



LEONIDAS RALPH MECHAM  
Director

ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

CLARENCE A. LEE, JR.  
Associate Director

WASHINGTON, D.C. 20544

November 9, 2001

**MEMORANDUM TO ALL CHIEF JUDGES, UNITED STATES COURTS**

**SUBJECT: Anthrax Testing, Provision of Related Expert Services, and Procurement Information (IMPORTANT INFORMATION)**

The judiciary is continuing to pursue a proactive approach to safeguard federal courthouses and the people that work in and visit them each day from biological and chemical hazards. On October 26, 2001, we provided the courts with protocols for mail handling – a first step in providing nationwide guidance to courts on dealing with biological and chemical agents. Continuing this effort, I have entered into nationwide contracts to provide additional services to the courts as directed by the Judicial Conference. On November 7, 2001, the Executive Committee, on behalf of the Judicial Conference and upon the recommendation of the Committee on Security and Facilities, unanimously endorsed by mail ballot a two-track testing strategy for biological/chemical agents and the provision of expert consulting services to courts on dealing with biological/chemical agents.

This memorandum describes actions taken by the Administrative Office. It sets out the parameters for testing and the procedures for ordering a test. It also provides information on the provision of expert services and general funding and procurement guidance for emergency response equipment and services.

**1. Two-Track Testing Strategy**

The Administrative Office has entered into a contract with an environmental testing firm, Consolidated Safety Services, Inc. (CSS). (See Attachment 1.) This contract addresses the need expressed by courts for better access to a testing contractor. Courts will have an appropriate, efficient means by which they can obtain nationwide

access to anthrax testing services. CSS has a nationwide network to assist courts across the country. Its biological/chemical testing method follows accepted testing and sampling principles.

In addition, deputy marshals will be trained to use anthrax testing kits so that they can conduct limited surface testing to provide back-up to the CSS testers, if necessary. A training program for the marshals will be developed to prepare them to use the testing kits. We are currently pursuing the acquisition of testing kits and training services for the marshals.

## **2. Parameters for Testing**

The Executive Committee authorized courts to conduct "precautionary" testing of court mailrooms and related areas. Courts are urged to limit testing to the loading dock, x-ray machines and mail handling surfaces in mailrooms, unless site-specific mail handling procedures indicate that additional areas, such as judges' chambers and the clerk's office, should be tested. For example, a court may choose to test chambers if mail is delivered directly to chambers because the court does not have a dedicated mailroom.

Some courts may evaluate their current situation and determine that testing is unnecessary at this time, while other courts may decide testing is required. CSS will be available to courts for any necessary future testing if additional biological incidents occur. Courts may wish to consult the Centers for Disease Control and Prevention web site at <http://www.cdc.gov> for assistance with determining whether testing is necessary in a particular facility.

## **3. Procedures to Order Testing**

The local court security committee should determine whether testing is necessary based on available information and/or the level of concern in the court. **Court units at the same site and court facilities in close geographic proximity are strongly urged to coordinate their testing requests.** CSS will be able to accommodate more orders for testing if courts and court units consolidate these requests.

When a need for testing is identified by the court security committee, the attached form (Attachment 2) should be completed and faxed to the telephone number specified on the form. The Administrative Office will immediately make all arrangements with CSS and will confirm the dates and times scheduled by return fax.

#### **4. Expert Consultant Services**

The Administrative Office has entered into a contract with Science Applications International Corporation (SAIC) to provide expert service and assistance to courts in the case of a positive biological/chemical test finding. SAIC can make available to the courts acknowledged nationwide experts in microbiology, anthrax, and other biological and chemical hazards. The experts will be able to assist the court with developing information for distribution to employees in the contaminated court facility and will provide an objective opinion about the way federal, state and local officials are addressing the positive test result.

In addition to providing expert advice in response to a positive biological/chemical test, SAIC can provide a team of experts that will be available on an as-needed basis to provide advisory services to courts about biological/chemical hazards. Certainly this team will not have the answers to every question, but the availability of a team of private sector experts with significant experience in biological/chemical agents will go a long way toward answering questions that may not have not been adequately addressed at the local level. This team of experts will serve as exclusive advisors to the judicial branch on biological/chemical incident response and preventative measures. Courts can be given direct access to this team of experts.

If you wish to make use of this expert advisory service, please contact Kathleen Desmond in the Office of Facilities and Security at (202) 502-1200, or via e-mail at AOHUBPO Desmond, Kathleen or Kathleen.Desmond/DCA/AO/USCOURTS.

#### **5. Funding and Procurement Information for Emergency Response Equipment and Services**

Since September 11, 2001, many court units have taken a variety of measures to protect their facilities and personnel. Some courts have purchased emergency supplies and equipment, and have developed plans for emergency relocation of court operations. We have received numerous inquiries from courts about their authority to make such purchases and about funding. Attachment 3 describes the funding sources available and the appropriate uses of such funds.

Court security measures are generally provided through the funds controlled by the U.S. Marshals Service. Court decentralized funds cannot be used to augment these court security funds. Therefore, decentralized budget funds cannot be used to obtain

additional court security officer or Federal Protective Service guard service, or any security-related equipment such as x-ray machines, magnetometers, closed circuit cameras, or duress alarms. Please consult your local U.S. Marshal's office concerning any need for increased court security measures.

Because facility screening and testing services as well as expert services have already been procured from CSS and SAIC on behalf of the entire judiciary, no further delegation of procurement authority is contemplated for such services. However, in the event that any additional needs arise in individual courts or court units that cannot be met through the existing general delegations of authority, please contact the Procurement Management Division at (202) 502-1330, which will grant a targeted "one-time" delegation of procurement authority for your immediate and urgent needs.

We will provide additional information as it is received. The judiciary greatly appreciates the hard work of Judges Jane Roth, George O'Toole, and the other members of the Committee on Security and Facilities who have assisted with these efforts. Should you have any general questions, please contact Ross Eisenman at (202) 502-1200 or via e-mail at AOHUBPO Eisenman Ross or Ross Eisenman/DCA/AO/USCOURTS, or William Lehman at AOHUBPO Lehman, William or William Lehman/DCA/AO/USCOURTS.



Leonidas Ralph Mecham

**Attachments**

**cc: Members of the Committee on Security and Facilities  
Circuit Executives  
Federal Public/Community Defenders  
District Court Executives  
Clerks, United States Courts  
Chief Probation Officers  
Chief Pretrial Services Officers  
Senior Staff Attorneys  
Chief Preargument/Conference Attorneys  
Bankruptcy Administrators  
Circuit Librarians**

**CONSOLIDATED SAFETY SERVICES, INC. ENVIRONMENTAL SERVICES  
CONTRACT PROCEDURES**

**BACKGROUND**

The Administrative Office (AO) has awarded a nationwide contract for anthrax testing to Consolidated Safety Systems, Inc. (CSS). Contract No. USCA-02-C-0014 is an indefinite delivery, indefinite quantity contract against which the AO will place orders to meet all needs arising from courts and court units. This contract incorporates innovative, streamlined ordering procedures which will facilitate a rapid response to all judiciary requests.

**THE CONTRACTOR**

CSS is one of the premier contractors in the field of biohazard testing and identification. CSS provides services worldwide and is dedicated to providing nationwide expertise with the identification and resolution of safety, health, and environmental issues in the workplace. CSS's professional staff includes highly qualified industrial hygienists, safety engineers, and biotechnologists. CSS is also unique among other commercial testing laboratories in that it has access to the Armed Forces Institute of Pathology (AFIP), which is among the premier government testing laboratories. This allows CSS to obtain testing services from AFIP at no cost. CSS will pass this free testing analysis benefit along to the judiciary as long as it continues. Thus, currently, the judiciary will pay CSS for its sample gathering services, its travel time, and its travel expenses only.

**CONSOLIDATION OF TESTING REQUIREMENTS**

A significant demand is being placed on all contractors in this field at the present time. Most of these contractors have more work than they can possibly handle. Thus, in the interest of meeting as many courts' and court units' needs as rapidly as possible, all potential users of these services should coordinate their requirements with other courts or court units in close geographical proximity to the maximum extent practicable. This will increase the contractor's efficiency and reduce costs by allowing the contractor to conduct sweeps through several sites rather than make separate specific trips to each site.

**PLACEMENT OF ORDERS**

An Anthrax Action Desk has been established at the AO to respond to testing requirements. In addition, a Solicitation/Proposal/Award Form (the "*Environmental Services Task Request*") has been developed for specific use under this contract (see

Attachment 2). This task request form will be used by courts to document and forward their needs to the AO. The task request form will be transmitted exclusively via facsimile. Any court unit can initiate the process by simply filling in the task request form as described below and faxing it to the Anthrax Action Desk at (202) 502-2761. Once the testing schedule has been finalized, the point-of-contact (who will be identified on the task request form) will be notified telephonically of the detailed arrangements. This will normally be accomplished within 48 hours of receipt of the request.

Courts requesting testing services should complete the task request form as follows:

- |                                     |  |
|-------------------------------------|--|
| <b>Coordinating Court Unit:</b>     | Enter the name of the coordinating court or court unit making the request.   |
| <b>Cost Org. Code:</b>              | Enter the accounting cost organization code for the court or court unit, or in the case of multiple court or court units, the court coordinating the request. This code will be used for tracking purposes.  |
| <b>Point of Contact:</b>            | Identify a single point of contact in the court or court unit for the entire request.  |
| <b>Telephone Number/Fax Number:</b> | Provide the telephone and fax numbers for the point of contact (see above).  |
| <b>Court Authorizing Official:</b>  | The court unit executive or judge authorized to make the request will sign and date the request.   |
| <b>Location/Address:</b>            | For each court or court unit, enter the location/address to be tested.   |
| <b>Areas to be tested:</b>          | For each court or court unit, provide a description of the areas to be tested [ <i>e.g., loading dock, mail room, public elevators, etc.</i> ]. If areas to be tested involve multiple buildings or locations, enter the location/address information for each area. Use an additional blank sheet if necessary. |

Approximate Square  
Footage:

For each court or court unit, provide an estimate of the total square feet of space in the areas identified for testing.

Requested Start Date:

Indicate the date the court or court unit desires testing to begin.

### **DELIVERY OF TEST RESULTS**

Within approximately 72 hours of submission of the test samples to the Armed Forces Institute of Pathology, CSS will furnish the test results via facsimile transmission to the point of contact as specified on the task request form. These test results will include all negative findings, and all findings of a *presumptive* positive result. In the case of *presumptive* positive results, the contractor will immediately conduct further confirmatory testing through the AFIP. The results of the confirmatory testing will be furnished in the same manner as the initial test results, usually within 24 hours. Note that *presumptive* positive results are often found to be negative upon further confirmatory testing.

### **INVOICES AND PAYMENT**

All invoices and payments will be handled by the AO. Payment will be made from a centrally-managed fund.

**ENVIRONMENTAL SERVICES TASK REQUEST**  
**Consolidated Safety Services, Inc.**  
**Contract Number USCA-02-C-0014**

**Coordinating Court or Court Unit:** \_\_\_\_\_

**Accounting Cost Organization Code:** \_\_\_\_\_

**Point of Contact:** \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_ **Fax Number:** \_\_\_\_\_

**Court Authorizing Official and Title:** \_\_\_\_\_ **Date:** \_\_\_\_\_

[Court forward Task Request to: AOUSC Anthrax Action Desk -- Fax # (202) 502-2761]

**Requirement:** Provide professional (contractor) environmental testing of the judicial facility(s) at addresses listed below. The service to be performed is the testing for the presence of Anthrax (B. Anthracis). Courts are encouraged to coordinate requests with other courts in close geographical proximity.

**1. Location/Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Areas to be tested:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Approximate Square Footage:** \_\_\_\_\_

**Court or Court Unit:** \_\_\_\_\_

**2. Location/Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Areas to be tested:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Approximate Square Footage:** \_\_\_\_\_

**Court or Court Unit:** \_\_\_\_\_

**ATTACH ADDITIONAL SHEETS IF NECESSARY**

## **Funding Emergency Response Activities in the Courts**

### **Purpose**

These instructions are designed to provide guidance for funding emergency response activities undertaken by the courts. Examples of emergency response activities include such things as additional mail sorting and screening precautions, purchase of protective clothing, gloves and masks for personnel handling mail, and developing plans for emergency relocation of court operations. This list is not meant to be exhaustive, but only illustrative of activities courts may undertake. Please note: decentralized funds cannot be used to obtain additional court security officer or Federal Protective Service guard service, or any security-related equipment such as x-ray machines, magnetometers, closed-circuit cameras, or duress alarms.

### **Local Courts Determine Appropriate Emergency Response Needs**

Each court unit should determine its own response to emergency needs in consultation with the U.S. Marshals Service and local public safety and health authorities. Indeed, local public safety and health authorities may be able to provide services to the court without charge. (No restrictions exist on accepting such voluntary services for the protection of life and property.)

### **Use of Decentralized Funds Generally Permissible**

Any court that determines it has an immediate need to procure emergency response-related goods and services should do so using the flexibility provided by budget decentralization. Restrictions on operating under a continuing resolution do not prohibit any such expenditures so long as there is an immediate threat to life and property. Local, decentralized funds should be used to fund such activities provided that no statutory or Judicial Conference policies prohibit using appropriated, decentralized funds for those activities. If you have a question about fiscal restrictions, you should contact your AO Budget Division analyst for guidance. Courts also are encouraged to explore whether these costs can be shared among the different court units of the court family under the normal rules of budget decentralization.

### **Notification Requested of Local Funding for Emergency Response Activities**

Each court unit that uses decentralized funds for emergency response activities should notify the AO Budget Division and provide a description of the nature and cost of the activity. A form can be found at the end of these instructions for submitting this information by facsimile to the AO Budget Division.

### **Supplemental Funding May be Available**

A court that believes it does not have sufficient local flexibility to fund essential emergency response measures immediately from its own budget should use normal procedures to submit an emergency supplemental request electronically through the InfoWeb. The AO will analyze the nature of costs being incurred by the courts to determine the extent to which supplemental funding is appropriate and available. Court units should be prepared to absorb the cost of such activities in their local court unit budgets. The AO is hopeful that additional funds will be obtained from Congress for these purposes, but there is no guarantee. The information the court provides will assist in justifying emergency needs to Congress.

**Notification of Local Costs Incurred for Emergency Response Activities**

**(Submit this information by facsimile to the Budget Division at 202-502-1099)**

**Date:** \_\_\_\_\_

**Name of Court Unit:** \_\_\_\_\_

**Your Assigned Budget Analyst:** \_\_\_\_\_

\_\_\_\_\_

**A. Non-recurring one-time costs \$** \_\_\_\_\_

**Description of Activity or Project Funded: (Attach additional sheet(s) if necessary)**

**B. Recurring Costs (Annual or Monthly Rate:) \$** \_\_\_\_\_

**Date Activity  
Initiated:** \_\_\_\_\_

**Description of Activities or Projects Funded: (Attach additional sheet(s) if necessary)**

CHAPTER IX.

Part A. Court Security.

CONTENTS

1. Role of the Marshals Service.
2. Security Programs.
3. Security Committees.
4. Security Plans.
5. Court Security Officer Staffing (CSO).
6. Role of the Court Security Office.

1. Role of the Marshals Service.

The United States Marshals Service (USMS), a bureau of the Department of Justice, is responsible for providing security for judges and members of the judicial family (Title 28, U.S.C., §566(a)) wherever they are located. A major part of its mission is to ensure that courthouses and courtrooms are safe. It is essential that courts establish effective liaison with the United States marshals office in their districts and become familiar with their policies and programs. At the national level the Security Office at the AO maintains liaison with the USMS and oversees the Judicial Facility Security Program which is funded by the judiciary.

2. Security Programs.

The following are security programs managed by the USMS.

A. Technical Assistance Program.

This program provides technical assistance in surveying and determining security requirements for federal court facilities. The United States Marshals Service undertakes an analysis and security inventory of court facilities and makes recommendations to the local court security committees for instituting security systems, devices, and procedures.

B. Courtroom Security Program.

This program provides security at federal court proceedings by the physical presence in the courtroom of one or more U.S. deputy marshals. The U.S. marshal is not required to provide a deputy marshal for all

court proceedings. In March of 1982 an agreement was reached with the Attorney General that the USMS would provide security for high risk proceedings. Deputy marshal(s), however, are required to be present in proceedings at which a defendant is in custody. In some districts, a CSO will provide courtroom security in lieu of or in conjunction with a deputy marshal. CSOs should never be used in a high risk proceeding without the presence of a deputy marshal. Current Judicial Conference policy states that CSOs may be used to provide courtroom security so long as it does not detract from their public screening and access control duties.

C. Protective Investigations Program.

The USMS conducts protective investigations on individuals suspected of posing a risk to judges and judicial employees. They analyze threats and inappropriate communications and determine the appropriate protective response. Each USMS district office has a deputy marshal trained in conducting these investigations. The USMS notifies the FBI upon receipt of all inappropriate communications, and joint investigations are conducted when necessary. More information about this program can be obtained from the U.S. marshal in each district.

D. Personal Security Program.

This program provides for the personal security of federal judges and judiciary employees. Personal security is tailored to the needs of the protectee and USMS risk assessment. Protective measures can include a 24-hour protective detail, portal-to-portal transportation or a temporary residential alarm system.

E. Judicial Facility Security Program.

Using funds provided by the judiciary, the Marshals Service contracts with private security firms to provide CSOs. The primary duties of a CSO are to provide a security presence at federal courthouses and judicial areas of multi-tenant federal buildings housing court operations. The CSOs provide security screening by using magnetometers and X-ray security screening equipment. They also provide access control

for parking lots and garages and conduct roving patrols. Like deputy United States marshals, CSOs are armed. CSOs are deputized by the Marshals Service, but this authority does not extend beyond the work site. The Judicial Security Facility Program also provides resources for the purchase, installation, and maintenance of security systems and equipment for judicial areas.

3. Security Committees.

A. Judicial Conference Committee on Security and Facilities.

The Judicial Conference Committee on Court Security was established by the Judicial Conference in October 1987. The Committee's name was changed in March 1991 to the Committee on Court and Judicial Security. In 1993 the Executive Committee voted to merge the Judicial Conference Committee on Court and Judicial Security with the Committee on Space and Facilities. The committee is now known as the Committee on Security and Facilities.

The Committee on Security and Facilities has jurisdiction over all court security matters. It reviews and monitors security policy for the judiciary and makes recommendations for changes when deemed advisable. The Committee's responsibilities include reviewing the provision of security services by the United States Marshals Service and the GSA.

The committee meets semi-annually and submits recommendations on a wide range of court security matters to the Judicial Conference. Suggestions for agenda items can be directed to the AO's Office of Facilities and Security which staffs the Committee on Security and Facilities.

B. Court Security Committees.

Each judicial district has a Court Security Committee consisting of the United States marshal for the district, who serves as principal coordinator of the committee; the chief district judge (or judge designee); a magistrate judge; a representative of the bankruptcy court; where there is a court of appeals or the chambers of a circuit judge within the district,

a circuit representative; the United States Attorney; the clerk of court; and a representative of the General Services Administration, where appropriate. The responsibilities of the court security committee are to develop and implement a district-wide security plan, and to meet periodically to identify security problems and recommend solutions. The local court security committee is responsible for addressing the security concerns of the entire judicial family, including judges, chamber staffs, clerks, probation and pretrial services officers, librarians, public defenders, and other members of the court family. This responsibility includes the security for all judicial areas within federal buildings as well as any leased space that has court staff on site.

C. Building Security Committee.

One of the recommendations contained in the Department of Justice' (DOJ) Vulnerability Assessment of Federal Facilities that was issued in June 1995 following the April 1995 bombing of the Alfred P. Murrah Building in Oklahoma City was the establishment of Building Security Committees (BSCs) for each federal facility under GSA's control. Unlike Court Security Committees, which consist of representatives of the court family and address security issues involving the courts, BSCs address the security requirements of multi-tenant federal buildings and consist of representatives from all of the federal agencies that occupy the building and GSA. BSCs are tasked with evaluating the building's physical security requirements against the standards outlined in the above mentioned DOJ report. Each BSC should forward to GSA its requests and cost estimates for the security enhancements necessary to comply with standards.

4. Security Plans/Surveys.

Each district marshal should conduct an annual, standardized, and comprehensive Court Security Survey of each judicial facility in the district. The marshals should also develop a written Judicial Security Plan for each judicial facility within the district based upon the results of the Court Security Survey. This plan should include all security policies and procedures for the facility.

5. CSO Staffing Standards.

The number of CSO positions allocated to a particular district is determined based on a facility-by-facility application of a staffing formula developed by the USMS and endorsed by the Judicial Conference Committee on Security and Facilities. The staffing formula limits the assignment of CSO positions to full-time places of holding court with a judicial officer in residence or at a visiting location where court is routinely held two or more weeks a month.

Adding the number of CSOs that each facility within the district qualifies for determines the total number of CSO positions to be assigned to a particular district. Each CSO contract specifies the location (facility) where the CSO is to be assigned and the number of CSO hours authorized to be performed at that location.

Although the total number of CSO positions allocated to a district is based on a facility-by-facility analysis, where the CSO positions are actually assigned in the district is determined locally by the U.S. marshal and the district's Court Security Committee. If a district wishes to reassign CSOs from one facility to another, a request to modify the CSO contract should be forwarded to the Marshals Service's Judicial Security Division.

6. Role of the AO's Court Security Office.

The Court Security Office of the Administrative Office provides advice and assistance to the judiciary on security matters. It is responsible for assisting in the formulation of security policies for the judiciary, monitoring the U.S. Marshals Service's provision of security services to the judiciary, overseeing the implementation and financial management of the Judicial Facility Security Program, working with the U.S. Marshals Service on security policies and procedures, reviewing the USMS' formulation of the annual court security appropriation request, and providing advice to court officials on security matters.