakeholders added refinements to the existing two-step process and some additional steps after the “Go/No Go” factors and “deep dive analysis” including: (a) a series of internal judiciary review meetings that further narrowed the list of candidates based on first-hand knowledge and observations; (b) meetings between AOUSC, the Marshals Service, and GSA in March 2016 to narrow the remaining potential locations into three tiers based on security scores as well as other factors; (c) reviews of the feasibility of a project at the top eight locations, and (d) selecting four of those locations for consideration. From our review of AOUSC documents, we noted that this round of project location selections provided important transparency improvements. For example, during this round the CSP had a greater emphasis on buildings with poor security scores—quantitative information that can be objectively reviewed. In round three, only locations with poor security scores (below 60) were considered for the program, and the Judiciary’s Space and Facilities Committee approved four locations for a CSP study in June 2016 that have security scores less than 30 (only 4 of the 10 previous locations chosen for CSP projects had security scores less than 30, see Table 1).

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In addition to transparency improvements related to the selection process, federal stakeholders have enhanced their collaboration during CSP project execution. GSA officials said that they were not involved in developing the scopes of work for the original four projects in fiscal year 2012 and the corresponding cost estimates for them. As a result, the project concept studies did not consider GSA's mechanical, engineering, and plumbing standards,<sup>40</sup> which are considered for concepts in other capital projects.<sup>41</sup> GSA officials said that this led to inaccurate estimates and delays in the execution of some 2012 projects. For example, GSA officials said that during one 2012 funded project, they were not consulted on the concept and estimate, and that the estimate was under by about 30 percent, which they said is a significant deviation. After AOUSC conferred with stakeholders on needed improvements in the second round of CSP project selections (fiscal years 2013–2017), GSA officials said that they began reviewing the cost estimates and providing comments to AOUSC. Further, GSA officials said that AOUSC now seeks their expertise on assumptions developed in the concept studies before developing an estimate, which has minimized the amount of re-work required at design.

## Further Opportunities to Improve Transparency and Collaboration of the CSP

Although federal stakeholders have taken the aforementioned positive steps to improve CSP, not all of the issues with transparency and collaboration have been addressed, in particular:

- Key stakeholders were not clear on the eligibility of particular locations for a CSP project and how to suggest locations for consideration. Marshals Service headquarters officials told us that they have asked that certain court locations be considered for the CSP, but they have been denied. For example, headquarters Marshals Service officials told us that they requested that one particular federal courthouse be a part of the CSP, specifically to add certain features to improve circulation. This courthouse was not included as a potential CSP project location, and the Marshals Service moved forward with the

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<sup>40</sup>GSA, *PBS-P100 Facilities Standards for the Public Buildings Service* (Washington, D.C.: March 2015).

<sup>41</sup>Prior to GSA's design of each CSP project, AOUSC has hired a contractor to complete capital security concept studies which consisted of a review of the security issues specific to each courthouse location. The studies also identified space solutions to improve security and included three options to improve security with corresponding budget estimates.

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design of the project. GSA officials told us that the judiciary developed a process for identifying CSP projects and subsequent studies resulted in a priority list of locations, and that this courthouse was not put forth by the judiciary to be studied.

During the third round of project selections, that same courthouse was one of four locations removed by the judiciary during the internal judiciary meetings due to having Marshals Service-funded projects, or joint projects, but no Marshals Service officials participated in this discussion.<sup>42</sup> Specifically, documentation from this internal meeting showed that this courthouse was removed due to a Marshals Service project that was already funded. However, local judicial, Marshals Service, and GSA officials told us when we visited that a circulation project was not planned for the location, and Marshals Service officials provided a document that showed that the project has not yet been funded, (project design has been funded). Although the judiciary removed this courthouse from consideration for a project, Marshals Service officials maintain that it could have been a CSP project.

- There continues to be a lack of clarity about how key deep-dive analysis factors were applied during the most recent round of project selection. For example, one of these factors (as conceptualized in round three) was the number of criminal defendants the courthouse processed. But there is no description of what number of defendants would be too low for a court to be considered further for a CSP project, and the reasons that some locations were removed for a low number of criminal defendants, while others with the same number were put forward, were not clearly documented. For example according to AOUSC documentation, a certain potential location was removed as a candidate during the latest round of CSP selections during internal judiciary meetings because it had zero criminal

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<sup>42</sup>Marshals Service officials said that two of these four locations have not been discussed with them, but they confirmed that they have funded a security project in one of these four locations.

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defendants. However, other locations were put through to the next round that also had zero criminal defendants.<sup>43</sup>

- Marshals Service officials also expressed a transparency concern regarding CSP costs. Specifically, the additional costs they incur from CSP projects are not considered during project selection. According to Marshals Service officials, when the judiciary selects a CSP project, the Marshals Service must find funding for any Marshals Service security equipment needed to support the CSP projects. Marshals Service officials said that in the first year of project selections (2012), the corresponding Marshals Service costs were covered, but that since then, GSA has told them that they would need to provide the funding.
- Key stakeholders hold varying views about how collaborative the process to select CSP projects has been. AOUSC officials said they believe that CSP selection process has been collaborative and that no project was or is approved for CSP funding without the concurrence of the Marshals Service and GSA. However, Marshals Service officials said that they have not found the process of selecting projects to be collaborative, but rather, from their point of view, the CSP projects are selected by the judiciary based on its view of security concerns. GSA officials said that they were not involved in project selection during the first two rounds of CSP project selection, but that during the third round of project selections, the process was more collaborative. Similarly, FPS has generally not been included in the planning or execution of CSP projects. FPS was only included in CSP planning and implementation for one of six CSP project locations we visited, where the local Marshals Service sought FPS's expertise in placement of security equipment. At these locations, CSP projects may alter the perimeter of the building and could affect FPS's equipment. For example, local FPS officials in one location we visited said that they did not know about the impending CSP project until we notified them of our visit to tour the project site. They said they would

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<sup>43</sup>While there may have been other reasons contributing to the fact that other locations were put through and this courthouse was not, they were not always clearly and consistently documented in the information that AOUSC provided to us. For example, another courthouse considered for the program also had zero criminal defendants, and documentation explained that the number of criminal defendants was reported as part of a different courthouse. However, in a separate case, the courthouse had zero criminal defendants, and did not have any serious security issues, but it was left on the list based on the perspective of judiciary officials, but no information was provided about that perspective.

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need new security equipment and that they could possibly add their expertise to other aspects of the project early in the process to avert unnecessary costs if they were consulted on this CSP project. AOUSC officials told us that moving forward, FPS will be included in the CSP.

As our prior work has shown, the interests of multiple—and often competing—stakeholders may not align with the most efficient use of government resources and can complicate decision making.<sup>44</sup> Better transparency about how projects are selected, could help to ensure that the CSP is not subjected to competing stakeholder interests. Furthermore, as we have also reported, effective collaboration can help maximize performance and results, particularly for issues that cut across more than one agency, as is the case with courthouse security.<sup>45</sup> CSP projects involve multiple stakeholders, and projects have multiple phases, so it can be difficult to ensure that all stakeholders fully understand all program procedures and are involved at the right time and to the right degree throughout the life of the project. An internal control for efficient and effective operations is to ensure that all transactions and other significant events are clearly documented in a manner that allows the documentation to be readily available for examination.<sup>46</sup> With clearer documentation of the process shared with all stakeholders, transparency and collaboration could also be enhanced in the CSP. By developing approaches to provide stakeholders information that clearly describes how all selection criteria are to be applied, how to put forth a location for consideration, what specific costs are eligible for funding within a project, how collaboration is to occur during project selection and execution, and when and how to include all relevant agencies in each phase of the project, stakeholders could be better assured that they all have the same understanding of how the program is supposed to work, that the program is addressing the most urgent needs and that the expertise of all government stakeholders is being used to help ensure that the program is as efficient as possible.

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<sup>44</sup>See GAO, *Federal Real Property: National Strategy and Better Data Needed to Improve Management of Excess and Underutilized Property*, [GAO-12-645](#) (Washington, D.C.: June 20, 2012).

<sup>45</sup>[GAO-06-15](#).

<sup>46</sup>[GAO/AIMD-00-21.3.1](#).

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## Agencies Can Take Additional Actions to Address Previous Issues and Improve Coordination and Information Sharing

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### Previously Identified Issues Continue to Impair a Comprehensive Approach to Courthouse Security

We have previously reported on coordination issues facing the security of courthouses.<sup>47</sup> More specifically, in September 2011, we found that federal stakeholders faced issues, among others, related to implementing their roles and responsibilities, gathering and sharing comprehensive security information, and participating in security committees. At that time, we recommended that FPS and the Marshals Service, in conjunction with the judiciary and GSA, jointly lead an effort to update a 1997 MOA that outlines stakeholders' roles and responsibilities. Implementation of this recommendation was key to addressing the issues in our view. Since then, FPS officials said that they took the initiative on updating the MOA, working with each party individually and sharing iterative updates based on comments. FPS officials said that they took the lead in this effort because they wanted to address the recommendation and no other agency was moving forward with it. However, despite these efforts, nearly 5 years after the recommendation, the updated MOA still has not been signed. FPS officials told us that the MOA had been set aside at different times since the recommendation was made, in part, due to staff turnover at each agency that in some instances resulted in major revisions to the draft that necessitated additional vetting. In addition, FPS officials said that lengthy reviews and issues coordinating schedules have also contributed to the delays.

During our visits to CSP project locations as a part of this review and during discussions with AOUSC and local court officials, and headquarters and local Marshals Service, GSA, and FPS officials, we found that the issues we identified in September 2011 persist. More specifically, these issues include those outlined below.

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<sup>47</sup> [GAO-11-857](#).

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## Effective Execution of Roles and Responsibilities

We found that the Marshals Service's and FPS's roles and responsibilities have at times been fragmented.<sup>48</sup> Some local FPS officials said that it can be difficult to determine what entity has responsibility for security equipment. For example, a local FPS official told us about a situation in one courthouse, where some security equipment is monitored by FPS and some is monitored by the Marshals Service. We found the same type of situation in another location and officials were unsure how that arrangement came to be. In addition, headquarters Marshals Service officials told us that overall there is fragmentation between FPS and the Marshals Service in ensuring that security equipment is operational. In one location FPS local officials also said that duplicative security efforts—such as when both the Marshals Service and have FPS have equipment in the same building or part of the building—can create confusion.

We found that the level of coordination can be site-specific and personality-driven which can make executing roles and responsibilities difficult. For example, one local FPS official told us that FPS has a very strong relationship with the local Marshals Service officials and judges and are always included in court security meetings. However, at another courthouse, an FPS inspector did not complete all sections in the 2014 facility security assessment, noting that an individual with the Marshals Service would not answer all FPS questions during the interview and that FPS could not be sure that all security equipment was working because that individual would not permit the FPS inspector to conduct testing. FPS and the Marshals Service both have new staff in those roles and officials see the relationship improving; however, another facility security assessment will not be completed until 2017.

Some local Marshals Service officials said that in certain locations, it is difficult and time consuming for FPS to execute their role of repairing equipment. For example, local Marshals Service officials at one location we visited told us about a recent problem they encountered regarding malfunctioning equipment at another location they serve. Initially, the Marshals Service security contractor assessed that it needed a small, inexpensive part, but the contractor could not fix it because the equipment was owned by FPS. Marshals Service officials said that after 60 days and

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<sup>48</sup>Fragmentation refers to those circumstances in which more than one federal agency (or more than one organization within an agency) is involved in the same broad area of national interest.

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reaching out through numerous calls and e-mails, FPS received the internal approvals to fix the equipment.

Comprehensive Gathering and Sharing of Information on Security Concerns

We found that there continue to be issues associated with stakeholders gathering comprehensive information on security concerns and sharing the information gathered. As discussed earlier, the Marshals Service and FPS have some information on security concerns for individual courthouses, but cannot readily track the information across the portfolio and address risks to courthouses associated with that analysis, based on the way information is currently gathered. Further, information that agencies already collect is not readily shared with the other agencies. For example, AOUSC officials said that they have had difficulty getting facility security assessments from FPS and have been told by some FPS inspectors that AOUSC officials are not entitled to receive a copy of the assessment, as they are not tenants in the building. Further, FPS officials said that if AOUSC and the Marshals Service shared the information they collect on security concerns with FPS, they could coordinate more with those agencies, but FPS does not routinely have access to information collected by these agencies.

Without sharing existing information on security concerns, federal stakeholders do not have complete information to help them look for strategic ways to achieve efficiencies and to address the risks to federal courthouses more comprehensively. Further, if the agencies worked together to gather and understand all of the available security information, they could better understand what information is not collected at a portfolio level, and work on a coordinated strategy to obtain needed information efficiently. GSA officials told us that if more comprehensive information was available and shared regarding deficiencies in courthouses, federal agencies could develop joint acquisition strategies to address widespread deficiencies more efficiently. For example, if FPS develops the capability to track the status of countermeasure recommendations across courthouses in an automated way, as discussed earlier, and the results show that a particular countermeasure is recommended often, but rarely accepted because is it cost-prohibitive, federal agencies could leverage the buying power of the federal government to drive down the cost of the countermeasure.

Accountability for Security at Individual Courthouses

Of the eight locations we visited, three did not have an active facility security committee even though they have other federal tenants in the

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## Federal Stakeholders Do Not Have an Effective Structure for Addressing Security Issues

building. In such buildings, a facility security committee is called for by the ISC standard.<sup>49</sup> Headquarters Marshals Service officials told us that in their experience, facility security committee meetings, in reality, often do not reflect the facility security committee provisions in the ISC standard and that although addressing security needs ultimately falls upon the lead tenant of each facility (the facility security committee chair), there are no accountability mechanisms for ensuring these needs are addressed. FPS officials also said that there is currently no compliance mechanism for the ISC standard. Without attending these meetings, stakeholders involved in courthouse security may be missing opportunities to share information and coordinate so that security risks are better understood and addressed. In 2013, we found that the ISC did not formally monitor agencies' compliance with ISC standards, but was planning an effort to do so.<sup>50</sup>

We found that GSA, AOUSC, the Marshals Service, and FPS did not routinely meet to address courthouse security problems at a national level where decision-making authority exists. For example, more than four and a half years passed before the four federal stakeholders met together in May 2016 to discuss the MOA updates at a national level, although FPS had been working on the update. A GSA official told us that when the four stakeholders did meet, the meeting was very productive. FPS officials said that though they considered assembling the larger group early on, they elected to elicit comments and revisions on a draft to galvanize the most substantive changes needed based on consultation with "key representatives." AOUSC officials told us that they did not know why they had not met as a group prior to May 2016. In fact, Marshals Service and AOUSC officials said that there was no working group or forum where the four agencies could discuss issues relevant to courthouse security at the national level where decision-making authority exists. In our previous work,

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<sup>49</sup>We have found that compliance with ISC standards also varies at other federal facilities. See GAO, *Facility Security: Greater Outreach by DHS on Standards and Management Practices Could Benefit Federal Agencies*, [GAO-13-222](#) (Washington, D.C.: Jan. 24, 2013).

<sup>50</sup>We have found that compliance with ISC standards also varies at other federal facilities. See [GAO-13-222](#) (Washington, D.C.: January 2013).

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we identified interagency working groups as one of the collaboration mechanisms used by agencies to coordinate activities.<sup>51</sup>

National level coordination and cooperation in protecting critical infrastructure is a key policy emphasis of the federal government. The federal government has prioritized the protection of federal facilities through directives to address the changing nature of threats to federal facilities, including federal courthouses. Through these documents, the federal government has consistently presented a common vision for critical infrastructure protection: agencies involved in the security of federal facilities should work together cooperatively to provide security to our critical infrastructures in an efficient manner that maximizes the federal government's limited resources, for example:

- *The National Infrastructure Protection Plan* notes the importance of obtaining a shared vision with stakeholders with similar missions, saying that “for the critical infrastructure community, leadership involvement, open communication, and trusted relationships are essential elements to partnership.”
- *The National Strategy for the Physical Protection of Critical Infrastructures and Key Assets* states that protecting our critical infrastructures and key assets calls for a transition to a national cooperative approach across federal agencies.

However, the continuing issues related to cooperation that continue to hinder effective courthouse security—in the areas of executing roles and responsibilities, collecting and sharing information on security concerns, and accountability for participating in coordination mechanisms like security committee meetings—illustrate that more could be done to align with the priorities that the federal government has established in these documents. Also, the delays in updating the MOA further illustrate that the cooperative approach described in the *National Strategy* has not been fully developed. Without a more cooperative approach to securing courthouses, such as through a working group or similar forum,

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<sup>51</sup>GAO, *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012). In this report, we identified mechanisms that the federal government uses to lead and implement interagency collaboration by conducting a literature review on interagency collaborative mechanisms and interviewing academic and practitioner experts. Other examples of identified interagency collaboration mechanism include national strategies and initiatives, and joint program efforts such as exercising and training.

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challenges across the portfolio of federal courthouses will likely persist. The physical security of government assets is one of the most challenging aspects of real property management. In fact, one of the reasons that managing federal property is an area that we have designated as high risk is due to the challenges involved with protecting federal facilities.<sup>52</sup> Under the Homeland Security Act of 2002, except for law enforcement and security related functions transferred to DHS, GSA has the responsibility to protect buildings it holds or leases.<sup>53</sup> In its role as a steward of federal courthouses under its custody and control, and as part of its related protection responsibilities, GSA is well positioned to establish a working group or other forum of federal stakeholders to improve cooperative efforts.

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## Conclusions

Securing our nation's federal courthouses is complex and challenging and four federal stakeholders have a significant role—the judiciary, through its administrative arm, AOUSC; GSA; the Marshals Service; and FPS. Addressing courthouse security concerns begins with good information regarding the risks to each courthouse, but the federal government does not have this comprehensive information. The only portfolio-wide information that the federal government has is collected by AOUSC; however, these scores are only part of the story because comprehensive information related to security concerns identified by the Marshals Service and FPS is not currently used portfolio-wide. While both agencies have plans to enhance their processes, it is unclear whether these improvements will lead to the ability to assess security concerns across the portfolio of courthouses. With better portfolio-wide information from the Marshals Service and FPS, decision makers can be better equipped to make risk-informed decisions.

Addressing courthouse security concerns can be a costly undertaking, especially in older courthouses that were not designed for modern day security threats, particularly with regard to meeting current standards that call for the separate circulation of judges, prisoners, and the public. The CSP was designed to be a less costly alternative to building new federal

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<sup>52</sup>GAO, *High-Risk Series: An Update*, [GAO-15-290](#) (Washington, D.C.: Feb. 11, 2015).

<sup>53</sup>Pub. L. No. 107-296, § 422, 116 Stat. 2135, 2184 (2002) (codified at 6 U.S.C. § 232).

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courthouses and provides a way to add key security features. Since 2012, the CSP has demonstrated the potential to address security problems for less than the cost of a new courthouse. Transparency and collaboration have improved, showing that the CSP is generally moving in the right direction, but some concerns remain. Stakeholders do not have the same understanding about how the CSP program works at key stages, including project selection, and on how collaboration will occur.

While the CSP has the potential to address security concerns at courthouses that are selected for the program, issues persist related to cooperation and information sharing that we have found in the past. Creating greater cooperation—as the *National Strategy* suggests—to address courthouse security concerns can help GSA, AOUSC, the Marshals Service, and FPS to systemically identify risks, the resources needed to address those risks, and investment priorities when managing security at these facilities. This effort would involve all relevant stakeholders working together, having quality information to work with, and using it to manage risk and find efficiencies in their efforts. Without a coordinating mechanism at the national level, however, the four agencies are limited in their effectiveness in developing comprehensive approaches for addressing challenges that affect courthouse security.

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## Recommendations

- We recommend that the Attorney General instruct the Director of the Marshals Service to ensure that the improvements being made to the Marshals Service’s information on the security concerns of individual buildings allow the Marshals Service to understand the concerns across the portfolio.
- We recommend that the Secretary of Homeland Security instruct the Director of FPS to ensure that the agency develops the capability to track the status of recommended countermeasures across the courthouse portfolio, either through FPS’s planned software enhancement or other method.
- We recommend that the Administrator of GSA and the Director of the AOUSC, on behalf of the Judicial Conference of the United States, in conjunction with the Marshals Service and FPS, improve CSP documentation in order to improve transparency and collaboration in the CSP program.
- We recommend that the Administrator of GSA—in conjunction with AOUSC, the Marshals Service, and FPS—establish a national-level

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working group or similar forum, consisting of leadership designees with decision-making authority, to meet regularly to address courthouse security issues.

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## Agency Comments

We provided a draft of law enforcement sensitive/limited official use version of this report to the DOJ, DHS, GSA, and AOUSC for review and comment. In addition, DOJ and DHS conducted sensitivity reviews of the law enforcement sensitive/limited official use version of this report. As a result of these reviews, this public version of the report omits sensitive information including specific security concerns, the results of AOUSC's security scores, and the names and locations of courthouses we visited or whose information we analyzed.

In response to our request for comments on the law enforcement sensitive/limited official use version of this report, we received an e-mail from DOJ's Audit Liaison Specialist which stated that DOJ was not providing written comments, but that DOJ agreed with our recommendation to ensure that the improvements being made to the Marshals Service information on the security concerns of individual buildings allows the Marshals Service to understand the concerns across the portfolio. After the law enforcement sensitive/limited official use version was issued, the Marshals Service provided additional information stating that it had several initiatives under way in response to this recommendation, including an approach to real property management that incorporates security, construction, and budget concerns across the portfolio. In addition, DOJ stated that the Marshals Service will work with AOUSC, FPS, and GSA to improve CSP documentation and will support and participate in a national-level working group regarding courthouse security issues. We have not yet evaluated this information to determine if it will address our concerns and recommendation.

We also received written comments from DHS, GSA, and AOUSC, which are reproduced in full in appendixes II, III, and IV, respectively. DHS agreed with our recommendation to ensure that FPS develops the capability to track the status of recommended countermeasures across the portfolio. DHS noted that it appreciates our acknowledgement that security at federal courthouses is complex and involves multiple federal stakeholders with different roles and responsibilities. After the law enforcement sensitive/limited official use version of this report was issued, DHS provided additional information stating that it has included

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cross-portfolio tracking of existing and recommended countermeasures as part of a mission needs statement, with an acquisition decision to be made in 2017. We have not yet evaluated this information to determine if it will address our concerns and recommendation.

GSA agreed with our recommendations to improve CSP documentation to improve transparency and collaboration and to establish a national-level working group or similar forum to meet regularly to address courthouse security concerns. In the comments, GSA noted that it will develop a comprehensive plan to address the recommendations and is confident that this plan will satisfactorily remedy concerns this report raises. After the law enforcement sensitive/limited official use version of this report was issued, GSA provided additional information stating that it plans to assist the judiciary in developing a statement of work for a CSP handbook and subsequently work with the judiciary, USMS, and FPS to develop the handbook. GSA also provided information stating that it plans to finalize the Courts Security Memorandum of Agreement between AOUSC, the Marshals Service, FPS, and GSA; and that it plans to develop a courthouse security working group charter. We have not yet evaluated this information to determine if it will address our concerns and recommendations.

AOUSC agreed with our recommendation to improve CSP documentation in order to improve transparency and collaboration and discussed steps that AOUSC is already taking to address this recommendation. AOUSC stated that it has started to compile and document all relevant background, policy, and process information to provide a central resource for all stakeholders to use. Further, AOUSC stated that it plans to develop a handbook/guide for use by GSA, the Marshals Service, FPS, and other stakeholders detailing key aspects of the CSP selection process. AOUSC stated that this documentation will address our recommendation by making documentation readily available for examination by all stakeholders including descriptions of all selection criteria to be applied, how projects are identified, specific costs eligible for funding, and how collaboration will occur during project selection and execution. After the law enforcement sensitive/limited official use version of this report was issued, AOUSC provided additional information about actions it has taken in response to this recommendation, including implementing of a communications plan for all new CSP concept studies and ensuring that all stakeholders are included in CSP concept, design, and construction meetings. In addition, AOUSC stated that the judiciary is working with GSA to jointly develop a CSP handbook, which they plan to complete by the end of 2017. Further, AOUSC stated that all relevant stakeholders

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were invited to participate in a meeting GSA held to develop a courthouse security working group charter. We have not yet evaluated this information to determine if it will address our concerns and recommendation.

All four agencies provided technical comments, which we incorporated as appropriate.

We are sending copies to appropriate congressional committees, the Attorney General, Secretary of Homeland Security, Administrator of the General Services Administration, and Director of the Administrative Office of the U.S. Courts. In addition, the report will be available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-2834 or [rectanusl@gao.gov](mailto:rectanusl@gao.gov). GAO staff who made major contributions to this report are listed in appendix V.

A handwritten signature in black ink that reads "Lori Rectanus". The signature is written in a cursive, flowing style.

Lori Rectanus Director, Physical Infrastructure Issues

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# Appendix I: Objectives, Scope, and Methodology

This report focuses on physical security concerns in federal courthouses. This report addresses the following questions:

- To what extent have federal stakeholders identified security concerns at federal courthouses?
- How has the Judiciary Capital Security Program (CSP) addressed courthouse security concerns and how, if at all, can the program be improved?
- What actions, if any, could federal agencies take to improve courthouse security?

This report is a public version of a previously issued report identified by the Department of Homeland Security and the Department of Justice as containing information designated as law enforcement sensitive/limited official use, which must be protected from public disclosure. Therefore, this report omits sensitive information including specific security concerns, the results of the Administrative Office of the U.S. Court's (AOUSC) security scores, and the names and locations of courthouses we visited or whose information we analyzed. The information provided in this report is more limited in scope, as it excludes such sensitive information, but it addresses the same questions that the law enforcement sensitive/limited official use report does, and the overall methodology used for both reports is the same.

To determine the physical security concerns identified by the AOUSC, the U.S. Marshals Service (Marshals Service), and the Federal Protective Service (FPS), we reviewed and analyzed documents from these federal stakeholders, including capital-planning documents, security assessments, information on physical security concerns, and other reports, and interviewed AOUSC, Marshals Service, and FPS officials to understand how they each identify security concerns and what data they collect. We limited our scope to information collected by these federal stakeholders, and we did not independently determine what constitutes a physical security concern. Rather, we relied on these stakeholders to determine physical security concerns as defined in their own standards and guidance. As part of our review of these data, we assessed federal

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stakeholders' documentation and written responses about data collection procedures and their views of the quality of the data. We analyzed AOUSC's March 2016 security scores, but we did not analyze the scores of non-resident courthouses and bankruptcy-only courthouses due to differences in security requirements of the different court operations and facilities, differences that limit the comparability of security scores, leaving 267 courthouses for our analysis. We believe that AOUSC's security scores, developed as part of the judiciary's long-range capital-planning process, are sufficiently reliable for our purposes based on answers that AOUSC provided to our questions on data reliability. We also reviewed incident and threat data collected by the Marshals Service and FPS, but based on our assessment, we do not believe these data were sufficiently reliable for describing physical security concerns across courthouses. We based this conclusion primarily on interviews with the Marshals Service and FPS officials who both stated that there were significant limitations in these data. We reviewed the methods of collecting information by these federal stakeholders to determine whether it was used to understand security concerns portfolio-wide as defined in our risk management framework.<sup>1</sup>

To understand how the CSP has or will address physical security concerns, we visited eight courthouses, which we selected to cover six CSP projects at various stages of implementation (completed, under construction, and pre-construction) as well as two courthouses that were considered but not selected. For each of the six site visit locations that have had or will have a CSP project, we (1) toured the facility to observe security concerns and how these concerns were (or will be) addressed in a CSP project; (2) reviewed documentation including CSP concept plans, security assessments and scores, and other reports indicating security concerns; and (3) interviewed local officials from the General Services Administration (GSA), Marshals Service, and FPS as well as local judiciary officials, to obtain their views about physical security concerns prior to the projects and how these concerns have or will be addressed by the CSP, and about courthouse security concerns in general. We relied on officials to bring security issues to our attention at the individual courthouses we visited. While we visited six of the ten courthouses selected for a CSP project as of fiscal year 2016, the information we obtained from these site visits cannot be generalized across all CSP

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<sup>1</sup>[GAO-05-49](#).

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locations. However, this information does provide useful examples about a majority of CSP projects selected to date. We also selected two courthouses that were considered but not chosen for the CSP and appeared on AOUSC's documentation of potential locations that was used to select projects from fiscal year 2013 to fiscal year 2016. We selected these particular locations because they could be combined with our CSP site visits or were accessible to our field staff. As with the CSP site visits, we toured the facility, reviewed documentation on security concerns, and interviewed federal stakeholders, as discussed above.

To understand how federal stakeholders have selected CSP projects and collaborated in planning and implementation efforts, we reviewed and analyzed these stakeholders' documentation on the CSP, including project concepts and drawings, as well as AOUSC's summaries of selection criteria, summaries of an interagency summit to improve the CSP, an agenda for an interagency meeting, and spreadsheets used to select projects. We also interviewed relevant officials about methods used to select project locations and collaborate with other stakeholders. We incorporated written and testimonial information from all stakeholders, as was appropriate and was relevant to the issues raised in our report. We compared federal stakeholders' efforts to select projects and collaborate to criteria in our *Standards for Internal Control in the Federal Government*<sup>2</sup> and the Office of Management and Budget's (OMB) directive on open government.<sup>3</sup>

To assess other actions federal stakeholders could take to address courthouse security challenges, we examined relevant statutes, memorandums of agreement, and federal stakeholders' policies and guidance pertaining to roles and responsibilities for physical security at federal courthouses, as well as our prior work regarding courthouse security, including [GAO-11-857](#). Where they were available, we also reviewed the meeting agendas and minutes of the facility security committees for the courthouse locations we visited. We interviewed headquarters and local officials from the GSA, Marshals Service, and FPS and AOUSC officials and local judiciary officials to obtain their views about efforts to address courthouse security challenges. We compared federal stakeholders' efforts to directives and authorities that have

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<sup>2</sup>GAO/AIMD-00-21.3.1.

<sup>3</sup>OMB Memorandum M10-06.

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established the federal government's vision for critical infrastructure protection, including the *National Strategy for the Physical Protection of Critical Infrastructures and Key Assets*,<sup>4</sup> the *National Infrastructure Protection Plan*.<sup>5</sup>

We conducted this performance audit from June 2015 to February 2017, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>4</sup>The White House, *The National Strategy for the Physical Protection of Critical Infrastructures and Key Assets* (Washington, D.C.: Feb. 2003).

<sup>5</sup>DHS, *National Infrastructure Protection Plan (NIPP 2013): Partnering for Critical Infrastructure Security and Resilience* (Washington, D.C.: December 2013).

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# Appendix II: Comments from the Department of Homeland Security

**Appendix II: Comments from the Department  
of Homeland Security**

U.S. Department of Homeland Security  
Washington, DC 20528



**Homeland  
Security**

December 14, 2016

Lori Rectanus  
Director, Physical Infrastructure Issues  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Re: Management's Response to Draft Report GAO-17-215, "FEDERAL COURTHOUSES:  
Actions Needed to Enhance Capital Security Program and Address Collaboration Issues"

Dear Ms. Rectanus:

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the U.S. Government Accountability Office's (GAO's) work in planning and conducting its review and issuing this report.

The Department is pleased to note GAO's acknowledgement that "security at federal courthouses is complex and involves multiple federal stakeholders with different roles and responsibilities." DHS also appreciates GAO's positive acknowledgement that the Federal Protective Service (FPS), located within the DHS National Protection and Programs Directorate (NPPD), has taken steps to increase collaboration among the United States Marshals Service, the Administrative Office of the U.S. Courts, and the General Services Administration (GSA) to enhance communication and better ensure the safety and security of the people in and around courthouses.

The draft report contained one recommendation for the Department, with which DHS concurs. Attached find our detailed response to this recommendation.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim H. CrumPACKER".

JIM H. CRUMPACKER, CIA, CFE  
Director  
Departmental GAO-OIG Liaison Office

Attachment

**Attachment: DHS Management Response to Recommendations  
Contained in Draft Report GAO-17-215**

GAO recommended that the Secretary of Homeland Security instruct the Director of FPS to:

**Recommendation:** Ensure that the agency develops the capability to track the status of recommended countermeasures across the courthouse portfolio, either through its planned software enhancement or other method.

**Response:** Concur. FPS protects federal facilities (including property), staff, and visitors by providing law enforcement and protective services. In addition, FPS leverages access to the intelligence and information resources of a network of federal, state, local, tribal, territorial, and private sector partners.

In order to determine, enhance, and monitor the security of federally owned and leased facilities, including GSA's portfolio of federal courthouses, FPS conducts initial and recurring Facility Security Assessments (FSAs) as outlined by the *Interagency Security Committee's Risk Management Process for Federal Facilities*. Briefly defined, an FSA is a process to identify, analyze, and document the security related risks to a federal facility, to effectively communicate those risks to facility tenants, and to recommend and monitor feasible and effective security solutions that mitigate the impact of any undesirable event, from terrorist attacks to natural disasters. Information derived from FSAs are then used to identify, recommend, implement, and oversee countermeasures to mitigate threat and reduce risk at these federal facilities.

During the past year, FPS drafted a proposed program plan and "Mission Needs Statement," which among other things, will address FPS's need to modify its current assessment tool, or acquire a new assessment tool, capable of automated cross-portfolio reporting of existing and recommended countermeasures. The NPPD Joint Requirements Board (JRB) and the DHS Joint Requirements Council (JRC) provided feedback to FPS on the statement.

More specifically, using the JRC Mission Needs Statement scorecard, the JRC evaluated the FPS Mission Needs Statement as meeting 27 of 28 requirements, including all critical elements. The JRB and JRC recommended an inclusion of how the mission need was determined, linking the mission need to the evolving threat environment, adjusting the layout to address Doctrine, Organization, Training, Materiel, Leadership and Education, Personnel, Facilities and Policy (DOTMLPFP), and discussion of the operational need and operational capability to close the gap(s), which prevents FPS' ability to accomplish their mission. FPS incorporated the feedback into the document and is preparing to submit the updated Mission Needs Statement to the Component Acquisition Executive for ADE-1. We anticipate the Mission Needs Statement will be formally submitted to the Component Acquisition Executive by January 31, 2017, with an acquisition decision made by February 28, 2017. Estimated Completion Date: February 28, 2017.

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# Appendix III: Comments from the General Services Administration



The Administrator

January 18, 2017

The Honorable Gene L. Dodaro  
Comptroller General of the United States  
U.S. Government Accountability Office  
Washington, DC 20548

Dear Mr. Dodaro:

The U.S. General Services Administration (GSA) appreciates the opportunity to review and comment on the U.S. Government Accountability Office (GAO) draft report entitled, *Federal Courthouses: Actions Needed to Enhance Capital Security Program and Address Collaboration Issues* (GAO-17-215). As a result of its findings, GAO makes two recommendations to GSA:

1. GAO recommends that the Administrator of GSA and the Director of the AOUSC [Administrative Office of the U.S. Courts], on behalf of the Judicial Conference of the United States, in conjunction with the Marshals Service, and FPS, improve CSP documentation in order to improve transparency and collaboration in the CSP program.
2. GAO recommends that the Administrator of GSA, in conjunction with AOUSC, the Marshals Service and FPS, establish a national-level working group or similar forum, consisting of leadership designees with decision making authority, to meet regularly to address courthouse security issues.

We have reviewed this report in depth, agree with the recommendations, and will develop a comprehensive plan to address the recommendations made to GSA. We are confident that these actions will satisfactorily remedy the concerns raised by GAO. If you have any additional questions or concerns, please contact me at (202) 501-0800 or Ms. Lisa A. Austin, Associate Administrator, Office of Congressional and Intergovernmental Affairs, at (202) 501-0563.

Sincerely,

A handwritten signature in blue ink that reads "Denise T. Roth".

Denise Turner Roth  
Administrator

cc: Ms. Lori Rectanus, Director, Physical Infrastructure Issues, GAO

1800 F Street, NW  
Washington, DC 20405-0002  
[www.gsa.gov](http://www.gsa.gov)

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# Appendix IV: Comments from the Administrative Office of the U.S. Courts



ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

JAMES C. DUFF  
Director

WASHINGTON, D.C. 20544

January 23, 2017

Ms. Lori Rectanus, Director  
Physical Infrastructure Issues  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, DC 20548

Dear Ms. Rectanus:

The Judiciary has received and reviewed the draft report in this matter entitled: *FEDERAL COURTHOUSES: Actions Needed to Enhance Capital Security Program and Address Collaboration Issues* (GAO-17-215). We appreciate the opportunity to comment on this report and the recommendations. The Judiciary is pleased to note GAO's recognition that the Capital Security Program (CSP) has improved security in federal courthouses and has the potential to continue to do so. We feel strongly CSP has efficiently and cost effectively reduced security risks in federal courthouses.

The Judiciary is fully committed to working together with the other federal stakeholders to continue to improve the CSP and to address the report's recommendations. With regard to the third recommendation, which directs the Judiciary to work with the other federal stakeholders to improve CSP documentation in order to improve transparency and collaboration in the CSP program, we offer some additional observations and note new examples of where such improvements are already underway.

We appreciate that GAO found that the program has "continued to evolve since the program began in 2012, and as a result, transparency and collaboration... have improved." As GAO notes on page 18 of the report, additional changes have been put into place recently to refine the project selection process and provide "important transparency improvements." We provide additional detail about these process improvements, which were applied to the most recent round of prioritizing CSP projects. These improvements have begun to remedy concerns raised in the report and address the recommendations relevant to the Judiciary.

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A TRADITION OF SERVICE TO THE FEDERAL JUDICIARY

Ms. Lori Rectanus  
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Specifically, in 2015, the Judiciary, on its own initiative, fully reassessed the state of the CSP program and the project prioritization process. As part of this collaborative assessment, the Judiciary gathered input from the other government stakeholders on process improvements and methods to increase collaboration and transparency. Specifically, on October 20, 2015, a joint summit of representatives from the Administrative Office of the U.S. Courts (AOUSC), General Services Administration (GSA), and the United States Marshals Service (USMS) met in a working session to review the current processes and deliverables related to CSP. The discussion from the summit focused on three main aspects of the CSP: (1) process inclusiveness and communication; (2) concept study content; and (3) cost estimates. The general recommendations from the summit are listed below:

1. Enhance the utility of CSP Concept Studies by including additional elements in the Concept Study Statement of Work (SOW) and resulting deliverables, such as basic building and court operations data, a summary of basic overall building conditions, and a summary of existing structural, mechanical, and electrical system conditions.
2. Improve accuracy and clarity of cost estimates contained in CSP Concept Studies by including additional requirements in the Concept Study SOW and Deliverables, for instance, structural, mechanical, and electrical programming-level cost estimates. Continue the practice of pre-estimate meetings with stakeholders to discuss assumptions, specific project issues affecting cost, schedule, etc.
3. Continue holding monthly stakeholder project status meetings and ensure USMS and GSA stakeholders are provided an opportunity to participate fully in all aspects of the project development process.

We have implemented the recommendations from the 2015 summit which were used in spring 2016 to identify and prioritize FY 2016 CSP concept study locations, which would then become potential project funding requests in FY 2018 and beyond. More frequent meetings and increased participation in pre-estimate meetings with stakeholders are underway; the stakeholders experienced a more transparent and collaborative process. These improvements have enhanced stakeholder understanding about which projects can be eligible and how selection criteria is applied. In addition, the enhancement of the SOW for CSP studies will provide better cost estimates and timelines, enabling USMS and others to plan well in advance to secure funding for their costs associated with CSP projects.

Further, to document better the decisions made by the stakeholders during each of the five phases of the most recent project prioritization and selection process, AOUSC developed a series of five comprehensive spreadsheets and an accompanying summary,

Ms. Lori Rectanus  
Page 3

explaining each step of the process. The summary detailed how all courthouses on the Judiciary's 2016 Urgency Evaluation (UE) Results List were evaluated as potential CSP project locations and how ultimately the list of potential CSP projects evolved to include 51 courthouses after the application of the established selection factors. Both the spreadsheets and summary were shared with the participants in the process to increase their understanding, including information on all pending projects and the selection criteria used in evaluation. All stakeholders were engaged in the evaluation and selection of FY 2016 CSP study locations.

Going forward, AOUSC has started to compile and document all relevant background, policy, and process information to provide a central resource for all stakeholders to use. We are jointly and collaboratively developing a CSP handbook/guide with GSA, and working with the USMS and Federal Protective Service to ensure it comprehensively addresses their information needs with regard to the CSP Concept Study and project selection process. This directly addresses GAO's suggestion to make documentation readily available for examination by all stakeholders, and as suggested, this documentation will describe all selection criteria to be applied, how projects are identified and the process that potential locations undergo to be considered for a CSP concept study/project, what specific costs are eligible for funding within a project, and how collaboration is to occur during project selection and execution.

We are committed to improving helpful documentation, but note that the careful selection of worthy security projects from across the Judiciary's large and complex portfolio is a substantial undertaking, requiring a multifaceted approach. This complicated task cannot be accomplished solely by creating a single database or writing a single algorithm; reducing this process to a single narrative description risks oversimplifying the process. While data analysis is a critical component of the process, professional expertise and experience of security professionals, architects, court staff, and other subject matter experts are an essential part of assessing the risks and providing for judicial security in each location.

Lastly, we want to stress that the CSP fills an important role and operates independently of the *Federal Judiciary Courthouse Project Priorities (CPP)* process, which focuses on and prioritizes the need for construction of new courthouse facilities based on a comprehensive set of concerns in addition to security, such as lack of space and building systems.<sup>1</sup> CSP focuses on improving security while maximizing cost effectiveness for locations where renovations can address security needs. Both programs are essential elements of the Judiciary's management of its overall space portfolio and the

<sup>1</sup> The CPP was adopted by the Judicial Conference in September 2015 and replaced the *Five-Year Courthouse Project Plan (Five-Year Plan)*, the document previously used to communicate the Judiciary's new construction priorities (JCUS-SEP 15, p. 32).

Ms. Lori Rectanus  
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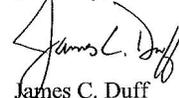
CSP cannot be used as a substitute for a facility where there is a critical need for new construction and/or substantial renovation.

Both the CSP program and the *CPP* process use data gathered from the Judiciary's long-range facilities planning methodology, the Asset Management Planning (AMP) process, which was first developed as a cost-containment tool. Indeed, controlling the anticipated growth in space costs has been a major cost-containment focus of the Judiciary over the past decade. In 2004, in response to budgetary shortfalls, the Judicial Conference of the United States began a re-evaluation of the Judiciary's long-range facilities planning process. This re-evaluation resulted in the Judicial Conference approving the AMP in March 2008.

The AMP process constitutes a significant enhancement of the former long-range planning methodology. It is used to identify and prioritize, on an objective basis, the space and facilities needs of the federal Judiciary in a portfolio-wide manner. It incorporates rigorous facility assessments and consistently applied standards and guidelines to evaluate space needs in federal courthouses throughout the nation. The objective of the process is to help the Judiciary achieve the best value per dollar for courthouse projects in both the short- and long-term. The AMP also captures lessons learned from past planning efforts and applies changes recommended by GAO. Security is a key factor that is assessed and incorporated into the Facility Benefit Assessment and UE scores for each courthouse. Consequently, the AMP also supports the CSP process by providing information essential to the assessment of the security issues facing federal Judiciary locations.

The federal Judiciary is a responsible steward of the taxpayer's dollar and remains committed to providing both effective security and ongoing cost-containment. The Judiciary is appreciative of Congress' support of the CSP, which has proven to be a valuable, cost-effective solution to achieving greater security at existing courthouses nationwide and addressing serious security deficiencies in courthouses where renovations are viable alternatives to new construction. We are pleased that GAO's report recognizes that the CSP is a valuable and successful program which enhances the security provided to occupants and visitors at federal courthouses. The Judiciary will continue to refine and improve the program and increase collaboration and transparency as suggested in the GAO Report.

Sincerely,



James C. Duff  
Director

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# Appendix V: GAO Contact and Staff Acknowledgments

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## GAO Contact

Lori Rectanus, (202) 512-2834 or [rectanusl@gao.gov](mailto:rectanusl@gao.gov).

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## Staff Acknowledgments

In addition to the contact named above, David Sausville (Assistant Director), Amy Higgins (Analyst in Charge), Geoffrey Hamilton, John Mingus, Kate Perl, Malika Rice, Amy Rosewarne, and Kelly Rubin made key contributions to this report.

# Appendix VI: Accessible Data

**Figure 1: General Depiction of Federal Stakeholders' Roles in Courthouse Security**

Department	Description
Federal Protective Service	The Federal Protective Service (FPS) is the primary federal agency responsible for patrolling and protecting the perimeter of GSA- controlled facilities, including courthouses, and enforcing federal laws and regulations in those facilities. FPS installs, maintains, and repairs security equipment on the perimeter that is not part of the building and easily removable such as cameras and intrusion alarms.
Judiciary	Judiciary: The Judicial Conference of the United States makes security policy for the federal courts. The Administrative Office of the U.S. Courts carries out these policies, including coordinating with the federal courts, Marshals Service, FPS, and GSA to implement the judiciary's security program.
U.S. Marshals Service	The U.S. Marshals Service (Marshals Service) has primary responsibility for providing security for federal courthouses and judicial personnel, including the safe conduct of proceedings and the security of federal judges, court personnel, jurors, witnesses, and the visiting public. The Marshals Service is also responsible for transporting prisoners for court proceedings.
General Services Administration	The General Services Administration (GSA), as the landlord for most federal courthouse facilities, has responsibility for designing, building and managing courthouses. GSA provides proposed plans for new construction and repair and alteration of court space and for the installation of additional security systems and other security measures, such as fencing and lighting.

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## Public Affairs

Chuck Young, Managing Director, [youngc1@gao.gov](mailto:youngc1@gao.gov), (202) 512-4800 U.S.  
Government Accountability Office, 441 G Street NW, Room 7149 Washington,  
DC 20548

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## Strategic Planning and External Liaison

James-Christian Blockwood, Managing Director, [spel@gao.gov](mailto:spel@gao.gov), (202) 512-4707  
U.S. Government Accountability Office, 441 G Street NW, Room 7814,  
Washington, DC 20548