



# United States Marshals Service – POLICY DIRECTIVES

9.10

## PRISONER MARRIAGES

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**PROPONENT:** Prisoner Operations Division (POD)

**PURPOSE:** This directive establishes policy and procedures for marriages of prisoners in United States Marshals Service (USMS) custody.

**AUTHORITY:** The Director derives authority for the safekeeping of prisoners from 28 U.S.C. § 561(g) and 18 U.S.C. § 4086. The Director derives authority for the care and custody of prisoners from 28 C.F.R. § 0.111.

**CANCELLATION:** This policy directive supersedes USMS Policy Directive 9.10, *Prisoner Marriages*. This policy directive will remain in effect until superseded, updated, or cancelled.

**ADMINISTRATION AND LOGISTICS:**

1. Records Management: This operational policy directive document is maintained in accordance with the approved Specific Records Schedule, DAA-0527-2013-0018-0001.

**APPROVED BY:**

                  /s/                    
Donald W. Washington  
Director  
U.S. Marshals Service

                  04/20/2020                    
Effective Date

Updated Date: 10/18/2021

**A. Policy Statements:**

1. USMS prisoners retain the right to marry subject to restrictions related to their detention.
2. The district will defer to the detention facility's marriage policy or procedures where USMS policy or procedures are silent.
3. Unless otherwise ordered by the court, the district will defer a prisoner's marriage request if:
  - a. The marriage will interfere with the prisoner's judicial proceedings;
  - b. There are security concerns that the detention facility and/or the district cannot mitigate reasonably;
  - c. The detention facility does not allow marriages; or
  - d. The prisoner has been designated for imminent transfer from the district.
4. All costs incurred during any stage of the marriage will be the responsibility of the prisoner.
5. All requests for exceptions to this policy will be sent in memorandum format with the U.S. Marshal's signature to the Assistant Director, POD.

**B. Roles and Responsibilities:**

1. **POD:** Provides policy and procedures regarding prisoner marriage requests while in USMS custody.
2. **Office of General Counsel (OGC):**
  - a. Provides districts additional legal guidance to ensure districts comply with all federal prisoner marriage laws; and
  - b. Assists districts with complying with court ordered prisoner marriages that contradict USMS policy and/or district security concerns.
3. **Districts:**
  - a. Obtain approval from the Assistant U.S. Attorney (AUSA) and the detention facility before approving a prisoner marriage request;
  - b. Coordinate, if necessary, with the detention facility as to the date, time, location, and guest list when a prisoner marriage has been approved;
  - c. Coordinate with the OGC when a prisoner seeks a court order to overturn a marriage request deferral; and
  - d. Update the system of record after the prisoner is married.

**C. Procedures:**

1. When a prisoner requests to get married, the prisoner will provide the district with the name and identifying data (e.g., date of birth, social security number) of the individual they intend to marry.
2. The district will run a National Crime Information Center (NCIC) check on the individual the prisoner intends on marrying.

3. The district will contact the detention facility housing the prisoner to determine if the facility will accommodate the prisoner's marriage request.
4. The district will contact the AUSA to:
  - a. Determine if the marriage will interfere with the prisoner's court case; and
  - b. Identify and discuss any security concerns associated with accommodating the marriage.
5. If there are no objections to the prisoner getting married, the district will:
  - a. Defer to the detention facility's procedures on prisoner marriages; and
  - b. Inform the prisoner that all costs (e.g., paperwork, security, travel) incurred during any stage of the marriage process will be the responsibility of the prisoner.
6. If the detention facility, the AUSA, or the district defer the prisoner's marriage request, the district will inform the prisoner of the decision.
7. If the federal court orders the district to accommodate the prisoner's marriage request, the district will:
  - a. Inform the OGC about the court order;
  - b. Request the court to order the prisoner to reimburse the government for the cost of this accommodation to include any movement costs; and
  - c. Make the necessary arrangements to accommodate the prisoner's marriage.
8. Upon completion of the marriage, the district will update the prisoner's record.

**D. References:**

1. 28 C.F.R. § 0.111, [General Functions](#)
2. 28 U.S.C. § 561(g), [United States Marshals Service](#)
3. 18 U.S.C. § 4086, [Temporary Safe-Keeping of Federal Offenders by Marshals](#)