

Senator Dick Durbin
Chair, Senate Judiciary Committee
Written Questions for Ronald L. Davis
Nominee to be Director of the United States Marshals Service
May 19, 2021

1. One of the most solemn responsibilities of the United States Marshals Service is the protection of federal judges and federal courthouses. Sadly, we have seen too many instances of violence against judges and their families. In my home state of Illinois, a man murdered the mother and husband of Judge Joan Lefkow after she had dismissed the man's case. And just last year, a lawyer angry with Judge Esther Salas, who sits on the federal district court in New Jersey, murdered the Judge's son and attempted to murder her husband. We know that more must be done to protect our judges and their families.

a. What steps will you take to prioritize judicial security?

Response: The tragedies you have outlined are stark reminders that threats against the judiciary have increased significantly in recent years. I won't know the exact scope of the problem and be able to evaluate solutions until I am confirmed, but I pledge that judicial security will be one of my highest priorities. I look forward to working with the experts at the Marshals, Department of Justice leadership and the Administrative Office of the U.S. Courts, to ensure all steps that can be taken are taken to protect our judiciary. I also stand ready to assist Congress as it evaluates legislation to respond to this threat and provides resources if necessary.

b. What additional resources or authorities do you believe the Marshals Service needs in order to effectively protect judges and their families?

Response: As I previously stated, threats against the judiciary are growing, but I will not have a definitive understanding of additional authorities or resources needed until after I am confirmed. I look forward to quickly obtaining an in-depth understanding of this area so I can articulate the need for any changes to Congress.

2. I have particular concerns about security risks to the Dirksen Federal Courthouse in Chicago, including the presence of four vacant and dilapidated GSA-owned buildings next to the Courthouse that would pose serious security concerns if given to private tenants.

a. Will you work with me to ensure the safety of the Dirksen Federal Courthouse and the judges, staff, and other persons who work and visit there?

Response: If confirmed, I look forward to learning more about the Dirksen courthouse in Chicago and I will do my best to ensure the safety of all who work or visit there.

Senator Chuck Grassley, Ranking Member
Written Questions for Ronald L. Davis
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1. How do you define the concept of defunding the police?

Response: I define defunding as the act of taking appropriated funds from a police budget to use for other purposes. As the former Director of the Office of Community Oriented Policing Services at the Department, I spent years ensuring that state and local police departments across the nation received billions of dollars of funding to improve public safety, and I am keenly aware of the benefits that targeted investments in policing can have in local communities.

2. According to the Major City Chiefs, there have been 1,721 homicides for the first quarter of 2021. This is a 29% increase from the first quarter of 2020. What do you think accounts for this shocking increase in the violent crime rate?

Response: In talking with my local law enforcement colleagues across the country, the reasons for this troubling increase are not yet clear. However, I am sure that if I am confirmed that the U.S. Marshals will have an important role in apprehending those criminals who are responsible for these crimes.

3. What steps, if any, do you think the Marshals Service should take to protect federal judges in the wake of this spike in violent crime?

Response: It is crucial that federal judges be kept safe. If confirmed, I look forward to reviewing existing practices and working with all stakeholders, including the Administrative Office of the Courts, to take all appropriate steps to protect federal judges and court facilities from all threats. I know that over a period of years there have been a significant increase in threats against judges and others in the court family, and protection of the judiciary is a core mission of the Marshals Service that I will do my utmost to fulfill.

4. The en banc Ninth Circuit in 2017 held that the routine shackling of defendants violated the Constitution. The unanimous Supreme Court reversed the Ninth Circuit on jurisdictional grounds in 2018. My understanding is that, with the Ninth Circuit's judgment vacated, Marshals have resumed routine shackling as they conclude is necessary for the safety of their courthouses. Will you support Marshals in continuing the widespread practice of routine shackling in productions before judges?

Response: One of the most important duties of the U.S. Marshals is providing a safe, secure environment for the judiciary to apply the rule of law. I am aware that the Marshals have a policy of fully restraining prisoners in federal court, unless otherwise

directed by a United States District or Magistrate Judge. If I am confirmed, I will consult with agency experts on this matter, and I am committed to doing whatever provides the safest environment for the judiciary to conduct its affairs consistent with constitutional principles.

5. Is it ever appropriate for demonstrators to attempt physical harm to a federal courthouse?

Response: No. The First Amendment protects free speech but not violence or vandalism.

6. How should the Marshal Service respond to continued demonstrations that impede the intended use of federal courthouses by judges or juries?

Response: If confirmed, I look forward to learning the current practices of the Marshal Service and will ensure any response to demonstrations are managed in a manner that protects the judiciary and its ability to operate while working with our local, state and federal partners to facilitate peaceful protests in the vicinity of federal courthouses.

7. What standard should the Marshal Service employ in deciding whether or not to arrest those attacking a federal courthouse or otherwise impeding its intended use?

Response: If I am confirmed, the safe and secure operation of the federal judiciary will be one of my highest priorities and the Marshals Service will continue to perform its duties using probable cause as the constitutional standard by which to make an arrest of an individual who has committed or is about to commit an offense against the United States.

8. Under the Law Enforcement Officers Safety Act, Marshals and other current or retired law enforcement have the ability to engage in the concealed carry of firearms. Do you think federal judges should have the ability to carry concealed weapons nationwide like law enforcement? If not, why not?

Response: I do not have sufficient information on this subject to offer a recommendation. If confirmed, I look forward to better understanding all of the measures taken to protect judges, both in the courthouse and at home, and I look forward to working with Congress as it discusses additional measures that can enhance their safety.

9. You mentioned at your hearing the storied history of the U.S. Marshal Service. What do you understand the origins of the Marshal Service to be?

Response: The origins of the Marshals go back to the roots of our nation. The U.S. Marshals originated in the Judiciary Act of 1789, which formed the framework for the federal court system. George Washington appointed the first 13 U.S. Marshals, and ever since then the Marshals have been integral to the history of our country, participating key events in the westward expansion, the civil rights movement, and many other aspects of our history.

10. It has become popular among some liberal commentators to claim that law-enforcement in the United States had its origins in explicit racism. Do you think the establishment of the Office of United States Marshal by the First Congress was rooted in racism?

Response: The establishment of the Office of the United States Marshals through the Judiciary Act of 1789 was based on the need to support the federal courts within their judicial districts and to carry out all lawful orders issued by judges, Congress, or the President.

11. Were the attacks on the Hatfield Courthouse in Portland last summer terrorism? If not, why not?

Response: One of the core missions of the United States Marshals Service is to protect the judiciary. If confirmed as Director, I will ensure that the Marshals Service continues to perform these duties with adherence to the rule of law and in close collaboration with the United States Attorney's Office which ultimately makes criminal charging decisions.

12. My understanding is that President Biden's ban on "private prisons" has a significant negative effect on the Marshal Service. How do you intend to fulfill the tasks of the Marshal Service in the wake of this decision?

Response: The Marshals Service facilitates the safe, humane, and timely care and movement of pretrial detainees remanded into its custody. If confirmed, I look forward to learning more about the challenges of detention management on a national scale, understanding that the Marshals do not own or operate jails but are reliant on local, state and federal partners to house detainees for the duration of their judicial proceedings.

13. Have you had any conversations with individuals associated with the Arabella Network—including, but not limited to, the 1630 Fund, the New Venture Fund, or Arabella Advisors—in connection with this or any other potential nomination? If so, please explain the nature of the conversations.

Response: No.

14. Please explain with particularity the process by which you answered these questions.

Response: The Department of Justice received these questions on May 19, 2021. I worked with Department Attorneys, conducted research, and answered the questions. I finalized and approved all answers to the questions and authorized their transmission to the Committee on May 24, 2021.

15. Do the answers in this document reflect your true and personal views?

Response: Yes.

Senator Josh Hawley
Written Questions for Ronald L. Davis
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1. In your past speeches and writings on the subject of our criminal justice system you have repeatedly stated that the criminal justice system in America is racist. In one speech you said, “we must acknowledge that the continued use of these draconian operational systems and practices allow structural racism to remain and spread.” In another article, you wrote that our cities will only be safe when communities and law enforcement work together to “overcome bias, ignorance, and internal politics.” Is it your view today that our criminal justice system is systematically and inherently racist?

Response: I agree with the President that “...we need to root out systemic racism in our criminal justice system.” I also agree with the President, as I’ve stated in my writings and speeches, that systemic racism does not mean or even suggest that law enforcement officers are inherently racist. I know this to be true based on my close to 30 years as a police officer.

2. In a 2020 article you authored for the Brennan Center for Justice article you wrote that, “after 30 years in local law enforcement trying to reform it, I would have to frankly say no, we cannot reform our current system.” Is it your belief that not only is the criminal justice system racist, it is irredeemably so, and we must “dismantle this thing all the way to the ground” as you stated in the 2020 Brennan Center for Justice Article?

Response: I do not believe the criminal justice system or those who operate the system are racist. As stated earlier, I do believe the system is impacted by systemic racism and we need to change it.

3. My bill, the *Supporting and Treating Officers in Crisis Act of 2019*, which was signed into law last Congress, expanded the family-support grant program’s eligible uses to better address the mental health and support needs of law enforcement officers. In literature that you coauthored titled, “Re-Imagining Public Safety: Recommendations for the Harvard University Community & Police Department,” you and your colleagues advocated for shifting funds away from the Harvard Police Department in favor of their redistribution to non-policing groups and services. Do your recommendations for shifting resources away from law enforcement agencies and organizations include resources that are used for suicide-prevention and mental health services?

Response: As a police veteran with close to 30 years, I’ve lost colleagues to both murder and suicide, so the issue of officer safety and wellness is intensely personal to me. As a police chief who had one of my courageous officers shot and killed in the line of duty, ensuring the safety and wellness of my officers is one of my most solemn responsibilities. As the director of the COPS Office, I worked with all of our law enforcement

stakeholders to advocate for and provide funding to support officer safety and wellness. If confirmed, the safety and wellness of all Marshals employees will be one of my top priorities. Finally, I want to express my appreciation for the legislative efforts you have made in this area.

Senator Thom Tillis
Written Questions for Ronald L. Davis
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Law Enforcement

1. Some of your writings imply that you may be supportive of reallocating funding from police departments. Can you please clarify your views on defunding the police?

Response: I do not support defunding or the arbitrary taking of funds from the police to use for other purposes. As the former Director of the Office of Community Oriented Policing Services at the Department, I spent years ensuring that state and local police departments across the nation received billions of dollars of funding to improve public safety, which is the exact opposite of defunding the police. After serving as a uniformed police officer for close to 30 years, I agree with the vast majority of my colleagues that we, as a society, over-rely on police to handle social issues police are neither trained nor equipped to resolve. Consequently, we continually place officers in untenable positions that compromise their safety and too often places them at odds with their communities.

2. If you do not support defunding the police, what will you do to ensure that the Biden Administration does not adopt anti-police policies?

Response: President Biden and Vice President Harris have made it clear that they do not support defunding the police. In fact, they have asked for increased funding for the Department of Justice, COPS Office to support local, state and tribal law enforcement. If confirmed, I look forward to working under the leadership of Attorney General Garland to assist in the Department's efforts to support local law enforcement and the communities they serve, and I am confident that my many years as a police officer will serve as a valuable resource as law enforcement issues are considered within the Administration.

3. I am concerned about calls from the radical left to limit the ability of federal officers to detain criminals and dangerous criminal aliens. Do you believe the Marshals should be permitted to enter agreements with local and state facilities to hold federal detainees?

Response: The Marshals Service currently has over 800 inter-governmental agreements (IGAs) with local and state detention facilities to assist in the housing of an approximate daily prisoner population of 60,000. These IGAs are critical to Marshals ability to house pretrial detainees remanded into Marshals custody by federal judges. If confirmed, I look forward to working closely with our IGA partners to help manage those remanded to Marshals custody.

Private Detention Facilities

4. Do you agree with President Biden's executive order which prohibits the use of private detention facilities? Do you agree that prohibiting their use makes it more difficult for the U.S. Marshals to detain criminals and protect public safety?

Response: I don't know the practical effects of this executive order on Marshals Service detention operations. If confirmed as Director, I will have a responsibility to comply with all Executive Orders, and if I see particular issues implementing one, I will address those issues directly with the leadership of the Department.

5. If the number of private detention facilities continues to drop, what will the U.S. Marshals do to limit the risk to public safety from this executive order?

Response: I do not yet know the practical effects of implementing this executive order on the Marshals Service. If there are any implementation issues, I will work through them with Department leadership, state and local equities, and the Court.

Senator Tom Cotton
Written Questions for Ronald L. Davis
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1. Since becoming a legal adult, have you ever been arrested for or accused of committing a hate crime against any person?

Response: No.

2. Since becoming a legal adult, have you ever been arrested for or accused of committing a violent crime against any person?

Response: No.

3. Please describe with particularity the process by which you answered these questions and the written questions of the other members of the Committee.

Response: The Department of Justice received these questions on May 19, 2021. I worked with Department attorneys, conducted research, and answered the questions. I finalized and approved all answers to the questions and authorized their transmission to the Committee on May 24, 2021.

4. Did any individual outside of the United States federal government write or draft your answers to these questions or the written questions of the other members of the Committee? If so, please list each such individual who wrote or drafted your answers. If government officials assisted with writing or drafting your answers, please also identify the department or agency with which those officials are employed.

Response: Individuals at the Department of Justice helped draft answers based on my guidance and publicly available information. I finalized and approved all answers to the questions and authorized their transmission to the Committee on May 24, 2021.