

**OFFICE OF THE CLERK UNITED  
STATES DISTRICT COURT Northern  
District of California  
450 Golden Gate Avenue  
San Francisco, California 94102**

Diana L. Weiss  
CJA Supervising Attorney

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**RE: Application for Security Identification Badge**

Dear CJA Panel Attorney,

The court voted some years ago to permit the issuance of security identification badges to CJA panel attorneys who comply with specific issuance requirements. Permitting non-federal employees to carry security identification badges that allow the carrier to bypass the security magnetometers in designated federal courthouse is a privilege not granted lightly and the decision required the approval not only of the court, but of the United States Marshal (USMS), and the General Services Administration.

The granting of the privilege comes with the following requirements that must be met by attorneys appointed to the San Francisco, San Jose, Oakland, or Eureka CJA panels who wish to receive a security identification badge for use in any of the district's four courthouses:

**1. An FBI Criminal History Check that yields no permanent disqualifying criminal history (see Attachment 1 for the definition of disqualifying criminal offenses).**

- Criminal history checks through the FBI take several weeks to process. To expedite the process you can fill out the form on-line. Here is the link:  
<https://www.fbi.gov/services/cjis/identity-history-summary-checks>
- The fee for the criminal history check must be paid for by the panel attorney (the current cost is \$18).
- After you have submitted the application on line, you must submit by mailed the fee along with a set of hard copy fingerprints (do not use LiveScan) must be. Please do not submit your FBI application and fingerprint card to the court.
- The on-line application requests a "Mailing Address". Please have the results mailed to:

**United States Marshals Service  
Attn: Mark Kolc, Judicial Security Inspector  
450 Golden Gate Avenue  
San Francisco, CA 94102**

PLEASE NOTE: The court may require that criminal history checks be refreshed upon demand, should the court have reason to believe that a more current history check is warranted.

2. Once the USMS has received notice that you are cleared to receive a badge, I will notify you and set up a time for you to come in, have your picture taken, and badge issued. **Please review, sign, and bring with you to the appointment the CJA Panel Attorney Security Badge Application (Attachment 2) and the USMS Security Briefing regarding what may and may not be brought into the court when using a court issued identification badge to bypass security (Attachment 3)**

Please note that once issued, a security badge is valid for the term reflected on the badge, but may be renewed at the discretion of the Clerk's Office when a panel attorney completes their term but has ongoing CJA matters before the court.

The following restrictions apply:

- The badge may be revoked at any time at the sole discretion of the court or the USMS;
- The badge is for use only at San Francisco, San Jose, Oakland, and Eureka District Court courthouses;
- The badge is not transferable, and may not be copied or loaned to others;
- The badge must be turned in to the court's representative when a panel appointment term ends and the attorney no longer has CJA matters before the court, or if revoked;
- The badge must be reported immediately to the court's representative if lost or stolen;
- The badge may not exempt the holder from search or passage through the metal detector when requested to do so by a USM or other law enforcement officer;
- The badge may only be used during regular court hours for the conduct of official court business.

Please do not hesitate to contact me if you need additional information, or to check on the status of your badge issuance.

Sincerely,



Diana Weiss  
CJA Supervising Attorney

Attachments:

1. Disqualifying Criminal Offenses List
  2. CJA Panel Attorney Security Badge Application
  3. USMS Security Briefing
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## **ATTACHMENT 1: Disqualifying Criminal Offenses**

### **A Permanent Disqualifying Criminal Offense shall include one or more of the following convictions:**

1. Espionage
2. Sedition
3. Treason
4. A federal crime of terrorism as defined in 18 U.S.C. 2332 b(g), or comparable State law.
5. A crime involving a transportation security incident
6. Improper transportation of a hazardous material under 49 U.S.C. 5124, or a State law that is comparable.
7. Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. An explosive or explosive device includes, but is not limited to, an explosive, or explosive material as defined in 18 U.S.C. 232(5), 841(c) through 841(f), and 844(j); and a destructive device, as defined in 18 U.S.C. 921(a)(4) and 26 U.S.C. 5845(f)
8. Murder
9. Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a state or government facility, a public transportation system, or an infrastructure facility
10. Violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. 1961, et seq., or a comparable State law, where one of the predicate acts found by a jury or admitted by the defendant, consists of one of the crimes in this list
11. Conspiracy or attempt to commit any of the above crimes in this list

### **An Interim Disqualifying Criminal Offense shall include one or more of the following convictions:**

#### ***49 CFR 1572.103(b)***

1. Must not be convicted of or found not guilty by reason of insanity in a civilian or military jurisdiction, within seven years of the date of the application; or incarcerated for that crime and released from incarceration within five years of the date of the application, of any of the following felonies:
2. Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. A firearm or other weapon includes, but is not limited to, firearms as defined in 18 U.S.C. 921(a)(3) or 26 U.S.C. 5845(a), or items contained on the U.S. Munitions Import List at 27 CFR 447.21.
3. Extortion
4. Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering where the money laundering is related to a crime described in paragraphs 9a) or (b) of this section. (Welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation for purposes of this list)
5. Bribery
6. Immigration violations
7. Distribution of, possession with intent to distribute, or importation of a controlled substance
8. Arson
9. Kidnapping or hostage taking
10. Rape or aggravated sexual abuse
11. Assault with intent to kill
12. Robbery
13. Crimes relating to children and the elderly
14. Fraudulent entry into a seaport as described in 18 U.S.C. 1036, or a comparable State law.
15. Violations of the Racketeer Influenced and Corrupt Organization Act, 18 U.S.C. 1961, et seq., or a comparable State law, other than the offenses which are Permanent Disqualifying offenses
16. Conspiracy or attempt to commit any of the above crimes in this list

The court, through its designated representative, may at its sole discretion, after consultation the United States Marshal, deem one or more interim disqualifying offenses to be non-disqualifying offenses for the purpose of issuing a security clearance identification badge.

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**ATTACHMENT 2**

**OFFICE OF THE CLERK UNITED  
STATES DISTRICT COURT Northern  
District of California**

**CJA PANEL ATTORNEY SECURITY BADGE APPLICATION**

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**BAR NUMBER:** \_\_\_\_\_

**DATE APPOINTED TO THE PANEL:** \_\_\_\_\_

**DATE TERM ENDS:** \_\_\_\_\_

**PANEL(S):** San Francisco/Oakland  San Jose

Please consider my application for a court security identification badge. I have completed the following required steps:

1. Submitted an FBI background check request to the FBI (as directed in the letter I received);
2. Reviewed the list of criminal disqualifying offenses provided as an attachment to the letter I received;
3. Read and signed the USMS Security Brief provided as an attachment to the letter I received and will bring to my with Diana Weiss at the time of my appointment to receive my badge;
4. Read and agree to abide by the terms of issue.

**Signature:** \_\_\_\_\_

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

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## ATTACHMENT 3



### U.S. Department of Justice

United States Marshals Service

*Northern District of California*

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San Francisco, CA 94102

September 24, 2015

MEMORANDUM TO: CJA Panel Attorney/Media Pass Applicant

FROM:   
Donald M. O'Keefe  
United States Marshal

SUBJECT: Security Brief for Pass Issuance.

A CJA Panel Security Pass allows you the ability to bypass the security magnetometers at the entrance to the courthouses in N/CA. The intention of this memorandum is to provide a reminder and clarification as to the items that will not be allowed in the courthouse or near in-custody defendants.

-No weapons are allowed in the courthouse at any time, this includes firearms, knives, stun guns, pepper spray, or other items that could potentially be used as a weapon. Please be vigilant regarding letter openers, pens, or any other sharp items that could be used as a weapon in the proximity of defendants.

-Video and audio recording devices are not permitted in the courthouse or courtrooms. If you have a smartphone with this capability these functions may not be used while you are inside the courthouse.

-Since you will be in such close proximity to prisoners, please be extra vigilant with your personal belongings and bags. Please make sure they stay in your possession at all times while near prisoners or family members of defendants to ensure the safety and security of the court process.

-Any items or documents from non-court personnel and/or of a non-legal nature (i.e. personal letters, cards, etc.) cannot be given to defendants.

-Finally, please remember that this pass is only for yourself and does not grant you the ability to authorize other people to bypass security.

These prohibitions are intended to maintain the integrity of the proceedings and the safety of the courthouse. Failure to abide by these regulations may result in a loss of the ability to bypass the security on the ground floor.

If you have any questions or require additional information please contact the Marshals Service at 415-436-7660.

**U.S. MARSHALS SERVICE  
SECURITY BRIEF FOR CJA PANEL ATTORNEY PASS CLEARANCE  
ACKNOWLEDGEMENT**

By signing below, I acknowledge that I am in receipt of these prohibitions and agree to abide by them. I understand that any violation of these prohibitions may cause me to lose the privilege to bypass the security magnetometers at the entrance of the courthouses in N/CA.

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Printed Name of Recipient

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Signature

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Date

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