



U.S. Department of Justice  
Office of the Inspector General  
Evaluation and Inspections Division

**Health, Safety, and Security Conditions  
in the H. Carl Moultrie I Courthouse Space  
Utilized by the U.S. Marshal for the  
District of Columbia Superior Court**

**September 2007**

**I-2007-008-R**

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## INTRODUCTION

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The Conference Report on the *U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007* directed the Department of Justice Office of the Inspector General (OIG) to review the health, safety, and security conditions in the space in the H. Carl Moultrie I Courthouse (Moultrie Courthouse) utilized by the United States Marshals Service (USMS).<sup>1</sup> The OIG examined the USMS space to determine if it met federal construction and maintenance standards for detention facilities and federal occupational health and safety standards and made recommendations as appropriate.

This is a limited version of the OIG's full 55-page report. The full report includes information that the USMS considered to be law enforcement sensitive and that therefore could not be publicly released. To create this public version of the report, the OIG removed information from the full report that we agreed was sensitive because it disclosed potential security vulnerabilities.

### **Background**

Congress created the District of Columbia Court of Appeals (Court of Appeals) and the Superior Court of the District of Columbia (Superior Court) by statute in 1970.<sup>2</sup> The Court of Appeals is the equivalent of a state supreme court and hears appeals from the Superior Court and administrative agencies. The Superior Court is responsible for hearing misdemeanor and felony criminal cases arising under the District of Columbia Code. To assist the Superior Court in carrying out its responsibilities, Congress created the U.S. Marshal for the District of Columbia Superior Court (Marshal) in 1988.

The Marshal has the duties of other U.S. Marshals and also performs some of the duties of a local sheriff for the nation's capital.<sup>3</sup> As

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<sup>1</sup> Conference Report, *U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act* (H.R. 1591), 2007, H. Rept. 110-107 at 97.

<sup>2</sup> See Article I, Section 8 of the U.S. Constitution and D.C. Code § 11-101.

<sup>3</sup> The President appoints a U.S. Marshal for each of the 94 federal judicial districts and the District of Columbia Superior Court. The U.S. Marshals are responsible for protecting the federal judiciary, court officers, and witnesses;

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part of these duties, the Marshal and Deputy Marshals provide security in 94 courtrooms in the Moultrie Courthouse and are responsible for the individual security of 130 judges as well as other officers of the District of Columbia Courts. The Marshal and his Deputies also work with the District of Columbia Metropolitan Police Department and Department of Corrections to ensure that individuals arrested in the District of Columbia appear for arraignment and that those individuals denied bail appear for trial.

To support the Superior Court's operations, the Marshal and the USMS staff operate a cellblock for adult prisoners, an administrative area, and a juvenile holding facility in the Moultrie Courthouse, which was built 31 years ago.<sup>4</sup>

### **Administration of the District of Columbia Courts**

The District of Columbia Courts are administered by the Joint Committee on Judicial Administration (the Joint Committee), which is composed of the Chief Judge and one Associate Judge from the Court of Appeals and the Chief Judge and two Associate Judges from the Superior Court. The Executive Officer of the District of Columbia Courts (Executive Officer) serves as the Secretary of the Joint Committee.<sup>5</sup> The Joint Committee is the policy-making body for the District of Columbia Courts and is responsible for general personnel policies, accounting and auditing, procurement and disbursement, and development and coordination of statistics and management information systems and reports. The Joint Committee is also responsible for developing the budget of the District of Columbia Courts and submits its budget request directly to the Office of Management and Budget. Congress appropriates funds directly to the District of Columbia Courts for operating expenses and capital improvements to the Moultrie Courthouse, while the USMS budget includes the salaries and administrative expenses of the Marshal and USMS staff.

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apprehending fugitives; transporting prisoners; and seizing property acquired by criminals through illegal activities. See 28 U.S.C. § 566.

<sup>4</sup> The cellblock includes courtroom holding cells, elevators, and corridors used to move prisoners through the courthouse, and a vehicle sallyport.

<sup>5</sup> The Joint Committee was created as part of the *District of Columbia Court Reform and Criminal Procedure Act of 1970*. See D.C. Code § 11-1701.

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## **The Moultrie Courthouse**

The Moultrie Courthouse was constructed during 1975 and 1976. It currently houses the Court of Appeals and the Superior Court, which includes the Superior Court of the District of Columbia Family Court (Family Court).<sup>6</sup> In addition to courtrooms and judges' chambers, the Moultrie Courthouse houses administrative offices for the District of Columbia Courts, program offices for the District of Columbia Pretrial Services Agency and the District of Columbia Public Defender Service, a day-care center, and other ancillary court-related services.

In the 31 years since its completion, the Moultrie Courthouse has undergone many changes. It originally had 44 courtrooms. During the last 30 years, 50 new courtrooms have been added to accommodate the dockets of the District of Columbia Courts. Chambers were also added to accommodate more judges. The largest change has been the 10-year project to consolidate the Family Court in one contiguous area of the Moultrie Courthouse.<sup>7</sup>

## **The USMS Space in the Moultrie Courthouse**

The space allocated to the USMS by the District of Columbia Courts includes a cellblock for adult prisoners, courtroom holding cells, elevators, corridors, and a vehicle sallyport.<sup>8</sup> The USMS space also includes an administrative area and a juvenile holding facility, which is being moved to a newly renovated area of the courthouse as part of the Family Court consolidation.

The new juvenile holding facility will comply with rules requiring the sight and sound separation of juvenile defendants from adult defendants and will allow Deputy Marshals to escort detained juveniles to the Family Court courtrooms without commingling the juveniles with

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<sup>6</sup> The Family Court decides cases involving abuse and neglect, juveniles, domestic relations, domestic violence, paternity, and support.

<sup>7</sup> *District of Columbia Family Court Act of 2001*, D.C. Code § 11-1101 et seq.

<sup>8</sup> The vehicle sallyport is a secure garage area used by the USMS for prisoner transportation vehicles. It is the point of entry into the courthouse for all prisoners.

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the general public or adult prisoners.<sup>9</sup> The renovations to the juvenile holding facility are the first changes made to the cellblock and prisoner movement areas since the Moultrie Courthouse was constructed.

In May 2007, the District of Columbia Courts completed the *District of Columbia Courts Facilities Improvement Feasibility Study for the U.S. Marshals Service* (feasibility study) in response to congressional concerns about health, safety, and security conditions in the USMS cellblock and administrative area. This feasibility study identified needed improvements to the USMS space.

### **Methodology of the OIG Review**

To evaluate the health, safety, and security conditions in the USMS space, we conducted interviews and onsite inspections, and performed document analysis.

Interviews. We conducted 29 interviews, including interviews with the Director of the USMS, 6 additional officials from USMS Headquarters, and the U.S. Marshal for the District of Columbia Superior Court. We also conducted a group interview with members of the Marshal's staff, including seven supervisors and six staff assigned to work in the Moultrie Courthouse.

We interviewed officials from the Courts, including the Chief Judge of the District of Columbia Court of Appeals, who is the Chairman of the Joint Committee on Judicial Administration in the District of Columbia (the Joint Committee), the Chief Judge of the Superior Court of the District of Columbia, the Chairman of the Courts' Security Committee, and the Executive Officer.<sup>10</sup> We also interviewed representatives from other federal and District of Columbia agencies whose employees work in the Moultrie Courthouse.

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<sup>9</sup> The *Juvenile Justice and Delinquency Prevention Act of 1974*, 42 U.S.C. § 5633(a)(13), requires complete separation of detained juveniles from adult offenders so that there is no sight or sound contact. Separation must be provided in all secure areas of the facility, including sallyports and hallways.

<sup>10</sup> The Joint Committee, created by the *District of Columbia Court Reform and Criminal Procedure Act of 1970*, is the decision-making body for the District of Columbia Courts and submits the Courts' budget request directly to the Office of Management and Budget. See D.C. Code § 11-1701.

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Onsite Inspections. We conducted three inspections of the USMS space in the Moultrie Courthouse. The first inspection was conducted by the OIG and USMS staff assigned to the District of Columbia Superior Court. Following that inspection, the OIG obtained subject matter expertise in security and health and safety standards from the Federal Bureau of Prisons (BOP) and Federal Occupational Health (FOH), a unit of the U.S. Public Health Service.<sup>11</sup> We conducted a second onsite inspection of the USMS space with the assistance of engineers from the BOP's Technical Support Office, Design and Construction Branch, to determine the cellblock's compliance with security standards for detention facilities. We conducted a third onsite health and safety inspection with the assistance of subject matter experts provided by the FOH. During this review, we applied 8 sets of independent security standards for detention facilities and 22 sets of independent occupational health and safety standards for administrative buildings, such as *USMS Publication 64: Requirements and Specifications for Special Purpose and Support Space Manual* (Publication 64).<sup>12</sup> See the Appendix for a complete list of the standards we utilized in our inspections.

Document Analysis. We reviewed documents that the USMS provided, including reports describing non-compliance with USMS standards, budget information, intergovernmental agreements and a draft memorandum of understanding, memoranda reports the Marshal provided that described the conditions in the USMS space in the Moultrie Courthouse, and a June 2007 security survey of the courthouse conducted by the USMS.<sup>13</sup> We also reviewed documents that the District of Columbia Courts provided, including budget information on funds obligated by the Courts for the USMS space, a draft memorandum of understanding, and the May 2007 *District of Columbia Courts Facilities Improvement Feasibility Study for the U.S. Marshals Service* (feasibility study) that the District of Columbia Courts commissioned.

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<sup>11</sup> The BOP Technical Support Office, Design and Construction Branch, provides expert assistance for the construction, repair, and maintenance of federal prisons and detention centers. The FOH provides occupational safety and health inspections to federal agencies. See 42 Fed. Reg. 61317 (Dec. 2, 1977).

<sup>12</sup> The Chairman of the Joint Committee told us that that the Committee has not agreed that Publication 64 standards are applicable to the Moultrie Courthouse.

<sup>13</sup> *Office of Courthouse Management Security Survey Report: District of Columbia Superior Court, H. Carl Moultrie I Courthouse, 500 Indiana Avenue, NW, June 2007.*

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## RESULTS OF THE REVIEW

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We found serious, uncorrected deficiencies in the health, safety, and security conditions of the USMS space in the Moultrie Courthouse. Specifically, our review documented 166 failures to meet federal health, safety, and security standards in the USMS space there.<sup>14</sup>

In the 31 years since its completion, the Moultrie Courthouse has undergone many capital improvements without significant improvement to the conditions in the USMS space. On a daily basis, the cellblock holds approximately twice the number of prisoners for which it was designed. BOP engineers, who verified the overcrowding, stated that the cellblock has reached the end of its useful life. Also, the administrative area that supports the USMS operations in the rest of the Moultrie Courthouse has not been renovated in the 20 years since the USMS moved into that space. The administrative area was designed to hold approximately half the number of USMS staff currently assigned to the space. For over 10 years, the USMS has been reporting continuing health, safety, and security deficiencies to the District of Columbia Courts. While some repairs have been made over the last 5 years, our review found that 166 of these deficiencies have not been corrected and that substandard conditions continue to exist.

The following sections present a summary of the substandard conditions we found in the cellblock, the administrative area, and the juvenile holding facility in the USMS space. We also present the status of corrective action for the substandard conditions and our conclusion and recommendations.

### **Conditions in the Cellblock**

We found 111 substandard health, safety, and security conditions in the cellblock at the Moultrie Courthouse, some of which have existed for as long as 10 years.<sup>15</sup> The BOP's Technical Services Section, Design

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<sup>14</sup> We used 8 sets of security standards for detention facilities and 22 sets of occupational health and safety standards for administrative buildings to evaluate the working conditions in the USMS space in the Moultrie Courthouse.

<sup>15</sup> The cellblock includes courtroom holding cells, corridors, and elevators used to move prisoners through the courthouse, and the vehicle sallyport.



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and Construction Branch, stated that the cellblock in the USMS space is more than 30 years old and has reached the end of its useful life. Furthermore, the BOP engineers stated that the cellblock has not been well maintained and requires renovation. For example, the BOP engineers observed problems in the vehicle sallyport, the prisoner elevators, and communication systems within the cellblock area.

The substandard conditions contributed to a 2006 escape attempt that resulted in a prisoner's death. On January 31, 2006, prisoners from the District of Columbia Jail were being unloaded from a bus in the vehicle sallyport at the Moultrie Courthouse. At the time, the garage door leading into the vehicle sallyport was broken and could not be lowered. Some of the District of Columbia Department of Corrections Officers and Deputy Marshals assigned to transfer the prisoners guarded the open garage door of the vehicle sallyport and did not maintain constant visual contact with all prisoners as a result. Instead of entering the cellblock, one prisoner slipped away from the group, crawled underneath a prisoner transport bus, and clung to the undercarriage as the bus left the Moultrie Courthouse. Approximately one block away, as the bus entered a tunnel, the prisoner either let go or lost his grip and fell onto the roadway. He was hit by a vehicle following the bus and died instantly.

Among the other cellblock issues we documented, the FOH experts assisting us observed that high-efficiency particulate air (HEPA) filtration units needed to be installed. With the severe overcrowding in the cellblock noted by the BOP engineers, the HEPA filtration units will help to reduce the risk of spreading infectious diseases such as tuberculosis. Details of a few of the substandard conditions in the cellblock, along with the corrective action required, are presented in Table 1. Many other substandard conditions are discussed in the full report, but not in this public version because it would expose potential security vulnerabilities.

**Table 1: Substandard Health, Safety, and Security Conditions  
in the Moultrie Courthouse Cellblock**

Substandard Condition/ Primary Governing Standard	Agency Identifying the Substandard Condition			Corrective Action Required
	USMS	BOP	FOH	
Duct-mounted high-efficiency particulate air (HEPA) filters should be installed in the cellblock area to filter contaminants that may be recirculated by the air-handling system within the cellblock.  <i>Standard: Publication 64</i>	<b>X</b>		<b>X</b>	Install HEPA filters in existing duct work. Repairs are funded.*
Five cells for 50 or more prisoners in arraignment holding area exceeds load limits.  <i>Standard: BOP Technical Design Guidelines/ Publication 64</i>		<b>X</b>		Increasing the number of cells available is not funded.
Isolation cells do not provide for total isolation because the occupants can be seen from other cells.  <i>Standard: BOP Technical Design Guidelines/ Publication 64</i>		<b>X</b>		Replacing or reconfiguring the cells to meet security standards is not funded.

\* In March 2007, the District of Columbia Courts allocated \$1.5 million to correct substandard conditions in the adult cellblock. The Marshal has elected to use those funds to upgrade security and health systems in the adult cellblock.

The substandard conditions in the cellblock also affect the employees of three District of Columbia agencies who regularly work there and use the equipment and space. For example, officers from the District of Columbia Department of Corrections cited problems similar to those found by the BOP engineers – problems that make the custodial transfer of prisoners more difficult.<sup>16</sup>

<sup>16</sup> District of Columbia Department of Corrections Officers transport prisoners needed for grand jury or court appearances at the Moultrie Courthouse from the District of Columbia Jail and other detention facilities under the terms of an intergovernmental agreement with the USMS.

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Similarly, the substandard conditions affect the security and operations of employees of other agencies that conduct business in the cellblock. Supervisors of both the District of Columbia Pretrial Services Agency and the District of Columbia Public Defender Service expressed concerns about privacy and safety in the cellblock's multi-defendant interview rooms and in the arraignment courtroom holding cells.<sup>17</sup>

### **Conditions in the Administrative Area**

We found 34 substandard conditions in the administrative area of the USMS space at the Moultrie Courthouse. The substandard conditions include standing water on the floor during rainstorms, which results in constantly wet, moldy carpet. Further, the emergency exit in the squad room where the Deputy Marshals who provide courtroom security work is unusable because it is padlocked.

The FOH inspectors stated that the administrative area has not been well maintained and requires renovation. For example, the FOH experts assisting us found that ceiling tiles contaminated with plumbing waste should have been removed, but instead were left inside the suspended ceiling in the administrative area when new ceiling tiles were installed. The plumbing leak had not been repaired, exposing USMS staff to unsanitary conditions, including mold and other air contaminants.

Examples of substandard conditions in the administrative area, along with the corrective actions required, are presented in Table 2.

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<sup>17</sup> Employees of the District of Columbia Pretrial Services Agency enter the cellblock daily to interview and perform drug tests on newly arrested prisoners. Information gathered during the interviews is used to prepare pretrial reports, which recommend conditions of release for individual prisoners.

Eligibility Examiners for the District of Columbia Public Defender Service enter the cellblock daily to interview prisoners and determine their eligibility for free legal representation. Attorneys for the District of Columbia Public Defender Service enter the cellblock daily to meet with their clients.

**Table 2: Substandard Health, Safety, and Security Conditions  
in the USMS Administrative Area**

Substandard Condition/ Governing Standard*	Agency Identifying the Substandard Condition			Corrective Action Required
	USMS	BOP	FOH	
Administrative area floods, resulting in mold and mildew.  <i>Standard:</i> Occupational Safety and Health Administration	<b>X</b>		<b>X</b>	Conduct water infiltration study and industrial hygiene study.** The study is not funded.
Ceiling tiles contaminated with plumbing waste left inside suspended ceiling.  <i>Standard:</i> American Industrial Hygiene Association			<b>X</b>	Find and correct plumbing leak, and remove contaminated tiles. The corrective action is not funded.

\* We found that more than one standard applied to most of the conditions we identified.

\*\* The FOH inspectors recommended an industrial hygiene study to determine the causes of water infiltration and to determine the renovation scope of work needed to address deficient electrical; plumbing; heating, ventilation, and air conditioning; and emergency egress systems.

In November 2006, the Marshal temporarily relocated his administrative staff and the Deputy Marshals on the warrant squad to rental space 2 blocks from the Moultrie Courthouse to reduce the USMS staff's exposure to the substandard health and safety conditions. This temporary measure costs the USMS \$500,000 a year.

By moving the administrative staff and the warrant squad to rental space, the Marshal will be able to relocate the Deputy Marshals assigned to Court Support from the squad room, the section of the administrative area with the largest number of substandard conditions, including frequent flooding and moldy walls.<sup>18</sup> However, our analysis shows that even if the squad room is renovated, the administrative area provided by the District of Columbia Courts gives the USMS only 50 percent of the square footage required by Publication 64 for the number of Deputy Marshals and administrative staff currently assigned to the Moultrie Courthouse. Publication 64 standards require 125 square feet of space

<sup>18</sup> The Chief Judge of the Superior Court stated that he had asked the Marshal not to relocate the Deputy Marshals who are assigned to Court Support to offices outside the Moultrie Courthouse because these Deputy Marshals must be immediately available to escort prisoners and provide security in the courtrooms.

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per Deputy Marshal and also set minimum square footage requirements for supervisors, administrative staff, locker rooms, and storage rooms. Further, if the temporarily relocated administrative staff and warrant squad return to the Moultrie Courthouse, the USMS space requirement would increase.

### **Conditions in the Juvenile Holding Facility**

Engineers from the BOP's Technical Services Section, Design and Construction Branch, found 21 substandard conditions in the juvenile holding facility. The BOP team noted that it had been built at the same time as the cellblock and suffers from the same deficiencies in shared areas, such as the vehicle sallyport and prisoner circulation corridors.

During its inspection of the juvenile cellblock, the BOP team focused predominantly on life safety standards because a new juvenile holding facility is under construction within the courthouse. They found problems with the emergency lighting and fire alarm systems in the current juvenile holding facility. They also noted that there was a question as to whether the sprinkler heads met Underwriters Laboratories' standards.<sup>19</sup>

The current juvenile holding facility will no longer be used when the new facility being constructed is completed in September 2008 as part of the Family Court consolidation.<sup>20</sup> The new facility will comply with rules requiring the sight and sound separation of juvenile defendants from adult defendants and will allow Deputy Marshals to escort detained juveniles to the Family Court courtrooms without commingling the juveniles with the general public or adult prisoners.<sup>21</sup>

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<sup>19</sup> Underwriters Laboratories Inc. (UL) is an independent, not-for-profit product safety certification organization that has been testing products and writing Standards for Safety for over a century. Standards for Safety are developed in conjunction with specific industries and are designed to help ensure public safety and confidence in UL-tested products. UL tests products and their components against its safety standards.

<sup>20</sup> The Family Court decides cases involving abuse and neglect, juveniles, domestic relations, domestic violence, paternity, and support. The *District of Columbia Family Court Act of 2001*, D.C. Code § 11-1101 et seq., required the District of Columbia Courts to consolidate the Family Court's operations.

<sup>21</sup> The *Juvenile Justice and Delinquency Prevention Act of 1974*, 42 U.S.C. § 5633(a)(13), requires complete separation of detained juveniles from adult

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The juvenile holding facility will also include secure rooms for the juvenile detainee population that will be operated by the USMS and an at-risk room for juveniles in need of protective custody that will be operated by the District of Columbia Department of Youth Rehabilitation Services. Until the new juvenile holding facility is operational, only essential maintenance is planned for the existing facility. As a result, juveniles will be detained and USMS staff will continue to operate in substandard conditions until the new facility is completed.

### **Agreement Needed for Corrective Action**

Improvement of these substandard conditions requires that the District of Columbia Courts and the USMS agree on the health, safety, and security standards that apply to the USMS space in the Moultrie Courthouse and on who will be responsible for requesting and expending funds for repairs and capital improvements to meet the standards.

The Chairman of the Joint Committee, the Director of the USMS, and the Chief Judge of the Superior Court agreed that deciding on the health, safety, and security standards that apply to the USMS space in the Moultrie Courthouse is important. Each also expressed the importance of resolving related issues as part of the discussions on any agreement.

The Chairman of the Joint Committee (who is the Chief Judge of the District of Columbia Court of Appeals) agreed that an agreement is necessary because repairs and maintenance in the USMS space have been delayed by disputes over appropriate standards and responsibility for payment. The Capital Program and Construction Officer, who carries out repairs authorized by the District of Columbia Courts, stated that the agreement needs to establish timeliness standards for correcting substandard conditions by the responsible party.

The Director of the USMS stated that the issues of timeliness and responsibility for correcting health, safety, and security conditions are important and need to be resolved by agreement. The Director recommended that any agreement include a provision for requesting a specific appropriation for the maintenance, repair, and capital

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offenders so that there is no sight or sound contact. Separation must be provided in all secure areas of the facility, including sallyports and hallways.

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improvements to the USMS space in the District of Columbia Courts' budget request.<sup>22</sup>

The Chief Judge of the Superior Court agreed that establishing standards is important, but he also stated that the critical shortage in the number of Deputy Marshals assigned to the Superior Court is, from a public safety perspective, an even more important concern. The Chief Judge stated that the District of Columbia Courts have responded to the space concerns of the USMS with suggestions for both interim and long-term solutions and will continue to work with the USMS to accommodate its space needs. However, the Chief Judge believes that the shortage in the number of deputies assigned to Superior Court affects both public safety and the Superior Court's ability to carry out its daily operations. The Chief Judge also believes that this is an urgent matter to be addressed by the USMS and the Courts.

The Director of the USMS agreed that the formula that the USMS uses to determine the personnel needs of federal district courts does not fit the needs of the Superior Court. He noted, however, that the USMS has difficulty maintaining even the current level of personnel because of the high turnover of Deputy Marshals, which he said has been caused in part by the working conditions in the Moultrie Courthouse. The Director and the Chief Judge of the Superior Court both recognized that personnel levels and working conditions were related and that a space agreement between the District of Columbia Courts and the USMS could address a formula for determining staffing levels and a commitment by the District of Columbia Courts to provide adequate space for the USMS.

### **Initiatives to Correct Substandard Conditions**

The Chairman stated that the Joint Committee is focused on the substandard conditions in the USMS space and recently has begun two initiatives to improve working conditions. The Executive Officer has been directed to set aside \$1.5 million to address the more serious substandard health, safety, and security conditions reported by the Marshal in the cellblock. On June 29, 2007, in response to a request from the Joint Committee, the Marshal provided a list of his priorities for

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<sup>22</sup> In response to a draft of this report, the District of Columbia Courts reported that it plans to include \$50 million for USMS space renovation in the Courts' fiscal year 2009 budget request.

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repairs and improvements. The \$1.5 million will correct 5 of the 111 substandard conditions in the cellblock identified in our review.

The Joint Committee also has directed the Capital Program and Construction Officer to develop a second initiative to spend \$2 million to convert part of the public space in the Moultrie Courthouse to temporary administrative space so that part of the USMS staff can be relocated there while their area is renovated. Implementation of this initiative could improve working conditions temporarily by allowing for the renovation of the squad room used by the Deputy Marshals and the remainder of the existing USMS administrative area.<sup>23</sup> The \$2 million initiative proposed by the Joint Committee does not include plans for renovations to correct substandard conditions in the squad room or the remainder of the existing USMS administrative area. The initiative includes only the demolition of the interior of the existing public space and the construction of the temporary administrative space.

### **Long-Term Options to Improve Working Conditions**

In response to congressional interest regarding substandard conditions in the cellblock and administrative area, the District of Columbia Courts commissioned a facilities improvement feasibility study from an architectural firm. Completed in May 2007, the feasibility study identified an estimated \$43 million in needed improvements to meet Publication 64 standards and other occupational safety and health standards in the USMS space. The District of Columbia Courts reported that it plans to include \$50 million for USMS space renovation in the Courts' fiscal year 2009 budget request, but we found that the Courts and the USMS have not agreed that the renovation will meet the security standards for federal detention facilities and occupational health and safety standards used in the study. Additionally, the USMS expressed concern that the renovations identified in the feasibility study will not meet Publication 64 standards, but the District of Columbia Courts does not agree that Publication 64 standards apply to the Moultrie Courthouse.

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<sup>23</sup> In addition to overcrowding, the squad room has standing water on the floor during rainstorms, which results in unsanitary conditions, and an inadequate emergency exit. Because the squad room is not suitable for use as office space, as a temporary measure the Marshal would like the Joint Committee to provide funds to renovate the squad room for use as a locker room.



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The Chairman of the Joint Committee told us that the feasibility study and the USMS's concerns about the renovations identified in the feasibility study did not take into account how difficult it is to renovate a 31-year-old building to modern standards. The Chairman stated that even if the USMS space in the Moultrie Courthouse is renovated, it will still fall short of USMS standards. Our analysis showed that the Chairman is correct.

The Moultrie Courthouse met 59 percent of the standards in a courthouse security survey conducted by the USMS in June 2007.<sup>24</sup> The Moultrie Courthouse score of 59 percent was about the same as the average score in a 2006 USMS nationwide security survey of all the federal courthouses that have not been renovated or constructed in the last 10 years.<sup>25</sup> Our analysis showed that while renovated courthouses had a higher average score, even they generally did not meet the USMS goal of a score of 80 percent on the courthouse security survey. Federal courthouses renovated during the last 10 years averaged 74 percent after renovation. Only 25 of the 47 courthouses renovated in the last 10 years achieved a score higher than the 80-percent minimum acceptable standard established by the USMS.

The Chairman also stated that the District of Columbia Courts are considering providing more space and improving working conditions by opening an arraignment courtroom in the building adjacent to the Moultrie Courthouse at 300 Indiana Avenue, NW. The Chairman stated that conducting arraignments at a location outside the Moultrie Courthouse would significantly change USMS operations and space requirements because it would reduce by half the number of prisoners that would need to be housed in the Moultrie Courthouse cellblock each day. The Chairman further stated that, while he supports the proposed change in operations, implementing that change would require complex negotiations among the District of Columbia Courts, the USMS, the

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<sup>24</sup> *Office of Courthouse Management Security Survey Report: District of Columbia Superior Court, H. Carl Moultrie I Courthouse, 500 Indiana Avenue, NW, June 2007.*

<sup>25</sup> The National Security Survey, developed by the USMS Courthouse Management Group and conducted in 1998, 2002, and 2006, evaluates systems design and equipment in prisoner movement and operations areas used by the USMS in all federal courthouses. The survey covers cameras, monitors, intercoms, conduit and wiring, locking devices, alarms, security consoles, time-lapse recording machines for monitors in cellblocks, duress alarms, keypads, interlocking sallyports, prisoner elevator dividers, ballistic materials, bollards, and barriers.

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District of Columbia Department of Corrections, and the Metropolitan  
Police Department.

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## **CONCLUSION AND RECOMMENDATIONS**

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Our analysis showed that the USMS space in the Moultrie Courthouse fails to meet security standards for detention facilities and occupational health and safety standards for administrative buildings, and that this results in unacceptable working conditions. We believe these substandard conditions will continue unless the District of Columbia Courts and the USMS decide on the applicable security, health, and safety standards for the USMS space and on who will be responsible for requesting and expending funds for repairs and improvements to meet the standards.

The District of Columbia Courts have completed a feasibility study, have begun two short-term initiatives to correct substandard conditions, and are considering long-term plans for capital improvements to the USMS space. The first initiative is designed to correct 5 of 111 substandard conditions in the cellblock. A second initiative is in the planning phase and may correct some of the substandard conditions in the administrative area. Further, the District of Columbia Courts and the USMS have begun negotiations on long-term plans to improve working conditions in the Moultrie Courthouse. Regardless of the short- or long-term plans chosen by the District of Columbia Courts, an agreement on the applicability and implementation of health, safety, and security standards will be necessary to implement the plans. Without such an agreement, the District of Columbia Courts cannot take timely action to correct substandard health, safety, and security conditions in the cellblock or the administrative area. As a result, the Marshal, Deputy Marshals, and administrative staff will continue to work under substandard conditions until an agreement is reached.

Because of the number and severity of the substandard conditions we identified, we believe it is imperative that the District of Columbia Courts and the USMS reach agreement on correcting these conditions as expeditiously as possible. The agreement between the District of Columbia Courts and the USMS should address:

1. The application of federal standards for detention facilities and occupational health and safety standards for administrative buildings to the Moultrie Courthouse;

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2. The responsibility for timely maintenance and repair to maintain federal standards for detention facilities and occupational health and safety standards for administrative buildings;
  3. The plan to correct serious substandard conditions in the cellblock, administrative area, and juvenile holding facility;
  4. The method that will be used to determine the number of Deputy Marshals, Detention Enforcement Officers, and administrative staff that the USMS will request for the District of Columbia Superior Court in its annual budget request; and
  5. The inclusion of a specific request for funds to meet health, safety, and security standards in the USMS space in the Moultrie Courthouse in either the USMS budget request to the Department of Justice or the District of Columbia Courts' budget request to the Office of Management and Budget and to Congress for each fiscal year.

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## **APPENDIX: STANDARDS UTILIZED DURING INSPECTIONS**

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### **Water Infiltration/Moisture Intrusion/Visible Mold Growth Conditions**

1. A Brief Guide to Mold in the Workplace-Mold Remediation Guidelines  
Safety and Health Information Bulletin (SHIB #03-10-10)  
U.S. Occupational Safety and Health Administration
2. Report of Microbial Growth Task Force  
American Industrial Hygiene Association, May 2001
3. Mold Remediation in Schools and Commercial Buildings (EPA 402-K-01-001, March 2001)  
Office of Air and Radiation, Indoor Environments Division (6609-J)  
U.S. Environmental Protection Agency

### **Heating, Ventilation, and Air Conditioning Conditions**

4. Thermal Environmental Conditions for Human Occupancy  
(ANSI/ASHRAE 55-1992)  
American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc.
5. Ventilation for Acceptable Indoor Air Quality  
(ANSI/ASHRAE 62-2001)  
American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc.

### **Suspect Asbestos-Containing Building Construction Material (ACBM) Conditions**

6. Occupational Safety and Health Standards, Subpart Z – Toxic and Hazardous Substances, Asbestos  
29 C.F.R. § 1910.1001 and Appendixes A – J
7. Environmental Protection Agency Standards, National Emission Standards for Hazardous Air Pollutants  
40 C.F.R. Part 61, Subpart M – National Emission Standard for Asbestos

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### **Electric Conditions**

8. Occupational Safety and Health Standards, Subpart J – General Environmental Controls, The Control of Hazardous Energy – Lockout/Tagout  
29 C.F.R. § 1910.147

### **Air and Surface Contaminant Conditions**

9. Occupational Safety and Health Standards, Subpart I - Personal Protective Equipment, Respiratory Protection  
29 C.F.R. § 1910.134
10. Occupational Safety and Health Standards, Subpart Z – Toxic and Hazardous Substances, Air Contaminants  
29 C.F.R. § 1910.1000, Table Z-1
11. Occupational Safety and Health Standards, Subpart I - Personal Protective Equipment, General Requirements  
29 C.F.R. § 1910.132
12. Classification of Polychlorinated Biphenyls (PCBs) Standards (STD 01-04-002 – STD 1-4.2)  
United States Occupational Safety and Health Administration
13. Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions  
40 C.F.R. Part 761

### **Potential Deficient Lighting Conditions**

14. Safety and Health Regulations for Construction, Subpart D – Occupational Health and Environmental Controls, Illumination  
29 C.F.R. § 1926.56
15. “Practice for Industrial Lighting, for Recommended Values of Illumination (A11.1-1965, R1970)  
American National Standards Institute

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### **Slip, Trip, and Fall Conditions**

16. Occupational Safety and Health Standards, Subpart D –  
Walking-Working Surfaces, General Requirements  
29 C.F.R. § 1910.22

### **Potential Unsanitary Conditions**

17. Occupational Safety and Health Standards, Subpart J – General  
Environmental Controls, Sanitation  
29 C.F.R. § 1910.141
18. Safety and Health Regulations for Construction, Subpart D –  
Occupational Health and Environmental Controls, Sanitation  
29 C.F.R. § 1926.51
19. Occupational Safety and Health Standards, Subpart J – General  
Environmental Controls, Sanitation  
29 C.F.R. §§ 1910.141(a)(1), 1910.141(a)(2)(v), 1910.141(a)(5), and  
1910.141(d)(1)

### **Fire Evacuation and Portable Fire Extinguisher Conditions**

20. Occupational Safety and Health Standards, Subpart E – Exit Routes,  
Emergency Action Plans, and Fire Prevention Plans, Design and  
Construction Requirements for Exit Routes  
29 C.F.R. § 1910.36
21. Occupational Safety and Health Standards, Subpart L – Fire  
Protection, Fire Suppression Equipment  
29 C.F.R. § 1910.157

### **Unsecured Railing Conditions**

22. Occupational Safety and Health Standards, Subpart D –  
Walking-Working Surfaces, Guarding Floor and Wall Openings and  
Holes  
29 C.F.R. § 1910.23

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## **Security Conditions in Federal Detention Facilities**

23. USMS Publication 64: Requirements and Specifications for Special Purpose and Support Space Manual
24. BOP Technical Design Guidelines
25. National Fire Protection Agency 101, Life Safety Code
26. The Americans with Disabilities Act (ADA)  
42 U.S.C. § 12101 et seq.
27. International Building Code
28. Commission on Accreditation for Law Enforcement Agencies,  
Standards for Law Enforcement Agencies  
Chapter 72, Holding Facility, and Chapter 73, Court Security
29. American Correctional Association Standards for Local Adult  
Detention Facilities
30. The Juvenile Justice and Delinquency Prevention Act of 1974  
42 U.S.C. § 5601 et seq.