



United States Marshals Service POLICY DIRECTIVES

FUGITIVE INVESTIGATIONS

9.1 DETAINERS

- A. Purpose:** This directive sets forth United States Marshals Service (USMS) policy concerning the filing and management of detainers based upon warrants for arrest and/or escape violations.
- B. Authority:** The Director's authority to direct and supervise all activities of the USMS is set forth in [28 U.S.C. § 561\(g\)](#) and [28 C.F.R. § 0.111](#). The authority of the USMS to "execute all lawful writs, process, and orders issued under the authority of the United States" is set forth in [28 U.S.C. § 566\(c\)](#). See also the Interstate Agreement on Detainers, Pub.L. 91-538, §§ 1-9, Dec. 9, 1970, 84 Stat. 1397-1403 and [18 U.S.C. § 751](#) (the Escape and Rescue statute).
- C. Policy:**
1. **When to File:** The USMS shall lodge detainers against prisoners in the custody of other Federal, state, or local law enforcement agencies or correctional institutions when:
 - a. There is an outstanding Federal warrant for arrest for the prisoner for which the USMS has primary apprehension responsibility pursuant to Department of Justice policy or applicable memoranda of understanding; or
 - b. The subject is an escaped Federal prisoner in the custody of state or local authorities; or
 - c. Other circumstances exist which necessitate the filing of a detainer to lawfully prevent the release of a prisoner, and to enable the lawful assumption of custody of the prisoner by the USMS.
 2. **When Not to File:**
 - a. State and Local Fugitives (Task Force Cases):
 - 1) The USMS shall not file detainers for state or local fugitives under investigation by a fugitive task force. When task force investigations result in the location of a state or local fugitive in Federal, state, or local custody, the state or local agency with primary apprehension responsibility will be notified and requested to lodge a detainer, when appropriate.
 - 2) Districts shall not file detainers based solely upon violations of [18 U.S.C. § 1073](#) (Unlawful Flight to Avoid Prosecution or Confinement (UFAP or UFAC)) unless a Supervisory Assistant U.S. Attorney certifies, in writing, that the case will be prosecuted in U.S. District Court. In lieu of filing a detainer based upon a UFAP or UFAC violation, the appropriate law enforcement authorities will file a detainer based upon the state or local charges underlying the UFAP or UFAC.

- b. Non-USMS Fugitives:
 - 1) The USMS is not required to file detainers, or assume custody of prisoners prior to a remand by a Federal court when the basis for the detainer is a Federal warrant for arrest for which another law enforcement agency has primary apprehension responsibility. Responsibility for filing detainers rests with the agency with primary apprehension responsibility.
 - 2) Workload permitting, districts may at their own discretion, file detainers within their own district on behalf of other Federal agencies. However, districts opting to file detainers for other Federal agencies may not obligate other districts to do so on their behalf.
- 3. **Detainers Filed by the USMS with the USMS:** The USMS shall lodge detainers against prisoners in its own custody only under the following circumstances:
 - a. Charges in Multiple Districts: A detainer should be filed and the concerned U.S. Attorney's Offices should be notified and asked to request that a writ of habeas corpus be issued for the prisoner when the subject of the detainer is in USMS custody for charges in one judicial district, and a Federal warrant for arrest is outstanding in another district in connection with a separate case; or
 - b. U.S. Parole Warrants: The U.S. Parole Commission has requested that a detainer be filed based upon an outstanding Federal parole warrant and the subject of the detainer is in USMS custody in connection with an unresolved criminal case (prior to adjudication of guilt); or
 - c. Other Cases as Directed: When otherwise directed by a Federal court or the USMS Investigative Operations Division.
- 4. **Interstate Agreement on Detainers Notice and Speedy Trial Provisions:** Detainers lodged against sentenced prisoners that are based upon pending criminal charges that have not yet been tried are subject to the notice and speedy trial provisions of the Interstate Agreement on Detainers (IADA, Pub.L. 91-538, §§ 1-9, Dec. 9, 1970, 84 Stat. 1397-1403). Failure to meet the requirements of the IADA can result in the dismissal of the pending criminal charges with prejudice. Accordingly, it is essential that the proper detainer forms and procedures be used.
- 5. **Special Circumstances:**
 - a. Violations of Probation and Conditions of Supervised Release: If a warrant for arrest is issued for a violation of probation or violation of conditions of supervised release, and the subject of the warrant is already in USMS custody in the same district in connection with a different case, execute the warrant and produce the subject for an initial appearance on the violation. Exercise care to ensure that if the subject is afforded bail on the violation, that he or she is not released from custody unless and until the bail conditions on the original case are also met.
 - b. Escape Cases Where No Warrant for Arrest is Outstanding: For escape cases in which no prosecution is anticipated and a warrant for arrest is not issued (such as halfway house escapes), once the USMS assumes custody of the escapee, the district of arrest pending designation will hold the prisoner in custody. In the absence of a warrant for arrest, the authority to apprehend an escaped Federal prisoner stems from [18 U.S.C. § 751](#) as well as the judgment & commitment, court order, or other order directing that the prisoner be remanded to the custody

of the Attorney General. In the absence of a warrant for arrest, complaint, or indictment charging the escape, neither an initial appearance or removal hearing is required.

D. Procedures:

1. **Tracking via the Warrant Information Network:** Track detainers based upon warrants for arrest or escape notices in the Warrant Information Network (WIN). Once a detainer is filed, suspend active cases in WIN. Close cases in WIN (usually by using the "detainer lodged/custody taken" code) once the USMS assumes custody of the prisoner based upon the detainer or the process underlying the detainer. Detainers based upon judgment & commitment orders (other than escapes), orders of detention, orders setting conditions of release, or other process which is not fugitive-related shall be tracked using the "detainer lodged" field of the Prisoner Tracking System (PTS)).
2. **Department of Homeland Security, Bureau of Immigration and Customs Enforcement Detainer Files:** Maintain USMS records of detainers based upon Federal warrants for arrest and escape notices in the same manner as district fugitive investigative files.
3. **Exhaustion of Detainer:** Do not file detainers, or allow detainers to remain on file, unless a lawful basis exists for the USMS to assume custody of the subject of the detainer. Accordingly, once the warrant for arrest for the prisoner has been executed, or escape status of the prisoner has been terminated, lift the detainer. If a new basis for the lodging of a detainer exists (such as an order of detention, order setting conditions of release, or other court order), the appropriate office will file a new detainer.
4. **Purging of Detainer Files:** Review and update detainer files at least every 6 months.
5. **Place of Filing:** The USMS district in which the prisoner is in Federal, state, or local custody will file detainers. The originating district is responsible for tracking the detainer in WIN.
6. **Form of Detainer:** USMS personnel shall use the official USM-16 series of detainer forms or those generated by the Warrant Information Network (when they become available) in accordance with the procedures set forth below:
 - a. Use the [USM-16A](#) to file detainer lodged against unsentenced prisoners based upon a federal warrant.
 - b. Use the [USM-16B](#) to file detainers based upon Federal Judgment and Commitment orders and maintain separately from warrant detainers unless the detainer is lodged against an escaped Federal prisoner and no warrant for arrest has been issued for the escape.
 - c. Use the [USM-16C](#) to file detainers based upon warrants for arrest issued by the U.S. Parole Commission.
 - d. Use the [USM-16D](#) to file detainers based upon violations of probation and/or supervised release.
 - e. Use the [USM-16E](#) is used to file detainers against unsentenced prisoners who are brought into federal custody, but need to remain in custody pending further criminal proceedings.

- f. Use the [USM-17A](#), is to be used against a sentenced state prisoner who is the subject of a federal arrest warrant and who is required to be advised of his/her rights under the interstate Agreement on Detainers Act. to the concerned U.S. Attorney's offices.
 - g. Use the [USM-17B](#), is to be used against sentenced federal prisoners. Although the Interstate Agreement on Detainers Act does not apply to sentenced federal prisoners, these prisoners still need to be advised of their right to a speedy federal trial under [18 U.S.C. § 3161](#).
7. **Notification of U.S. Attorney's Office, U.S. Parole Commission, or Other Concerned Agency:** Once a detainer based upon an untried offense is filed, notify the case Assistant U.S. Attorney of the place of confinement of the prisoner and the date the detainer was filed, and provide a copy of the detainer to him or her. Also notify the case agent (if the USMS is not the originating case agency). Notify and provide a copy of the detainer to the U.S. Parole Commission and/or probation officer for violations of parole. For violations of probation, notify the concerned U.S. Probation Officer. In escape cases, notify the Bureau of Prisons. In all cases, promptly notify the originating USMS office when the subject of a USMS detainer comes into USMS custody.

E. Definitions:

- 1. **Detainer:** a written request from one law enforcement or correctional agency (the requesting agency) to another having custody of a prisoner (the holding agency), requesting the holding agency detain the prisoner for surrender to the requesting agency, upon the release of the prisoner by the holding agency.
- 2. **Certificate of Inmate Status:** a certificate of the appropriate official having custody of a prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decision of the State parole agency relating to the prisoner; (see Interstate Agreement on Detainers, Pub.L. 91-538, §§ 1-9, Dec. 9, 1970, 84 Stat. 1397-1403).



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.2 HOUSING PRISONERS IN UNITED STATES MARSHALS SERVICE (USMS) CUSTODY

- A. Proponent:** Office of the Director/Deputy Director (DD), as supported by the Prisoner Operations Division (POD), 202-307-5100.
- B. Purpose:** The United States Marshals Service (USMS) is responsible for determining the appropriate locations where prisoners will be confined. The United States Marshal (USM) is responsible for obtaining adequate detention space to house USMS prisoners in his or her district.
- C. Authority:** The Director's authority to supervise the USMS and issue written directives is set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561\(g\)](#).
- D. Conditions:** Detention facilities which the USMS uses must meet USMS minimum conditions of confinement. These conditions are as follows:
1. Staff is on duty 24 hours a day to supervise prisoners;
 2. Three adequate meals a day are provided to prisoners;
 3. Adequate emergency medical coverage is available 24 hours a day;
 4. Adequate fire and other emergency plans and procedures are followed;
 5. There is adequate security;
 6. Adequate sanitation and hygiene services are available;
 7. An adequate suicide prevention policy is in place; and
 8. There is adequate access to prescription drugs.
- Inadequate Facilities:** Where such necessary services are not provided, the facility should not be used. In such situations, the USM should contact POD for additional guidance.
- E. Types of Facilities:** USMs will house USMS prisoners in the following types of facilities, in the order listed:
1. Federal Bureau of Prisons (BOP) facilities: Whenever available and cost effective, allocated BOP detention beds (which can be used without charge for USMS prisoners) should be utilized for overnight detention of USMS prisoners;
 2. Local detention facilities participating in the USMS/Intergovernmental Agreement Program (IGA): The USM, as the manager of his or her district's detention space resources, should actively pursue the development of agreements with a sufficient number of non-federal detention facilities to ensure adequate and sufficient housing for his or her prisoner population. Facilities should be sought which can provide special

prisoner services such as mental care, juvenile and female prisoner housing, and minimum-security housing for illegal alien material witnesses and their dependents;

3. Private detention facilities contracting with the USMS; and
4. Non-IGA Detention Facilities through a Limited Use Agreement (LUA) in an Emergency Situation: A detention facility can be used without an IGA in an emergency when a facility is not used on a routine basis or pending completion of negotiations for an IGA. Before placing USMS prisoners in a non-IGA detention facility for the first time, the USM will inspect the detention facility to make sure it meets minimum conditions of confinement standards denoted on Form [USM-218A](#), *Limited Use Inspection Certification Temporary Housing*. If all minimum conditions of confinement are not present, the facility will not be used.

Cancellation Clause: Supersedes Policy Directive 9.2, *Prisoner Detention and Housing*.

Authorization and Date of Approval:

By Order of:

 / S /
John F. Clark
Director
U.S. Marshals Service

Effective Date:

 7/6/10



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.3 CONTRACT GUARDS

- A. Proponent:** Office of the Director/Deputy Director (DD), as supported by the Prisoner Operations Division (POD). Telephone: 202-307-5100.
- B. Purpose:** This policy directive establishes policy and procedures for acquiring District Security Officers (DSOs) under a personal services contract.
- C. Authority:** The Director's authority to issue written directives is set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561 \(g\)](#). The United States Marshals Service (USMS) derives its authority to acquire DSOs under personal services contracts from [28 U.S.C. § 565](#). The Federal Prisoner Detention (FPD) appropriation authorizes funds for the housing, care, and safekeeping of federal prisoners. [28 U.S.C. § 565](#) and [28 C.F.R. § 0.111 \(k\)](#), authorize the disbursement of appropriated funds to satisfy government obligations. This includes the custody of federal prisoners while confined in non-federal medical facilities. The services of individuals used as hospital guards must be covered by the issuance of Form [OF-347, Order for Supplies or Services](#) (small purchase). It is strongly recommended that each United States Marshal (USM) obtain such hospital guard services through a formal guard contract with the USMS or as part of an Intergovernmental Agreement (IGA) with a state and local government. If additional guidance is required, contact the Procurement Office, Financial Services Division (FSD).
- D. Policy:** It is the policy of the USMS to allow USMs, the Justice Prisoner and Alien Transportation System (JPATS), and the Special Operations Group (SOG) to acquire DSO services pursuant to personal services contracts.
- E. Procedures:**
1. **General:**
 - a. **Working Title:** Personal services contract guards in the districts will be referred to as DSOs. JPATS personal services contract guards will be referred to as Aviation Security Officers (ASOs). For the purposes of this policy, the terms "District Security Officer" and "DSO" will refer to both District Security Officers and Aviation Security Officers. When a reference is made to the USM, this term shall refer to the USM, the Assistant Director (AD), JPATS, and the Commander, SOG.
 - b. The authority and jurisdiction extended to, or provided by, the personal services contract is strictly limited to the period of time the services are directly provided by the DSO to the USMS. No authority to enforce federal laws or to carry a concealed weapon is extended to the DSO unless performing official duties for the USMS.
 - c. **Contract Detention Facility Guard Services:** Whenever possible, the USMS shall acquire guard services, as a part of the IGA(s) with local detention facilities. Payments for such services are made directly to the detention facility and

charged to the FPD appropriation sub-object class code 1150, *Compensation, Guards*.

- d. **Reimbursement from Federal Bureau of Prisons (BOP):** BOP prisoners serving sentences in local detention facilities are provided transportation and hospital guard services by district offices on a reimbursable basis. Form [SF-1080](#), *Voucher for Transfer Between Appropriations and/or Funds* is completed by USMs and submitted to the Community Corrections Manager (CCM) for certification. The CCM submits Form [SF-1080](#) to their regional office for processing. Upon receipt of a check, the district deposits the reimbursement to the FPD appropriation, sub-object class code 1150.
- e. **Guards for BOP Prisoners:** When a BOP facility requires contract guard services, the USMS guard company contract may be expanded to include BOP. The BOP facility requiring guard services is responsible for contacting the guards, establishing a guard schedule, monitoring the detail, and making direct payment to the guard company for services performed.

2. **Legal Considerations:**

- a. Although they may appear to be government employees, individuals engaged under personal services contracts are not employees of the United States government, the Department of Justice (DOJ), or the USMS, nor are they engaged to replace full-time, permanent USMS employees. The DSO is providing services as an independent contractor and no master/servant, employer/employee, or agency relationship is created by the contract. Individuals engaged as contract DSOs are not appointed to the federal civil service and are not eligible to be enrolled in the Federal Employees Health Benefits Program. Additionally, DSOs are not entitled to pension benefits, annual or sick leave, health insurance benefits, or other federal employee pay benefits or services.
- b. Individuals engaged under personal services contracts may be considered employees for the purposes of government liability in civil matters and for the purposes of workers' compensation under [5 U.S.C. § 8101, et seq](#), *Federal Employees Compensation Act*. In the event of an injury to a DSO, the USM shall notify the Chief of Detention Operations, POD.
- c. State or local police agencies or employees may ask the USMS on a case-by-case basis to indemnify them for any liability as a result of using an off-duty police officer as a personal services DSO. The USMS cannot execute open-ended indemnification agreements because of the potential for violating the [Anti-Deficiency Act](#).

3. **Scope of Services:**

- a. **DSO Duties:**
 - 1) Securing and processing federal prisoners in the cellblock, courtroom, and during transportation;
 - 2) Securing and transporting federal prisoners to and from medical appointments and/or hospitalization; and

- 3) Securing federal, seized, or forfeited property (including entry control, roving patrol, fixed posts, and emergency response).
- b. **Restrictions:** DSOs may not be used for:
- 1) Any investigations;
 - 2) Out-of-district special assignments;
 - 3) International extraditions (JPATS ASOs may be an exception during prisoner movements);
 - 4) Personal security details;
 - 5) Witness security details (JPATS ASOs may be an exception during prisoner movements);
 - 6) Administrative support functions; or
 - 7) Any supervisory function.
- c. **Work Schedule:** Contracted hours will be scheduled on an "on call/as needed" basis.
- d. District and JPATS management will determine if a DSO is able to safely perform duties for the USMS on those occasions when the DSO has also worked a shift or specified hours with a local agency (i.e., working a double shift).
- 1) Form USM-7, *BiWeekly Time Report*, is used to record all DSO hours.
 - 2) DSOs cannot be scheduled for more than 16 USMS duty hours per day.
 - 3) Overtime compensation may be paid after 40 hours have been worked under the USMS contract per work week (Sunday 0001 hours through Saturday 2400 hours). Any overtime compensation paid to a DSO must be at the overtime rate specified in the contract (if any) and approved, in advance, by the USMS.
 - 4) USMS operational personnel have the right to first refuse an opportunity to work overtime hours prior to a DSO being offered overtime, provided Law Enforcement Availability Pay (LEAP) hours have been worked, and the event has been scheduled a week in advance (if applicable).
 - 5) Termination of Services: Personal services contracts for DSOs may be terminated by the Contracting Officer (CO) pursuant to the termination clause of the contract ([Federal Acquisition Regulation \(FAR\) 52.249-12](#)). The clause requires 15 days advance notice to terminate services. All USMS property and identification must be accounted for and collected by the termination date.

4. **Requirements:**

- a. **General Requirements:** All DSO applicants must fulfill the following requirements:
- 1) Be a United States citizen;

- 2) Be at least 21 years of age;
- 3) Have a high school diploma or equivalent;
- 4) Speak, read, and write the English language;
- 5) Possess a valid driver's license;
- 6) Demonstrate a proficiency in firearms that meets USMS standards if the assignment requires the use of an armed DSO;
- 7) Be physically able to perform the full range of DSO duties without limitation as described in the [Statement of Work for Personal Services - Contract District Security Officers](#) (SOW) (for minimum standards reference Form [USM-600](#), *Physical Requirements of USMS District Security Officers*);
- 8) Have no immediate medical problems (i.e., amputations, deformities, and/or disabilities) that would restrict strenuous exertion or prevent satisfactory performance;
- 9) Have no history of medical problems (i.e., uncontrolled high blood pressure, heart or respiratory disease) that would restrict strenuous exertion;
- 10) Have no other health-related problems such as alcohol dependency, controlled substance abuse, illegal drug use, mental illness, or psychological disorders which impede their ability to perform the essential functions of the position; and
- 11) Must not have been convicted of a crime of domestic violence. The applicant must be able to comply with all requirements of the Lautenberg Amendment.

b. **Categories:** Categories are used to separate DSO applicants into groups for the purpose of contracting procedures and processing. These categories do not represent any hierarchy of qualifications.

- 1) Category 1 consists of those who are actively employed or reserve sworn state or local law enforcement officers with a minimum of one year full-time law enforcement employment/experience.
- 2) Category 2 consists of the following:
 - a) Former/retired sworn federal, state, or local law enforcement officers with a minimum of one year full-time law enforcement experience who are separated no longer than five years from law enforcement employment. DSO applicants who have been working as Court Security Officer's (CSO's) but have been separated for more than five years from law enforcement employment must ask for an exception as noted below in section E.4.c., *Five Year Requirement Exceptions*;
 - b) Former/retired military police with full-time experience who have performed comparable duties supervising detainees on a regular

basis and who are separated no longer than five years from law enforcement employment; and

- c) Private security/correctional officers. Employment as a private security officer does not qualify applicants unless they have at least three years of full-time security duties monitoring detainees on a regular basis. Applicants must also have received an accredited law enforcement certification of training. Academic or technical training may not be substituted for experience.
- c. **Five Year Requirement Exceptions:** On a limited basis, certain Category 2 DSO applicants may be granted an exclusion from the five year separation requirement. In these cases, the requesting district/division must send a request to the Chief of Detention Operations outlining the rationale for this exception. A determination is then made by the Chief of Detention Operations and the requestor is notified of the decision. The DSO in question may not be utilized until a positive determination has been made to waive this requirement.
 - d. **Special Deputation:** Formal Special Deputation is not required for a DSO to provide services while armed or unarmed. The [SOW](#) authorizes the DSO to perform services while armed, carry a concealed firearm, cross jurisdictional boundaries, and enforce federal laws. Pursuant to [28 U.S.C. § 566\(d\)](#), DSOs are designated as officials of the USMS, are authorized to carry firearms, and can make arrests in accordance with federal law while performing official duties.
5. **Requisite Training:** The districts and JPATS are responsible for ensuring that the DSO receives required training within 30 calendar days of first providing service. Recertification of DSOs who have previously completed the initial training must be accomplished on an annual basis.
- a. Both initial and recertification training is performed using the USMS DSO Training CD-ROM which contains all the mandatory videos. The current USMS policies designated for DSO training will be posted through a link located on POD's intranet site. The completion of each training requirement is noted on Form [USM-601](#), *District Security Officers Personnel Certification*, and maintained in the district DSO certification file.
 - b. Additionally, DSOs assigned to JPATS must receive rear cabin crew member training annually.
 - c. Each DSO receives training from district or JPATS personnel on the proper application and removal of all USMS restraints. DSOs must demonstrate their proficiency to the satisfaction of district and JPATS management.
 - d. Each DSO receives training from district or JPATS personnel on the proper procedures and policies for conducting all USMS searches of a person, vehicle, and other articles. DSOs must demonstrate proficiency to the satisfaction of district and JPATS management.
6. **Firearms/Less-Than-Lethal Devices:** The districts and JPATS shall identify those DSOs who are required to provide services while armed. Before providing services while armed, DSOs must meet the training and qualification requirements stated in the current Policy Directive 2.3, [Firearms](#), unless otherwise specified in this policy directive. Special Deputation is not required for DSOs to provide services while armed.

- a. Active and reserve sworn state and local law enforcement officers (Category 1) may carry the handgun and ammunition authorized for carry by the agency with whom they are employed after the USMS district firearms instructor has inspected the firearm for compliance with Policy Directive 2.3, [Firearms](#).
 - b. DSOs (Category 2) may carry approved handguns and ammunition after inspection and approval by the USMS Firearms Instructor for compliance with Policy Directive 2.3, [Firearms](#). Questions regarding specific weapons that comply with Policy Directive 2.3, [Firearms](#), may be directed to the Training Academy Armorer. Category 2 DSOs may also be issued excess USMS firearms for carriage while on duty in accordance with Policy Directive 2.3, [Firearms](#). In these cases, consult with the Office of Property Management (PMO), Management Support Division (MSD), regarding the availability and acquisition of USMS-owned firearms for issuance to DSOs.
 - c. DSOs under special circumstances may be issued USMS shotguns and ammunition as approved by the USM, AD, or designee. Rifles are not authorized for DSO use.
 - d. **Firearms Qualification:**
 - 1) Category 1 DSOs are exempt from USMS firearms qualifications if they certify on Form [USM-602](#), *Affirmation of Work Qualifications for DSOs* that they are currently qualified and authorized to carry their duty firearm. Otherwise, the USMS is required to qualify Category 1 DSOs in accordance with Policy Directive 2.3, [Firearms](#).
 - 2) Category 1 DSOs must have been qualified by their agency within the past 12 months and must meet their agency requirements. Otherwise, the USMS is required to qualify the DSOs in accordance with Policy Directive 2.3, [Firearms](#).
 - 3) Category 2 DSOs are required to qualify in accordance with Policy Directive 2.3, [Firearms](#).
 - e. **Less-Than-Lethal Devices:** The use and issuance of less-than-lethal devices to DSOs are at the discretion of district or JPATS management. Category 1 DSOs may carry less-than-lethal devices issued by their department or agency if their training meets or exceeds USMS standards as determined by the certified USMS Less-Than-Lethal Instructor and the USM/AD (or their designee). The districts and JPATS may issue Categories 1 and 2 DSOs USMS less-than-lethal devices for use only after the DSOs have completed the required training according to Policy Directive 2.1, [Less-Than-Lethal Devices](#) and the issuance has been approved by the USM, AD, or designee. In cases where a Category 1 DSO's departmental less-than-lethal weapon training does not meet USMS standards, those DSOs must complete USMS training before issuance.
7. **Accountable Property:** All USMS accountable property such as USMS-issued weapons, USMS-issued identification, and related property or equipment shall be secured in USMS custody at the end of each tour of duty.
- a. USMS management may waive this requirement when exigent circumstances make it impractical to secure issued items (i.e., an overnight assignment). Exceptions may be granted only on a non-recurring basis.

- b. Lost or stolen government property, including weapons, identification, uniforms with the USMS insignia, or other issued equipment, must be immediately reported to the USM or designee. Lost or stolen accountable property must be reported according to Policy Directive 7.1, [Management of Personal Property](#).
 - c. Accountable property must be retrieved from DSOs before their services are discontinued.
 - d. A Supervisory Deputy United States Marshal (SDUSM) or designee will be responsible for oversight.
8. **USMS DSO Identification Card:** USMS DSOs may be issued a standardized identification card when it is determined that an operational need exists. The procedures outlined below must be followed to ensure uniformity with USMS issued identification cards. No alterations, additions, or deletions are permitted to this identification card. This district/division issued identification is separate from the standard United States Government Identification (Smart Card) as required for unescorted DSOs by [Homeland Security Presidential Directive 12](#) (HSPD 12), *Policy for a Common Identification Standard For Federal Employees and Contractors* (reference section E.9. below):
- a. The Personnel Security Branch (PSB), Office of Security Programs (OSP), Tactical Operations Division (TOD), has oversight of DSO identification.
 - 1) DSO identification cards are only issued utilizing Form [USM-230A](#), *USMS Contract Guard*, supplied by PSB, TOD, which issues the protocol for DSO identification cards.
 - 2) The DSO identification cards are governed by Policy Directive 17.08, [Badges and Credentials](#).
 - b. Districts and JPATS will be responsible for printing, issuing, and accounting for the DSO identification.
 - 1) Districts may issue DSO identification in a pin and clip form or credential case form.
 - 2) Two photographs are taken of each DSO. One will be placed on the identification card. The second photograph is maintained by the district or JPATS in the DSO certification file.
 - 3) Identification cards are printed and laminated as directed by TOD.
 - 4) Identification cards are hand receipted annually on a Form [USM-288](#), *Hand Receipt*, to be maintained in the DSO certification file.
 - 5) Districts and JPATS must retrieve DSO identification cards when the contract expires or when it is determined that the individual will no longer perform services for the USMS.
 - 6) Districts and JPATS will develop a log book of issued identification cards and this book is maintained by the USM or designee. The log book contains at a minimum the following information: ID number, DSO's full name, date of issue, expiration date, and the initials of the person issuing the identification card.

- 7) DSO identification cards will expire no later than three years from the date of issuance.
9. **HSPD 12 - Smart Card:** This Presidential Directive (August 2004) ordered that all federal employees and contractors be issued a standard identification to access federally controlled facilities and/or information systems. This mandatory identification for unescorted DSOs is separate from the discretionary DSO identification card directly issued by the district/division. Based on this directive, the below outlined HSPD 12 security procedures shall apply to each new or existing DSO whose background investigation process begins after October 27, 2005. The effective date for the issuance of Smart Cards began on October 2006 for all employees and contractors, to include DSOs. The following procedures are completed in conjunction with DSO *Background Investigation (BI) Requirements*, reference section E.12 below.
 - a. The DSO will report to the designated district/division management official to complete Form [USM-394](#), *Personal Identity Verification and Request for Government Identification Card*.
 - b. District management will verify two forms of identification in accordance with the Form [I-9](#), *Employment Eligibility Verification*. These forms of identification must be copied and scanned. Districts unable to scan the documents shall maintain hard copies.
 - c. District management will complete part 2 of Form [USM-394](#), *District Verification*, and takes a digital photograph of the DSO applicant and two Form [FD-258](#), *Applicant Fingerprint Cards*. The Form [USM-394](#) is digitally signed by the district verifying official.
 - d. The district will send Form [USM-394](#), along with a digital photo, a copy of Form [I-9](#) and copies of identification documents via email to PSB-Contractor@usdoj.gov. The email includes the DSO's name as it appears on birth records (including full middle name), social security number, date of birth, place of birth (including city, county, and state), and email address. Fingerprint cards are sent to PSB, TOD, via government mail. If the district is unable to scan the identification documents, they can be mailed with the fingerprint cards.
 - e. PSB processes the DSO applicant upon receipt of the email containing Form [USM-394](#) and the applicant identifying information. PSB emails the DSO instructions for completing security forms. The DSO will complete the forms online. In the event the DSO does not have an email address, PSB should be contacted for an alternative means of completing the security forms. Please note that mailing the information increases the time period to complete the process.
 - f. After the DSO completes the security forms, PSB initiates a background investigation with the Office of Personnel Management (OPM).
 - g. Upon receipt of the OPM background investigation, PSB adjudicates and notifies the district of the results.
 - h. All Smart Cards are printed by the Office of Courthouse Management (OCM), MSD, and forwarded to the USM/AD for issuance to the DSO.
10. **Oversight:** FSD, Procurement Office, has oversight of the policies pertaining to procurement. Human Resources Division (HRD), Benefits and Payroll, has oversight of the policies pertaining to the National Finance Center (NFC) payment of personal

services contractors. The Office of Finance, FSD, has oversight of the policies pertaining to DSO appropriations.

11. **Contracting, General:**

a. Guidance for procuring DSO Personal Services Contracts can be found in Policy Directive 6.7, [District Security Officer \(DSO\) Personal Services Contracts](#). A DSO provides services under a personal services contract. DSOs perform services stated in the [SOW](#) with the full knowledge that the authority vested in them can only be exercised in furtherance of the objective of the contract. No changes to the [SOW](#) are allowed without written permission from the Assistant Director, POD.

b. **Reporting Relationships:**

1) Reporting relationships are as follows:

- a) CO: The USM, or designee, will assign a CO to administer the DSO program. The CO is a person who has been delegated contracting authority by the Procurement Chief. The CO has overall responsibility for award procedures, contract administration, monitoring contractor performance, and contract close-out. Only the CO may change the terms and conditions of a contract.
- b) Procedures and Documents for the CO: The CO completes Form [OF-347, Order for Supplies and Services](#), noting the DSO hourly, overtime, and not-to-exceed purchase order value upon receipt of Form [USM-157, Requisition for Procurement of Supplies, Service, and Equipment](#).
- c) Contracting Officer's Technical Representative (COTR): COs, upon guidance from FSD, Office of Procurement, may appoint an individual selected by the district or program office to act as an authorized representative in the monitoring and administration of personal services DSOs. To be determined eligible, individuals must comply with Policy Directive 6.1, *Procurement Authority and Oversight*, section H. [Acquisition Career Management Program](#) for COTRs and possess a valid, current COTR Certificate of Appointment issued by the Procurement Chief. Contractor performance issues must be documented and forwarded to the respective CO. COTR duties and responsibilities are delegated, in writing, by the CO. (Refer to the Attachment section in Policy Directive 6.7, [District Security Officer \(DSO\) Personal Services Contracts](#), for the sample of the *COTR Designation Letter*.) Justice Acquisition Regulations (JAR) Clause [2852.201-70, Contracting Officer's Technical Representative \(COTR\)](#) (Jan 1985) must be incorporated into the contracts. [JAR Clause 2801.7001-702\(d\)](#) places limitations on the authority that can be given to the COTR. Under no circumstances shall the COTR be given, or perform duties, that are inconsistent with this JAR provision.
- d) Market Research: Prior to submission of the requisition package to the CO, the COTR/Program Office should conduct market research, in accordance with [Federal Acquisition Regulation](#)

[\(FAR\) Part 10](#), to support the amount of the Independent Government Price Estimate (DSO Hourly Rate). Some suggested sources for market research for DSO services are:

- 1) The hourly rate (without benefits) paid to employees with comparable duties by local sheriff departments, police agencies, or state correctional institutions;
 - 2) Survey the hourly rate paid by various private businesses to area law enforcement officers for off-duty employment; and/or
 - 3) Contact local private guard companies to determine the wages they pay their employees (not the rate the company charges) for a comparable level of responsibilities.
- e) DSO Past Contract Performance Evaluation: An evaluation of contract performance will be prepared for each contract after the work is completed. The COTR must complete the contractor performance evaluation within 14 days after the end of the contract period of performance (end of fiscal year). The evaluation is recorded in the Contractor Performance Evaluation section of Form [USM-601](#). Since the evaluation results are used to support future contract award decisions, they are marked "Source Selection Information," and may only be released to government personnel and the contractor. The completed evaluation will be placed in the DSO's procurement file for documentation purposes. If the rating is determined to be unacceptable, the affected DSO shall be given a minimum of 30 days to submit comments, rebutting statements, or additional information to the CO. Any disagreements between the parties are then reviewed by an official at a level above the CO (generally the USM/Division Head or their designee). After reviewing all documentation, if the unacceptable determination is supported by the USM/Division Head (or their designee), the affected DSO will not be utilized for future contracts.
- 2) Oversight: DSOs receive general direction or oversight from the USM or their designee when performing DSO functions. Such direction and oversight must be consistent with the terms and conditions of the contract. Questions or concerns regarding contractual or performance issues must be referred to the CO.
 - 3) Changes in Qualifications, Employment, or General Requirements: It is the responsibility of the DSO to immediately notify the USM or their designee of any significant changes in these areas.
- c. **Affirmation of Work Qualifications for DSOs:** Form [USM-602](#), *Affirmation of Work Qualifications for District Security Officers*, is used to streamline procedures and affirm training requirements for DSO applicants. Category 1 applicants' current law enforcement agency may certify to the USM that the applicant/officer is not the subject of any internal or external investigations, under suspension, or on medical or administrative leave. Recertification is required on an annual basis or upon change of law enforcement agency or department. It is

the responsibility of the DSO to immediately notify the CO of any significant employment change to include those listed above. (Refer to Form [USM-602](#).)

- d. **Records Maintenance:** Two separate files must be maintained by the district/JPATS for each DSO.
- 1) **Procurement File:** The FAR requires the creation of a procurement/contract file. This file must contain, at a minimum, the following:
 - a) The original contract document, including the [OF-347](#) and [SOW](#);
 - b) Requisition Package, including Form [USM-157](#);
 - c) Central Contractor Registration (CCR) - copy of the approved deviation from CCR requirements for guards under personal services contracts;
 - d) COTR certificate and designation letter;
 - e) File documentation sufficient to support the contract award and explain CO decisions made during the procurement process and contract administration; and
 - f) Contract administration documents.
 - 2) **DSO Certification File:** This file contains the following forms:
 - a) Form [I-9](#);
 - b) Form [USM-600](#). A category 1 fitness-for-duty criterion is satisfied if Form [USM-602](#) is signed and returned;
 - c) National Crime Information Center (NCIC)/National Law Enforcement Telecommunication System (NLETS) records;
 - d) Form [USM-602](#);
 - e) Form [USM-234](#), *Personal Qualifications Statement (Contract Guard)*;
 - f) Form [USM-288](#) (if applicable); and
 - g) Form [USM-601](#).
- e. The Procurement file will be retained by the CO. The DSO Certification file will be retained by the district/division following Policy Directive 1.4, [Records Management](#).

12. **BI Requirements:**

- a. **General:** All DSOs, both escorted and unescorted, must first have a NCIC/NLETS criminal records check completed by the requesting district before the DSO is allowed to perform any work for the USMS. This documentation is placed in the DSO Certification file and will be completed before background materials are sent to PSB, OSP, TOD.

- b. **DSO Duties Prior to BI Completion:** Pending the receipt of the approved background investigation, the DSO is limited to performing DSO training requirements.
- c. **Required DSO BIs:** Depending on the category assigned to each DSO (escorted or unescorted), one of two types of BIs must be completed and approved by PSB, OSP, TOD, before the DSO may work. Escorted and unescorted are defined as follows:
 - 1) Escorted DSO is used on a limited part time basis and is required to be in the presence of USMS personnel at all times while performing services at or on federal or USMS property. For those DSOs categorized as escorted, no BI is necessary. The DSO must comply with the above *Records Maintenance*, [DSO certification file](#), which requires at a minimum a NCIC/NLETS check.
 - a) Limited part-time employment is defined as 240 hours or less per fiscal quarter. If an individual (escorted use only DSO) exceeds the 240 hours in a fiscal quarter, the guard shall immediately be reclassified as an unescorted DSO, regardless of the guard's actual escorted status and must not be used until all background checks have been completed.
 - b) The CO shall receive copies of all the escorted DSOs USM-7s and is required to review and maintain the USM-7s to insure compliance with the [limited part-time employment](#), as stated above.
 - c) District SDUSMs shall ensure that escorted DSOs are fully escorted the entire time they are in USMS space for this policy to comply with [HSPD 12](#).
 - 2) Unescorted DSO is a multiple use contractor and may be granted access to federal or USMS property without being in the presence of USMS personnel. An unescorted DSO may be granted this access only after having passed either a National Agency Check with Inquiries (NACI) for a Category 1 DSO or Minimum Background Investigation (MBI) for a Category 2 DSO. Unescorted DSOs that either have a break in service of 365 days or more or who are approaching their five year incremental anniversaries must be reported by the CO to TOD for background suitability.
- d. **Category 1 Unescorted DSOs:** A NACI BI must be completed and approved for each DSO applicant in this category before services may be rendered. Based on the full-time law enforcement status possessed by this level of DSO, the less intensive NACI BI is approved for use in these circumstances. The following completed documentation is forwarded to PSB, TOD when an NACI is required:
 - 1) Two signed copies of Form [FD-258](#);
 - 2) Form [SF-85P](#), *Questionnaire for Public Trust Positions* (one original with signature and date) through the *e-QIP Applicant Site*;
 - 3) Form [DOJ-555](#), *Disclosure and Authorization Pertaining to Consumer Reports Pursuant to the Fair Credit Reporting Act* (one original with signature and date); and

4) Form [I-9](#).

e. **Category 2 Unescorted DSOs:** A MBI must be completed and approved for each DSO applicant in this category before services may be rendered. The following completed documentation is forwarded to PSB, TOD when an MBI is required:

1) Two signed copies of a [FD-258](#);

2) [SF-85P](#) (one original with signature and date) through the [e-QIP Applicant Site](#);

3) Form [DOJ-555](#) (one original with signature and date); and

4) Form [I-9](#).

(Although the documentation sent to TOD is similar for both the NACI and MBI, the required investigation level for the MBI is more comprehensive.)

f. **Hospital Guards:**

1) **General:** Stationary or hospital guards provide custody control over federal prisoners. Guard services may be provided by a state or local jail through an IGA, individual off-duty police or correctional officers, or established guard or security companies. USMs are responsible for determining the placement of prisoners under the supervision of a guard, the number of guards required for a detail, that the qualifications of guards used meet established standards, and that guards are properly instructed as to their duties and responsibilities.

2) **Control of Guard Use:** The USM is responsible for the safekeeping and custody of prisoners remanded to his or her custody. The USM determines on a case-by-case basis the status and level of security required for prisoners needing hospitalization or outpatient medical care and may elect to utilize guards and/or deputies to perform hospital guard services. Guards will be paid from the FPD appropriation. Deputies who perform hospital guard services shall be paid from the Salaries and Expenses (S&E) appropriation.

3) **Standards for Hospital Guards:** Every individual who is to be used to perform hospital guard services is required to complete Form [USM-234](#). However, police officers or correctional officers employed on a full-time basis, and whose good standing with a state or local government agency has been verified by the USM, do not need to complete Form [USM-234](#). Guards who are employed by guard service companies are normally not required to complete Form [USM-234](#) as the work performance standards are clearly stated in the formal contract. USMs are required to review each guard application to ensure that individuals meet or exceed the requirements specified.

4) **Firearms/Less-Than-Lethal Devices:** The districts will designate the contract guards which they require to provide services while armed. Before providing services while armed, contract guards must meet the training and qualification requirements stated in the current Policy

Directive 2.3, [Firearms](#), unless otherwise specified in this policy directive. Special Deputation is not required for contract guards to provide services while armed.

- 5) **Training and Orientation of Hospital Guards:** USMs are to provide orientation for individual hospital guards or employees of guard service companies following current USMS policy directives on prisoner processing, district policy and procedures, and specific requirements, duties, and functions listed on procurement documents.
- 6) **Individual Hospital Guard Records:** Districts are to maintain a folder for each individual guard for a period of three years after the last date of service. The guard folder is to contain the district's copy of Form [OF-347](#); Form [USM-234](#) if required; a record of services performed including dates, locations, and prisoners assigned; and each payment voucher. Tax and payroll records may be maintained separately. It is also advisable to maintain a picture and a copy of fingerprints on individuals who are not active law enforcement or correctional officers.
 - a) **Hospital Guard Rates:** Individual hospital guard rate ceilings are to be negotiated and set in writing by the USM. Formal guard company contract rates and guard services provided by an IGA jail are established based upon cost and pricing data and Department of Labor wage rates.
 - b) **Accounting Procedures:** The USM or an authorized Certifying Officer shall review and approve individual guard logs, Form [USM-237](#), *Record of Prisoner Medical Hospital Expenses*, and vouchers submitted for payment. Guard service payments are charged against the FPD appropriation, sub-object class codes 1150 and 1223.
- 7) **Guards for BOP Prisoners:** BOP institutions are responsible for providing and paying directly for health care and guard services for committed BOP prisoners. The USMS does not accept transfer of custody of BOP inmates for the purpose of providing medical services. When a federal institution has a need for contract guard company services, and the contract guard company expresses an interest in performing services for the institution, the formal guard company contract may be expanded to include BOP. However, the institution requiring such guard services is responsible for contacting the guards, establishing a guard schedule, monitoring the detail, and making direct payment to the guard company for services performed.
 - a) **Reimbursements from BOP:** Prisoners serving sentences in local contract jails are provided transportation and hospital guard services by district offices on a reimbursable basis from BOP. Form [SF-1080](#) should be completed by the USM and submitted to the CCM for certification. The CCM should then submit Form [SF-1080](#) to his or her regional office for processing. Upon receipt of a check, the district deposits the reimbursement to the FPD appropriation under sub-object class code 1150.
- 8) **Guard Transportation of Prisoners:** Hospital guards may also be used to transport prisoners to and from detention centers for local outpatient medical care or hospitalization at the discretion of the USM. Guards

utilized for such transportation must be trained and certified in USMS prisoner security and prisoner handling procedures by the USM.

- 9) **Hospitals with Security Wards:** Most large cities have established security wards in one or more public hospitals to serve local prisoner needs. The USMS will use these facilities whenever possible for federal prisoners requiring hospitalization to reduce the drain on agency resources.
- 10) **Hospital Visitation:** The USMS may authorize, under certain circumstances such as terminal or major illnesses, visits by a prisoner's family and friends. Attorney visits may also be permitted with prior USMS approval. Any hospital visit will only be permitted when appropriate security as deemed necessary by the USMS is available. Hospital guards are given a list of visitors, in advance, approved by the USM. Hospital guards shall maintain a visitor register showing name (established with proper identification), address, date, and time of visit. Visits are limited in duration by the district office and hospital policy.
- 11) **Deliveries to Hospitalized Prisoners:** The USMS will instruct hospital personnel and all hospital guards that no items will be directly delivered to or accepted for any hospitalized prisoner (i.e., packages, mail, flowers, and/or legal materials). On rare occasions where a reasonable circumstance exists for these transfers to occur, all requests to deliver any item to a hospitalized prisoner will first be directly transmitted to the USM or their designee for their approval or denial. Any approved item will then be delivered directly to the respective USMS office for security screening and review. Once the item has been designated as safe and appropriate for delivery to the prisoner, USMS personnel (not hospital guards) will directly transfer the item to the hospitalized prisoner.

13. **Payment of DSOs:**

- a. **Federal Insurance Contributions Act (FICA) Withholding:** The USMS is required by the Internal Revenue code to withhold and report FICA, a Medicare and Social Security Tax.
- b. **Overtime Pay:** Overtime shall not be paid unless authorized by the contract. If overtime is required, a separate line item with an estimated number of overtime hours and the overtime hourly rate shall be included on the contract.
- c. **NFC Payment:** DSOs will be paid through the NFC payroll system. It is not required or recommended to remove DSOs from the NFC when their services are discontinued.
 - 1) District offices are responsible for the overall implementation and maintenance of payroll records for DSOs using the NFC payroll system.
 - 2) A separate Form USM-7 is used to record the DSO's hours within a two-week pay period.
 - 3) The following forms are required to enroll a DSO in the NFC and these forms are sent to FSD:
 - a) Direct Deposit Sign-up Form;

- b) Form [DOJ-233](#), *Employee Locator Information*; and
- c) Form [W-4](#), *Withholding Allowance Certificate*.

4) Table 1. Appropriation and Sub-object Classification

Personal Service Contracts			
TYPE OF DSO ACTIVITY	APPROPRIATION	SUB-OBJECT CLASSIFICATION	REIMBURSABLE
Transportation to and from courthouse/ cellblock	S&E (0324)	1101 (NFC pay) 1142 (overtime pay) 1223 (FICA)	No
Prisoner handling, courtroom security, cellblock operations, prisoner processing	S&E (0324)	1101 (NFC pay) 1142 (overtime pay) 1223 (FICA)	No (regular duty) Yes (in support of a Special Assignment)
JPATS: to and from prisoner movement and processing	S&E (0324) 4575X (JPATS only)	1101 (NFC pay) 1142 (overtime pay) 1223 (FICA)	Yes (PT reserve)
Transport/securing prisoners to and from medical appointments and hospital details [to include the time spent securing the prisoner(s) at a medical facility]	FPD (1020)	1101 (NFC pay) 1142 (overtime pay) 1223 (FICA)	No

F. Responsibilities:

1. **USMs/Chief Deputy United States Marshals (CDUSMs)/JPATS:**

- a. Identify the need for DSOs, complete the requisition package, assist the CO by evaluating the suitability of applicants.
- b. Provide training for DSOs on proper USMS policies and procedures.
- c. Print, issue, and maintain accountability for DSO identification and equipment.
- d. Ensure Form [USM-601](#) is completed annually certifying that all DSOs' required certifications and evaluations have been completed.

2. **POD:**

- a. Assist the districts and JPATS with the overall administration of DSO policy and procedures.
- b. Review/Approve the [SOW](#) for Personal Services DSOs and any amendments to a [SOW](#).

3. **HRD:**

- a. Provide assistance and oversight of the NFC payroll system for the USMS.

4. **TOD:**

- a. Process and review MBIs.
 - b. Provide assistance and oversight of the DSO identification program.
5. **FSD:**
- a. Under the authority of [JAR 2802.101](#), the Procurement Chief is responsible for supervising, managing and directing all contracting activities in the USMS. The Procurement Chief, assisted by other members of the Procurement Office, has oversight responsibility for all aspects of the procurement process, including contracting procedures, contract administration, procurement policy and development of the [SOW](#).
 - b. Process procurement actions for contracts in excess of the district or divisions contracting authority.
6. **OGC:**
- a. Assist the districts, JPATS, and the CO in interpreting laws, regulations, and legal instruments, and defend the USMS in any actions brought before a federal court or administrative tribunal.
 - b. Review the [SOW](#) for Personal Services DSOs and any amendments to a [SOW](#).
7. **CO:** The CO has the authority to enter into, administer, or terminate contracts, and make related determinations and findings. As required by [FAR 1.602-2](#), COs are responsible for ensuring performance of all necessary actions for effective contracting, ensuring compliance with the terms of the contract, and safeguarding the interests of the United States in its contractual relationships.

G. Definitions:

- 1. **Aviation Security Officer (ASO):** The working title for security officers who are contracted by and perform duties for JPATS.
- 2. **District Security Officer (DSO):** The working title for security officers who are contracted by USMS judicial districts and perform duties for that USMS district office.
- 3. **Escorted DSO:** DSOs who are required to be in the presence of USMS personnel while performing services at or on federal or USMS property.
- 4. **Unescorted DSO:** A DSO who is granted access to federal or USMS property without being in the presence of USMS personnel after having passed a MBI or NACI.
- 5. **One Year Full-Time Law Enforcement Experience:** Actual law enforcement experience totaling 2,087 hours.
- 6. **Less-Than-Lethal Devices:** Oleoresin Capsicum aerosols (OC spray), expandable baton, stun-gun, or as defined in Policy Directive 2.1, [Less-Than-Lethal Devices](#). The current Policy Directive 2.1, [Less-Than-Lethal Devices](#) governs authorized non-lethal devices and training.

H. DSO Check List:

DSO Check List	Source of Contract Service DSOs (X Indicates Required Item)	
	Category One	Category Two
Applicant General Criteria		
United States Citizen	X	X
21 Years or older	X	X
High School diploma or equivalent	X	X
Speak, read, and write English	X	X
Possess valid driver's license	X	X
Free of misdemeanor or greater arrest or conviction for crimes of domestic violence (Lautenberg Amendment)	X	X
Currently not under any court restraining orders	X	X
Meets all financial responsibilities and debt	X	X
Free of alcohol and drug dependency	X	X
Free of history of controlled substance abuse	X	X
Free of illegal drug use	X	X
Physically able to perform the full range of duties without limitations as described in the SOW	X	X
Applicant Specific Criteria		
Actively employed or reserve sworn state or local law enforcement officer with one year experience	X	
Minimum of one year experience in law enforcement and/or security matters related to prisoner handling and detention		As required
Minimum of three years experience of full-time DSO duties supervising detainees		

DSO Check List	Source of Contract Service DSOs (X Indicates Required Item)	
	Category One	Category Two
		As required
Meets local law enforcement agency's physical/mental fitness standards	X	
Free of local law enforcement agency's internal investigations	X	
Approved by local law enforcement agency for outside work	X	
Trained and qualified by local law enforcement agency in the use of an approved handgun and authorized to carry it off duty	X	
Trained and qualified by local law enforcement agency to carry Oleoresin Capsicum Aerosols (OC) spray	Optional	Optional
Trained and qualified by local law enforcement agency to carry expandable baton	Optional	Optional
Trained and qualified by local law enforcement agency in proper handcuffing and prisoner searching procedures and techniques	X	As required
Trained by local law enforcement agency in Bloodborne/Airborne Pathogens	Optional	Optional
Procurement Forms		
USM-602 , Affirmation of Work Qualifications for DSOs	X	As required
SOW/Contract	X	X
USM-157 , Requisition for Supplies and Services	X	X
Optional Form 347 , Order for Supplies and Services	X	X
NFC Forms		
W-4 , Withholding Allowance Certificate (1)	X	X

DSO Check List	Source of Contract Service DSOs (X Indicates Required Item)	
	Category One	Category Two
DOJ-233 , Department of Justice Locator	X	X
Direct Deposit Sign-Up	X	X
Minimum Background Investigation Forms		
Form I-9 , Employment Eligibility Verification	X	X
FD-258 , Applicant Fingerprint Cards (2)	X	X
DOJ-555 , Disclosure and Authorization Pertaining to Consumer Reports	X	X
SF 85P, Questionnaire for Public Trust Positions (sent electronically by DSO)	X	X
Training		
Required Video Training (USMS DSO Training CD-ROM)	X	X
Firearms Qualification (Handgun)	Optional	X
Firearms Qualification (Shotgun)	Optional	X
Review of USMS policies and procedures (Current policy requirements are located on POD's Intranet Site)	X	X
Demonstration of Proper Prisoner Searching and Restraint Application Skills	X	X

References

1. [USM-600](#), Physical Requirements of USMS District Security Officers
2. [USM-601](#), District Security Officers Personnel Certification
3. [USM-602](#), Affirmation of Work Qualifications for District Security Officers
4. [Statement of Work](#), Personal Services DSO (09/2005 version)
5. [Hospital Detail Post Orders and Activity Log](#) (sample)

I. **Cancellation Clause:** Supersedes Policy Directive 9.3, *Contract Guards*.

J. **Authorization and Date of Approval:**

By Order of:

Effective Date:

 /S/
John F. Clark
Director
U.S. Marshals Service

 8/23/10



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.4 PRISONER HEALTH CARE

For additional guidance, please refer to Publication No.100, [USMS Prisoner Health Care Standards](#).

- A. Purpose:** to establish written policies and procedures for the provision of health care services to prisoners in the custody of the USMS.
- B. Authority:** Standards set by the American Correctional Association (ACA), National Commission on Correctional Health Care (NCCHC) and good medical practices established by the professional medical community. Authority to manage standards for prisoner health care is provided by [18 U.S.C. § 4006](#), [18 U.S.C. § 4013](#), and [18 U.S.C. § 4086](#).
- C. Policy:**
1. The USMS will ensure that all USMS prisoners receive medically necessary health care services while ensuring that federal funds are not expended for unnecessary or unauthorized health care services. USMS policy applies to health care services and products which are to be charged to the USMS and/or which require the prisoner to make visits anywhere outside of the detention facility in which he or she is confined. Services and products provided to USMS prisoners within detention facilities at no cost to the USMS are not prohibited by this policy.
 2. Upon recommendation of a competent medical authority or physician, the USMS will acquire and pay for reasonable and medically necessary care (including emergency medical care) to ensure the well-being of all USMS prisoners. The USMS will not, however, provide **elective or preventive** medical care. Emergency medical care will be provided to all USMS prisoners immediately.
 - a. Definition: Reasonable and medically necessary health care services include medical services, supplies, and/or equipment provided by a hospital or licensed health care provider that the USMS determines meet the following criteria:
 - 1) Appropriate to diagnose or treat the patient's condition, illness, or injury
 - 2) Consistent with standards of good medical practice in the United States
 - 3) Not primarily for the personal comfort or convenience of the patient, family, or provider
 - 4) Not part of or associated with the scholastic education or vocational training of the patient
 - 5) Inpatient care that cannot be safely provided on an outpatient basis
 - 6) Not identified within the [USMS Prisoner Health Care Standards](#), Publication No. 100 as "not covered"

- b. Examples: Conditions requiring treatment that the USMS has determined meet the following criteria:
 - 1) Emergency and life-threatening, limb-threatening, sight-threatening, or hearing-threatening conditions
 - 2) Accidental or traumatic injuries incurred while in the custody of the USMS
 - 3) Acute illnesses
 - 4) Chronic conditions which are considered life threatening, or if left untreated would likely lead to a significant loss of function or death
 - 5) Any other medical condition which the treating physician documents will cause deterioration of the prisoner's health or uncontrolled suffering if left untreated
3. **USMS Prisoner Health Care Standards:** Medical interventions, procedures, medications and medical devices that are listed in the brochure [USMS Prisoner Health Care Standards](#), USMS publication No. 100 are NOT authorized for payment by the USMS unless ordered by the court, or have been pre-authorized by OIMS.

The USM will provide notification of this policy to all detention facilities that house USMS prisoners. The [USMS Prisoner Health Care Standards](#) are available to all detention facilities and is to be a reference of services provided to USMS prisoners. Inquiries should be directed to the Office of Interagency Medical Services (OIMS) at (202) 307-9680.

If a USM learns that a prisoner is petitioning the court to order the USMS to provide a medical intervention, procedure, medication or medical device which is not authorized under this policy, the USM will contact OIMS for assistance. That office can provide professional assistance to the district petitioning the court.
4. **Appeals:** Appeals for denial of a requested prisoner health care service may be initiated by the prisoner, a medical provider, or a legally appointed advocate (defense attorney, legal guardian) in writing to the USM. In order to be considered for a valid appeal, it must be provided to OIMS in writing with complete supporting medical documentation. Additional documentation may be requested by OIMS as needed.
5. **Refusal of Care:** A prisoner may refuse, in writing, specific health evaluation and treatments. If the prisoner refuses to sign the refusal form, it must be signed by at least two witnesses. When health care is rendered against the patient's will, it is in accordance with state and federal laws and regulations (see Mental Health Policy). The USM will maintain a copy of refusals in the prisoner's district file.
6. **Inside Healthcare Services:** All inside healthcare services must be provided to USMS prisoners in accordance with established state or local detention facility policy and procedures, as well as applicable provisions of the IGA.
 - a. All inside medical care services, except dialysis services, rendered inside the facility are considered to be covered by the per diem rate. Federal prisoners will be provided the same services as state and local prisoners through the per diem rate.

- b. Supplies and Equipment: Medical supplies and equipment, dispensing of over-the-counter or prescription medications from within-house medical stock are covered by the per diem and may be provided to USMS prisoners.
- c. Medications: Over-the-counter (OTC) medications are covered by the per diem rate and are not billable to the USMS. The USM will inform (a *sample letter Requesting the Use of Generic Drugs*) attending health care providers and detention facility medical staff to use generic medication for USMS prisoners prescriptions, whenever available. Generic medications are generally less expensive than brand-name medication and usually equally effective.

7. **USMS Approval for Outside Health Care:**

- a. When a USMS prisoner is transported for emergency medical care, the detention facility is responsible for notifying the USMS as soon as possible.
- b. In accordance with the provisions of the IGA, or private detention contract, the local detention facility must notify the USM that a USMS prisoner needs outside health care. The USM must pre-authorize outside medical care for USMS prisoners other than emergency care.
- c. When outside care results in multiple medical bills, only one pre-authorization from the USM is required. For example, a prisoner is hospitalized for surgery but only one pre-authorization is issued for this "incidence of care." Bills from the hospital, surgeon, radiologist, laboratory, etc. associated with this hospital stay are all covered by the USM pre-authorization.
- d. USM pre-authorizations for prescription drugs (although technically an outside medical service) are not required. However, when there is a question about a high cost prescription drug, the USM should contact OIMS at (202) 307-9860 for review and assistance.
- e. If a USM prisoner is provided prescription medications from a commercial pharmacy outside the facility that pharmacy should bill the USMS directly for the medication.
- f. If a USM prisoner is provided medical equipment from outside the facility the provider should bill the USMS directly for the equipment.

8. **Hospital Admissions:** When a USMS prisoner is admitted to the hospital, the USM is encouraged to contact OIMS as soon as possible at (202) 307-9680 for medical case management assistance.

9. **Medical Clearance Requirements for Prisoner Movement or Transfer**

- a. Form [USM-553](#), *Medical Summary of Federal Prisoner/Alien in Transit*
 - 1) Must be completed by detention facility medical staff prior to transfer of a USMS prisoner. The facility is required to document all medical diagnosis (present and past) pertinent to the continuity of medical care.
 - 2) Must include a list of current medications and medical equipment (i.e., CPAP machine, Oxygen), supplies (i.e., colostomy, port-a-cath) and/or devices (i.e., canes, walker, wheelchair) needed during ground or air transport or at the new detention facility.

- 3) USM district management will review all USMS prisoner medical needs prior to placement at a detention facility, whether in district or out of the federal court city (i.e., holdover facility).
 - 4) USM district management will ensure proper arrangements are made to provide continuity of medical care for USMS prisoners.
 - b. Medical Record Documentation: USMS district management will ensure that the USM-553 reflects the latest medical information to support continuity of care efforts.
10. **Transfer to Holdover Facility:** Prisoners with serious chronic medical conditions or acute care needs should be evaluated for transfer based upon their medical needs and continuity of care requirements. Refer to the *General Guidelines for USMS Districts and HC Providers in Determining Appropriate Transfer for USMS Prisoners* Memorandum dated July 15, 2005.
11. **Prisoner Health Insurance:** If a USMS prisoner has health insurance and is willing to complete the necessary paperwork to process the claim, the health care provider will be instructed to submit all medical bills directly to the prisoner's insurance company. If a USMS prisoner is unwilling to use his or her health insurance, USMS field management may attempt to have the U.S. Attorney obtain a court order to compel such use, since having such medical coverage, in essence, means that the medical care is prepaid by the prisoner. However, using prisoner health care insurance may be impossible when the health insurance plan requires treatment by specified providers. USMS prisoners may not use their own health insurance to purchase health care services excluded by the [USMS Prisoner Health Care Standards](#), unless court order and pre-authorized by OIMS
12. **Section of Health Care Providers:** In accordance with USMS prisoner security requirements, prisoners will not be allowed to select their own health care providers. The USMS will retain ultimate control over the selection of health care providers for prisoners, as well as the time and place of any community medical care provided. When medical appointments are made, all health care providers will be directed by USM not to disclose information about possible future appointments or subsequent follow-up care that may be planned or scheduled. Medical care providers will be given a copy of the [USMS Prisoner Health Care Standards](#) and/or referred to the USMS website. They will be directed to review these standards when planning and delivering health services to prisoners in USMS custody.
13. **Delay of Treatment:** Prisoners in custody of the USMS are usually in USMS custody for a short period of time (less than 1 year) during their pretrial and trial phase. Many medically appropriate, non-emergency procedures can and will be delayed until after the prisoner's judicial status is resolved, as long as there is no serious health risk to the prisoner. Treatment of pre-existing conditions which are not life threatening or medically necessary will be delayed until after the prisoner's judicial status is resolved. In cases where the USM learns from the attending health care provider that the medical care for the prisoner is required but can be delayed, the USM will contact OIMS for technical assistance and medical case management.
14. **Initial Processing-Medical Records Release Form:** Upon initial arrest and intake, or the time of voluntary surrender processing, every USMS prisoner will complete a [USM-552 Prisoner Medical Records Release Form](#). Refer to cellblock operations for information on use of the form [USM-552](#). The purpose of this form is to obtain written consent for release of medical records to the USMS while the prisoner is in USMS custody, as well as to verify whether the prisoner has medical insurance for billing purposes. The original of this form will be maintained in the prisoner's file at the district

(rather than the detention facility), and will accompany the prisoner when he or she is transferred to another USMS district and/or to BOP for service of sentence.

15. **Respiratory Infectious Disease Screening:** The USMS district management will ensure that USMS prisoners will be medically screened for tuberculosis and other respiratory infectious diseases. Refer to USMS, [Prisoner Airborne Pathogen Control](#) directive.
16. **Hunger Strike:** The USM will notify OIMS upon learning that a USMS prisoner has declared themselves to be on a hunger strike or observed to be on a hunger strike.
17. **Notification of Termination of Financial Responsibility:** Occasionally, the federal courts may issue an order which directs individuals in USMS custody with serious medical problems be released effective the date of the court order. Therefore, health care providers or hospitals may encounter instances of USMS prisoners who are hospitalized in their facilities and then released from USMS custody on short notice. The USMS has financial responsibility for the medical care for that individual only up until the date of the court-ordered release. When the USM first becomes aware that such an action is anticipated, he or she will coordinate with the Financial Services Director of the hospital as well as with the attending physician to let both the individuals know of any such pending action. If custody is terminated, the USM will provide immediate written notice to the Financial Services Director of the hospital and the attending physician and attach a copy of the federal court order. This notice will ensure that the health care providers and hospitals are aware of the shift in custody and the termination of USMS financial responsibility for the patient.
18. **Informed Consent:** In cases where a USMS prisoner is unable to give informed consent for the provision or withdrawal of medical care, the USM will attempt to contact the prisoner's next of kin or any person who is legally designated by the prisoner to give such consent. The next of kin or person who is legally designated by the prisoner will be the person responsible for giving informed consent for the prisoner. If no next of kin can be located, the USM will request the U.S. Attorney to petition the court to designate someone to act on behalf of the prisoner. In no case will the USM act on behalf of the prisoner in giving informed consent.
19. **Prisoner Medical Duty Officer of the Day:** OIMS is staffed with United States Public Health Service Commissioned Nurse Officers who are available to answer prisoner medical questions 24 hours a day, 7 days a week. For urgent prisoner medical consultation after business hours (Eastern Time), USMS employees will ask the USMS Communications Center to contact the Prisoner Medical Duty Officer. During regular business hours OIMS nurses can be reached at (202) 307-9680.

D. Definitions:

1. **Outside Medical Care:** Medical care provided to a prisoner outside the walls of the detention facility or institution.
2. **Elective Care:** Medical care which is not medically necessary to preserve the life and/or health of the prisoner.
3. **Emergency Care:** Medical care immediately necessary to preserve the life, health, limb, sight or hearing of the prisoner.
4. **Generic Medication:** Prescription medications, the names of which are not protected by a trademark, but which are of the identical chemical structure of a medication which is

protected by trademark. Such medication is generally much less expensive than brand-name medication.

5. **Respiratory Infectious Disease Screening:** Medical care to identify airborne infectious diseases such as tuberculosis, SARS, etc. Such care is considered medically necessary in order to protect the health and well-being of prisoners, staff, and the public.
6. **Inside Care:** Medical care provided inside the walls of the detention facility or institution, whether by detention facility staff or contract medical staff, i.e., physical therapy, infusion therapy, intake screening, infectious disease control measures, sick calls, OTC medications, etc.
7. **Medically Appropriate Care:** Medical care that is consistent with good medical practice but is not necessary to preserve the life and/or health of the prisoner.
8. **Medically Necessary Care:** Medical care which is necessary to preserve the life and/or health of the prisoner. Delay of such care may be determined by a medical professional as appropriate depending on the circumstances.
9. **Pre-authorization:** Authorization for the provision of a particular medical treatment or service which is obtained prior to providing the treatment of service. In the case of the USMS, preauthorization applies to USMS prisoner medical care (not prescription medications) which the USMS is financially responsible.
10. **Pre-existing Condition:** A medical condition of a prisoner that exists at the time of the prisoner's arrest or remand to the custody of the USMS.
11. **Preventive Care:** Medical care provided for the purpose of preventing future illness or disability, including general health screening, nutritional counseling, exercise regimens, stop-smoking programs, etc. With the exception of the initial health screening, preventive health care is not typically provided to the USMS prisoners unless specifically ordered by a physician based on clinical findings indicating medical necessity.



United States Marshals Service **POLICY DIRECTIVES**

PRISONER OPERATIONS

9.5 Health Care For Pregnant Prisoners

- A. Proponent:** Office of the Director/Deputy Director, as supported by the Prisoner Operations Division (POD), Office of Medical Operations (OMO) 202-307-9680.
- B. Purpose:** To establish written policies and procedures for the provision of health care services to prisoners in the custody of the United States Marshals Service (USMS).
- C. Authority:** The Director's authority to direct and supervise all activities of the USMS is set forth in [28 U.S.C. § 561\(g\)](#) and [28 C.F.R. § 0.111](#). Authority to manage standards for prisoner health care is provided by [18 U.S.C. § 4006](#), [18 U.S.C. § 4013](#), and [18 U.S.C. § 4086](#).
- D. Policy:** All female USMS prisoners will receive medically necessary reproductive health care while in USMS custody. This policy refers to health care services and products which are to be charged to the USMS, and/or which require the prisoner to make visits anywhere outside of the detention facility to which she is confined. Services and products provided to USMS prisoners within correctional facilities at no cost to the USMS are not prohibited by this policy. Refer to USMS Prisoner Health Care Standards, Publication No. 100 for additional guidance.
- E. Procedures:**
1. **Pregnancy Services**
 - a. **Covered Services for Pregnant Prisoners:** The following pregnancy services are authorized for payment by the USMS:
 - 1) Tests to confirm pregnancy diagnosis (blood or urine).
 - 2) Prenatal vitamin supplements.
 - 3) Prenatal examinations according to standards of care defined by the American College of Obstetricians and Gynecologists (ACOG).
 - a) Once a pre-authorization for routine care is approved, it will cover all subsequent routine visits associated with that pregnancy. Districts should note this on the initial approval. Districts may still request notification of pre-natal visits from the detention facility in order to track outpatient visits for billing and security purposes.
 - b) Requests for medical care during the prenatal period that are not classified as routine prenatal care should be sent to Office of Interagency Medical Services (OIMS) for review. Some examples of non-routine prenatal care are as follows: testing, additional ultrasounds and stress tests.

- 4) Hospitalization for labor and delivery followed by a maximum of 48 hours hospitalization after vaginal delivery and 72 hours after delivery by cesarean section. Requests for extension of hospitalizations must be pre-authorized by OIMS.
- 5) An initial sonogram, to determine fetal age and/or size, when ordered by the health care provider.

b. Non-covered Services for Pregnant Prisoners: Absent a court order or pre-authorization from OIMS, the following pregnancy services are not authorized for payment by the USMS:

- 1) Amniocentesis, unless ordered in writing by the attending physician because of clinical findings indicating possible complications.
- 2) Subsequent sonograms unless ordered in writing by a physician because of clinical findings indicating possible complications.
- 3) Home uterine monitoring devices, unless ordered in writing by a physician because of clinical findings indicating possible documented complications.
- 4) All infant medical care after delivery, including the first newborn exam and routine screening.
- 5) Voluntary surgical sterilization, even when performed at the time of delivery.
- 6) The USMS may contest court pregnancy services particularly in cases where the services do not appear to be in compliance with USMS Prisoner Health Care Standards. Districts are encouraged to call OIMS to consult with medical staff concerning court ordered pregnancy services.

2. Prisoner Pregnancy and Child Care:

a. United States Marshal (USM) Responsibilities:

- 1) Once a pregnancy has been determined (or upon arrest of individuals known to be pregnant) the USM must immediately inform the prisoner and/or her attorney that the prisoner is responsible for making all arrangements for the infant's care. These arrangements (to include child placement and financial responsibility for all associated medical care costs after delivery) must be documented in writing well before the expected time of delivery.
- 2) The USM will also notify the OIMS so that it may provide the district with additional technical assistance.
- 3) As soon as the USM is aware of the pregnancy of a USMS prisoner, he or she will consult with the defense attorney, the United States Attorney, and the court to review the potential for the prisoner's release on bond or personal recognizance. The court may also consider home confinement and electronic monitoring by Pretrial Services as an alternative to USMS detention.

- 4) If the prisoner will not be released prior to delivery, the USM must ensure that the prisoner is placed under the care of an obstetrician as soon as possible for appropriate prenatal care.
- 5) At the same time, the USM will inform the prisoner that she must immediately make formal arrangements for the placement of the child prior to delivery. The prisoner will be advised to contact her defense attorney to assist in determining, as soon as possible, who (i.e., relatives or community social service agencies) will have responsibility for the care, custody and costs associated with the child immediately after birth.
- 6) The USM will provide the following information to both the attending physician(s) as well as the hospital, in written form, well in advance of admission to the hospital for delivery:
 - a) Sample Letter (Pregnancy) to Medical Provider, and
 - b) Sample Letter (Pregnancy) to Hospital.

b. **Prisoner's Responsibility:**

- 1) Child placement and care is the responsibility of the prisoner. Under no circumstances may the newborn child be returned to the detention facility with the prisoner, except in accordance with the detention facility's visiting policy, if any. The USM may assist the prisoner, as appropriate, in contacting the prisoner's family or community social service agency to assist the prisoner in determining the placement of the child.
- 2) It is the responsibility of the prisoner to notify the court, the USM, the hospital and the attending physician, in writing, of her placement decision as well as the financial responsibility arrangements she has made for her child's care.
 - a) [Child Financial Responsibility Notification \(English\)](#): The purpose of this form is to specify financial responsibility for any children born to a female prisoner while in USMS custody. The USMS is not financially responsible for the care of such dependants, and it is the responsibility of the prisoner, working with her defense attorney, to make appropriate financial arrangements prior to delivery. This financial responsibility form is to be completed by the individual or entity that will assume responsibility for the child or children immediately after delivery. The USM will provide a copy of this completed form to all attending physicians as well as to the hospital where the prisoner will be admitted for maternity care and delivery.
 - b) [Child Financial Responsibility Notification \(Spanish\)](#)

3. **Prisoner Abortions:** The prisoner is solely responsible for determining whether to have an abortion or to bear the child. Whenever a request for an abortion is made, the USM must immediately notify OIMS.

- a. **Federally Funded:** If the prisoner elects to have an abortion, the USM may expend federal funds for the abortion procedure only in the following circumstances:

- 1) **Endangerment of Life:** When a physician states in writing that the life of the mother would be endangered if the fetus were carried to term, the USM must be provided with written medical evidence from the attending physician that the mother's life would be so endangered. This information must be coordinated in advance with OIMS to ensure that appropriate medical criteria have been met.
- 2) **Rape:** If the prisoner claims that the pregnancy is the result of rape, the USM will coordinate with the court, the United States Attorney and the defense attorney to obtain and verify a written statement from the prisoner detailing the circumstances of her claim.

If either of these two circumstances is confirmed by a medical provider and the prisoner chooses to have an abortion, she will be directed to work with her defense attorney and sign a written statement to document her decision. After the abortion request has been processed and approved by OIMS and the Office of General Counsel, then the USM will make the necessary secure arrangements for the prisoner to have an abortion at an appropriate facility at government expense.

- b. **Not Federally Funded:** A USMS prisoner may elect to have an abortion consistent with state law. As federal funds cannot be used to pay for an elective abortion, the prisoner must pay for it herself or through the assistance of community facilities:
 - 1) If the prisoner elects to have an abortion, she will sign a written statement acknowledging that she assumes total responsibility for the decision to have an elective abortion, including a statement that she will assume all financial responsibility for the abortion. This statement will be provided to the USMS, OIMS and the medical provider prior to scheduling the abortion and all financial arrangements must be finalized by the prisoner through her defense attorney before the USM makes any transportation arrangements.
 - 2) The prisoner will work directly with her attorney to petition the court for bail reduction, personal recognizance, temporary release from custody, and/or transfer to third-party custody, to facilitate the abortion procedure.
 - 3) In the event that these alternatives are not feasible and the prisoner must remain in custody, USMS funds may only be used for secure escort and reasonable transportation charges to an appropriate facility for performance of the abortion.
 - 4) It is the responsibility of the prisoner and her attorney to identify community sources of assistance for elective abortions. The USM is not to assist in identifying sources of such assistance. However, when an appropriate facility has been identified and all financial arrangements finalized by the prisoner, the final arrangements (time and date of the procedure) will be strictly controlled by the USM, in order to maintain prisoner security.

F. Definitions:

1. **Amniocentesis:** Fetal diagnostic procedure involving the surgical trans-abdominal perforation of the uterus to obtain amniotic fluid for testing.

2. **Preauthorization:** Authorization before a particular medical treatment or service is provided. In the case of the USMS, preauthorization applies to USMS prisoner medical care that is provided outside of the detention facility or institution and for which the USMS is financially responsible.
3. **Prenatal Care:** Medical care provided to a woman during pregnancy, including routine health screenings (weight, blood pressure, pulse, temperature) prenatal vitamin supplements, and nutritional counseling.



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.6 PRISONER AIRBORNE PATHOGEN CONTROL

(Airborne pathogens include but are not limited to Tuberculosis (TB) and Severe Acute Respiratory Syndrome (SARS)).

- A. Proponent:** Office of the Director/Deputy Director (DD), as supported by the Prisoner Operations Division (POD), Office of Medical Operations (OMO), 202-307-9680.
- B. Purpose:** This policy ensures that United States Marshals Service (USMS) prisoners who have contagious airborne diseases are identified as soon as possible and isolated to prevent the spread of the disease.
- C. Authority:** Standards set by the Centers for Disease Control and Prevention (CDC), American Correctional Association (ACA), the National Commission on Correctional Health Care (NCCHC) and good medical practices established by the professional medical community. Authority to manage prisoner health care is provided by [18 U.S.C. § 4006](#), [18 U.S.C. § 4013](#), and [18 U.S.C. § 4086](#).
- D. Policy:**
1. USMS intake cellblock officers will be alert for any symptoms of active contagious TB and other airborne diseases exhibited by USMS prisoners. Symptoms may include persistent cough, coughing up blood, and fever.
 2. A healthcare professional will test USMS prisoners for TB as soon as possible after arrival at the intake facility but no later than 14 calendar days after admission to the facility, unless documentation of a TB clearance within the past 12 months is available.
 3. Prisoners who have been diagnosed with TB or who are suspected of having active contagious TB or other airborne diseases are not produced for court or transported (other than to a local medical facility) by USMS personnel until they have received a signed medical clearance by a healthcare professional.
 4. USMS personnel responsible for transporting a prisoner suspected of having active contagious TB or other airborne diseases must wear an approved respirator/mask when they are sharing air space with that prisoner. The prisoner in question must wear a disposable surgical mask.
- E. Procedures:**
1. **USMS Intake Screening for Airborne Pathogens**
 - a. **Observation:** The USMS intake cellblock officer screens USMS prisoners for active contagious TB and other airborne diseases through direct observation of any symptoms. The symptoms most closely associated with these diseases are persistent cough, coughing up blood, and fever.

- b. **Questioning:** The USMS intake cellblock officer will ask each prisoner if he or she has ever been diagnosed with or treated for TB. If the prisoner states that he or she is currently taking preventive drug therapy or drug treatment, it is imperative that this information be documented on a Form [USM-130](#), *Prisoner Custody Alert Notice*, so medical evaluation may be completed. This information must be entered into the Prisoner Tracking System (PTS), TB clearance screen once validation is received from a health care professional. The Office of Interagency Medical Services (OIMS) must be promptly notified by the district to assist in planning appropriate continuation of drug therapy, as prescribed by a healthcare professional.
- c. **Protective Measures:** If any TB symptoms appear to be present in a prisoner, the USMS intake officer must immediately put on his/her approved respirator/mask and place the prisoner in respiratory isolation (place a disposable surgical mask over the prisoner's mouth and nose). Ideally, the prisoner is placed in a negative pressure isolation room, if one is available, or in a room separate from other prisoners and staff.
- d. **TB Clearance:** Cellblock staff also look for a TB clearance documented on the Form [USM-553](#), *Medical Summary of Federal Prisoner/Alien in Transit*. Results of TB testing are valid for 12 months unless symptoms of active respiratory disease are present. Acceptable TB clearance includes a negative Tuberculosis Skin Test (TST), also known as the Purified Protein Derivative (PPD) and Mantoux test, or a negative chest x-ray within the past 12 months signed by a healthcare professional. Refer to USMS Policy Directive 9.20, [Cellblock Operations](#).
- e. **Reporting Suspected TB or Other Airborne Pathogens:** When a USMS prisoner is suspected of or confirmed as having active contagious TB or other airborne diseases, the district is to immediately report the case to OIMS, phone: 202-307-9680; fax: 202-307-5029. After hours, contact the USMS Command Center to reach the Prisoner Medical Duty Officer.

2. **Cellblock Respiratory Isolation:**

- a. Respiratory isolation can be achieved by placing a disposable surgical mask over the symptomatic prisoner's mouth and nose and ensuring that all staff who share breathing space with the prisoner wear their approved respirators/masks. USMS district management or designee is responsible for maintaining a supply of surgical masks for prisoners and approved respirators/masks for staff. Refer to [USMS Publication 53](#), *United States Marshals Service Exposure Control Plan for Occupational Exposure to Airborne Pathogens (Tuberculosis)*.
- b. Whenever possible, the symptomatic prisoner is immediately isolated from other prisoners and staff, preferably in a separate room, but the mask(s) and respirators must still be used.
- c. USMS district management or designee shall ensure that used surgical masks are disposed of in a red biohazard plastic bag according to local regulations. Red biohazard plastic bags cannot be disposed of with the regular trash. USMS staff will wear disposable gloves when handling used masks and will wash their hands thoroughly after disposal. Refer to USMS Policy Directive 9.20, [Cellblock Operations](#), D.8. Health and Safety.

- d. USMS district management or designee shall ensure that employees who have been exposed to prisoners with suspect or active TB complete the Form [CA-2, Notice of Occupational Disease and Claim for Compensation](#). Refer to Policy Directive 3.5, [Health Programs, Office of Workers' Compensation Programs \(OWCP\)](#).
3. **Removal of USMS Prisoners with Potential TB or Airborne Diseases for Medical Evaluation:**
 - a. As soon as possible, the symptomatic prisoner must be transported to a medical facility for isolation and TB testing. During transport, the prisoner continues to wear a surgical mask, and all accompanying staff wear their respirators/masks. If possible, the windows are opened and fans should be used to increase airflow.
 - b. USMS intake staff will notify the receiving medical facility ahead of time that a possible TB or airborne disease case is being transported for admission.
 - c. The medical facility shall perform the necessary testing and medical evaluation to determine whether or not the prisoner has active disease(s). The prisoner will remain in the medical facility until a diagnosis is confirmed. If the prisoner does have active contagious disease(s), he or she will remain in the medical facility for appropriate treatment. Reference E.7, [Hospital Detail for Potential Contagious Airborne Diseases](#) within this policy.
 4. **Routine TB Testing for USMS Prisoners in State and Local Detention Facilities:**
 - a. Per the *NCCHC Standards for Health Services in Jails (2008)* using the full population assessment approach, all prisoners shall receive an initial health assessment as soon as possible, but no later than 14 calendar days after admission to the facility. Initial health assessments include diagnostic tests for communicable diseases, such as TB, unless there is documentation from the health department indicating that such testing is not warranted. USMS district management or designee is responsible for ensuring that prisoners are tested for TB by a medical professional within 14 days of admission into USMS custody, unless they have documentation of TB clearance within the past 12 months.
 - b. TB testing (as defined in section E.10, [Guidelines for TB Testing and Documentation](#) within this policy) should be a routine part of prisoner processing in every detention facility. While the USMS cannot require Intergovernmental Agreement (IGA) detention facilities to perform TB tests on prisoners, the USMS strongly encourages state and local detention facilities to test all prisoners (state, local, and federal) for TB.
 - c. If a local detention facility housing USMS prisoners is unwilling or unable to do TB testing, the district will encourage the detention facility to work with the local health department to develop a testing plan that meets the latest NCCHC and CDC guidelines. If the health department cannot solve the problem, the district will notify OIMS for additional medical assistance as soon as possible. If a district experiences any problems obtaining TB testing in a particular detention facility, district management will also contact POD for assistance with IGA negotiations.
 5. **Prisoner Refusal of TB Testing and/or Medical Treatment for Active TB:** If a prisoner refuses to be tested for TB or to receive appropriate medical treatment for active TB, the district will take the following actions:

- a. Attempt to isolate the prisoner until he or she agrees to testing and/or treatment for suspected or active TB. If a prisoner is symptomatic or suspected of having active TB, the prisoner should be placed in a negative pressure isolation room, if available;
- b. Offer the prisoner counseling by the detention facility medical staff (when available);
- c. Offer the prisoner the alternative of a chest x-ray if the prisoner still refuses PPD testing;
- d. Contact OIMS for guidance; and/or
- e. Request a federal court order to require testing if prisoner is symptomatic or there is a reasonable cause to suspect active contagious disease(s). A sample court order is available from OIMS.

6. Notifications:

- a. When the USMS district management or designee learns that a prisoner in custody has been diagnosed by a health care professional as having active TB or some other contagious airborne disease(s), the USMS district management or designee will immediately inform the following individuals that the prisoner's current medical condition precludes transport or production without the express consent of the trial judge or magistrate and a health care professional:
 - 1) OIMS at 202-307-9680; fax: 202-307-5029. After hours, contact the USMS Command Center to contact the Prisoner Medical Duty Officer;
 - 2) The Court;
 - 3) The Assistant United States Attorney assigned to the case; and
 - 4) The defense attorney.
- b. Release of any further information regarding the prisoner's medical condition outside the USMS is accomplished through the court.
- c. USMS district management or designee will notify the Pre-trial Services Agency or the United States Probation Office of prisoners who test positive for active TB or other airborne diseases and are released on bond, so that they can be tracked for medical treatment by appropriate local authorities pursuant to a court order as a condition of release. OIMS is available to assist.

7. Hospital Detail for Potential Contagious Airborne Diseases:

- a. All USMS personnel and hospital guards who share breathing space with a prisoner who has active contagious TB or other contagious airborne disease(s) (i.e., during transport to the hospital) must wear their approved respirator/masks. The contagious prisoner must wear a surgical mask over his/her mouth and nose while sharing breathing space with USMS personnel.
- b. After admission to the hospital, the contagious prisoner must have further testing to determine the extent of the disease. The hospital medical staff will keep the prisoner in respiratory isolation and begin treatment. If a prisoner is treated for

TB, it is absolutely crucial that treatment continue for the full course prescribed (usually 6 months) in order to prevent the development of drug-resistant organisms.

- c. If the prisoner is released from the hospital during treatment, upon discharge, USMS staff must ensure that the appropriate prescriptions and/or medications and discharge orders accompany the prisoner to the detention facility.

8. Medical Clearance Requests for Justice Prisoner and Alien Transportation System (JPATS):

- a. Form USM-106, *Request for Prisoner Movement*: JPATS scheduling does not process a form USM-106 unless the medically cleared line is marked, which indicates the prisoner has been TB cleared and medically cleared for transportation. Any medical complication or issue which could create an in-transit movement problem/delay must be noted in the *Special Remarks* section so that these concerns can be addressed prior to movement.
- b. Form [USM-553](#), *Medical Summary of Federal Prisoner/Alien in Transit*: Must be completed by a healthcare professional and provided to the deputy or contract guard in charge of the trip for all prisoners who are moved. The deputy or contract guard in charge of the trip is responsible for ensuring that a completed Form [USM-553](#) accompanies all prisoners who are moved.
- c. USMS Prisoners with Deadlines: Prisoners under a court-ordered deadline should have documentation of a TB clearance done within the past 12 months. For any questions, the district should call JPATS, Medical Transport Coordinator, 816-467-1973.
- d. Co-op and Military Prisoners: Co-op and military prisoners traveling on JPATS flights must have a documented TB clearance done within the past 12 months.

9. Payment for USMS Prisoner TB Program Costs:

- a. Intergovernmental Agreements: IGA facilities will, whenever possible, include TB testing in the calculated per diem rate. If the existing cost data includes TB testing, there is no added cost for this testing to the federal government.
- b. Outside Prisoner Medical Care: All outside prisoner medical care costs generated by TB testing of USMS prisoners are to be charged to the Federal Prisoner Detention (FPD) appropriation as outside medical costs. The USMS pays only those costs for testing and treatment of USMS prisoners.

10. Guidelines for TB Testing and Documentation:

a. Documentation – Roles and Responsibilities of Staff:

- 1) Form [USM-553](#):
 - a) USMS Intake Officer: The prisoner identification section of Form [USM-553](#) (*Name through Date in Custody*) is completed by the USMS intake officer. The form is transferred with the prisoner to the detention facility and given to the detention facility medical staff for retention. If the detention facility has no medical staff, TB testing and medical clearances are accomplished by another resource.

- b) Health Care Professional: Documents, signs, and dates the USMS prisoner's TB test results in the *TB Clearance* section in the upper left corner of Form [USM-553](#). TB clearance is good for one (1) year. The healthcare professional will also complete the *Current Medical Problems*, *Medication Required*, and *Special Needs* sections. This information is used by the district staff to complete the *Special Remarks* section of form USM-106, *Request for Prisoner Trip*.
 - c) District Management or Designee: Ensures completion of Form [USM-553](#) and that TB test results will be documented by the district in the PTS TB Clearance Screen within one month of testing. Test results must also include the date the tests were administered, TB clearance ("Y" or "N" to be entered into the PTS TB Clearance Screen) in order to verify that the TB clearance is still valid. For more details, reference the TB Clearance Procedure listed under Archived PTS Information on the POD web site.
- 2) Distribution: After all sections of Form [USM-553](#) have been completed, the original is provided to the deputy-in-charge or contract guard of the prisoner trip. The deputy provides the Form [USM-553](#) to the flight nurse if the prisoner is to be transported on a JPATS aircraft, to the bus lieutenant if the prisoner is to be boarded on a Federal Bureau of Prisons (BOP) bus, or to the appropriate person at an institution or detention facility. A copy of the form is kept by the district in the prisoner file and a copy retained by the medical staff at the detention facility or by the attending physician.

b. TB Test Information and Results:

- 1) TST, PPD or Mantoux test: This test should be administered to every prisoner upon admission unless he or she has had this test within the past 12 months or has tested positive in the past. The PPD is injected under the skin, and the resulting reaction must be read 48 to 72 hours later. This test is done by a health care professional in accordance with the latest CDC standards.
 - a) If the PPD is negative, and the prisoner is not exhibiting symptoms of active contagious TB, the prisoner can be housed or moved as necessary.
 - b) If the PPD is negative, but the prisoner is exhibiting symptoms of active contagious TB, the prisoner must be taken to a hospital or other appropriate medical center immediately for further testing.
 - c) If the PPD is positive, a chest x-ray must be done as soon as possible to rule out active contagious TB.
- 2) Chest X-ray: If a prisoner is known to be or reports being pregnant, a healthcare professional is notified as soon as possible before an x-ray is done.
 - a) If the chest x-ray is negative, the prisoner can be housed or moved as necessary.

- b) If the chest x-ray is positive, the prisoner will require further testing.

Table 1. USMS TB Clearance Requirements Summary

USMS TB Clearance Status	PPD Test Results	Symptoms of TB	Chest X-Ray Results
Cleared	Negative	No	Not Applicable
Cleared	Positive	No	Negative
Not Cleared	Negative	Yes	Positive or Pending*
Not Cleared	Positive	No	Positive or Pending*
Not Cleared	Positive	Yes	Positive or Pending*

* Must have a chest x-ray report that states no TB findings to receive a TB clearance. Contact OIMS at 202-307-9680 for further assistance.

3) Requirements for Prisoners Housed in BOP:

- a) BOP facilities must perform TB testing on all prisoners (including USMS prisoners) at intake if there is no documented TB clearance;
- b) BOP facilities are prohibited from releasing any prisoner to another BOP facility without a documented TB clearance. However, a USMS prisoner traveling with a deadline to a state or local detention facility can be released from a BOP facility prior to completion of TB clearance; and
- c) USMS prisoners who do not have a documented TB clearance and are to be transferred to other BOP facilities may be subject to delays en route.

F. Definitions:

- 1. **Tuberculosis (TB):** TB is an infection caused by exposure to mycobacterium tuberculosis; latent TB infection can progress to disease. TB infection and TB disease make up the two dimensions of TB.
 - a. **Latent TB Infection:** A person with latent TB:
 - 1) May feel healthy;
 - 2) May have no signs of illness (active contagious disease);
 - 3) Tests positive on either TST, PPD or Mantoux test;
 - 4) Is not contagious (cannot infect others); and/or
 - 5) Is at risk for developing active contagious TB disease in the future (especially if the person's immune system is compromised by other diseases such as the Human Immunodeficiency Virus infection (HIV infection), diabetes, and/or cancer).

- b. **Active Contagious TB Disease:** A person with active contagious TB:
 - 1) May or may not feel ill;
 - 2) May or may not display signs and symptoms of disease (fever, chills, night sweats, coughing up blood, weight loss);
 - 3) Usually tests positive on either TST, PPD or Mantoux test; and/or
 - 4) Is contagious (can infect others) and can spread infection by such simple actions as coughing and sneezing.

2. **TB Skin Test (TST):** A standard test used to identify latent or active contagious TB which is known as the PPD or Mantoux test.

3. **TB Clearance:** A determination made by a medical care provider that a prisoner has no signs or symptoms of active contagious TB and has either a negative result for TST, PPD or Mantoux test or a negative chest x-ray within the past 12 months.

4. **Multiple Drug-resistant TB (MDR TB):** Several strains of mycobacterium tuberculosis (the bacteria that cause tuberculosis) have developed resistance to the medications used to treat the disease. As a result, some people with active contagious tuberculosis cannot be treated with conventional medications. These drug-resistant strains of bacteria pose a great risk to the public health of this nation and others. Bacteria develop resistance when treatment is started but not completed. This is why courses of drug treatment must always be completed.

5. **Approved Respirator:** Respirators classified by the National Institute for Occupational Safety and Health (NIOSH) as type 100, 99, or 95 are acceptable for worker protection against exposure to TB.

6. **Airborne Pathogens:** Infectious agents (usually bacterial or viral) that are carried by or through the air usually in small droplets (i.e., TB, SARS).

G. Cancellation Clause: Supersedes Policy Directive 9.4, *Prisoner Health*, regarding the section on *Prisoner Airborne Pathogen Control*. (This section has been moved from under Policy Directive 9.4 to Policy Directive 9.6.)

H. Authorization and Date of Approval:

By Order of:

Effective Date:

 / S /

 7/28/10

John F. Clark
 Director
 U.S. Marshals Service



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.7 DETENTION FACILITY INSPECTION PROGRAM

- A. Proponent:** Office of the Director/Deputy Director (DD), as supported by the Prisoner Operations Division (POD). Telephone: 202-307-5100.
- B. Purpose:** This policy directive establishes the policy and procedures to be followed by districts when conducting on-site inspections of non-federal detention facilities that house United States Marshals Service (USMS) prisoners. Information gathered through inspection enables the districts and POD to identify problem areas early as well as identifying the various services each facility provides.
- C. Authority:** Title 18 of the United States Code was amended by the USMS Act of 1988 and the Department of Justice (DOJ) Appropriations Act of 2001 to include Section [4013\(a\)](#) and [4006](#).
- D. Policy:**
1. USMS jail inspectors will conduct annual inspections of all active Intergovernmental Agreement (IGA) facilities.
 - a. Inspections will be completed by the first day of October of each calendar year.
 - b. Districts should contact their POD regional inspector if inspections will be turned in past the October 1st date.
 - c. A new inspection must be done before an inactive facility is used again.
 - 1) Facilities that undergo major changes in operations or physical structure; experience significant incidents such as escapes, DOJ civil rights investigations and court orders restricting usage are inspected as soon as possible after the event to ensure that the districts and POD have the most current information on the detention facilities.
 - a) Notify the POD regional inspector immediately of the significant incident requiring a new jail inspection.
 - b) A new inspection should be completed, with the problems cited and a Corrective Action Plan attached within thirty days (30) of the significant incident.
 - 2) An on-site inspection is conducted before awarding an IGA to a detention facility that the USMS has not used previously.
 - 3) A current inspection must be in the Automated 218 Database before a rate increase can be processed for the facility.

E. Detention Facility Inspection Procedures:

1. At the conclusion of an inspection, the appropriate detention facility official will be briefed on the findings. The briefing discusses the findings of the inspection along with recommendations on how to remedy any deficiencies. The briefing also mentions any aspect of the detention facility's operation that is found to be exceptional.
2. Within two weeks of the conclusion of the inspection, the Form [USM-218](#), *Detention Facility Investigative Report*, will be completed using the Automated 218 Database.
3. Completed [USM-218](#) forms will be reviewed and signed by the District's Reviewing Official (United States Marshal (USM), Chief Deputy United States Marshal (CDUSM) or Supervisory Deputy United States Marshal (SDUSM)). The reports are signed using the automated signature provided with the Automated 218 Database.
 - a. If there are non-compliant areas or serious concerns discovered during the inspection, note them on Form [USM-218](#) and follow up with the detention facility in 30 days to see if the issues have been resolved.
4. POD Senior Inspectors are automatically notified of the completion of each inspection through the e-mail function of the Automated 218 Database.
 - a. POD Senior Inspectors periodically review reports with non-compliant areas.
5. One copy of the completed Form [USM-218](#) will be sent to the appropriate detention facility official. The Federal Bureau of Prisons (BOP) and/or the United States Department of Homeland Security/United States Immigration and Customs Enforcement (DHS/ICE) may receive copies of the report upon request.
6. Copies of [USM-218](#) forms are kept as a permanent record within the Automated 218 Database.
7. Completed inspection reports are protected from being released outside the USMS in accordance with [5 U.S.C. § 552](#), *Freedom of Information Act*. Copies are not released to any individual or requesting agency, except as mentioned, without the written approval of the Assistant Director, POD.

F. Limited Use Agreement (LUA): If a facility is used occasionally but has not been awarded an IGA, it will not be inspected annually. The USM will, however, conduct an on-site review to ensure minimum confinement conditions are met as required in all standard IGA documents. In lieu of an annual inspection, USMS personnel shall fill out a Form [USM-218A](#), *Limited Use Inspection Certification Temporary Housing*, documenting that the facility meets these conditions. The report is also submitted to POD within five working days of the facility's use.

G. Quality Assurance Reviews (QARs): If a detention facility is inspected by the Office of the Federal Detention Trustee (OFDT) using a QAR then that may take the place of the USMS jail inspection. A list of the jails that are inspected yearly by OFDT are located on the USMS intranet at the POD web site under [Conditions of Confinement](#).

1. The district jail inspector must coordinate with the OFDT during the inspection and review the final report in order to use the QAR.

H. Definitions:

1. **Intergovernmental Agreement (IGA):** An agreement with a state or local facility to house prisoners.

2. **Active Facility:** A facility that the USMS is currently housing prisoners in or has housed prisoners during the last year.
3. **Inactive Facility:** A facility that the USMS does not currently use to house prisoners in and has not used for the past year.

I. **Cancellation Clause:** Supersedes Policy Directive 9.2, *Detention Facility Inspection Program*. (This section has been moved from under Policy Directive 9.2 to Policy Directive 9.7.)

J. **Authorization and Date of Approval:**

By Order of:

Effective Date:

 / S /

 7/28/10

John F. Clark
Director
U.S. Marshals Service



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.8 Prevention of Prisoner Sexual Abuse

- A. Proponent:** Prisoner Operations Division (POD). Telephone: 202-207-5100, Fax: 202-305-9434.
- B. Purpose:** To comply with the [Prison Rape Elimination Act \(PREA\) of 2003](#), and create a zero tolerance policy to prevent sexual abuse of federal prisoners in the care and custody of the United States Marshals Service (USMS).
- C. Authority:** The Director's authority to issue written directives are derived from [28 U.S.C. § 561\(g\)](#) and [28 C.F.R. § 0.111](#). Specifically, [42 U.S.C. § 15601](#) establishes USMS authority to create a zero tolerance standard for the incidence of prison rape.
- D. Policy:** It is USMS policy to ensure a zero tolerance standard against the sexual abuse of prisoners in USMS care and custody. To do so, the USMS takes effective action to prevent, detect, investigate, and punish incidences of sexual abuse of prisoners in all situations and locations, to include cellblocks and during transportation. These actions ensure a zero tolerance policy against sexual abuse of prisoners to comply with the [Prison Rape Elimination Act \(PREA\) of 2003](#) and protect the rights of prisoners as defined in the [U.S. Const. amend. XVIII](#).
- E. Responsibilities:**
1. USMS personnel are able to recognize the signs of sexual abuse and understand their responsibilities in the detection, prevention, and reporting of an alleged sexual abuse, to include staff misconduct/abuse.
 2. USMS personnel help prevent sexual abuse by acting in the following manner during the performance of their duties:
 - a. Understanding and enforcing rules regarding sexual conduct of prisoners;
 - b. Maintaining professionalism at all times as specified in Policy Directive 1.2, [Code of Professional Responsibility](#). Examples of prohibited behavior are addressed in the training module. Do not make inappropriate comments or joke about sexual activity of any type; and
 - c. Treating any allegation of sexual abuse either by another prisoner or by a staff member seriously, and following appropriate reporting procedures outlined in this policy.
 3. USMS personnel are aware of possible warning signs that may indicate a prisoner has been sexually abused or is in fear of being sexually abused (for Reporting and Investigative Procedures, refer to Sections [E.3](#) and [E.5](#)). Warning signs include, but are not limited to: isolation, depression, lashing out at others, refusing to shower, suicidal thoughts or actions, seeking protective custody, and refusing to leave an empty cell or enter an occupied cell or transport vehicle.
 4. When possible, USMS personnel provides separate transport vehicles or vehicles with separation equipment when transporting mixed gender prisoners to reduce the risk of

sexual assault as specified in Policy Directive 16.4, [Special Transportation Movements](#). Transporting USMS personnel must be observant at all times for potential incidents of sexual misconduct among the prisoners being transported and take immediate action should this be observed.

F. Procedures:

1. Employee Training

- a. All USMS operational employees receive instruction relating to the prevention, detection, and appropriate timely response to sexual abuse, to include the steps which must be taken in order to preserve any alleged crime scene and the investigative agencies to notify.
- b. Training is conducted on an annual basis through learnDOJ.
- c. Additional and specialized training may be offered to appropriate personnel who are tasked with the coordination and implementation of PREA requirements.

2. Inmate Notification:

- a. Oral and/or written information is provided to all prisoners received at a USMS cellblock explaining how and where to report sexual abuse.
- b. USMS personnel ensure that the information is provided in a manner in which the prisoner can understand.
- c. All USMS cellblocks display signage provided by POD in appropriate locations which inform all prisoners that the USMS has:
 - 1) A zero tolerance policy towards sexual abuse; and
 - 2) All prisoners are encouraged to report any and all instances of sexual abuse.

3. Reporting:

- a. A USMS prisoner may report sexual abuse/misconduct to any employee at any time. USMS personnel who receive verbal or written notification of sexual abuse/misconduct must immediately make the situation safe, if necessary, notify USMS management and complete Form [USM-210, Incident Report](#). If the alleged perpetrator is a member of district management, the incident is reported to the next higher level of management of the individual in question.
- b. If appropriate to the situation, USMS district management ensures that the proper health services are notified as soon as possible and that when practical, the crime scene is preserved; i.e., the prisoner does not shower, eat, or drink until after evidence collection is completed by trained medical personnel.
- c. USMS district management, when applicable, secures the incident area and treats it like a crime scene until released by the investigating agency, typically the Federal Bureau of Investigation (FBI).
- d. USMS district management reports sexual abuse/misconduct as soon as possible to the following four entities: USMS Communication Center as specified

in Policy Directive 17.17, [Significant Incident Reporting](#); USMS Office of Internal Investigations (OII); Chief, POD; and the FBI.

- e. POD notifies the Office of the Federal Detention Trustee (OFDT) of all prisoner-related sexual abuse/misconduct incidents occurring at detention facilities that house USMS prisoners within the next business day.
- f. USMS OII notifies the Department of Justice, Office of the Inspector General (DOJ-OIG), within the next business day.

4. Data Collection and Compilation:

- a. The USMS has established the Suspicious Activity, Assault, Incident, and Death (SAID) module within JDIS to track sexual assault/misconduct information and investigations.
- b. All case records associated with sexual misconduct such as incident reports, investigation reports, offender information, case disposition, and medical reports are maintained in SAID.

5. Investigations:

- a. As outlined, FBI and DOJ-OIG are notified of any report of sexual abuse/misconduct. The USMS coordinates with FBI and/or DOJ-OIG on all investigations that are conducted on USMS prisoners.
- b. If an abuse or suspicion of an abuse occurs in a non-federal facility, USMS coordinates with the proper local authorities, as well as FBI and DOJ-OIG, to ensure the allegations are properly investigated.
- c. If the USMS determines that allegations are not being properly investigated, they may conduct the investigation upon approval from the District Chief, USMS.
 - 1) Notify FBI of USMS intent to investigate and possibly prosecute.
 - 2) Coordinate the investigation with USMS PREA Coordinator.
 - 3) If the district has a Detention Management Inspector (DMI) they should conduct the investigation.
- d. Any allegations of USMS personnel sexual abuse/misconduct is reported as specified in Policy Directive 2.2, [Misconduct Investigations](#), within the next business day.
- e. If additional guidance is needed, the United States Marshal (USM) or Chief Deputy United States Marshal (CDUSM) should contact the Chief, POD, and the USMS Office of General Counsel (OGC).

6. Inter-Governmental Agreement (IGA) Facilities and Contract Facilities:

- a. USMS ensures all facilities that house USMS prisoners have policies in place requiring them to affirmatively act to prevent sexual abuse and assaults on prisoners. These policies provide for prompt and effective intervention; and treatment for victims of sexual abuse and assault; and methods to investigate, control, discipline, and prosecute perpetrators.

- b. Each facility must have a written policy and procedures for a sexual abuse and assault prevention and intervention program. The policy should include the immediate notification of the USMS when a USMS prisoner has been victimized.
- c. Each facility must maintain case records associated with claims of sexual abuse, including incident reports, offender information, medical evaluation findings, and case disposition. All information pertaining to federal detainees is provided to the requesting USM or their designated representative (must be USMS employee) for documentation and investigation.

G. Definitions:

1. **Sexual Abuse:** Sexual abuse includes all of the following descriptions:

- a. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - 2) Contact between the mouth and the penis, vulva, or anus;
 - 3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - 4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- b. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:
 - 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - 2) Contact between the mouth and the penis, vulva, or anus;
 - 3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - 4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties and/or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - 5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties and/or where the staff member, contractor, or volunteer has the intent to abuse, arouse or gratify sexual desire;

- 6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in preceding paragraphs 1) thru 5);
 - 7) Any display by a staff member, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident; and
 - 8) Voyeurism by a staff member, contractor, or volunteer.
 - a) Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his/her cell to perform bodily functions; requiring an inmate to expose his/her buttocks, genitals or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.
2. **Facility:** Any cellblock, prison, jail, or correctional institution used by the USMS to hold or house USMS prisoners.
 3. **Inmate Sexual Assault:** The act of sexual intercourse (any penetration, however slight, by the penis into the mouth, vagina, or anus of another person, or any penetration by any part of the body or an object into the anus or vagina of another person), or sexual contact with another person without the person's consent and knowing it is without that person's consent. Non-consensual sexual acts and abusive sexual contacts as defined above are types of sexual assaults.
 4. **Inmate Sexual Contact:** The act of kissing, hand holding, touching by the intimate parts of one person to any part of another person, or touching by any part of one person or with any object or device, the intimate part of another person.
 5. **Inmate Sexual Harassment:** Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another.
 6. **Non-Consensual Sexual Act:** Contact of any person without the person's consent, or contact of a person who is unable to consent or refuse, including: contact between the penis and the vagina or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening by a hand, finger, or other object.
 7. **Staff Sexual Harassment:** Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
 8. **Staff Sexual Misconduct:** Any behavior or act of a sexual nature directed towards an inmate by an employee or agency representative. Consensual or non-consensual acts including: intentional touching of the genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts, or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for sexual gratification.

H. References: None.

I. **Cancellation Clause:** This is a new policy directive and remains in effect until superseded or cancelled.

J. **Authorization and Date of Approval:**

By Order of:

Effective Date:

 /S/

 2/6/12

Stacia A. Hylton
Director
U.S. Marshals Service



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.10 PRISONER MARRIAGES

- A. Proponent:** Prisoner Operations Division (POD). Telephone: 202-307-5100, Fax: 202-305-9434.
- B. Purpose:** Prisoners retain the right to marry subject to restrictions as a result of their detention. The United States Marshals Service (USMS) may allow a prisoner in its custody to marry unless the marriage would interfere with the prisoner's judicial proceedings or is inconsistent with USMS and/or detention facility security concerns.
- C. Authority:** The Director's authority to supervise the USMS and issue written directives is set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561\(g\)](#).
- D. Procedure:** If a prisoner requests to be allowed to marry, the United States Marshal (USM) should follow these procedures:
1. Obtain a written request from the prisoner for authorization to be married and such a request should contain the name of the individual they want to marry.
 2. Contact the United States Attorney/Assistant United States Attorney assigned to the case to ascertain whether the marriage would undermine the case.
 3. Ascertain whether the prisoner has been designated for imminent movement from the district. If the prisoner has been scheduled for imminent movement, the USM generally should defer the prisoner's request to be married until after the prisoner has been moved to another facility.
 4. Contact the detention facility in which the prisoner is housed to ascertain whether the facility has policy or procedures regarding inmate marriages. The USM should generally defer to the facility's policy and procedures. The USM, in coordination with the detention facility retains the discretion regarding the time, location, attending guests, etc.
 5. If the facility does not allow inmate marriages, the USM should defer the prisoner's request to be married until after the prisoner completes his or her judicial proceedings and has been moved to another facility for service of sentence.
 6. Should the prisoner attempt to obtain a court order directing the USM to move the prisoner for the purpose of being married, the USM should inform the court of the security risk and cost. If the court nevertheless orders the USM to move the prisoner, the USM should request the court to order the prisoner to pay all actual costs involved.
 7. If a marriage is directed by the court, no guests shall be allowed to be present and the USM shall determine the time, date, and place of the ceremony, based upon security concerns and requirements.
 8. If additional guidance is needed, the USM should contact POD and the Office of General Counsel (OGC).



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.11 PRISONER CLOTHING ALLOWANCES

- A. Clothing During Detention:** Each USM is authorized to purchase essential clothing for prisoners to wear while they are held in a detention facility under the following circumstances:
1. When a detention facility under contract to house federal prisoners does not furnish detention facility clothing (i.e., uniforms).
 2. When the prisoner's personal clothes are in such condition they pose a problem in regard to health or personal hygiene.
- B. Clothing for Court Appearance:** Each USM will ensure all federal prisoners are properly dressed and groomed for court appearances. Each judicial district has unique regulations regarding the appearance of prisoners in court. The USM should be familiar with these regulations. If the situation warrants, the USM has the authority to purchase clothing necessary to comply with regulations. The USM should use discretion in the selection of clothing to keep expenses at a minimum. Clothing purchases will be charged to the Federal Prisoner Detention Account, object class 2614. Clothing purchased may be left with the detention facility or retained by the USM for future use.
- C. Clothing for Prisoners on Bond:** USMs are not authorized to expend government funds for court clothing for prisoners on bond.



United States Marshals Service **POLICY DIRECTIVES**

PRISONER OPERATIONS

9.12 PRISONER DESIGNATION PROCESS OF PRISONERS IN STATE CUSTODY

- A.** The Federal Bureau of Prisons (BOP) allows the designation of prisoners prior to actually taking custody of them from state authorities. The following steps will ensure that the USMS receives prisoners who are legitimately beginning their federal sentences and that the USMS transfers these prisoners without delay.
1. Verify that the detainer filed with the state authorities is still valid.
 2. Do not schedule the federal custody of a prisoner without verification that he or she has finished serving the jurisdiction's sentence. Also verify that any detainers filed against the prisoner are satisfied properly before agreeing to take custody.
 3. Schedule the custody date with local or state authorities no earlier than 30 days prior to a prisoner's release date. A notification and suspense system should be established with the detaining facilities.
 4. Request designation from the BOP Community Corrections Manager (CCM) and simultaneously notify the probation department so that the pre-sentence investigation report is forwarded.



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.13 WRITS OF HABEAS CORPUS AND SPECIAL PRODUCTION

- A. Writs for Federal Prisoners in USMS Custody:** In 1981, the OGC for the Department of Justice issued a ruling on the transfer of Federal prisoners to the physical custody of a state or local agency for production in a state or local court pursuant to a writ of habeas corpus ad prosequendum or ad testificandum. This ruling concluded that jurisdiction is not waived when the Government produces or arranges the production of a Federal prisoner in state court. The ruling also concluded a Federal prisoner transferred to state custody for a state court appearance who escapes or attempts to escape is considered to have escaped from Federal Custody within the meaning of [18 U.S.C. § 751](#). Any individual who rescues or attempts to rescue shall be charged under [18 U.S.C. § 752](#), [18 U.S.C. § 753](#), or [18 U.S.C. § 1072](#).
- B. Transfer of Custody or Refusal of Writ:**
- 1. General:** Federal prisoners in USMS custody may lawfully be transferred to the custody of a state or local government pursuant to a state writ of ad prosequendum (See [28 U.S.C. § 2241](#)).
 - 2. Limitations:** The transfer of federal prisoners under the provisions of this section are intended to expedite local prosecutions at reduced costs to local, state and federal agencies. It applies only to the transfer of prisoners to state or local officials within or near the USMS district where the prisoner is being held. Requests for transfers of prisoners to other states may be submitted to the Assistant Director, POD, Office of Legal Counsel, and the local Assistant United States Attorney, for consideration.
 - 3. Federal Prisoners in State Civil Cases:** If provided with a properly executed court order, the USM may honor requests for producing federal prisoners in state civil cases. A prisoner plaintiff is responsible for the cost of his or her production. If the prisoner is indigent, the USM will seek to have the state court provide the cost of production from any monetary awards issued to the prisoner from the action. The plaintiff or defendant in a civil action seeking the production of a federal prisoner as a witness is responsible for the cost of production (See [28 U.S.C. § 2254](#)).
 - 4. Discretion in Honoring Writs:** The USM is not required to honor a request for a federal prisoner in his or her custody pursuant to a state or local writ. Generally, the writ is not honored until the completion of the prisoner's sentencing. In honoring a state or local writ, the USM will exercise discretion when a prisoner is a protected witness, has medical problems, or is a high security risk. In these cases, he or she will contact the Assistant Director, POD, for further guidance.
 - 5. Reimbursement of Costs:** State governments are responsible for all costs and expenses incurred when a federal prisoner must be produced by USMs in state courts under a writ of habeas corpus and subsequently returned to the designated facility by the USMS. The USM producing a federal prisoner in state courts is responsible for ensuring the USMS is fully reimbursed for the deputies' salaries, mileage, per diem, or other expenses incurred.

C. Procedures:

1. The local official will determine in writing from the United States Attorney's office whether the prisoner for whom the writ of habeas corpus is issued is scheduled to appear in United States District Court on the day(s) his or her presence is required in local court. Requesting officials will not seek temporary transfer of custody on such days.
2. A certified copy of the local court writ (with the seal of the court) directed to the USM must be received at the district office. The USM or his or her designee will verify the authenticity of the writ by telephoning the clerk of the court who issued the writ.
3. The official or attorney from the requesting local agency will direct his or her request to the USM in the district having custody of the prisoner. All requests will be made by letter and include the following information:
 - a. The prisoner's name and sufficient numeric identifiers.
 - b. A statement indicating the need for appearance, including the charges against the prisoner.
 - c. The name of the court where the prisoner is to appear.
 - d. The name and phone number of the requesting agency with the responsibility for transporting the prisoner.
 - e. The projected date of return.
4. A statement will be in the writ of habeas corpus from the issuing court that the requesting agency will provide for the safekeeping, secure custody, and care of the prisoner at no cost to the federal government and that they will assume full responsibility for custody.
5. A statement will be in the writ of habeas corpus the prisoner will be returned promptly to USMS custody upon the conclusion of the appearance for which the writ was issued or upon the demand of the USM.
6. The USM will contact the United States Attorney's office by telephone or in person to advise them of the writ and to determine whether there are any reasons for not honoring the writ.
7. When a writ of habeas corpus is issued for a prisoner who has not been sentenced and the request is supported in writing by the United States Attorney, the USM or his or her designee will seek written concurrence from the federal trial judge before honoring the writ. A record of the concurrence of the court will be maintained in the prisoner file.
8. The USM or his or her designee will contact the local law enforcement agency that has responsibility for transporting the prisoner to determine the exact date and time for transfer of custody.
9. The USM will notify the sheriff or detention facility administrator housing the federal prisoner that a writ of habeas corpus has been issued. The local sheriff or jail administrator will be provided with a copy of the writ and the date and time the transfer of custody will take place.

D. Federal Prisoners Committed to the BOP:

1. The BOP has the authority, in accordance with BOP Policy Statement 5875.3 dated June 1981, entitled "Transfer of Inmates to State Agents for Production on State Writs", to release sentenced federal prisoners to a state agency pursuant to a state writ of habeas corpus or the Interstate Agreement on Detainers.
2. USMS districts will not produce any federal prisoner held in BOP custody sought by states under the Interstate Agreement on Detainers.
3. For processing instructions and requirements, state and local prosecuting attorneys are to be referred to a BOP regional office or institution holding custody of the prisoner sought. Any special requirements or extraordinary cases should be referred to Assistant Director, POD for resolution.

E. Federal Writs for State Prisoners:

1. **State Prisoners in Federal Criminal Cases:** The USM will transport, maintain custody, and produce a state prisoner in a federal criminal action. Note that the provisions of the Interstate Agreement on Detainers ([18 U.S.C. Appendix](#)) may require a 30 day waiting period and transfer approval of the governor of the state.
2. **State Prisoners in Federal Civil Cases:** The custodian of the prisoner is responsible for transporting and producing state or local prisoners in a federal civil case. The federal court order should be directed to the state or local authority that has custody of the prisoner. USMs are to maintain necessary levels of courtroom security for the prisoner(s) only when specifically requested by the federal judge hearing the case. When local authorities maintain custody of the prisoner, the USM shall make provisions for the use of holding cells by local authorities.

F. Federal Prisoners Testifying on Behalf of Private Litigants:

1. **Responsibility for Costs of Prisoner Movements in Support of Private Litigants:** All expenses associated with the production of a federal prisoner in a United States Court on behalf of a private litigant (including testifying for a defendant in a criminal case) will be paid by the litigant. Prior written approval for transfer of sentenced prisoners must be obtained from BOP by the litigant's attorney.
2. **Advance Deposit for Prisoner Movement Costs:** The USM in the district where the writ originated will require, in advance, a sufficient deposit from the litigant to cover all expenses incident to the production and return of the prisoner.

G. United States Attorney Requests for Production: The United States Attorney may direct that prisoners in USMS custody be produced through the issuance of form USA-475.



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.14 VOLUNTARY SURRENDER COMMITMENTS

- A.** The federal court may direct a prisoner to report, unescorted, by a specific date and time to an institution for the service of sentence. The BOP formally designates the institution for service of sentence. The USM is responsible for notifying BOP of a voluntary surrender commitment and for forwarding required commitment records to the receiving institutions. Authority for voluntary commitment is contained in [18 U.S.C. § 3621\(b\)](#).
- B. Procedures:** Upon the sentencing of a prisoner who is ordered by the court to report unescorted for service of sentence, the procedures listed below should be followed:
1. **Prepare Form BP-Record-385:** Following sentencing, the USMS is to complete form BP-Record-385 *Authorized Unescorted Commitments and Transfers* which requires a front photograph and thumb print of the sentenced prisoner.
 2. **Request for Designation:** A request for designation is to be submitted to the appropriate BOP Community Corrections Manager. The designation request is to note that the prisoner is a self-surrender, the court directed date and time of commitment, and the institution recommended by the court for service of sentence.
 3. **Forward Records to Designated Institution:** The USMS, after receipt of designation, is to forward the following records to the receiving institution by certified mail (return receipt requested):
 - a. Judgment and Commitment: Two certified copies are to be sent. The institution will execute and return one certified copy of the Judgment and Commitment to the USM upon receipt of the prisoner.
 - b. Form BP-Record-385: This form will enable the institution to make positive identification of the self-commitment.
 - c. Designation Message: One copy of the designation message which serves as the BOP authorization record to receive the prisoner.
 - d. Form USM-312, *Personal History of Defendant*: If available.
 - e. Pre-sentence Report: If available.
 - f. Fingerprint Record: If available.
 - g. Prisoner Tracking System (PTS) form USM-129, *Prisoner Custody, Detention and Disposition Record*: Send to the designated institution to enable the BOP to calculate the time remaining to be served based on the commitment data on the PTS form USM-129. If the prisoner is to serve the sentence in a contract detention facility, a copy of PTS form USM-129 should be sent to the appropriate BOP Community Corrections Manager.

- C. Requests for Delays in Reporting or Failure to Report:** Any requests from prisoners for an extension to the reporting time and date are to be referred to the sentencing judge. Any reported failures to arrive at the designated institution are to be brought to the attention of the court prior to taking actions to apprehend the prisoner.
- D. Payments for Travel of Voluntary Surrender:** The court, upon determination of the indigence of a prisoner, may order the USM to pay the reasonable expenses for travel and subsistence of a person directed to voluntarily surrender to an institution. Payments for travel are to be made in accordance with Department of Justice order [2200.11](#) (Travel Regulations). Travel expenses are charged to the Salaries and Expenses, USMs appropriation, object class 2208. Subsistence expenses are charged to the Federal Prisoner Detention Account, Object Class 2522.



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.15 RELEASE GRATUITIES FOR FEDERAL PRISONERS

- A. Sentenced Prisoners:** The USM may, in unusual situations and upon receipt two weeks in advance of a written request of the BOP CCM, provide a release gratuity as specified by the CCM. The release gratuity may include suitable clothing, and transportation expenses for a sentenced prisoner to be released from a contract facility. When such payments are made, the USM will immediately prepare and submit an [SF-1080](#) (Voucher for Transfer Between Appropriations and/or Funds) reimbursement request to the CCM for certification and payment by the BOP Regional Office. Specific dollar amounts to be paid must be directed by the CCM in writing and not by the USM. Release payments for sentenced federal prisoners released from federal institutions, however, are the sole responsibility of the warden.
- B. Unsentenced Prisoners:** When an unsentenced federal prisoner is released from USMS custody following the dismissal of charges, the USM may be directed by an order of the court to provide the released prisoner with transportation and subsistence to the place of arrest, or, at his/her election, to the place of his/her bona fide residence, if such cost is not greater than to the place of arrest, (see [18 U.S.C. § 4282](#)).
- C. Other:** Requirements for gratuities in unusual circumstances should be referred to POD.



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.16 Collection of DNA Samples

- A. Proponent:** Prisoner Operations Division (POD), 202-307-5100, Fax 202-305-9434
- B. Purpose:** The United States Marshals Service (USMS) is directed by the Department of Justice (DOJ) to collect deoxyribonucleic acid (DNA) samples from all individuals arrested by the USMS as a result of a Class I Warrant, as defined by the Investigative Operations Division (IOD); or, any individual arrested by an agency with which the USMS has entered into a Memorandum of Understanding/Agreement (MOU/MOA) in which the USMS has agreed to process (fingerprint and photograph) their arrests.
- C. Authority:** The Director's authority to issue written directives is derived from [28 U.S.C. § 561\(g\)](#) and [28 C.F.R. § 0.111](#). Specifically, [42 U.S.C. § 14135a](#) and [28 C.F.R. § 28](#) establish the USMS authority to collect DNA samples from all persons arrested by the USMS.
- D. Policy:** The United States Code, [42 U.S.C. § 14135a](#), directs agencies of the United States that arrest or detain individuals, or that supervise individuals facing charges, to collect DNA samples from those individuals who are arrested, facing charges, or convicted, as well as from non-United States persons who are detained, under the authority of the United States. Under [28 C.F.R. § 28.12](#), unless otherwise directed by the Attorney General, the required scope of DNA sample collection is limited to individuals from whom an agency collects fingerprints. The Attorney General can also approve other limitations or exceptions. Agencies collecting DNA samples are directed to furnish the samples to the Federal Bureau of Investigation (FBI) Laboratory.
- E. Procedures:**
1. **Responsibility:**
 - a. The USMS will ensure that DNA samples are obtained from all USMS arrestees taken into custody on USMS Class I warrants. Those samples will then be submitted to the FBI. This requirement does not include individuals apprehended in conjunction with state and local arrests who will not be prosecuted in United States District Court. (See Policy Directive 8.1, [Administration of Warrants and Related Criminal Investigations](#).)
 - b. The USMS is required to collect and submit DNA samples from state/local inmates who are temporarily being held in custody by the USMS through a Writ Ad Pros.
 - c. The USMS will collect and submit DNA for all state and local arrestees who are brought before a United States District Court to face federal charges and who are not sponsored by a federal law enforcement agency.
 - d. Criminal Summons: The USMS will collect and submit DNA samples from any prisoner that is summonsed by a United States District Court for the purpose of facing federal charges regardless of which federal law enforcement agency is the investigative agency.

- e. Bureau of Indian Affairs (BIA): When the BIA makes an arrest and turns over custody of the detainee directly to the USMS for the purpose of a federal prosecution, the USMS will collect and submit DNA.
2. **Exemptions:** When federal prisoners are received from the custody of the United States Federal Bureau of Prisons (BOP), and considered to be in the temporary custody of the USMS (i.e., Writs, Attorney Special Requests, material witnesses, etc.), the USMS is not required to collect a DNA sample.
3. **Memorandums of Understanding/Agreements:**
 - a. No USMS district may enter into a written agreement with another agency (federal, state, or local) or private organization to collect and/or submit DNA samples for that agency without receiving prior approval from POD.
 - b. POD will seek concurrence from the Office of General Counsel (OGC) prior to approving any MOU/MOA. MOUs/MOAs will only be approved in extraordinary circumstances.
 - c. District management, upon receiving prior authorization from the Assistant Director of POD, may direct district personnel to collect and submit DNA samples from individuals arrested by other agencies on a case-by-case basis.
4. **District of Columbia (D.C.):**
 - a. District of Columbia/Superior Court (DC/SC): Generally, USMS personnel will not be required to collect or submit DNA samples from criminal defendants in DC/SC. DNA will be collected and submitted by D.C. Department of Corrections personnel as directed by D.C. code.
 - b. District of Columbia District Court (D/DC): The USMS is responsible for collecting and submitting DNA samples from individuals arrested by the Metropolitan Police Department who have not had their cases adopted by any other federal agency, but will be prosecuted in D/DC.
5. **Juveniles:** DNA samples will be taken from juveniles in those cases where fingerprints are taken pursuant to Policy Directive 9.1, *Cellblock Operations/Processing Juveniles*.
6. **Collection and Submission of DNA samples:** USMS personnel will use the sample collection kits provided by the FBI and adhere to the proper collection techniques as provided by POD training in conjunction with the FBI Laboratories Division. USMS personnel will package each DNA sample taken according to the instructions included in the sample kit and mail it to the address included in the sample kit.
7. **Refusal to submit to DNA sample collection:**
 - a. Any individual who refuses to cooperate in the collection of DNA should be advised that he/she faces criminal liability based on the refusal and that cooperation in DNA sample collection is a mandatory condition of pretrial release. (See [42 U.S.C. § 14135a](#); [18 U.S.C. § 3142](#).)
 - b. USMS personnel are authorized as prescribed by Policy Directive 2.1, [Use of Nonlethal Force](#), to use such means as are reasonably necessary to detain,

restrain, and collect a DNA sample from an individual who is unwilling to submit to DNA collection. If the prisoner has not been taken before the United States Magistrate prior to refusing to comply with a DNA sampling, the United States Magistrate should be informed of the prisoner's non-compliance. When necessary force is required to obtain a DNA sample, Form [USM-210](#), *Field Report*, will be completed and submitted to the Supervisor Deputy United States Marshal (SDUSM) for review and approval. An approved copy of the Form [USM-210](#) will be placed in the prisoner's file. A copy of the Form [USM-210](#) will also be forwarded to the assigned Assistant United States Attorney.

F. Definitions:

1. **DNA:** Deoxyribonucleic acid (DNA) is a nucleic acid that contains the genetic instructions used in the development and functioning of all known living organisms and some viruses.

G. Cancellation: This is a new section added to Policy Directive 9.1.

H. Authorization and Date of Approval:

By Order of:

Effective Date:

 / S /
John F. Clark
Director
U.S. Marshals Service

 9/29/2009



United States Marshals Service **POLICY DIRECTIVES**

PRISONER OPERATIONS

9.17 BODY SEARCHES

- A. Proponent:** Office of the Director/Deputy Director, as supported by the Prisoner Operations Division (POD), 202-307-5100.
- B. Purpose:** This directive provides specific instructions to United States Marshals Service (USMS) employees for determining if, and under what conditions, body searches are legally permissible and how they will be conducted.
- C. Authority:** The Director's authority to issue this directive governing body searches is set forth in the [28 U.S.C. § 566\(a\)\(d\)](#).
- D. Policy:**
1. Deputy United States Marshals (DUSMs) are authorized to conduct the following types of searches of prisoners and other persons who are under arrest:
 - a. Pat-down search;
 - b. In-custody search;
 - c. Strip search; and
 - d. Digital cavity search.
 2. This directive applies to all searches of persons, including juveniles. Whenever possible, an authorized body search will be conducted by two USMS employees. If two USMS employees are not available, the search will be conducted by two law enforcement officers (e.g. arresting agents, task force officers, etc.), one of which is a USMS employee.
 3. Body searches require a professional, systematic, methodical, and consistent approach exhibited by a polite but firm demeanor. Persons to be searched should not be physically forced as long as they comply with commands.
- E. Procedures:**
1. **Pat-down Search:** A procedure of patting or running of a deputy's hands over the person's clothed body as well as the opening of pockets or other areas where weapons or contraband may be concealed. The following procedures are applicable to pat-down searches:
 - a. In a cellblock, pat-down searches may be conducted on a routine basis without a threshold level of suspicion.

- b. When a person needs to be removed immediately from the scene for his or her safety or the safety of the arresting deputies, a pat-down search may be performed instead of an in-custody search.
 - c. To ensure all areas are covered, the pat-down search will begin at the top of the body and work down.
2. **In-custody Search:** A more exact and complete search of the prisoner's body and attire. The following procedures are applicable to an in-custody search:
- a. Conduct the search at the time of arrest (if possible), when assuming custody from another authority or agent, upon acceptance of a prisoner at a USMS cellblock or detention facility, prior to transportation, or before a courtroom appearance.
 - b. Remove the contents from all the pockets found on the prisoner's clothing, as well as any jacket, coat, belt, eyeglasses, or other clothing articles belonging to the prisoner. The prisoner will remove his or her outer clothing and shoes/socks until the search of both is complete. The prisoner will vigorously brush his or her hair in order to dislodge any contraband. If the prisoner does not, to the satisfaction of the deputy conducting the search, adequately brush his or her hair, the deputy will conduct the hair search by using his or her hands or an item such as a pen or pencil.
 - c. Visually inspect behind each ear and look inside the prisoner's ear canals, nostrils, and mouth, to include checking under the tongue, roof of the mouth, and between the lips and gums.
 - d. Inspect all property removed from the prisoner, including a careful examination of shoes. Any contraband will be retained and inventoried on form [USM-102](#), *Seized Property and Evidence Control*, if necessary, for eventual return disposal, or preservation of evidence.
3. **Strip Search:** A complete search of a prisoner's attire and a visual inspection of the prisoner's naked body, including body cavities. The following procedures are applicable to a strip search:
- a. Strip searches on prisoners in custody are authorized when there is reasonable suspicion that the prisoner may be (a) carrying contraband and/or weapons, or (b) considered to be a security, escape, and/or suicide risk. Reasonable suspicion may be based upon, but is not limited to, one or more of the following criteria:
 - 1) Serious nature of the offense(s) charged, i.e., whether crime of violence or drugs;
 - 2) Prisoner's appearance or demeanor;
 - 3) Circumstances surrounding the prisoner's arrest or detention; i.e., whether the prisoner has been convicted or is a pretrial detainee;
 - 4) Prisoner's criminal history;
 - 5) Type and security level of institution in which the prisoner is detained; or

- 6) History of discovery of contraband and/or weapons, either on the prisoner individually or in the institution in which prisoners are detained.
- b. When conducting a strip search, deputies shall ensure they have a private location that prevents all but designated personnel from viewing the prisoner. All attempts to protect the modesty of the prisoner will be made to include modifying viewing and recording of CCTV (Closed Circuit Television).
- c. A strip search should always be conducted by a deputy of the same sex, unless the person conducting the search is a physician, physician's assistant, or nurse. A witness of the same sex as the person being searched must be present during a strip search. If a deputy of the same sex as the prisoner being searched is not available to serve as a witness, a deputy of the opposite sex may be positioned outside the search room so as not to view the subject, with the door ajar, for the purpose of corroborating the remarks made by the individuals in the room and providing assistance in the event of an emergency (e.g., an assault on the deputy conducting the search or a medical emergency).
- d. A strip search (visual examination) should not involve touching the skin surface. If the prisoner refuses to cooperate in removing any article of clothing or by otherwise impeding the deputy in the search, reasonable force may be used to complete the search.
- e. Once the decision has been made to conduct a strip search, it must be done in a professional manner, causing the prisoner as little embarrassment as possible.
- f. When conducting a strip search, the deputy will:
 - 1) Instruct the prisoner to remove all loose articles (including valuables, hairpieces, dentures, glasses, etc.). Separate the clothing and any other items from the prisoner prior to the search, and conduct a thorough visual examination of the prisoner's body, from the top of the head to the bottom of the feet.
 - 2) Direct the prisoner to vigorously brush his or her hair with fingers to dislodge any contraband. If the prisoner does not, to the satisfaction of the deputy conducting the search, adequately brush his or her hair, the deputy will conduct the hair search by using his or her hands or an item such as a pen or pencil.
 - 3) Inspect behind each ear and look inside the prisoner's ear canals, nostrils, and mouth, checking under the tongue, roof of the mouth, and between the lips and gums. Visually inspect down the front of the body, paying close attention to areas such as armpits, breasts; and genital area. Direct the prisoner to face in the opposite direction and conduct a visual inspection of the upper back area.
 - 4) Direct the prisoner to spread his or her legs and bend forward at the waist. Observe the anus area and genitals from the rear. Conclude with an observation of the bottoms and between the toes of both feet.
 - 5) Conduct a thorough search of all clothing and property removed from the prisoner before returning any of the items to the prisoner. The clothing inspection should include any areas where contraband or weapons may be located (i.e., pockets, linings, collars, cuffs). Items not returned to a

Field Report, the same day the search is conducted. The report shall contain the following details:

- 1) Identity of the prisoner searched;
 - 2) Date, place, and type of search;
 - 3) Time and duration of search;
 - 4) Evidence or information that led a deputy to believe the strip search was warranted, along with any recommendation for further action;
 - 5) Identity of the deputy conducting and the supervisor approving the search;
 - 6) The names of all persons present during the search;
 - 7) A detailed description of the nature and extent of the search; and
 - 8) A description of any weapons, evidence, or contraband found during the search.
- b. All digital cavity searches shall also be reported on form [USM-210](#), *Field Report*, and shall include the identity of the supervisor approving the search as well as the name and title of the medical person performing the search.
- c. The completed form [USM-210](#), *Field Report*, will be placed in the prisoner's file, with a copy forwarded to the appropriate USM or designee.
- d. For all searches, form [USM-18](#), *Prisoner Property Receipt*, and form [USM-102](#), *Seized Property and Evidence Control*, will be completed, as applicable.

F. Definitions:

1. **Deputy (United States Marshal):** Includes all operational employees assigned to the 1811 and 082 job series, Detention Enforcement Officers, and District Security Officers.
2. **Body Search:** A search conducted for an official law enforcement purpose which may include the patting down of a prisoner for weapons or contraband, the removal and examination of the clothing worn by a prisoner, or the examination of the exterior skin surface and interior body cavities.
3. **Reasonable Suspicion:** Articulate facts that reasonably lead a deputy to suspect that a particular person is concealing a weapon, contraband, or evidence of a crime on or within his or her body.



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.18 RESTRAINING DEVICES

- A. Proponent:** Prisoner Operations Division (POD. Telephone: 202-307-5100, Fax: 202-305-9434.
- B. Purpose:** The purpose of this directive is to establish United States Marshals Service (USMS) policy and procedures for the use of authorized restraining devices and any other restraint systems.
- C. Authority:** The Director's authority to supervise the USMS and to issue this written directive is set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561\(g\)](#).
- D. Policy:**
1. Restraints must meet National Institute of Justice (NIJ) standards or be approved by POD. The specifications for authorized restraining devices are maintained by POD. The following are authorized restraining devices to be used by USMS personnel:
 - a. Handcuffs;
 - b. Waist chains;
 - c. Leg irons (shackles);
 - d. Padlocks;
 - e. Flex cuffs; and
 - f. Security boxes (blue or black boxes).
 2. To fully restrain a prisoner on all movements, the required equipment will consist of handcuffs, waist chains, and leg irons. Handcuffs and waist chains may be supplemented by the use of security boxes and padlocks.
 3. All persons in the operational custody of the USMS will be fully restrained during transportation. This will include all adults, juveniles, material witnesses, or any in-custody or previously in-custody persons being transported at the request of a judge and/or other agency. For example, a judge may order a bonded prisoner to be delivered to a halfway house, etc. An arrest situation would be the exception to prisoners being fully restrained.
- E. Procedures:**
1. **General:**
 - a. Restraints will be applied to prisoners in accordance with the training procedures established by the Training Division. The Training Division and/or POD are responsible for disseminating changes to the districts.

- b. USMS personnel responsible for prisoner custody, production, and transport must ensure the safeguarding of all security equipment and upkeep of such equipment.
- c. Restraints may be applied to prisoners to prevent them from injuring themselves or others and/or to prevent property damage. District management shall be notified immediately and an incident report completed when restraints are applied for this purpose. The incident report will be placed in the prisoner's file upon supervisory approval.
- d. Restraints will be applied to handicapped or medically impaired prisoners insofar as physically possible to safeguard the prisoner and USMS personnel and to prevent escape.
- e. Prisoners will not be secured to any fixed object that would endanger the prisoner's life or be left unattended.
- f. In the event restraints are damaged, they should be discarded or returned to the manufacturer for repair or replacement.

2. Restraining Devices:

- a. Handcuffs and leg irons will be double locked when in use. The keyhole on handcuffs will face away from the body. The double locks on the handcuffs will face upward. The keyholes on leg irons will face the ground. The double locks on the leg irons will face towards the toes. Leg irons will not be placed over boots or excess/bulky clothing. Restraints will be inspected frequently to discourage escape or manipulation.
- b. Two sets of handcuffs may be applied in lieu of a security box if the situation warrants their use. Tape may be used to cover the key holes only if security boxes are not available.
- c. Prisoners with large wrists may be restrained with leg irons with the chain shortened to approximately the length of the handcuff chain by using a disposable nylon strap. Oversized handcuffs of high quality construction may also be used for this purpose.
- d. Handcuffs will be connected to the waist chain in a manner which restricts the ability to touch the chin while standing erect. However, in a seated position prisoners should be able to eat or use lavatory facilities on their own.
- e. Prisoners may be handcuffed behind the back in lieu of full restraints for any street arrest, or with district management approval for prisoner movements of one hour or less (commonly referred to as a short haul).
- f. Disposable nylon straps (flex cuff type) may be used in lieu of or in conjunction with handcuffs or leg irons when a prisoner's wrists or ankles are too large for conventional restraints. They may also be used in emergencies and mass arrest situations, or at the discretion of district management.

3. Use of Restraining Devices:

- a. Escorting: Prisoners, who are moved between the cellblock and court, or in any other short move within the same court facility, will be handcuffed behind the back or fully restrained. Handcuffing prisoners to each other is not permissible.

- b. Courtroom: All prisoners produced for court, with the exception of a jury trial, are to be fully restrained unless otherwise directed by a United States District Judge or United States Magistrate Judge. For a trial by jury proceeding, the United States Marshal or his/her designee should follow the direction of the presiding judicial official. In the event that the deputy in charge or district management decides that a higher level of restraint is necessary, the judge will be informed of the need for higher security.
- c. Ground/Charter Aircraft: Prisoners will be fully restrained when transported by any ground conveyance or charter aircraft (other than the Justice Prisoner and Alien Transportation System (JPATS)). An exception may be made at the discretion of district management for situations that dictate alternate restraint methods.
- d. Commercial Aircraft: Prisoners will be fully restrained whenever allowed by the air carrier's policy. However, based on individual restrictions applied by the air carrier, escorting deputies are expected to use their discretion regarding the application of the appropriate level of restraints. It is the responsibility of the escorting deputies prior to making the prisoner movement to research and adhere to the air carrier's prisoner restraint/transportation policies and procedures. If the air carrier's policies prohibit the level of restraints which are deemed necessary to transport a particular prisoner, district management and JPATS should be contacted immediately to coordinate alternative travel.
- e. Hospitals: In an unsecured hospital ward, prisoners generally will be restrained. The exceptions to this requirement are those circumstances where prevailing medical conditions would make restraint application medically harmful to the prisoner. In these situations, the removal or non-application of restraints must be approved by a USMS Management Official (United States Marshal (USM), Chief Deputy United States Marshal (CDUSM), or Supervisory Deputy United States Marshal (SDUSM)). In all other situations where the application of restraints are reasonable and prudent, leg irons will be used to restrict a prisoner to or in a hospital bed. Handcuffs will be used in the event leg irons cannot be used or must be removed. Handcuffs will be applied prior to the removal of leg irons. Restraints should not be used when compelling medical reasons dictate, including when a pregnant prisoner is in labor, is delivering her baby, or is in immediate post-delivery recuperation.
- f. Proffer and Grand Jury Productions: Prisoners produced for the purpose of proffer and Grand Jury will remain in full restraints at all times. At no time will a prisoner's restraints be removed in an unsecured location. This means that a prisoner's restraints will remain on until said prisoner is returned to the custody of the USMS or to the facility that originally housed the prisoner.
- g. Electronic Restraint devices (Stun Belt, Band-It) may be used in lieu of or in conjunction with conventional restraints. Storage and use of Electronic Restraint devices are covered under USMS directives 2.1, [Less Than Lethal Devices](#) and 9.18, [Restraining Devices](#) (in section Restraint Special Use Dispensation)
- h. Pregnant Prisoners: If a pregnant prisoner is restrained, the restraints used must be the least restrictive necessary to ensure safety and security. Any restraints used must not physically constrict the direct area of the pregnancy. Any deviations from the utilization of full standard restraints on a pregnant prisoner (waist chain, leg irons, and handcuffs) must first be approved by a USMS Management Official (SDUSM, CDUSM, or USM). Instructions established

through a memorandum from the AD, POD, pertaining to the tracking of restraints usage on pregnant prisoners, is to be completed every time USMS personnel transport a pregnant prisoner. Those instructions and memorandum can be found here: [Pregnant Prisoner Restraint Tracking](#).

4. **JPATS:** The following procedures pertain to JPATS:
- a. All prisoners will be restrained with approved handcuffs, waist chains, and leg irons, unless accompanied by supporting medical documents exempting them from the use of particular types of restraints. Prisoners not medically able to wear restraints will require prior approval for flying by the Chief of Security, or designee, before acceptance by the Security Officer-In-Charge (SOIC).
 - b. Only USMS-authorized restraint equipment will be used. Prisoners will not be delivered to a JPATS flight in any type of restraint which necessitates removal prior to the inmate boarding the aircraft.
 - c. Handcuffs will be connected to the waist chain in a manner which restricts the prisoner's ability to touch the chin while standing erect. However, in a seated position the prisoner should be able to accomplish such tasks as eating and properly using the emergency oxygen masks while seated aboard the aircraft.
 - d. Prisoners whose wrists are too large to permit the use of standard handcuffs will be restrained using leg irons or flex cuffs in place of handcuffs.
 - e. Prisoners with a cast or brace on the arm will have that arm secured to the waist chain using two flex cuffs.
 - f. Prisoners with legs too large to permit the use of leg irons and/or those with documented medical exceptions for leg irons will have their legs restrained with two flex cuffs prior to boarding the aircraft.
 - g. Leg irons will not be inserted through the loops on boots or placed over boots or excess/bulky clothing. The boots will be turned down to ensure the leg irons are properly applied to prevent escape or manipulation.
 - h. Waist chains will not be passed through the belt loops on prisoner clothing. Passing the waist chains through belt loops on prisoner clothing restricts the use of lavatory facilities while aboard the aircraft.
 - i. The use of security boxes will be at the discretion of the SOIC. Prisoners identified as extremely dangerous or escape risk on the manifest will be delivered to the aircraft site with the security boxes and padlocks applied.
 - j. Prisoner restraints will not be removed inside the secured perimeter. Prisoners will be delivered to the airlift in approved full restraints. Districts and BOP institutions must have an adequate supply of restraints with the transporting vehicle to exchange restraints on a one-for-one basis.
 - k. JPATS is authorized to store and use special restraining devices (i.e. hobbles, tubes, modified tubes, sit belt, arm and ankle restraints) aboard all owned and leased aircraft to assist with restraining disruptive prisoners and aliens while in-flight. The storage of these special restraining devices aboard JPATS owned or leased aircraft must be approved by the Assistant Director for JPATS. The use of special restraining devices aboard the aircraft must be approved by SOIC. A [USM-210, Field Report](#), must document any use of these special restraints on a

prisoner or alien, and the report must be approved by a Supervisor or Chief of Security and filed in the trip packet. JPATS special use restraints are not subject to the provisions of special use disposition identified below

5. Restraint Special Use Dispensation:

a. Requests: POD is responsible for approving specialized restraint systems to be used by a district. A *Restraint Special Use Dispensation* may be requested from the Chief of Detention Operations, POD. Each request must contain the following documentation:

- 1) A letter from the USM explaining the need for the specialized restraint device(s).
- 2) A written Standard Operating Procedure (SOP) for the devices/system requested. The SOP will state the following information:
 - a) A full description of the device
 - b) The manufacturer's instructions on the use of the device (A copy of the owner/operator manual may meet this requirement)
 - c) A description of the way the device is to be used
 - d) The circumstances under which the device is to be used
 - e) Any training needed to use or apply the device
 - f) Authorized users of the device
 - g) The supervision required while the device is in use.

b. Records: A log to track the use of the special devices will be maintained by the district. This record will include the following information:

- 1) Date and time the device was used
- 2) Identity of the prisoner
- 3) Name of the supervisor who authorized the use
- 4) Reason for use

F. Responsibilities:

1. USM/CDUSM:

- a. Establish and supervise all written directives developed by and for the local district. District directives may be more restrictive, but will not supersede or negate this policy directive. District directives are intended to establish local practices which are unique to the district.
- b. Ensure the district has an adequate number of serviceable restraints.
- c. Ensure the restraints used by any contract, state, or local facility delivering prisoners to JPATS for the district meet the standards of this directive.

- d. Purchase restraints and restraint systems for the district out of the District Work Plan in the absence of a national purchase program.
 - e. Request approval and supervise the use of any special use restraint devices (through a Restraint Special Use Dispensation).
2. **Prisoner Operations Division:** Review and authorize the use of all Restraint Special Use Dispensations.

G. Definitions:

- 1. **Operational Custody:** The physical receipt of a prisoner by a district, followed by processing and retention of that prisoner.
- 2. **Fully Restrained:** Secured in a minimum of handcuffs, waist chain, and leg irons. Security boxes and padlocks should also be added.

H. Cancellation Clause: Supersedes USMS Policy Directive 9.1, *Prisoner Custody, Restraining Devices*.

I. Authorization and Date of Approval:

By Order of:

Effective Date:

 /S/
Stacia A. Hylton
Director
U.S. Marshals Service

 4/26/11



United States Marshals Service **POLICY DIRECTIVES**

PRISONER OPERATIONS

9.19 EMERGENCY RESTRAINT CHAIR

- A. Proponent:** Office of the Director/Deputy Director, as supported by the Prisoner Operations Division (POD), 202-307-5100.
- B. Purpose:** This directive establishes the policy and procedures to be followed by United States Marshals Service (USMS) personnel when utilizing the Emergency Restraint Chair (ERC). The model designated by the USMS for this purpose is the Emergency Restraint Chair (ERC) manufactured by E.R.C. Inc., Denison, Iowa.
- C. Authority:** The Director's authority to direct and supervise all activities of the USMS is set forth in [28 U.S.C. § 561\(g\)](#) and [28 C.F.R. § 0.111](#).
- D. Policy:**
1. **Conditions for Use:** The ERC is intended to help control combative and suicidal prisoners who demonstrate a risk of injury to themselves, USMS, or other personnel. The ERC should be utilized only when lesser control techniques have been ineffective in gaining control of the prisoner or when USMS personnel can articulate a reasonable belief that lesser measures will not be effective. It will not be used for punishment, harassment, or to belittle a prisoner. It should never be used in a manner which would purposely inflict pain on a prisoner. The ERC may be used to control a prisoner under any or all of the following emergency situations:
 - a. When a prisoner has demonstrated violent or uncontrollable behavior;
 - b. To prevent self injury to the prisoner, injury to others, and/or property damage by the prisoner; and/or
 - c. Upon request of a prisoner who indicates that he/she is having thoughts of self-mutilation and/or suicidal thoughts.
 2. **Prohibited Usage:** The ERC will not be used in the following circumstances:
 - a. The ERC will not be used more than two hours continuously on any one inmate, absent exclusion in Section E.1.b;
 - b. The ERC will not be used for a prisoner who is recuperating from the effects of an Oleoresin Capsicum (OC) exposure;
 - c. A gag or spit hood should generally not be used on a prisoner once he/she is securely restrained in the ERC, unless he/she continues to demonstrate behavior which dictates the hood should remain in place;
 - d. No form of electronic restraining device (Taser, Stunbelt, XR-5000) will be used once a prisoner is securely restrained in the ERC;

- e. Prisoners who are currently symptomatic of or have past medical indicators that placement in the ERC may be harmful to their health (e.g. circulatory or respiratory issues) will not be placed in the ERC; and
 - f. Pregnant prisoners will not be placed in the ERC.
3. **Authorization:** Prior to placement in an ERC, USMS personnel must first receive verbal approval from a district/division management official (United States Marshal (USM), Chief Deputy United States Marshal (CDUSM), Acting Chief Deputy United States Marshal (ACDUSM), Supervisory Deputy United States Marshal (SDUSM)). In emergency situations where this approval cannot be reasonably obtained prior to placing a prisoner in an ERC, approval will be sought at the first available opportunity. The name and title of the approving official will be entered onto Form [USM-322](#), *ERC Monitoring Log*.

E. Procedures:

1. Application Guidelines:

- a. (b) (7)(E) operational personnel, including contract guards, who are trained and certified in the use of the ERC, will be present to assist in the placement of an inmate in the restraint chair. (b) (7)(E) required operational personnel must be a USMS employee. District management must ensure that a sufficient amount of personnel are assigned to safely place a non-compliant prisoner into the ERC and safely remove a non-compliant prisoner from the ERC.
- b. The use of the ERC will be limited to the minimum amount of time necessary to ensure control of the prisoner, but absent the below noted exclusions, no more than two hours of continuous use will generally be utilized within a single incident:
 - 1) In most circumstances, once the prisoner is placed in an ERC, he/she should be expeditiously returned to his/her place of incarceration to minimize the amount of time spent in the ERC.
 - 2) If the prisoner can be safely removed at the end of the two hour time period, or at any time prior to that time limit, he/she should be released in conjunction with published training protocols. Should the same prisoner then demonstrate similar behavior that initially placed them into the ERC, and after approval again by district management, the prisoner can be placed into the ERC for an additional two hour period.
 - 3) Absent the exclusion in Section E.1.b.4), in any incident, the prisoner may only be held in the ERC for an overall total of four hours.
 - 4) Two hour release exclusion: If the prisoner is still demonstrating violent and/or suicidal behavior(s) at the end of the initial two hour period, and it is determined removal of the prisoner would pose a physical risk to the prisoner and/or other parties, USMS management officials are required to approve any extension of time for the prisoner to remain in the ERC. In all cases, the prisoner will not be placed in the ERC for more than 4 hours.
- c. The ERC will be visually inspected prior to use, unless emergency circumstances dictate otherwise, to ensure proper working order.

- d. USMS personnel will ascertain, if possible, if the prisoner has any pre-existing medical condition that would prohibit use of the ERC prior to placement in the chair. If the prisoner possesses a medical condition that may be questionable, he/she must be cleared by a medical health professional (e.g. physician, nurse, paramedic, or Emergency Medical Technician (EMT)) prior to placement in an ERC.
 - e. The prisoner will be placed into the ERC in accordance with mandated USMS training procedures. Any injuries to the prisoner and/or USMS personnel will additionally be photographed and retained in the prisoner file. All incident documentation must be reported in conjunction with the provisions specified in Section E.4.
 - f. At no time will any ERC belts or straps be wrapped around the prisoner's head, chest, or neck. Once a prisoner has been placed into the ERC, the chair will always be maintained in an upright position.
 - g. Once placed and secured in an ERC, the prisoner will be expeditiously checked by a medical health professional (e.g. physician, nurse, paramedic, EMT) to determine there are no evident medical conditions which would necessitate his/her immediate removal. This check will be documented on Form [USM-322](#).
 - h. No prisoner will be produced into a courtroom proceeding while secured in an ERC unless approval is first granted from the presiding judge.
2. **Monitoring:** Once the prisoner is secured in the ERC and has been screened by a medical health professional (e.g. physician, nurse, paramedic, EMT), the following monitoring guidelines will be followed:
- a. The prisoner will be placed in a cell or secured area devoid of other prisoners.
 - b. The prisoner will be in the direct line of sight of cellblock personnel and visually observed at all times while secured in the ERC. This requirement does not include observation by Closed Circuit Television (CCTV).
 - c. Under no circumstances will a prisoner secured in an ERC be left unsupervised for any period of time.
 - d. The prisoner will be physically checked every 15 minutes while in the ERC, to include conducting an evaluation of his/her current behavior. Attempts will be made by USMS personnel to verbally engage the prisoner regarding his/her physical condition. Each check will be documented on Form [USM-322](#).
 - e. USMS personnel will evaluate the retention straps for comfort, security, and adequate circulation flow at each 15 minute check.
 - f. If the prisoner requests restroom use while in the ERC, and this can be accomplished in a safe manner, the prisoner should be removed from the ERC to use the restroom. This authorization must be granted by district management. This action will also be documented on Form [USM-322](#).
 - g. The prisoner will be offered the opportunity to drink water (to maintain hydration) whenever appropriate, but at least every two hours. This will also be documented on Form [USM-322](#).

3. **Removal from the ERC:**

- a. USMS personnel will place the prisoner in the ERC for only the time period necessary for the prisoner to gain control of his/her behavior. USMS personnel will remove the prisoner from the ERC when authorized by a USMS district/division manager after a determination is made that the prisoner is no longer a danger to himself/herself and/or others. This authorization will be documented on Form [USM-322](#).
- b. Monitoring USMS personnel will immediately remove the prisoner from the ERC if it is observed that he/she is experiencing medical distress (e.g. trouble breathing). Medical health professionals (e.g. physician, nurse, paramedic, EMT) will be immediately summoned to the location to evaluate the prisoner's condition.
- c. Once the determination is made to remove the prisoner, sufficient USMS personnel (b) (7)(E) will be present to safely remove the prisoner from the ERC.
- d. Once safely removed from the ERC, the prisoner will again be checked by a medical health professional (e.g. physician, nurse, paramedic, EMT) to determine if any medical conditions exist which require further treatment. If determined necessary by the health professional, the prisoner will be transported to a hospital for further evaluation and/or treatment.
- e. If medically cleared by the medical health professional after removal from the ERC, the prisoner should then be housed separately from other prisoners until transported. The receiving detention facility will be advised by Form [USM-130](#), *Prisoner Custody Alert Notice*, that the prisoner was earlier placed in the ERC, the conditions which necessitated that action, and/or if the prisoner was injured and/or received medical attention.
- f. The ERC will be cleaned and disinfected after use. USMS personnel performing this function will use blood/body fluid precautions when cleaning the ERC and disposal of any contaminated items.

4. **Reporting:** After the use of an ERC, the following reporting protocol will be followed:

- a. The designated Deputy-In-Charge (DIC) of the incident will prepare a Form [USM-133](#), *Use of Force Report*, fully describing the conditions which necessitated the use of the ERC, to include the prisoner's behavior/actions which required the use of the ERC. This report will be forwarded, along with Form [USM-322](#), any photographs, and Form [USM-333ERC](#), *ERC Training Record / Authorization To Utilize*, to the Office of Internal Investigations (OII) within 24 hours of the incident.
- b. Following each use of the ERC, copies of the following completed forms will be forwarded to the Chief, Prisoner Operations Division (POD), within 72 hours of the incident for review:
 - 1) Form [USM-322](#),
 - 2) Form [USM-133](#),
 - 3) Form [USM-333ERC](#), and

- 4) All other memorialization of the use of the ERC.
 - c. USMS personnel will ensure that the requisite "Cautions/Medical Handling" screen in the Prisoner Tracking System (PTS) is annotated to reflect the use of the ERC.
 - d. The originals of all incident reports will be maintained in the prisoner's file.
5. **Training:** The following training protocols will be followed:
- a. As designated by the USM, USMS operational personnel (to include district management) must first complete the mandatory ERC training program as designated by POD before authorizing, supervising, or using the ERC.
 - b. The mandatory training for the ERC includes reviewing the manufacturer's video presentation, review of USMS ERC policy, and participation in a training scenario which includes placement of a voluntary test subject into the ERC.
 - c. All completed ERC training will be certified by district management on Form [USM-333 ERC](#). After initial certification, designated operational personnel will be re-certified on an annual basis. Failure to maintain an active certification will prohibit the employee from any use of the ERC until the certification is completed. Completed ERC certification forms will be maintained by district management in a training file.

E. Responsibilities:

1. District/Division Management:

- a. Will ensure that designated management and operational employees successfully complete initial and annual retraining to maintain current certification to authorize, supervise, and/or utilize an ERC. District/Division management may direct specified personnel to be certified and trained in the use of an ERC.
- b. Will ensure initial and annual retraining as designated by POD is recorded on Form [USM-333 ERC](#). The forms will be maintained in the appropriate district/division files.
- c. The USM or his/her designee will sign the completed Form [USM-333 ERC](#) for each trainee after the instructor conducts annual retraining for district/division personnel.
- d. Prior to placing a prisoner into an ERC, a district manager will be responsible for reviewing all the known factors regarding the resistant prisoner. Upon determining that no lesser control measures are appropriate to control the prisoner, a district manager will authorize the use of the ERC in accordance with USMS policy and training. If deemed necessary, a district manager may order operational personnel to place a resistant prisoner into an ERC.

2. Operational Employees:

- a. As designated by district management, current operational employees must have completed a course of instruction as approved by POD before any use of the ERC.

- b. Operational employees will apply, monitor, and provide medical treatment and document ERC usage in a manner consistent with training procedures and USMS Policy Directive 2.1, [Use of Force](#).
- c. Designated operational employees will participate and successfully complete annual retraining as established by POD to maintain certification with the ERC.

3. **Prisoner Operations Division:**

- a. Will provide the districts with ERC policy guidance;
- b. Will provide the districts with the designated ERC training program; and
- c. Will review all USMS ERC incidents for proper usage and lessons learned process.

E. Definitions:

- 1. Operational Personnel: Includes all operational employees assigned to the 1811 job series, 0082 series, Detention Enforcement Officers (DEOs), contract guards, and USM's.
- 2. Cellblock: A secure area in the USMS office intended to house prisoners waiting for their court proceedings. The cellblock is a federal detention facility. Reference [18 U.S.C. § 1791 \(d\) \(4\)](#).

F. Cancellation Clause: This is a new directive and remains in effect until superseded.

G. Authorization and Date of Approval:

By Order of:

Effective Date:

_____/S/_____
Stacia A. Hylton
Director
U.S. Marshals Service

4/26/11



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.20 CELLBLOCK OPERATIONS

- A. Proponent:** Office of the Director/Deputy Director (DD), as supported by the Prisoner Operations Division (POD), 202-307-5100.
- B. Purpose:** This policy directive establishes the policy and procedures to be followed by districts operating United States Marshals Service (USMS) cellblocks. The policies and procedures contained in this policy directive are minimum requirements and standards to operate and manage district cellblocks.
- C. Authority:** The Director's authority to direct and supervise all activities of the USMS is set forth in [28 U.S.C. § 561\(g\)](#) and [28 C.F.R. § 0.111](#).
- D. Policy/Procedures:**

1. **Cellblock Operations:** District management will ensure that all USMS operational personnel have access to Policy Directive 9.20, [Cellblock Operations](#). District policy directives will be developed to cover the unique aspects of each district's operations to ensure that all aspects of this policy directive are implemented.

- a. (b) (7)(E) cellblock personnel are present when cells are unlocked or entered, when prisoners are moved into or out of the cellblock or holding cell areas, when prisoners of the opposite sex are being handled, or when meals are being served. (b) (7)(E)
- b. Personnel do not possess or carry firearms and ammunition when directly handling unsecured prisoners. Firearms and ammunition are stored in a secure location such as lockers outside the cellblock area. Exceptions to the prohibition of weapons in the cellblock (not to include holding cells) that are based upon facility design should be requested by the United States Marshal (USM). Requests for exceptions to this item are submitted to POD for review and approval.
- c. A district policy directive regulates the possession of non-lethal devices in the cellblock. Any policy directive shall be in compliance with USMS Policy Directive 2.1, [Use of Force](#).
- d. Female and juvenile prisoners are separated by sight and sound (normal to loud conversation) from adult male prisoners within the cellblock. In cases where sight and sound separation is not possible, female and juvenile prisoners may be

placed in other monitored and secure areas, such as interview rooms or courtroom holding cells.

- e. Access to cellblocks is limited to authorized personnel. District policy directives will identify those personnel that are authorized for unescorted access to cellblocks and holding cell areas. For access by escort, a procedure may be established which shall include the level and type of escort.
- f. All prisoners in the cellblock are observed ^{(b) (7)(E)} and counted at least once every eight hours, if present in the cellblock for that duration. Observations may be made physically or by CCTV. When CCTV surveillance is used, the equipment is controlled and installed in a manner to reduce the possibility of unnecessarily invading the personal privacy of the prisoner. Privacy screens satisfy this requirement.
- g. Sick/Impaired Arrestees:
 - 1) Ill or injured arrestees are not accepted by the USMS from the arresting agent unless the arresting agent has provided documentation that the prisoner has been examined and cleared by a healthcare professional.
 - 2) USMS personnel will observe all arrestees who appear to be ill or injured or exhibiting symptoms of Tuberculosis (TB) or other airborne pathogens, reference Policy Directive 9.6, [Prisoner Airborne Pathogen Control](#).
 - 3) Deputies do not diagnose ailments; however, the Supervisory Deputy United States Marshal (SDUSM) is informed when a deputy suspects a prisoner is exhibiting symptoms of TB or other airborne pathogens, illness, or injury.
 - 4) Arrestees who exhibit violent behavior or signs of possible drug overdose, severe mental disorder, or suicidal tendencies are immediately segregated and closely observed. A determination of whether they need to remain in the cell block or be transferred to any appropriate facility is made. Arrestees are housed in a facility equipped to manage their condition or housed in a manner that protects the facility staff and the prisoner.
 - 5) While segregated, arrestees must be closely observed for any potential injury to themselves and others (i.e., use of restraints).
 - 6) The USMS completes a Form [USM-130](#), *Prisoner Custody Alert Notice* and a Form [USM-210](#), *Field Report*. The USMS also ensures that the completed Form [USM-130](#) accompanies the prisoner to the facility where the prisoner is to be transferred or housed.
 - 7) Each deputy ensures that any prisoner with a medical emergency is provided immediate medical assistance. If necessary, the local Emergency Medical Services (EMS) is promptly contacted.
 - 8) Prescribed medications, except for nitroglycerin and inhalers, found in the possession of a prisoner will be taken away while the prisoner is in the cellblock. If a medical professional confirms that the prisoner requires medication while being housed in the cellblock, the prescribed medication is issued by and taken in the presence of a deputy. Any

remaining medication will be returned to the detention facility where the prisoner is housed in accordance with the facility's policy and procedures. Over-the-counter medications are not provided to prisoners while housed in the cellblock.

- 9) If a prisoner refuses transportation and/or medical assistance after complaining of illness or injury, the prisoner is required to sign a Form [USM-210](#) acknowledging a desire not to receive medical assistance. The Form [USM-210](#) is witnessed (and dated) by two other deputies and a copy is placed in the prisoner's file. If the prisoner refuses to sign Form [USM-210](#), the refusal is noted on that form and witnessed by two other deputies.
- h. Use of Form USM-130: Form [USM-130](#) has been designed to ensure that written notification is provided to all facilities (either federal or local) that house USMS prisoners, and to the USMS personnel and contract guards transporting these prisoners, of any known special circumstances regarding a particular prisoner. Form [USM-130](#) is meant as a notification to the facility to take action regarding the special circumstances. If the status of Form [USM-130](#) changes, a facility is to immediately notify the USMS office and state the reasons for the status change. Examples of special circumstances requiring a Form [USM-130](#) include, but are not limited to: juvenile, medical, mental, suicidal (specifically whether actively suicidal or history of), separation, extremely violent, or extreme escape risk prisoners. Form [USM-130](#) is prepared for each special circumstance prisoner committed to USMS custody (either for transport to a USMS holding cell or for overnight detention). It is the responsibility of the USM who submits Form USM-106, *Request for Transportation* to ensure that the information contained on Form [USM-130](#) and Form [USM-553](#), *Medical Summary and Federal Prisoner/Alien in Transit* will be included in the remarks section of Form USM-106.
- i. Suicide Prevention Screening and Response Procedures: Establish guidelines and responsibilities concerning suicide prevention screening and response procedures when USMS employees accept new prisoners from other law enforcement agencies. The USMS is committed to maintaining the health and safety of prisoners in its custody and has developed suicide prevention screening and response procedures to help identify prisoners at risk of attempting suicide.
 - 1) The USM or designee ensures that appropriate precautions are in place to deter or limit the attempted suicide of any prisoner in the direct custody of the USMS.
 - 2) USMS cellblock staff members processing newly arrested prisoner(s) shall verbally inquire of the arresting/transporting official if:
 - a) The prisoner(s) displayed any suicidal tendencies while in their immediate custody; and/or
 - b) The official has any independent knowledge that the prisoner has a history of suicide attempts.
 - 3) Staff members assuming custody of a prisoner whose bond or release status has been revoked by the court will note the prisoner's demeanor and determine if there are any exhibited signs of suicidal tendencies. Information is recorded as described below.

- a) Information gathered from the arresting agent and screening process will be documented on Form USM-312, *Personal History of Defendant*, and Form USM-129. Any information obtained that the prisoner may be suicidal (specifically whether actively suicidal or a history of) shall be documented on Form [USM-130](#).
 - b) Each Form USM-106 submission includes a notation as to whether the prisoner has exhibited any suicidal tendencies or has a known history of suicidal episodes.
- 4) Annual suicide awareness training is taken by all personnel as administered by POD.
- j. Visitation: Prisoners are not allowed visitors, with the exception of attorneys and court personnel. Contact visits are prohibited. A Form [USM-192](#), *Record of Visitors to Prisoners in USMS Detention Facilities* is maintained, and all visitors are required to provide the following information: visitor's name, agency, company, relationship to the prisoner, prisoner visited, time in and time out, and purpose of the visit. Attorneys are permitted confidential conversation with their clients during scheduled visitations. Form [USM-192](#) will be cutoff (the date at the end of the month) and filed by month and maintained for one year after cutoff.
- k. Meals: If a prisoner is required to be held in the cellblock during normal lunch or dinner hours, a meal is provided. Hot liquids, culinary equipment (knives, forks, and spoons), metal or glass containers, or drinking straws are not provided to prisoners.
- l. Searches: All prisoners receive the appropriate level of search prior to transportation or entrance into the cellblock. All new arrestees are searched when the USMS assumes custody of the arrestee from another authority. Special caution should be taken when prisoners return from authorized visits, court, or interviews. Articles and clothing are inspected prior to being given to prisoners. Belts are removed from all prisoners. Reference Policy Directive 9.17, [Body Searches](#).
 - 1) The district establishes the procedures to ensure all prisoners and their property are free of contraband before assuming custody. Articles which are hazardous or usable in an escape attempt are confiscated and documented on Form [USM-210](#). Federal detainees found to possess contraband (in violation of federal statute) may be referred to the United States Attorney for prosecution.
 - 2) Prisoner searches are performed in a professional, systematic, methodical, and consistent manner. Reasonable force may be used if a prisoner fails to comply with instructions or resists. All searches associated with cellblock operations are conducted consistent with body searches in the manner described in this policy directive.
- m. Security: Cellblock personnel perform a security sweep of all cellblock areas, interview rooms, and holding cells in a systematic manner twice a day. Security sweeps are performed each morning before prisoners arrive and evenings after prisoners depart. The time of the security sweeps are entered in the cellblock activity log.
 - 1) Upon completion of the morning search, each cell is locked, indicating that the holding cell was searched and is secure. In the evening after all

prisoners have departed, the cells shall be left open to permit the cleaning staff access. Storage rooms and doors leading to the cellblock are kept locked at all times when not in use.

- 2) A security check of each cell is conducted by the deputies assigned to the cellblock between the time a cell is emptied and re-occupied during the day.
 - 3) Any item found that is not a permanent fixture shall be removed. Contraband, weapons, or items that could be used in an escape attempt or assault are turned over to the SDUSM of cellblock operations.
 - 4) The SDUSM or Deputy-in-Charge (DIC) is responsible for ensuring that at least one security inspection and one sanitation inspection are documented in the cellblock activity log once a week.
 - a) The security inspection includes locks, cell doors, screened areas, bars, privacy screens, toilet facilities, drain openings, chairs or benches, lighting facilities, ceilings, cameras and monitors, and air circulation.
 - b) The sanitation inspection includes both, ensuring the proper function of all sinks, fountains, and toilets; and looking for evidence of any pests or insects. Each district handles pest control services as needed by contacting the building management or contacting the Office of Courthouse Management (OCM), Management Support Division (MSD), which arranges these services through the General Services Administration (GSA) building manager.
 - 5) Required repairs or maintenance are reported immediately in writing to the building manager and to OCM, MSD. All repairs are accomplished without delay. Repair personnel and tools or similar items brought into the cellblock are supervised and accounted for at all times.
- n. Cellblock Activity Log: An item found on the Prisoner Tracking System (PTS) titled Cellblock/Off Log. Mandatory activities such as cellblock security sweeps; sanitation and weekly SDUSM equipment checks are noted in the log. Any other activities that occur within the cellblock are recorded as well. At a minimum the date, time, activity, and name of the individual performing or involved with the activity are listed on the log.
- o. Prisoners will be processed within the cellblock or designated booking areas. If movement of prisoners through a work area cannot be avoided, the time spent in this area is held to a minimum. Prisoners will be placed in cells as soon as is practical, and restraining devices may be removed just prior to placing a prisoner in a cell. When cells are equipped with cuff slots, handcuffs should be removed from outside the cell after the prisoner is placed back in the cell. Prisoners should not be allowed to spend any unnecessary time outside the cellblock area.
- p. Prisoners are brought before the court at the first available opportunity to make their initial appearance and to have a detention hearing (bail hearing) set.
- q. USMS personnel ensure that all arrestees are provided an opportunity, at the local contract detention facility or a Federal Bureau of Prisons (BOP) facility, to utilize a telephone in order to contact an attorney. The arrestee will be afforded

this opportunity following the booking process or within a reasonable time after appearing before the United States Magistrate.

- r. The SDUSM ensures all separation orders are adhered to within cellblocks, and contract detention facilities are duly notified of the orders. If the detention facilities cannot accommodate the separation order, the prisoners shall be housed in different facilities.
- s. The Prisoner/Cellblock Schedule in the PTS will be used to record daily prisoner productions, transfers, medical appointments, or any other activities or reasons for producing prisoners.

2. **Prisoner Processing:** The following is the minimum that is required for all new federal arrestees and/or prisoners upon initial receiving and screening:

- a. An interview is conducted to gather all personal, arrest, and prosecution information. Any health-related issues or medications taken (including consciousness and mental state, body deformities, bruises, lesions, and ease of movement) are recorded and entered into PTS within one working day.
- b. Prisoner Medical Records Release: All USMS prisoners shall complete Form [USM-552](#), *Prisoner Medical Records Release Form*, to authorize release of medical records upon initial intake or at the time of voluntary surrender processing and to provide information on medical insurance (if any).
 - 1) The USMS intake officer may read the questions and content of the form to prisoners who cannot read. This form is also available in Spanish, ([USM-552A](#)).
 - 2) If the prisoner refuses to complete Form [USM-552/USM-552A](#), the USMS intake officer will note the refusal on the form.
 - 3) The original Form [USM-552](#) is maintained in the prisoner file in the district, a copy is put in the district file, and a copy is provided upon transfer.
- c. A unique USMS prisoner number (also called PTS number) will be assigned to new arrestees and entered into PTS within one business day. The Justice Detainee Information System (JDIS) must be checked to ensure that a USMS prisoner number is not currently assigned to the arrestee/prisoner.
- d. Photograph: A digital photograph will be taken of each arrestee in conjunction with the Automated Booking System (ABS) intake process. A hard copy of the photograph will be printed and maintained in the prisoner's file.
- e. Fingerprinting: All federal arrestees will be fingerprinted.
 - 1) Felonies: Prisoners are fingerprinted and photographed using the Justice Automated Booking Station (JABS). If JABS is not available, a minimum of two fingerprint cards will be properly filled out, and fingerprints are imprinted for each prisoner. When the USMS is the arresting agency and JABS is not available, one card is mailed to the Federal Bureau of Investigation's (FBI) Criminal Justice Information Service Division to create a criminal record or identification, or to update an existing criminal record. One copy is filed in the prisoner's file.

- 2) Non-serious Cases: The National Crime Information Center (NCIC) will not include prints for non-serious crimes. A single set of prints is taken on all non-serious and misdemeanor cases and placed in the prisoner file. According to [28 C.F.R. § 20.32\(b\)](#), non-serious crimes and misdemeanors are defined as drunkenness, vagrancy, disturbing the peace, curfew violation, loitering, false fire alarm, nonspecific charges of suspicion or investigation, and traffic violations. If there is any doubt as to whether a case is non-serious, the FBI is contacted to determine whether the case is a serious crime.
- 3) All fingerprints of USMS prisoners are captured either by JABS or on Form FD-249, *Criminal FBI Fingerprint Card* and filled out as completely as possible. All fingerprint impressions must be legible, fully rolled, and classifiable including fingerprints taken on the JABS machine. Fingerprints must be validated prior to submission of prints via the JABS machine.
 - a) As a safety precaution when fingerprinting, deputies remove all personal equipment that could be used in an escape attempt or cause personal injury.
 - b) Districts may establish a procedure or policy regarding furnishing other federal investigative agencies with a set of fingerprints. A duplicate set of fingerprints may be taken or printed from the JABS machine and furnished to any state division for criminal identification upon request.
 - c) When a district fingerprints a subject arrested by another agency, Form FD-249 is completed in a manner that ensures that the arresting agency receives a copy of the criminal history and the arresting agency receives credit for the arrest. The Inter-Agency Booking Module has been included in the JABS machine that allows the district to submit prints for the arresting agency. It is recommended that districts use the Inter-Agency Booking Module. The procedures for completing an Inter-Agency Booking can be found in [USMS JABS Manual V4](#). (The Inter-Agency Booking Module has been removed from the JDIS 8-PTS program. It will still be utilized until all districts complete migration to JDIS 8 scheduled to be completed by 2010.)

Note: It is the arresting agency's responsibility to take fingerprints and to submit Form FD-249 to the FBI's Criminal Justice Information Service Division. The USMS may do this for an arresting agency as noted above. However, if the arresting agency does not provide the necessary originating agency identifier (ORI) codes, then the arresting agency must submit their own Form FD-249 to the FBI.

- d) If a prisoner/arrestee refuses to have fingerprints taken, the deputy may use necessary and reasonable force to obtain the fingerprints. If the prisoner has not been taken before the United States Magistrate prior to refusing to be fingerprinted, the United States Magistrate should be informed. When necessary force is used to obtain fingerprints, a Form [USM-210](#) is completed and submitted to the SDUSM. A notation is also made in the Cellblock Activity Log. A copy of Form [USM-210](#) is placed in the

prisoner's file. A copy is also forwarded to the assigned Assistant United States Attorney.

- e) In incidents where the defendant appears for initial hearing or arraignment, either voluntarily or pursuant to a summons, the SDUSM or designee notifies the Assistant United States Attorney or the United States Magistrate that the defendant has not been previously processed and requests that the court order the defendant to appear in the USMS office for processing.
 - f) Federal prisoners may be fingerprinted while being held in local detention facilities if the local procedure requires fingerprinting of all prisoners.
 - g) Fingerprint cards are not returned to arrestees/prisoners. Original fingerprint cards submitted in connection with federal arrests become part of official government records and are not returned or destroyed except when ordered by a federal court.
 - h) If the fingerprints are returned as unclassifiable, the following steps are taken:
 - 1) The originating district determines if a classifiable set of fingerprints is available, and if available, they are forwarded to the FBI;
 - 2) If the district does not have a classifiable set of fingerprints, new fingerprints are taken. If the defendant is free on bond and does not voluntarily return for fingerprinting, arrangements are made to obtain a new set of fingerprints by court order or at the time the defendant has a court appearance; and
 - 3) Processing Juveniles: Refer to D.5., *Processing Juveniles*, in this policy.
- f. DNA Collection: DNA samples will be collected during prisoner processing from those arrestees as outlined in Policy Directive 9.16, [DNA Sample Collection](#).

3. **Prisoner Records:** Prisoner records are maintained in JDIS-PTS for each individual prisoner and will be updated continuously by the criminal clerk or individual assigned. The ability to locate and retrieve prisoner records in a timely fashion is critical to the missions of the USMS. Therefore, any records that comprise an individual prisoner file, as prescribed and outlined below, which are not contained in JDIS-PTS or otherwise readily retrievable from another electronic media source must be maintained in a physical file. Physical prisoner files must be maintained in a consistent fashion in either one of two formats:

- a. A single prisoner file is created for every prisoner, in custody or bonded. At a minimum, the label on the prisoner file shall list the prisoner's name, (last name, first name, middle name) and the USMS number.
- b. A mass record prisoner file may be created to store those records not currently retrievable in an electronic format. This file will be employed using a specific and uniform time frame that is conducive to the district's capabilities; e.g., monthly, quarterly, annually. Any required prisoner documents received during the

designated period will be alphabetically placed in this single file. A label will be affixed on this file denoting "Prisoner Records" and the time frame encompassing the enclosed records. This file will be maintained and stored under the same record retention standards as required for single prisoner files.

- c. Depending on the type of prisoner file selected, they will generally be uniformly constructed throughout the entire district. However, based on workload variables, the district may determine that either prisoner filing option is more appropriate to a specific office within the district. Once this determination is made, each individual office within the district will consistently create and maintain the prisoner file.
 - d. The prisoner file will be placed into closed files upon the prisoner being transferred from the custody of the USMS. Closed files will be disposed of in accordance with the USMS records retention schedule number NI-527-99-1. This retention schedule also includes the disposition of electronic records.
 - e. Records not contained in JDIS-PTS or other electronic media sources are maintained in the prisoner file (some of these records include):
 - 1) [USM-40/USM-41](#), *Prisoner Remand or Order to Deliver and Receipt for United States Prisoners* (May be kept in separate file by date and retained in accordance with record retention Schedule Number: [NI-527-99-1](#), *Records of Prisoners in Federal Custody*);
 - 2) [USM-18](#), *Federal Prisoner's Property Receipt*;
 - 3) [USM-552](#), *Prisoner Medical Records Release Form*
 - 4) [USM-130](#), *Prisoner Custody Alert Notice*;
 - 5) [USM-210](#), *Field Report*;
 - 6) Any other relevant court documents or letters that cannot be retrieved through another electronic media source.
4. **Prisoner Property:** All property in the possession of a prisoner, when remanded to USMS custody, is inventoried on Form [USM-18](#). If no property is taken, Form [USM-18](#) is completed indicating the absence of property. As soon as the property of a prisoner is inventoried and annotated on Form [USM-18](#), it must immediately be put into a secure container (cabinet, locker, room, or vault) that has limited access. The property is secured until it is given to the prisoner's attorney, family member, transporting officers or other representative, or mailed out within five (5) business days. Prisoner property should not be commingled with USMS property, supplies, or evidence. In the unusual case where prisoner property is not immediately turned over to another person or mailed out, but retained by the district, it should be turned over to the district's in-custody property custodian for control and storage. Any property not claimed or property that was mailed out and returned is donated or destroyed after 30 days. The donation or destruction is noted on Form [USM-18](#). Prisoners released within thirty (30) days acknowledge receipt of the property by signing Form [USM-18](#).
- a. Allowable Property: Prisoners in USMS custody may retain the following types of personal property while detained in a contract detention facility or federal institution:

- 1) Legal papers or materials: These materials should be relevant to the current or draft court proceedings;
 - 2) Religious medals: One medal may be retained only if it is of a size and weight which poses no threat as a potential weapon or escape device;
 - 3) Eye glasses or contact lenses, with case;
 - 4) Prescribed medicine and health devices;
 - 5) Wedding band: Rings with stones are not authorized. No rings other than a plain wedding band are permitted; and
 - 6) One set of court clothing.
5. **Processing Juveniles:** Juveniles who are not included in paragraphs a-c below are not fingerprinted.
- a. Juveniles prosecuted as an adult.
 - b. Juveniles found guilty of an act of delinquency by committing an act which if committed by an adult would be a federal felony crime of violence or drug offense under [21 U.S.C. § 841](#), [21 U.S.C. § 952\(a\)](#), [21 U.S.C. § 955](#), or [21 U.S.C. § 959](#).
 - c. Juveniles found guilty of an act of delinquency by committing an act after his or her 13th birthday which if committed by an adult would be a federal felony crime of violence under [18 U.S.C. § 113](#), *Assaults Within Maritime and Territorial Jurisdiction*; [18 U.S.C. § 1111](#), *Murder*; [18 U.S.C. § 1113](#), *Attempt to Commit Murder or Manslaughter*; [18 U.S.C. § 2111](#), *Special Maritime and Territorial Jurisdiction*; [18 U.S.C. § 2113](#), *Bank Robbery and Incidental Crimes*; [18 U.S.C. § 2241\(a\)](#), *Aggravated Sexual Abuse*; or [18 U.S.C. § 2241\(c\)](#), *Aggravated Sexual Abuse With Children*; or by possessing a firearm during the aforementioned offenses.
 - d. Juveniles who are not included in paragraphs a through c above are not fingerprinted or photographed at the time of processing without a court order. A district that processes a large number of juvenile delinquency cases may seek standing court orders that permit fingerprints and photographs of juveniles to be part of the booking process.
 - e. Generally, during the course of any juvenile delinquency proceeding, all information and records (i.e., name, picture) relating to the proceeding or court case shall not be disclosed directly or indirectly to anyone. Information may be released as prescribed in [18 U.S.C. § 5038](#) or, if uncertain, check with the prosecuting Assistant United States Attorney.
 - f. Juvenile records are stored separately from adult records and safeguarded from disclosure to unauthorized persons, as required by [18 U.S.C. § 5038\(a\)](#). Each juvenile criminal record file (hard copy or electronic, other than PTS) is specially marked and/or color-coded so that it is clearly identified as a juvenile record.
6. **Prisoner Tracking and Processing:** The following procedures are to be followed regarding the receipt, processing, and tracking of prisoners in operational custody of the USMS. These procedures shall be followed to ensure that consistent, accurate, and up-to-date prisoner statistics are maintained and that prisoner data is uniform and districts may track prisoner activity continuously.

It is generally the responsibility of the operational personnel of a district to process a prisoner and enter the initial data into PTS. It is generally the responsibility of the administrative personnel of the district to update the prisoner's records. Therefore, operational personnel will use the All Intakes menu in PTS and administrative personnel will use the USM-129 Update/Release menu in PTS. It is possible that due to staffing needs an operational person will do an update in the PTS system. It is recommended that limits are placed on personnel access to the system via the Security Menu.

All individuals coming under operational custody of a USMS district are entered into PTS.

a. Commitment of Federal Prisoner

USMS Custody: It is a requirement that all prisoners in USMS custody possess a commitment document or warrant issued by a United States Magistrate, United States District Court Judge, or other authorized officer of the United States Courts. (Reference [18 U.S.C. § 3041](#).)

USMs may take a prisoner, arrested by other federal law enforcement agents, into custody only when a proper commitment document or warrant is presented at the time of transfer.

When the warrant has been issued in another district and is not in the hands of the arresting officer, it is the responsibility of the USM in the district where the defendant is apprehended to ensure the warrant is obtained (forwarded) from the issuing district. The warrant must then be properly executed by the arresting officer.

If the prisoner is already in the custody of the USM, the warrant must be executed on behalf of the arresting officer by the USMS.

Example:

Special Agent John Jones, FBI
By, Jack Brown, Deputy U.S. Marshal

- 1) USMS personnel shall use Form [USM-40/USM-41](#) when committing or requesting the release of a prisoner in USMS custody to a federal or contract detention facility.
- 2) All USMS contract facilities are instructed not to accept custody of prisoners from a federal agency other than the USMS or the BOP unless the committing agency completes a Form [USM-40/USM-41](#). All such completed forms are to be sent immediately to the local USM so that the prisoner custody status can be entered into the PTS.
- 3) When it is necessary to house a prisoner in a contract detention facility during a Prisoner Coordination (PC) trip, the DIC of the trip shall immediately submit a copy of Form [USM-40/USM-41](#) to the local USM allowing the USM to update prisoner records in PTS and verify detention facility bills.
- 4) When out-of-district USMS personnel commit a prisoner to a contract detention facility with the intent to change custody (i.e., transporting deputies commit a prisoner to a contract detention facility for further removal through the Justice Prisoner and Alien Transportation System (JPATS), the prisoner becomes the operational responsibility of the local

USM. The transporting DIC must contact and inform the receiving USM of the location of the prisoner.

A complete set of USMS prisoner records must be provided (forwarded/faxed) to the receiving USM. If the change of custody occurs after regular office hours, the transporting deputies may leave the prisoner's records with the local jail for pickup by the local USM. When this occurs, the transporting DIC notifies the local USM the following morning.

- b. Operational custody is the physical receipt of a prisoner by a district followed by processing and retention of the prisoner. A prisoner is in a district's operational custody until the prisoner is released, has completed the judicial process, and (in the case of sentenced prisoners) is released to BOP and their record is closed out. All prisoner activity is recorded in PTS. In the case of extensive prisoner movements due to the writ process or any other proceeding, correct procedures must be followed every time a prisoner is taken into operational custody. A Form [USM-40/USM-41](#) is executed to reflect the transfer of custody each time a prisoner enters or leaves USMS custody.
- c. Reporting: USMS personnel are responsible for ensuring that prisoner information is entered into PTS correctly and in a timely manner. This is especially important with JDIS since data is updated on a nightly basis and data is pulled by Headquarters at various times during the month to meet reporting requirements. Instructions on entering information into PTS can be found in the [PTS Users Manual Version 4](#) located on the Prisoner Operations/PTS website.

- 7. **Courtesy Holds:** The district may temporarily hold an arrestee received by non-USMS personnel in the cellblock until the arresting agent(s) make arrangements for the prisoner's initial appearance before a United States Magistrate. A prisoner remains the responsibility of the arresting agency until remanded to the custody of the USMS by the courts. When a courtesy hold is allowed by the district to be housed in a USMS cellblock, (b) (7)(E) from the arresting agency must be available to respond to the cellblock in order to address any issues with their prisoner (i.e., medical, disciplinary). If the arresting agency refuses to comply with the district's designated procedures, the courtesy hold may be refused. Official credentials must be presented by the person(s) producing the prisoner.

The districts are strictly prohibited from formulating hold harmless agreements between USMS and any law enforcement agencies.

- a. Dissemination of Criminal Information: Prisoner information is considered law enforcement sensitive and should not be disseminated outside of law enforcement agencies. The USM-129 may be given to the facility housing the prisoner. If information is given to law enforcement agencies outside the Department of Justice (DOJ) this must be recorded on Form [USM-83](#), *Privacy Act Disclosure Recording (Accounting) Log*.

8. Health and Safety:

- a. At least one sign is posted in each cellblock advising prisoners how to request emergency medical assistance. The signs are written in English and any other language prevalent in the geographic area. The signs should be posted in an area that the prisoners occupy or pass through, i.e., a corridor or cellblock area. Districts may have these signs fabricated locally or may request assistance from

POD. Example: "If emergency medical service is needed, immediately notify the security staff."

- b. A first aid kit is available in each cellblock and replenished as necessary. The SDUSM or DIC inspects the first aid kit weekly to ensure it is adequately supplied and notes the inspection in the cellblock activity log.

9. **Key Control:** Cellblock keys will not be left unsecured or unattended in the cellblock, hanging in locks, lying on desks, or in drawers. Cellblock keys must be in a secured and locked container at the end of each workday. Keys utilized for entry into office space or emergency exits are not allowed in the cellblock.

- a. Deputies assigned to the cellblock are held accountable for key control at all times. Each deputy is responsible for returning keys to the designated security areas after use. The SDUSM is responsible for accounting for all keys at the end of each workday.
- b. Duplicate sets of keys for the cellblock are maintained by the SDUSM. One set is placed in an easily accessible but secure area to be used in emergency situations. One set is kept by the deputies responsible for working in the cellblock area. Other duplicate sets of keys are secured at all times.
- c. Cellblock keys are rotated annually with the emergency keys to ensure that all keys are worn at the same rate. This avoids a situation where a brand new key will no longer open a worn lock.

10. **Temporary Release to Others:**

- a. A district is authorized to relinquish temporary custody of a prisoner to an officer of the court or a law enforcement officer based on the following authorities:
 - 1) Written order of the federal court of commitment;
 - 2) Written authorization from the United States Attorney's Office which has been approved by at least a supervisory Assistant United States Attorney; or
 - 3) State writ of habeas corpus or other court order, with the approval of the case Assistant United States Attorney and the federal court of commitment.
- b. Districts shall develop procedures for the release of prisoners to the temporary custody of law enforcement officers, to include the proper identification of the prisoner and transporting law enforcement officers prior to release. These procedures may include information regarding the place that custody will be transferred, the duration of temporary custody, and any security measures to be utilized. If necessary, districts may seek standing court orders adopting these procedures. A Form [USM-40/USM-41](#) will be executed to reflect the transfer of custody.
- c. A deputy is not authorized to relinquish temporary custody of a prisoner for the purpose of aiding an ongoing investigation without prior approval obtained from the Office of Enforcement Operations (OEO), DOJ. OEO approval is not necessary when the prisoner is removed from a detention facility for a routine interview. A routine interview is one that elicits background or fact information but does not involve a prisoner becoming active in an investigation. It is the

United States Attorney's and investigating agency's responsibility to obtain OEO approval for use of prisoners in non-USMS investigations. When the district management is approached with a request to produce a prisoner to assist in an investigation, district management shall require that a memorandum, signed by the United States Attorney or a supervisory Assistant United States Attorney contain the following information:

- 1) Identification of the prisoner;
- 2) Length of time the prisoner is out of the custodial facility;
- 3) Whether the prisoner is taken out of the district;
- 4) What measures are taken to insure the prisoner will not abscond;
- 5) Whether OEO approval has been sought and/or granted; and
- 6) The Witness Security Program manager directs all USMS activities involving a protected prisoner witness.

11. Emergency Procedures:

- a. The following emergency equipment and procedures are required for each cellblock:
 - 1) A smoke detection device(s) and fire suppression equipment approved by GSA. The location of the equipment is also approved by GSA;
 - 2) District management ensures that all deputies assigned to a cellblock know how to operate available fire suppression equipment;
 - 3) Emergency equipment and devices shall be tested as required by OCM and GSA. The GSA building manager should be contacted to assist with testing and inspections of all emergency equipment. If GSA does not test fire suppression equipment, the district shall contract with a commercial firm to provide the required testing and documentation. OCM will be contacted prior to contacting a commercial firm to provide suppression equipment testing. The weekly visual inspections of equipment are documented by the SDUSM or designee in the cellblock activity log; and
 - 4) Automatic fire detection devices and duress alarm systems will be visually inspected daily and tested each month. The duress alarms in the cellblock must also be tested on a monthly basis by operational personnel. Both of these monthly tests will be documented in the cellblock activity log. A weekly SDUSM or designee visual security inspection of equipment is also noted in the cellblock activity log.

Table 1. Testing, Inspection, and Documentation Requirements

Type of Equipment/Device	Testing	Visual Inspection	Documentation Required
Emergency Equipment & Devices	Semiannually	Weekly	Annual Test Weekly Visual Inspection
Automatic Fire Detection Devices	Monthly	Daily	Only Monthly Test
Duress Alarm Systems	Monthly	Daily	Only Monthly Test

- b. Districts will develop district policy directives which implement an emergency evacuation plan, designating at least one emergency exit to be used during an evacuation. A sign showing the emergency evacuation route will be posted. All exits will be identified by a sign.
- c. Districts will include in their district policy directives on cellblock operations an action plan in the event of a fire or bomb threat. Prisoners will not be removed from the cellblock unless an imminent threat exists. An apparent emergency may be a hoax designed to offer an opportunity for escape. If removal is necessary, prisoners will be restrained in a manner that affords evacuation, but maintains security. An adequate number of deputies are assigned to ensure safe removal of prisoners. Prisoners should be returned to the cellblock as soon as the area has been properly searched and rendered safe.
- d. Cellblock Disturbances: Districts will develop district policy directives which implement an action plan in the event of a cellblock disturbance. Prisoners not participating in the disturbance will be removed or separated from the area. If necessary, force or chemical weapons may be used in accordance with USMS policy to gain control of the situation. A cellblock disturbance shall be reported to POD as soon as practical. POD shall notify the Deputy Director. The district shall investigate the incident to establish the cause of the disturbance so it may be prevented in the future.
- e. A warning system will be in place to make the control room/SDUSM aware of an emergency in the cellblock. This may be accomplished by use of a constantly monitored CCTV system, cellblock duress alarm system, audio monitoring system, two-way communication, or a personal panic alarm. There will be an adequate number of warning systems to cover all areas of the cellblock. (OCM must be contacted prior to any modification of electronic security systems.)
- f. Escapes: Prisoner escapes/attempted escapes are reported immediately to the USM, Chief Deputy United States Marshal (CDUSM), and the USMS Communications Center. The Communications Center shall notify the Investigative Operations Division (IOD) duty officer and POD. Any escape is considered a major case investigation and is coordinated with and reported through IOD. In addition, the following procedures are followed:
 - 1) Provide descriptions, identities, and pending charges or known offenses of escapees to all on-duty personnel and adjoining jurisdictions as quickly as possible;

- 2) Secure the cellblock, account for all prisoners, and inspect to ensure proper functioning of the cellblock security doors and devices; and
 - 3) Designate a supervisor to coordinate information-gathering and search efforts among USMS personnel and other law enforcement authorities.
- g. Hostages: Districts will develop a district plan to address hostage situations in the cellblock area. The Special Operations Group (SOG) may assist in developing an action plan. A hostage situation shall be reported to the Communications Center as soon as practical. The Communications Center will in turn notify the Deputy Director and POD. The district investigates the incident to establish the cause and to prevent recurrence. At a minimum the following is included:
- 1) Inform all personnel that orders given by any hostage are not valid and will not be obeyed; and
 - 2) No weapons will be introduced into the hostage situation.

12. Responsibilities:

- a. USMs/CDUSMs:
 - 1) Develop and implement district policy directives for the unique operation of the district's cellblock that were not covered in this policy directive. A district policy directive does not supersede or alter this policy directive;
 - 2) Appoint an SDUSM (or deputy for districts without an SDUSM) as responsible for the supervision and administration of the cellblock and operations; and
 - 3) Ensure that a copy of this policy directive is available to all district personnel.
- b. POD:
 - 1) Assist districts with all aspects of cellblock operations and policy directive development;
 - 2) Provide oversight for prisoner-related policies and procedures; and
 - 3) Receive and process cellblock and prisoner incident reports.
- c. IOD:
 - 1) Assist districts in all aspects of investigating prisoner escapes; and
 - 2) Process and review escape investigations.
- d. MSD:
 - 1) Assist districts with all aspects of the cellblock physical facility.

E. Definitions:

1. **Operational Personnel:** Includes all operational employees assigned to the 1811 job series, 0082 series, Detention Enforcement Officers (DEOs), contract guards, and USMs.
2. **Cellblock:** A secure area in the USMS office intended to house prisoners waiting for their court proceedings. The cellblock is a federal detention facility. Reference [18 U.S.C. § 1791\(d\)\(4\)](#).
3. **Holding Cell Area:** A secure cell/area not located in the USMS office space. Holding cells are generally adjacent to courtrooms or interview areas.

F. Cancellation Clause: Supersedes Policy Directive 9.1, *Cellblock Operations*.

G. Authorization and Date of Approval:

By Order of:

Effective Date:

 /S/

 7/28/10

John F. Clark
Director
U.S. Marshals Service



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.21 IN-DISTRICT PRISONER MOVEMENTS

- A. Proponent:** Prisoner Operations Division (POD), 202-307-5100, Fax 202-305-9434.
- B. Purpose:** Establish policy and procedures for the movement of prisoners by the United States Marshals Service (USMS), either within a district or up to 50 miles in a bordering district. These policies and procedures do not apply to prisoners moved by the Justice Prisoner and Alien Transportation System (JPATS).
- C. Authority:** The Director's authority to supervise the USMS and issue written directives is set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561\(g\)](#).
- D. Policy:**
1. Persons in the operational custody of the USMS will be fully restrained during transportation. Arrest situations may be an exception to prisoners being immediately placed in full restraints.
 2. Female prisoners will be transported and handled separately from male prisoners unless specifically authorized by USMS district management. Reference section E.5.d in this policy directive.
 3. Juvenile prisoners will be transported and handled separately from adult prisoners unless specifically authorized by USMS district management. Reference section E.5.c in this policy directive.
 4. Vehicles used primarily to transport prisoners will be equipped with security screens between the operator compartment and the prisoner compartment. In addition, windows of the prisoner compartments will be equipped with security strapping or steel mesh. Unauthorized persons will not be permitted in prisoner transport vehicles.
 5. (b) (7)(E) USMS personnel will perform in-district USMS prisoner transportation. (b) (7)(E) of the personnel will be an operational employee (GS-1811, GS-082, or GS-1802), hereafter referred to as deputies, and (b) (7)(E) may be a District Security Officer (DSO), or other sworn Law Enforcement Officer. Operational personnel are assigned at the discretion of district management.
- E. Procedures:**
1. **Transportation by Vehicle:**
 - a. Restraints: Prisoners will be fully restrained when transported by the USMS. Full restraints consist of handcuffs, waist chains, and leg irons. It is recommended that handcuffs and waist chains be supplemented with the use of security boxes and padlocks. District management may approve prisoner(s) being handcuffed behind the back for prisoner moves of one (1) hour or less (commonly referred to as a short haul). The practice of handcuffing behind the back is an exception, not an alternative to full restraints.

b. Screened Vehicles: (b) (7)(E) deputies will perform prisoner movements by sedan or van. (b) (7)(E) deputies plus a driver will be used when a bus is used to transport prisoners. District management may approve the following:

- (b) (7) (E)
- 1) On a case-by-case basis, (b) (7) deputy in a screened transport vehicle and (b) (7) deputy in a "follow" vehicle may be used to meet the requirement of (b) (7) transporting deputies. The "follow" vehicle must follow the prisoner transport vehicle to the secure area (Sally Port); and
 - 2) A minimum of (b) (7)(E) may be used to transport prisoners by bus in unusual circumstances.

c. Unscreened Vehicles: Prisoner transportation in an unscreened vehicle, other than in an arrest situation, will be approved by district management. When authorized, such movement is to be accomplished according to the following procedures:

- 1) (b) (7)(E)
- 2) (b) (7)(E)
- 3) (b) (7)(E)
- 4) (b) (7)(E)

d. Cover and Contact: (b) (7)(E) "cover" deputies will be positioned at off-vehicle vantage points during loading and unloading of prisoners while an (b) (7)(E) deputy directly handles the prisoner(s). (b) (7)(E)

e. Transporting deputies will maintain visual contact of prisoners.

f. Vehicles will be searched for contraband prior to and after each prisoner movement. The search will encompass the entire vehicle. If a prisoner trip is more than one day in duration, this procedure will be completed daily. Discovered contraband will be handled and disposed of per Policy Directive 8.6, [Evidence](#).

g. Physical Security: Vehicles used primarily to transport prisoners will be equipped with security screens to separate USMS personnel from the prisoners. In addition, side windows of sedans will be equipped with security strapping, mesh or bars. The side and back windows of prisoner vans will be equipped with security strapping, mesh or bars. Prisoner van compartment doors may be secured with a hasp and padlock. The inside rear door handles and rear seat belts must be removed or rendered inoperable on all vehicles used for prisoner transport. Child safety locks may be activated in lieu of removing door handles.

h. Loads: (b) (7)(E) In an (b) (7)(E)

deputy). A full load for buses or vans is in accordance with the passenger seating configuration or designed passenger load for each vehicle type.

- i. Rest Stops: If a rest stop is necessary, police facilities should be used when possible.
 - 1) Rest areas along the highways should be avoided. Facilities are to be selected at random after departing the highway. Vehicles will be parked as close to the restrooms as possible.
 - 2) Prisoners will not be left unguarded at any time, and all prisoners will remain under close surveillance while in the restrooms and the vehicle.
 - 3) A thorough search of rest stop facilities will be conducted for contraband, weapons, and any item that may be used in an escape attempt prior to a prisoner's use of the facility.
 - 4) Restraining devices will not be removed during rest stops. Each time a prisoner is placed in or removed from a vehicle, all restraints will be thoroughly checked to determine that each device is properly secured.
- j. Seat Belts: [Executive Order 13043](#), *Increasing Seat Belt Use in the United States*, requires all federal employees occupying the front seat of government-owned vehicles (GOVs) to have safety belts fastened at all times while the vehicle is in motion. With respect to prisoners, deputies transporting prisoners are not required to seat belt prisoners in the back seat(s) of GOVs.
- k. Vehicle Accidents: In the event a USMS vehicle is involved in an accident while transporting prisoners, deputies will notify district management immediately. If there is no articulable reason to believe the accident is an escape attempt or a dangerous situation, the deputies will stop and exchange driver/vehicle information. If there are injuries, or if the USMS vehicle is rendered inoperable, USMS resources will be dispatched to the accident scene. Local law enforcement may be requested to assist with the security of prisoners while the deputies are waiting for additional USMS support.
- l. (b) (7)(E)

2. District Movements:

- a. Districts are responsible for the safe planning, scheduling, and movement of all prisoners in their custody. District management will ensure the following:
 - 1) Proper USMS personnel assignments are made for prisoner movements;
 - 2) Detention facilities or institutions holding the prisoner(s) identified on the court schedule (or to be transferred) are contacted to arrange release/booking dates and times;
 - 3) The prisoner's identity is verified prior to transporting by name recognition, photograph, detention facility number, arm band, or name tag;
 - 4) Weapons are properly secured prior to handling prisoners;

- 5) Prisoners are searched and restrained in a professional, systematic, and consistent manner prior to transportation (reference Policy Directive 9.17, [Body Searches](#));
 - 6) Restraints may only be removed in a secured environment; and
 - 7) All prisoner records/documentation are signed, dated, and delivered to the receiving official.
- b. Districts may authorize the movement of a prisoner for one or more of the following reasons:
- 1) Appearance at scheduled court proceedings, attorney/client interviews, pretrial/ probation interviews, or investigative interviews upon request/approval of the United States Attorney's office;
 - 2) Compliance with Writs of Habeas Corpus;
 - 3) Commitment to an institution pursuant to a court order or transfer between institutions as requested/authorized by the Federal Bureau of Prisons (BOP);
 - 4) Medical or health care treatment and services;
 - 5) Attendance at a private viewing of a deceased relative or deathbed visits pursuant to a court order; and/or
 - 6) Transfer from one detention facility to another to alleviate overcrowded conditions or for the protection and safety of the prisoner or others.
- c. Prisoner Conversations: Deputies will be alert for spontaneous conversation by and between prisoners which may provide investigative leads, indications of escape attempts, or criminal activity. Spontaneous conversations are those which do not result from questions or comments by law enforcement officers. Incriminating statements made by a prisoner in response to a question or comment from a transporting deputy may be considered in-custody questioning and may not be admissible unless the prisoner was given their Miranda rights prior to the question. These conversations will promptly be reported to the deputies' supervisor and documented on Form [USM-210](#), *Field Report*.
- d. While in transit, prisoners will not be permitted to:
- 1) Select places, routes of travel, rest stops, or influence in any other manner the travel itinerary;
 - 2) Possess or expend any funds, consume tobacco products, or place telephone calls;
 - 3) Converse with anyone except other prisoners and custodial personnel; or
 - 4) Have medication except that prescribed by a physician or as indicated by the institution. Medication that must be administered by a hypodermic syringe will be injected only by medical personnel.
- e. Trip Reporting Process: Districts will establish a trip reporting process for communicating the movement of prisoners. This will include the means of

communication (i.e., radio, telephone), the place and time of departure, odometer reading, persons in the vehicle, estimated time of arrival, and the actual time of arrival. In the absence of a communications or control center, district management will designate a point-of-contact to receive the communications.

- f. Deputies will maintain communication with the district at all times and immediately report a prisoner illness, prisoner injury, disruptive prisoner, vehicle accident or breakdown, prisoner escape, or attempted escape. The communications staff will then immediately notify the district management and local law enforcement if assistance is needed. In the event the district does not have a communication center, district management will be contacted directly.
 - g. Contingencies: Districts will plan and prepare for potential emergencies encountered during transportation.
 - h. Deputies will not engage in any unauthorized activities or unscheduled stops while transporting prisoners. However, if there is a risk of death or bodily injury to a prisoner, USMS personnel, or a citizen, deputies may stop or alter routes to render assistance in emergency situations. District management will be notified immediately for guidance or assistance. Under no circumstances will a prisoner or prisoners be left out of visual contact of the transporting deputies.
3. **Escapes:** Prisoner escapes/attempted escapes will be reported immediately to district management and the USMS Communications Center. The Communications Center will notify the Investigative Operations Division (IOD) and POD duty officers. An escape is classified as a major case investigation and will be coordinated with and reported through IOD. District management should institute the following procedures:
- a. Designate a supervisor to coordinate information gathering and search efforts;
 - b. Ensure other prisoner(s) are secured, then move them to their final destination or an available secure location (i.e., detention facility, police department); and
 - c. Provide descriptions, identities, mode and direction of travel, propensity for violence, and pending charges or known offenses of escapees to all USMS personnel and law enforcement authorities as soon as possible.
4. **USMS Arrestees Requiring Medical Attention:** If a prisoner is injured or becomes sick following an arrest, the prisoner will be transported to a medical facility or examined by a medical professional prior to processing. The following security, control, and transportation procedures will apply:
- a. Prisoners will be searched. Control over the prisoner will be maintained at all times. The prisoner will be restrained unless there are compelling medical reasons; and
 - b. If emergency medical technicians (local public safety EMT/EMS) respond to the scene, the deputies may request the EMT/EMS transport the prisoner to an appropriate medical facility, if necessary. (b) (7)(E) will remain with the prisoner during transportation by ambulance. (b) (7)(E) deputy will follow the ambulance and be part of the security team while the prisoner is being treated. If an ambulance is not required, deputies will transport the prisoner to and from a medical facility, if necessary, and remain with the prisoner during treatment.

5. **Special Transportation Movements:**

- a. **Physically, Mentally, and / or Medically Impaired Arrestees:** USMS prisoner transportation procedures, including the use of restraining devices, will be followed when arresting a person believed to be impaired.
- 1) If special vehicles are needed to transport the impaired prisoner (i.e., to court productions, a medical appointment, or to meet JPATS), an ambulance or suitably equipped vehicle will be utilized and funded from the Federal Prisoner Detention (FPD) appropriation, sub-object class code 2578.
 - 2) It may be necessary to transport medication with the prisoner (i.e., insulin, inhalers) or other special items needed for the prisoner's condition.
- b. **Movement of Impaired Prisoners:** The following procedures apply to the transportation of physically, medically, and / or mentally impaired prisoners (male, female, adult, or juvenile):
- 1) Obtain a written statement from the medical staff of the sending institution/facility. The statement will include:
 - a) The prisoner's physical and emotional state;
 - b) Special requirements for movement or safekeeping, such as isolation or special medication(s);
 - c) Recommendations concerning the use of additional restraining devices (USMS personnel will apply those restraining devices that are necessary to ensure the impaired person is transported in a safe and secure manner); and
 - d) Requirement for an attendant(s) to assist in the transportation and safekeeping.
 - 2) Whenever possible, impaired prisoners will not be housed, transported, or commingled with other prisoners. Every effort should be made to place the impaired prisoner in a facility that will meet the specific medical needs of the prisoner. The holding institution will be informed of the prisoner's special condition. A Form [USM-130, Prisoner Custody Alert Notice](#), will be executed and presented to the receiving official.
- c. **Juveniles:** Juveniles will be provided special handling in accordance with the [Juvenile Justice and Delinquency Prevention \(JJDP\) Act](#), and [18 U.S.C. §§ 5031-5042](#).
- 1) Juvenile prisoners will be transported and handled separately from adult offenders, unless specifically authorized by the district management in unusual circumstances.
 - 2) For short duration trips (less than one (1) day), transportation of both adults and juveniles may be scheduled in the same vehicle when the juvenile is a relative or a close associate of the adult prisoner(s), or when a determination has been made by the district management that the juvenile would not be detrimentally influenced by the adult prisoners. Longer trips generally require that juveniles and adults be transported separately.

- 3) In certain emergencies, it may not be possible to separate the two classes of prisoners during transit. In such situations, on trips exceeding one (1) day, USMS personnel must ensure minimum contact between juveniles and adults by closely observing them and providing separate overnight lodging.
- d. **Females:** Female prisoners should be separated from male prisoners unless the vehicle is appropriately equipped with separate compartments (as on a prisoner bus). However, district management may authorize female prisoners to be transported with other prisoners, in the same vehicle, on trips that do not exceed one (1) day.
- 1) To the extent possible, female prisoners will be separated from male prisoners within the vehicle. Each female trip will be handled by a minimum of (b) (7)(E) of whom may be a contract guard. One of the transporting personnel should be a female, if available.
 - 2) When conditions such as distance, time, and staffing make it necessary for (b) (7)(E) to transport a female prisoner, the deputies will immediately notify their supervisor. The deputies will communicate by radio or telephone the place and time of departure, odometer reading, persons in the vehicle, estimated time of arrival, and actual time of arrival. All information will be recorded on Form [USM-66](#), *Radio Log*.
- e. **Medical Appointments:** The following requirements apply:
- 1) The time and place of medical appointments should not be known to the prisoner(s);
 - 2) The minimum staffing required for medical appointments is (b) (7)(E) to prisoners;
 - 3) An “advance” will be performed when there is believed to be a heightened security risk;
 - 4) The detention facility staff or a hospital guard service may move a prisoner to the hospital when emergency medical conditions exist or for routine outpatient care. The district will be notified when a move has been made by the detention facility or guard service;
 - 5) Removal for routine medical care may not be initiated without prior approval of the district management; and
 - 6) Visual contact with prisoners will be maintained at all times.
- f. **Deathbed Visits, Private Viewings and Other Special Situations:** Deathbed visits, private viewings, and other special situations are prohibited unless a court order directing the USMS to produce a prisoner has been obtained by the prisoner or prisoner’s attorney prior to the production. Prisoner attendance at funerals is strictly prohibited. The USMS will notify BOP prior to producing a prisoner for a special situation when the prisoner is on a Writ of Habeas Corpus or an Attorney Special Request (ASR) from BOP. When a special production of a prisoner has been ordered by the courts, the procedures below will be followed:

- 1) A security check with local law enforcement and the arresting agency will be made to determine if any family member or associate is a fugitive, or if such persons would pose a threat to the prisoner or the deputies;
- 2) An “advance” of the destination should be conducted, if appropriate;
- 3) The prisoner will be fully restrained;
- 4) District management will determine the length of the visit, up to a maximum of one (1) hour. The visit may be terminated at any time if conditions indicate a safety or security risk. The private viewing or visitation will be limited to the prisoner, the transporting deputies, the funeral director or medical personnel, and the deceased or critically ill. It may be advisable to have the deceased brought by the funeral director to an alternate location for viewing;
- 5) There will be no advance notice to the prisoner concerning the date or time of the visit;
- 6) A minimum of (b) (7)(E) deputy will be used on any aforementioned detail. The detail may be augmented with additional deputies at the discretion of district management; and
- 7) Payment of the costs of USMS personnel and transportation will be sought prior to each deathbed visit, viewing, and other special situations.

g. **High-Threat or High-Profile Movements:** When deemed necessary by district management, operational plans will be prepared for high-threat prisoner movements within district. Any movement or treatment that could be construed as “special” should be documented to have a record of activity. The documentation and procedure will include, but not be limited to, dates and times, chain-of-command, routes to be taken, resources to be used, alternative plans/routes, and the reasons for the special measures. The United States Attorney/Assistant United States Attorney and judge involved with the case will be informed of the additional security risk and security procedures associated with a high-threat prisoner.

h. **In-district Air Transportation:** A district may use commercial/charter air service to move prisoners within the district in lieu of ground transportation. Travel plans may be made by the district or through JPATS central ticketing. The district is financially responsible for in-district air travel (JPATS excluded). Use of JPATS is recommended.

- 1) The United States Marshal's (USM's) office will perform a security check before using local or noncommercial charter companies for prisoner transport. At a minimum the following should be performed:
 - a) A general criminal check should be done for all charter company personnel involved with the prisoner movement; and
 - b) Inquiries should be made to the Federal Aviation Administration and other law enforcement agencies for any adverse information concerning the charter company.
- 2) The passenger compartment of a charter plane will be searched by a deputy for contraband before executing the move.

- i. **Community Corrections Center (CCC):** If the BOP Community Corrections Manager (CCM) determines that a CCC prisoner is to be taken into custody, the CCM, not the resident contractor (i.e., halfway house operator), will make a request to the district. The routine transfers of CCC prisoners will occur during normal business hours. However, when the CCM determines the resident (prisoner) is an escape risk, a threat to himself, staff, or other center residents; they will request an immediate transfer. The CCM must articulate, to the satisfaction of district management, the reason the resident is a non-routine transfer. The district and the CCM will agree on the facility to be used to better ensure payment can be made directly by the CCM. Districts are encouraged to facilitate direct billing between the facility and the CCM for CCC failures.
- j. **Witness Security Prisoners:** Contact USMS Headquarters, Witness Security Program for assistance.

6. **Prisoner Records:**

- a. The deputy-in-charge (DIC) will ensure appropriate forms accompany each prisoner (i.e., intake forms, Form [USM-40/USM-41](#), *Prisoner Remand or Order to Deliver and Receipt for United States Prisoners*, Form [USM-130](#), Form [USM-553](#), *Medical Summary of Federal Prisoner/Alien in Transit*, commitment orders, and/or detainers). These forms will contain information regarding prisoner identification, medical condition, prisoner separation (keep-aways), escape risk, suicide potential, and any other information relating to the security of the prisoner. This information will be provided to the administrator or designee of the detention facility used to house the prisoner.
- b. **Out-of District:** When an out-of-district deputy commits a prisoner of a detention facility with the intent to transfer custody, he or she will make arrangements prior to the delivery of the prisoner to the local (host) district. The transferring prisoner becomes the responsibility of the local district upon delivery to the facility. The transporting deputies are responsible for notifying the local district of the prisoner's delivery and location. The transferring district will provide Form [USM-40/USM-41](#) and a set of the prisoner's records will be furnished to the receiving district as soon as possible.

7. **Prisoner Meals:**

- a. Prisoners will receive meals appropriate for the time of travel. Prisoners will not be removed from the vehicle (to include aircraft) and will remain in their assigned seats while eating. Restraints will remain in place while the prisoners are eating.
- b. Trips should normally be scheduled to allow for arrival at a detention facility or institution prior to meal times. When a travel day cannot be completed prior to established meal times, the DIC will provide a meal from the prisoner's detention facility while in transit or will make arrangements in advance with the receiving detention facility or institution for a late meal at the scheduled stop.
- c. If meals are required during transportation, attempts will be made to obtain bag lunches from the detention facility. If those meals are not available, deputies are authorized to expend funds to provide prisoner meals and be reimbursed. The maximum expended for prisoner meals are the following percentages of the local meal and incidental expense (M&IE) rate: 15 percent for breakfast, 20 percent for lunch and 30 percent for dinner (reference www.gsa.gov/mie). District management may approve deviations from these rates. Deviations will be

documented and filed with the trip voucher. Expenses will be reimbursed from the FPD appropriation.

8. **Persons Traveling On Bond:**

- a. [18 U.S.C. § 4285](#) provides any judge or magistrate judge of the United States may, when the interests of justice would be served thereby and the person is financially unable to provide the necessary transportation on his or her own, direct the USM to arrange for that person's means of noncustodial transportation to a specified place to appear before a court to face criminal charges. The court may, in addition, direct the USM to furnish that person with an amount of money for subsistence expenses en route to his or her destination. JPATS has been funded for the cost of court-ordered self-surrender and unescorted travel; no subsistence, only travel.
- b. In some instances, the courts have exceeded the intent of the law and ordered continued subsistence payments after arrival at their destination, round-trip court appearances, and travel for consultation with defense attorneys. It is the position of the USMS that court orders directing subsistence payments after arrival, or more than one-way transportation for a court appearance are not authorized by law and are to be brought to the attention of the issuing court. The court may then elect to place the defendant under the supervision and funding of the pretrial service agency or may place the defendant in the custody of the USM for placement in a suitable secure facility or halfway house.
- c. **Procedures:** After receiving a court order stating that the defendant is indigent and directing travel and subsistence payments in compliance with [18 U.S.C. § 4285](#), the following steps are to be taken:
 - 1) The district that receives the court order will electronically transmit a *Request for Prisoner Movement*, JDIS/PTS Form-106, to JPATS, and provide copies of the court order and Form-106 to the district in which the individual is located. After JPATS receives the court order and JDIS/PTS Form-106, Centralized Ticketing arranges for non-custodial transportation to the court of appearance.
 - 2) JPATS will provide commercial air trip schedule to all involved districts. Tickets, although ordered round trip, will be issued one-way only. Subsistence payments, if ordered, may be provided by the district for the travel period.
 - 3) The court ordered district should instruct the individual receiving travel or subsistence funds to obtain receipts to substantiate expenses and submit such records so he/she can be reimbursed by the USMS.
 - 4) The court ordered district advises the indigent defendant or counsel of the travel arrangements.
- d. **Requirements:** A trip number cannot be generated for an IDOB through JPATS unless an electronic JDIS/PTS Form-106 is submitted.
 - 1) For Process Code, use CO.
 - 2) For Location and Destination, use the respective district codes.

3) The court order, to be faxed, specifies the court date and time, the location and destination of the IDOB, and cites [18 U.S.C. § 4285](#) or other pertinent legal references justifying the travel. It must be one-way travel only.

e. **Appropriation Charges:** Travel and subsistence payments comply with [Department of Justice \(DOJ\) Order 2200.111](#), *Travel Regulations*. Transportation expenses are charged to the Salaries and Expenses, USMS appropriation, sub-object class code 2208. Only subsistence expenses are charged to the FPD appropriation, sub-object class code 2522.

f. **Reimbursements of Funds:** Per USMS regulations, POD does not reimburse per diem costs, but does reimburse districts for any travel expenses for IDOBs, such as public transportation fares and parking tollbooth fees.

9. **General Reporting:**

a. Release of Information: Subject to specific limitations imposed by law, court order, or Policy Directive 1.3, [Media](#), district management may make public the following information in any criminal case in which charges have been brought, **other than a juvenile:**

- 1) The defendant's name, age, hometown, occupation, or name of employer, marital status, and similar background information;
- 2) The location of the prisoner (at the discretion of district management) if that information does not jeopardize security;
- 3) The substance of the charge, if not sealed, limited to that contained in the complaint, indictment, information, or other public documents;
- 4) The identity of the investigating or arresting agency;
- 5) If a USMS case, the circumstances immediately surrounding an arrest, including the time and place of arrest, possession of or use of weapons, a description of any physical items seized, and whether resistance and pursuit occurred;
- 6) In civil cases, similar identification material regarding defendants, the government agency or program, a short statement of the claim as quoted from or referred to in the public record, and the government's interest may be released. Such a release will be coordinated with the United States Attorney's office;
- 7) Information about extraditions or the movement of prisoners in USMS custody will not be released; and
- 8) Information regarding a juvenile will not be released unless authorized in [18 U.S.C. § 5038](#).

b. A deputy is responsible for reporting any prisoner incident to district management as soon as possible. District management will immediately report the incident to the USMS Communications Center, and comply with Policy Directive 17.17, [Significant Incidents Reporting](#).

- c. The initial notification will be followed up with a detailed written incident report fully describing the events and any action taken within one business day. An electronic copy of the incident report will be forwarded to the POD regional inspector or Assistant Chief of POD, Office of Detention Management (ODM). Significant Incidents include but are not limited to:
 - 1) Escapes;
 - 2) Escape attempts;
 - 3) Use of force against prisoners;
 - 4) Vehicle accidents;
 - 5) Hijacking or attempted hijacking of any vehicle used for prisoner movement;
 - 6) Threats and actual attacks upon prisoners or escorting personnel by external sources;
 - 7) Suicides; and
 - 8) Attempted suicides.

F. Responsibilities:

1. **USM/Chief Deputy United States Marshal (CDUSM):** Responsible for performing the following:
 - a. Ensuring effective planning, scheduling, and supervision is provided for the safe movement of any prisoner within the district and up to 50 miles into a contiguous district;
 - b. Delegating approval authority to Supervisory Deputy United States Marshals (SDUSMs), or deputies assigned as DIC;
 - c. Developing and implementing district procedures for prisoner movement situations not covered in this policy directive. District directives will not supersede or alter this policy directive;
 - d. Ensuring all district personnel are knowledgeable of this policy directive and any pertinent district directives; and
 - e. Ensuring all district vehicles primarily used to transport prisoners are properly equipped as well as operationally and mechanically sound.
2. **POD:** Responsible for performing the following:
 - a. Developing and implementing USMS policy and procedures, including program directives, in regard to prisoner movement;
 - b. Receiving and processing incident reports concerning in-district prisoner movements; and
 - c. Providing guidance and assistance regarding prisoner movement issues.

3. **DIC:** Responsible for performing the following:
 - a. Keeping all reporting forms current during the trip;
 - b. Obtaining a legible signature or identification number from the receiving Deputy United States Marshal (DUSM)/officer;
 - c. Delivering or mailing a copy of the Form [USM-40/USM-41](#), to the host district the day of departure from the holdover detention facility (for out-of-district DICs). Whenever a prisoner's drop point is a USMS district's contract facility, a Form [USM-40/USM-41](#) and a copy of the prisoner's records will be furnished to the receiving district office; and
 - d. Submitting all completed [USM-40/USM-41](#) forms to the SDUSM of the transporting district immediately upon the completion of the trip.

G. Definitions:

1. **Deputy (United States Marshals):** Includes all operational employees assigned to the 1811, 082, and 1802 job series, and USMs.
2. **District Management:** Includes USMs, CDUSMs, Assistant Chief Deputy United States Marshals (ACDUSMs), SDUSMs or their designees.
3. **Operational Custody:** Includes the physical receipt of a prisoner by a district followed by processing and retention of that prisoner.

H. Cancellation Clause: Supersedes Policy Directive 9.1, *Prisoner Custody*, regarding the section on In-District Prisoner Movements.

I. Authorization and Date of Approval:

By Order of:

Effective Date:

 /S/
 Stacia A. Hylton
 Director
 U.S. Marshals Service

 4/12/11



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.22 INTERGOVERNMENTAL AGREEMENT PROGRAM

- A. Authority:** Title 18 of the United States Code was amended by the USMS Act of 1988 and the Department of Justice (DOJ) Appropriations Act of 2001 to include the following:
1. [Section 4013\(a\)](#) authorizes the Attorney General to make payments from the Federal Prisoner Detention (FPD) Account for the necessary clothing, medical care, guard services, housing and care of prisoners held in a USM's custody in accordance with federal law, under agreements with state or local governments.
 2. [Section 4006, Subsistence for Prisoners:](#) The Attorney General will allow and pay only the reasonable and actual costs of the subsistence of prisoners in any USM's custody.
- B. General:** An IGA is a formal written agreement between the USMS and a local or state government for the housing, care and safekeeping of federal prisoners in exchange for payment by the USMS, at a fixed per diem rate, for each prisoner held. State and local detention facilities the USMS uses must have an approved award document describing the services to be performed and the daily rate the USMS will pay. An approved IGA authorizes the expenditure of funds from the FPD Account. Additional IGA considerations are:
1. Electronic Intergovernmental Agreement (eIGA): A new on-line automated system established by the Office of the Federal Detention Trustee (OFDT) which is used to establish new IGAs and per diem rate increases for existing IGAs.
 2. Non eIGA (Exempt): Actions exempt from eIGA include:
 - a. IGAs at non-continental United States (CONUS) locations;
 - b. Limited Use Agreements (LUAs);
 - c. Juvenile Facilities; and
 - d. Administrative medications involving non-monetary terms.
- C. IGA Award Procedures:**
1. Each USM will do the following:
 - a. Review the district's prisoner population loads and any special needs (i.e., juveniles, illegal aliens, hospital guard services, special separation cases, Justice Prisoner Alien Transport System (JPATS) hold-over needs, and female detention facility) to assess the district's detention requirements;
 - b. Identify potential state/local detention facilities that meet USMS detention standards and are willing to support the district's detention requirements;
 - c. Coordinate with the BOP, the United States Department of Homeland Security, United States Immigration and Customs Enforcement (DHS/ICE) and other

districts to determine if they have detention requirements in the district, including requirements in specific facilities or locations. The USMS has priority access to available jail space in facilities with IGAs;

- d. Contact detention facilities by location, capability and types of detention services provided to determine if they are interested in housing federal prisoners; and
 - e. Conduct an initial on-site inspection of detention facilities to determine the facility's level of compliance with USMS inspection guidelines. A Form [USM-218](#), *Detention Facility Investigative Report*, will be completed to document the inspection.
 - f. Provide the detention facility with:
 - 1) A sample IGA to review or clarify any special terms or conditions (i.e., billing procedures, guard service). To obtain a sample IGA, contact the district's designated POD Regional Specialist;
 - 2) A Form [USM-243](#), *Cost Sheet for Detention Services* and an instruction booklet for completing non eIGA applications;
 - 3) A copy of the [Office of Management and Budget's \(OMB\) Circular No. A-87](#), *Cost Principles for State, Local and Indian Tribal Governments*; and
 - 4) For eIGA applicants, OFDT's website address: www.usdoj.gov/ofdt and help desk number, 202-305-8790, for instructions on completing the eIGA application.
 - g. Non eIGA (Exempt) applicants will review the [USM-243](#) for completeness and accuracy of information (particularly staffing levels and type of services provided) and submit a completed IGA package to POD with the following items:
 - 1) Completed Form [USM-242](#), *Request for Detention Services* (RDS) with any special conditions (such as guard services, including BOP/DHS/ICE as users);
 - 2) Form [USM-218](#); and
 - 3) Completed Form [USM-243](#).
2. OFDT will review eIGA applications for completeness and accuracy of information and submit directly to POD.
 3. Upon receipt of completed IGA packages, POD will negotiate directly with the detention facility on a reasonable per diem rate. The standard processing time for all IGA actions is 60 to 90 days.
 4. The USM will not negotiate with any detention facility about rates or make promises to the facility regarding a specific rate.

D. IGA Modification Procedures:

1. eIGA Rate Modification: If a facility desires a rate modification, the facility must complete the on-line application by contacting OFDT.

2. Non eIGA (Exempt) Modification: If a non-eIGA facility desires a rate modification, the USM must submit the following to POD:
 - a. Form [USM-242](#); and
 - b. Form [USM-243](#), information to be based on the previous fiscal year or an approved budget.
3. The USM will not pay a new per diem rate until a written modification, signed by POD and the state or local government, is received. The newly established rate and its effective date will be included in the modification.
4. The USM may only obligate funds in the district's workplan. If necessary, the district will request additional funding from POD to cover rate increases that will result in existing workplan funding being exceeded.
5. Rate increases will not be applied retroactively.

E. Guard and Transportation Services:

1. USMs will coordinate with local governments to determine if they are willing to provide guard services for medical appointments and/or transportation to and from federal court, and if they have enough employees to provide these services.
2. Detention facilities are not required to provide guard and transportation services other than for medical emergencies.
3. POD will conduct a cost comparison to verify if it is more efficient for detention facility guards or Deputy United States Marshals (DUSMs) to perform these services.
4. Hourly guard/transportation rates will be based on basic salary and fringe benefits of employees who will perform the service. The USMS will obtain a letter from the local government outlining this information.
5. Mileage fees charged for transportation services will be based on the current General Services Administration (GSA) rate.
6. Districts will contact POD for processing guidance regarding requests from private companies to provide guard and transportation services.

F. Other Modifications: Listed below are examples of other types of modifications that the USM or POD may request:

1. To include or delete BOP and/or DHS/ICE as authorized federal user agencies;
2. To include guard services for medical appointments and/or transportation to and from federal court;
3. To add a hold harmless clause for federal excess property (vehicles) being provided to the detention facility;
4. To include a BOP work-release program;
5. To increase/decrease the number of jail days; and/or
6. To include Cooperative Agreement Program (CAP) language.

G. Limited-Use Agreements (LUAs):

1. The USM is permitted to negotiate a reasonable per diem rate based on a facility of similar size, level of prisoner services, and staffing.
2. The USM will conduct an informal assessment of the detention facility's compliance with minimum standards and prepare a [USM-218A](#).
3. The USM will submit the [USM-242](#) and [USM-218A](#) to POD.
 - a. POD will assign and enter a Prisoner Tracking System (PTS) code.
 - b. A LUA may be issued for up to one year but will not exceed 150 calendar days of USMS prisoner day usage.
4. If the jail bill falls within district funding ceilings, the following should occur:
 - a. The USM will call POD for an agreement number and unit code (if one has never been assigned); and
 - b. The USM will report the use of the facility on the USM-268A report and enter the jail in PTS.

H. Detention Facility Inactivation/Restriction and Court Orders:

1. The USM will immediately notify POD in writing when a detention facility becomes inactive, restricted or is under a court order.
2. A detention facility is considered restricted if the USMS cannot obtain all the bed space they require in that facility due to overcrowding, court order, or if the facility cannot accommodate large numbers of federal prisoners due to limited capacity.
3. A detention facility may become inactive or restricted because of the following:
 - a. Prisoner litigation;
 - b. Overcrowding, according to local authorities;
 - c. Federal court order;
 - d. State court order;
 - e. State government order;
 - f. Detention facility has no desire to continue to house federal prisoners;
 - g. Dispute over IGA terms/provisions;
 - h. USMS decision to reduce/suspend use;
 - i. USMS does not need facility; and/or
 - j. Temporary restrictions due to physical plant factors (fire, renovation).
4. IGAs are terminated or canceled only when the detention facility no longer exists or is closed with no possibility of reopening.

5. Detention facilities that are no longer used to house federal prisoners but are still operating are placed in an inactive status because districts may wish to use them in the future. Once reactivated, a new IGA does not have to be negotiated unless the facility requests a per diem rate adjustment.
6. For detention facilities under federal or state court orders or under litigation, the USM will notify POD and provide the following information:
 - a. Facility name;
 - b. IGA number;
 - c. District;
 - d. Type of Action (i.e., federal or state court order or litigation);
 - e. Reasons for court order;
 - f. Effective date of action;
 - g. Copy of court order; and
 - h. Date court order canceled or satisfied.

Cancellation Clause: Supersedes Policy Directive 9.2, *Prisoner Detention and Housing*.

Authorization and Date of Approval:

By Order of:

 /S/
John F. Clark
Director
U.S. Marshals Service

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 7/6/10



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.23 INTERGOVERNMENTAL AGREEMENTS VS. CONTRACTS

- A. Purpose:** To set forth the guidelines, responsibilities and procedures of USMS when acquiring detention space from local government programs that utilize some degree of privatization. This information is to be used as an aid in making the determination of when to use IGAs issued under [OMB Circular A-87](#) and when to use contracts awarded in accordance with the Federal Acquisition Regulation (FAR).
- B. Background:** The USMS relies upon state and local governments to house the majority of its prisoners. These detention facilities have traditionally been owned and operated by those governments. However, a growing number of state and local governments have privatized some or all of their detention programs. There is a wide variance in privatization arrangements. As a result, it can be difficult to determine when a traditional government-provided service ends and a commercial enterprise begins.
- C. Policy:**
1. The USMS will use the appropriate vehicle, either IGA or FAR contract, when obtaining detention space and related services funded from the FPD Account.
 2. The USMS must conduct a thorough analysis of each action and prepare a written determination on which acquisition vehicle is appropriate. The purpose of the analysis is to determine whether or not a state/local detention program truly exists within the intent of the [OMB Circular A-87](#).
- D. Procedures:** Regardless of the nature and extent of privatization in a local government detention program, an IGA can still be appropriate when one or more of the following conditions exist:
1. The local government has an ongoing detention program for the housing of its own prisoners of which privatization is all or part;
 2. A specific written agreement between the local government and the vendor establishes the detention standards and services which must be met. Changes to those standards and services must be made through and approved by the local government;
 3. Payments by the USMS for detention services are made directly to the local government;
 4. Per diem rates can be established through [OMB Circular A-87](#) and USMS policies and procedures;
 5. Absent any USMS prisoners, privatization would still exist as part of the local government's detention program;
 6. The local government is providing detention services to other federal, state or local governments through IGAs or similar arrangements; and/or
 7. The local government accepts responsibility for the care and custody of USMS prisoners.

The complete absence of these seven conditions will almost always suggest the use of a contract issued pursuant to the FAR.

E. Responsibilities:

1. USMs: will assist POD in gathering all necessary information to make IGA vs. contract determinations.
2. POD: makes the determination as to the appropriate detention space acquisition methodology.

Cancellation Clause: Supersedes Policy Directive 9.2, *Prisoner Detention and Housing*.

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United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.24 COOPERATIVE AGREEMENT PROGRAM (CAP)

- A. Authority:** Title 18 of the United States Code was amended by the USMS Act of 1988 and the DOJ Appropriations Act of 2001 to include the following:

[Section 4013\(4\)](#) authorizes the Attorney General to enter into contracts or cooperative agreements with any state, territory or political subdivision for the necessary construction, renovation, or acquisition of equipment, supplies or materials to establish acceptable confinement conditions and detention services in any state or local jurisdiction that agrees to provide bed space for federal prisoners within its correctional system.

- B. General:** A CAP is an agreement with a local or state government to provide guaranteed bed space to the USMS/DHS/ICE for a specified period in exchange for financial assistance with its project(s).

1. The federal government will not pay more than \$50,000 per bed toward the cost of construction, renovation or expansion.
2. A typical CAP agreement is for 15 to 20 years or longer if the cost per bed is above \$25,000.
3. CAP funds cannot be used for:
 - a. feasibility studies;
 - b. leases or purchases of vehicles; or
 - c. consumable items.
4. Because CAP funds are released on a reimbursable basis, a local government must have approved funding for its project.
5. Due to lack of program activity and availability of CAP funding provided to the USMS, districts are advised to contact POD for specific procedures related to initiation, administration, monitoring and close out of CAP funding.

- C. Utilization and CAP Compliance:** The USM will use all available CAP detention facilities before using other detention facilities. A utilization level of 90 percent must be maintained at all times in a CAP detention facility after the beds become available. If the utilization level falls below 90 percent, the Assistant Director, POD, must be notified in writing immediately, providing complete documentation of the reasons for underutilization and the level of noncompliance (if pertinent) by the CAP recipient. Under no circumstances will a USM reduce utilization below the CAP guaranteed level at the request of the CAP recipient, except in the case of an emergency, without the prior approval of the Assistant Director, POD. If an emergency arises, the USM must provide a prompt written notification to POD. If services are not provided by the CAP recipient to the guaranteed level, the Assistant Director, POD, will attempt to negotiate a mutually acceptable resolution with the recipient following the issuance of a written notice of breach of agreement by the Assistant Director, POD. If a resolution cannot be reached, the local entity will reimburse the

USMS for all funding provided and all costs relating to relocating prisoners over and above the rate paid to the local entity. This does not apply if the noncompliance is as a result of a fire, riot, act of God, or other emergency acceptable to the USMS. However, such a determination will be made by POD based on information submitted by the USM. The USM must ensure that required progress reports are accurate and submitted in a timely manner, particularly as they relate to the district's use of the guaranteed CAP bed spaces. Failure to submit reports will result in written notification from the Assistant Director, POD, requesting a return written response on how to resolve the district's failure to submit a report.

D. Breach: If a CAP recipient facility breaches its performance under the CAP agreement, the USM will immediately contact POD for guidance.

E. Headquarters Monitoring Responsibilities:

1. Monitor districts with open CAP projects, report on construction project completion and on the status of billing to be submitted from the locality;
2. Follow up to ensure that all districts with open CAPs submit timely monthly progress reports and that districts obtain quarterly updates from the CAP recipient;
3. Obtain an explanation from the districts with open obligations as to when the work will be completed and the CAP can be closed;
4. Monitor all ongoing requests for reimbursement from localities in order to maintain current records on the current status of obligations;
5. Reconcile all open CAP obligations on the database maintained by POD with the Office of Finance, Financial Services Division (FSD) and verify the status of funds de-obligated by the Office of Finance, FSD, USMS, through the OFDT; and
6. Monitor the status of de-obligated funds for any potential re-programming with monthly updates from FSD, USMS, and OFDT.

Cancellation Clause: Supersedes Policy Directive 9.2, *Prisoner Detention and Housing*.

Authorization and Date of Approval:

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 / S /
John F. Clark
Director
U.S. Marshals Service

 7/6/10



United States Marshals Service **POLICY DIRECTIVES**

PRISONER OPERATIONS

9.25 CONTRACT DETENTION FACILITY BILL VERIFICATION AND MONTHLY ACCOUNTING REPORTS

A. USM-236, *Prisoner By Facility Report*:

1. The USM-236 report provides the district office with a monthly summary listing of all USMS prisoners housed in a contract facility. The USM-236 report is the primary document used to certify jail bills, to prepare the prisoner data required for submission to USMS Headquarters (use format USM-268A) and to support estimated unpaid detention facility obligations year-to-date. The USM-268A Report is automatically generated by the Justice Detainee Information System (JDIS).
2. Under no circumstances are districts to rely on or request that contract detention facilities provide the USMS with unpaid obligations (except through the presentation of written monthly detention facility bills). It is the specific responsibility of each USM to maintain accurate and up to date records of prisoner commitments and detention facility days used to enable the district to independently calculate its unpaid detention facility bill obligations each month. The USMS must accurately validate all detention facility bills presented for payment by contract facilities.

B. Form USM-237, *Record of Prisoner Medical/Hospital Expenses*:

1. Districts will maintain an ongoing record of prisoner medical and hospital costs.
2. Medical and hospital related costs for BOP prisoners are not to be entered into the USMS financial system. Medical and hospital costs for BOP prisoners are forwarded to the BOP CCM for certification and direct payment.

C. Cancellation Clause: Supersedes Policy Directive 9.2, *Prisoner Detention and Housing*.

D. Authorization and Date of Approval:

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John F. Clark
Director
U.S. Marshals Service

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United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.26 JUVENILE DETENTION

A. General: It is the responsibility of the USMS to provide for the custody, handling, and detention of juvenile delinquents in accordance with the [Juvenile Justice and Delinquency Prevention \(JJDP\) Act](#), and [18 U.S.C. §§ 5031– 5042](#).

B. Definitions:

1. Juvenile: A juvenile is a person who is less than 18 years old for the purpose of proceedings and disposition under [18 U.S.C. § 5031](#). In the case of an act of juvenile delinquency, a person who is under 21 is considered a juvenile. USMS juvenile prisoners will be treated as such unless, upon a motion by the Attorney General, the court orders the juvenile to be treated as an adult. In such cases the juvenile is “transferred” for adult prosecution ([18 U.S.C. § 5032](#)). Any prisoner committed under the [JJDP Act](#) will be treated as a juvenile regardless of age.
2. Adjudicated Juvenile: An adjudicated juvenile is a prisoner upon whom the court has made a finding or a juvenile prisoner who is awaiting a disposition hearing.

C. Custody and Detention:

1. A juvenile prisoner remanded to USMS custody will be detained in a juvenile detention facility or a detention facility designated for juvenile use. Alleged juvenile delinquents will be detained separately from adjudicated delinquents if possible.
2. In circumstances where a USMS contract juvenile facility will not accept a juvenile prisoner because, for example, of age, charge or violent tendencies, and no alternative juvenile detention facility is available, the USM will notify the United States Attorney and the court. Based upon the juvenile prisoner’s temperament and the lack of a juvenile facility, the court’s approval to place the prisoner in an adult detention facility with separate juvenile quarters will be requested.
3. In emergency situations a juvenile may be detained in an adult facility. The juvenile will be separated by sight and sound and out of regular contact with adult prisoners. The United States Attorney and the court will be notified immediately.

D. Juvenile Detention Facilities: Only juvenile detention facilities with a contract or IGA with the USMS or BOP will be used for detention purposes. If a juvenile detention facility is not available in the district, the USM will explore the availability of juvenile facilities in the nearest district or contact POD and the BOP Community Corrections Manager (CCM) for assistance in locating detention space.

E. Use of Non-Contract Juvenile Detention Facilities: In an emergency in which the juvenile prisoner must be detained in a juvenile facility without an awarded IGA and where use of the facility is not expected to recur, the USM will request that a LUA be awarded.

F. Contingency Plans: Each district will develop a written standard operating procedure (SOP) for the custody and detention of juvenile prisoners. The SOP, at a minimum, should describe the state's law regarding juveniles and:

1. Identify juvenile detention facilities by name, address, phone number, point of contact, and rate;
2. Specify sex and age range accepted; and
3. Identify restrictions on admission, such as no high-risk or violent prisoners.

Cancellation Clause: Supersedes Policy Directive 9.2, *Prisoner Detention and Housing*.

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John F. Clark
Director
U.S. Marshals Service

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United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.27 MENTAL HEALTH SERVICES FOR PRISONERS

For additional guidance, please refer to Publication No.100, [USMS Prisoner Health Care Standards](#).

- A. **Purpose:** to set forth policy and procedures for the provision of mental health services to individuals in the custody of the USMS.
- B. **Point of Contact:** Office of Interagency Medical Services, Prisoner Operations Division (POD), Telephone: 202-307-9680, Fax: 202-307-5029.
- C. **Authority:** Standards set by (a) American Correctional Association (ACA), (b) the National Commission on Correctional Health Care (NCCHC) and good medical practices established by the professional medical community. Authority to manage standards for prisoner mental health care is provided by [18 U.S.C. § 4006](#), [18 U.S.C. § 4013](#), [18 U.S.C. § 4086](#), [18 U.S.C. §§ 4241 - 4242](#), and [18 U.S.C. §§ 4243 - 4247](#).
- D. **Policy:**
 - 1. **Medically Necessary Mental Health Services:** It is the policy of the USMS to ensure that all USMS prisoners receive medically necessary health care services, including mental health. This policy refers to mental health services provided to USMS prisoners both inside and outside the facilities in which they are confined. The provision of mental health services, including psychiatric and/or psychological evaluation, treatment and medication, may have an impact on a prisoner's legal case. Therefore, the USM must notify the United States attorney and the court as soon as the district is informed of the need for the provision of any and all psychiatric services provided to USMS prisoners. The United States Attorney and the court will be made aware of any mental health services ordered by a federal court. The United States Attorney and the court must be notified of all mental health services delivered without a court order. **THIS DIRECTIVE DOES NOT APPLY TO SUICIDE PREVENTION SCREENING AND INTERVENTION PROGRAMS.**
 - a. **Inside Mental Health Services:** Detention facilities that provide inside mental health services to prisoners, including psychiatric and/or psychological evaluation, treatment and medication, must inform the USM prior to delivering any of these services to a USMS prisoner, except in an emergency situation. The USM will notify the United States Attorney and the court of the intent to deliver such services. All inside mental health services must be provided to prisoners in accordance with established state or local detention facility policy and procedures, as well as applicable provisions of the Intergovernmental Agreement (IGA), and must be done at no cost to the USMS.
 - b. **Approval for Outside Mental Health Service:** In accordance with the provisions of the IGA, Article III, the local detention facility must notify the USMS that a USMS prisoner needs outside mental health services. In addition, the detention facility must seek preauthorization by the USM for any outside mental health service provided to USMS prisoners other than emergency services. The USM will notify the United States Attorney and the court of the intent to deliver such

services. When a USMS prisoner is transported for emergency mental health services, the detention facility is responsible for notifying the USM as soon as possible. The USM will notify the United States Attorney and the court of the emergency mental health services delivered to the prisoner.

2. USMS Prisoner Health Care Policy Standards:

- a. The mental health services that are listed in the brochure [USMS Prisoner Health Care Standards](#), USMS Publication No. I00, Section 0. PSYCHOLOGY- PSYCHIATRY - NOT COVERED, are NOT authorized for payment by the USMS unless ordered by the court or authorized by the Office of Interagency Medical Services (OIMS).
- b. Appeals for USMS denials must be submitted by the prisoner, or their legal appointee, to the USM. Supporting medical records and documents must also be provided to the USMS for review by OIMS.
- c. If a USM learns that a prisoner is petitioning the court to order the USMS to provide mental health services which are not authorized under this policy, the USM should contact OIMS for assistance. That office can provide professional assistance to the district.

3. **Selection of Mental Health Services Providers:** In accordance with USMS prisoner security requirements, prisoners will not be allowed to select their own mental health services providers. The USMS will retain ultimate control over the selection of mental health services providers for prisoners as well as the time and place of any community mental health services provided.

4. **Mental Competency Determinations under [18 U.S.C. §§ 4241 - 4242](#) , and Hospitalizations of Persons Suffering from Mental Disease or Defect under [18 U.S.C. §§ 4243 - 4247](#).**

5. Mental health examinations, hospitalizations, and treatments delivered to federal prisoners under [18 U.S.C. §§ 4243 - 4247](#), must be provided by the BOP. Private mental health professionals may not provide these services, and the USMS may not contract with private vendors to provide these services. USMS prisoners who have been ordered by the court to be evaluated and/or treated under any of these statutes must be committed and delivered to BOP for execution of the court order.

6. **Mental Competency Determinations OTHER THAN under [18 U.S.C. §§ 4241 - 4242](#), and Hospitalization of Persons Suffering from Mental Disease or Defect under [18 U.S.C. § 4243](#), [18 U.S.C. § 4244](#), [18 U.S.C. § 4245](#), [18 U.S.C. § 4246](#) and [18 U.S.C. § 4247](#).**

Mental competency examinations requested by a prisoner, his/her attorney, or any other entity on behalf of the prisoner must be covered by a court order, and arranged in advance with the USM and must be done at no expense to the USMS. The USM will retain ultimate control over time, date and place of the mental competency examination due to prisoner security concerns.

E. Definitions:

1. **Psychiatric Emergency:** A psychiatric emergency is defined as one in which a person is suffering from a mental illness that creates an immediate threat of bodily harm to self or others, serious destruction of property, or extreme deterioration of functioning secondary to psychiatric illness.



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.28 SERIOUS OR TERMINAL ILLNESS OF FEDERAL PRISONER

For additional guidance, please refer to Publication No.100, [USMS Prisoner Health Care Standards](#).

- A. General:** The USM is responsible for determining what additional steps are needed (especially notification of next of kin, release on bond, etc.) when a prisoner in their custody has a serious or terminal illness.
- B. Procedures:** When the USM learns that a hospitalized prisoner in their custody is seriously ill or has a terminal disease, the following steps should be taken:
1. The USM should contact the Office of Interagency Medical Services (OIMS) at (b) (7)(E) to request assistance in verifying the prisoner's medical prognosis. The USMS should provide OIMS with a copy of the signed form [USM-552](#) with the contact name and phone number of the attending physician to discuss the prisoner's medical condition.
 2. OIMS will provide the USM with the prisoner's medical status. The attending physician will provide a written medical assessment to OIMS, and OIMS will fax this document to the USM.
 3. When OIMS has verified the prisoner has a serious or terminal illness, the USM should notify the U.S. Attorney, the Federal court, Defense Counsel, and the next of kin of the prisoner's medical condition so a release on bond or self-recognition may be considered.
 4. The USMS does not determine end of life or "Do Not Resuscitate (DNR)" decisions. The next of kin or legal guardian should be consulted.
 5. The USMS will determine if the next of kin may be permitted to visit the prisoner in the hospital.



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.29 APPLICATION OF MEDICARE LEGISLATION FOR THE PROCESSING OF PRISONER MEDICAL CLAIMS

For additional guidance, please refer to Publication No.100, [USMS Prisoner Health Care Standards](#)

- A. Purpose:** This directive outlines the procedures to be followed by United States Marshals (USMs) for the processing, repricing, and payment of prisoner medical claims at the USMS allowed amount (not to exceed medicare rates).
- B. Point of Contact:** Office of Interagency Medical Services (OIMS), Prisoner Operations Division (POD), phone: 843-727-4010; fax: 843-727-4012.
- C. Authority:** The USMS authority to reprice medical claims at medicare rates is set forth in [18 U.S.C. § 4006](#).
- D. Policy:** The USM is responsible for ensuring procedures are followed as outlined in the Processing of *Prisoner Medical Claims for Repricing and Payment Standard Operating Procedures* (SOP). (Hyperlink to the SOP or Publication).
- E. Procedures:** The USM is responsible for ensuring that a prisoner medical claim:
 - 1. Is date stamped and is on the proper form (CMS-1500 or CMS-1450/UB-92).
 - 2. Date(s) of service shown on the claim agree with the prisoner in USMS custody dates.
 - 3. With errors or are not the financial responsibly of the USMS are promptly returned to the medical provider with appropriate annotation.
 - 4. Is not a duplicate by checking the district medical claims records.
 - 5. Is promptly submitted to the USMS claims repricing contractor for processing.
 - 6. Is paid promptly after receipt of repriced claim.
 - 7. Is not for a service provided inside the detention facility (except for dialysis).
- F. Responsibilities:**
 - 1. **U.S. Marshal** will:
 - a. Ensure all district staff involved in medical claims processing/payment or authorizing care are aware of the provisions of this policy and associated SOP.
 - b. Ensure all prisoner medical claims are processed and paid in a timely manner in accordance with the SOP.

- c. Ensure Monthly Transaction Reports (MTRs) are reviewed and certified in accordance with OIMS suspenses so the contractor can be paid in accordance to the Prompt Payment Act.
 - d. Notify all medical care providers in writing to ensure awareness of the medicare payment and billing format requirements for the USMS. (Hyperlink the sample letter to the medical provider here)
2. **Office of Interagency Medical Services (OIMS) will:**
- a. Serve as a Contracting Officer's Technical Representative (COTR) for USMS claims repricing contract.
 - b. Verify and certify MTRs and invoices and ensure prompt payment to the claims repricing contractor.
 - c. Revise and maintain the SOP as necessary and provide training and technical assistance to the USM as required.
 - d. Develop language for modifications and delivery orders and coordinate with the contracting officer to ensure timely issuance.
3. **Sample Letter (Medicare) to [Medical Care Provider](#)**



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.30 FEDERAL PRISONER HEALTH CARE CO-PAYMENTS

For additional guidance, please refer to Publication No.100, [USMS Prisoner Health Care Standards](#).

- A.** State and local governments may assess and collect a reasonable fee from a trust fund account (or institutional equivalent) of a federal prisoner for health care services as long as certain criteria are met. These criteria are:
1. The prisoner is confined in a non-federal institution pursuant to an agreement between the Federal Government and the state or local government.
 2. The fee is authorized under state law and does not exceed the amount collected from state or local prisoners for the same services.
 3. The services are provided within or outside of the institution by a person who is licensed or certified under state law to provide health care services and is operating within the scope of such license; constitute a health care visit as defined in [18 U.S.C. § 4013](#), are not provided due to a staff referral or for follow-up treatment for a chronic condition; and are not preventive health care services, emergency services, prenatal care, diagnosis or treatment of chronic infectious diseases, mental health care, or substance abuse treatment.
 4. The state or local government will be responsible for administering the collection, accounting, and disposition of any and all fees collected from federal prisoners.
 5. No prisoner may be refused treatment for financial reasons. If the prisoner is unable to pay a fee for necessary health services, they will be provided by the detention facility to the prisoner at no cost to the USMS.
 6. The collection of co-payments will not affect the per diem rate the USMS pays under IGAs. Also, it does not impose additional duties or obligations on the USMS.
 7. Any state or local government assessing or collecting a fee under this subsection will provide comprehensive coverage for services relating to Human Immune Deficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) to each federal prisoner in the custody of such state or local government when medically appropriate. The state or local government may not assess or collect a fee for providing such coverage.
 8. State or local governments that intend to assess and collect a reasonable fee from the trust fund account (or institutional equivalent) of a federal prisoner for health care services are responsible for providing the required written and oral notification to all federal prisoners housed in the facility, and for ensuring that no fees are collected until after the required 30-day period following notification.
- B.** Private detention facilities are not subject to these provisions.



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.32 DEATH OF FEDERAL PRISONERS

- A. Proponent:** Prisoner Operations Division (POD), 202-307-5100, Fax 202-305-9434.
- B. Purpose:** To establish written policies and procedures to be implemented upon the death of a federal prisoner.
- C. Authority:** Authority to manage standards for prisoner health care is provided by [18 U.S.C. § 4006](#), [18 U.S.C. § 4013](#), and [18 U.S.C. § 4086](#).
- D. Policy:** If a prisoner dies while in the custody of the United States Marshals Service (USMS), the United States Marshal (USM) must:
1. Take steps to ascertain whether the death was from natural causes, or the result of negligence or foul play, and
 2. Assure that the remains of the deceased are handled with dignity and in a manner consistent with prevailing community standards. Necessary contacts with relatives should be conducted in a professional, sympathetic, and helpful manner.

Prisoners in the custody of the Bureau of Prisons (BOP) will be covered by that agency's policy and procedures.

- E. Procedures:** In the event of the death of a prisoner in USMS custody, the USM will:
1. Ensure that a physician's services have been obtained as appropriate for the situation.
 2. Notify the Chief of Detention Operations, POD, to include information regarding media attention or other sensitive issues, and the nearest relative(s) of the deceased prisoner. The death of an alien will also be reported to the nearest office of the Bureau of Immigration and Customs Enforcement (ICE) and to the appropriate consulate representative.
 3. Whenever a death is due to violence, accident surrounded by unusual or questionable circumstances, or, if death is sudden and the deceased had not been under immediate medical supervision, the coroner or medical examiner of the local jurisdiction will be called to review the case and submit a report to the USM.
 4. If the body is claimed by relatives, it shall be released to them immediately upon the completion of the investigatory procedures necessary to determine the cause of death. If relatives live at a distance and the body must be shipped, the Government will pay the express charges of the most direct route to the terminal of the common carrier nearest the residence of the surviving relatives. The expense of preparing the body for shipment, including embalming service, clothing as needed, casket, and necessary shipping container will also be paid by the Government. Cremation services may be paid for by the USMS in those circumstances when this procedure is more cost effective and also has been approved by the deceased prisoner's surviving relatives. The family of the deceased will be required to bear the expenses of interment, including funeral services at

destination. If the remains are not claimed by relatives, the body should be interred in the local potter's field at the expense of the Government.

5. USMs are authorized to negotiate for the lowest rate for funeral home services and transportation charges to the terminal of the common carrier nearest the residence of relatives claiming the remains. The USM will pay the necessary cost without advance approval. Refer to USMS Financial Management directive, *Federal Prisoner Detention*.
6. In addition to reporting promptly that a death has occurred, the USM will, within 1 week, forward to the Chief of Detention Operations, POD, a complete report including the following information, as applicable:
 - a. Name, date of birth, Social Security Number (if known), last known residence, charges, arresting agency, next of kin, date of and bases for admission to detention facility, and name and location of detention facility;
 - b. Statement of institution officials reporting circumstances surrounding prisoner's illness, injury, or sudden death, including dates and hours when prisoner became ill or was injured, and when physician was notified, or if death was sudden, the time the body was found and the time the prisoner was last seen alive;
 - c. Date and time of removal to hospital if such occurred;
 - d. Statement of detention facility physician or other physician in attendance describing condition of prisoner when first seen, hours and dates of visits to detention facility or hospital, treatment given, and cause of death;
 - e. Report of coroner or medical examiner's findings, if called, and copy of report of autopsy, if conducted;
 - f. Name and address of relative to whom the body was released;
 - g. Name of funeral home, common carrier, and breakdown of total expenses incurred; and
 - h. Certificate of Death.

F. Cancellation Clause: Supersedes USMS Policy Directive 9.4, *Prisoner Health, Death of Federal Prisoners*.

G. Authorization and Date of Approval:

By Order of:

Effective Date:

 / S /
Stacia A. Hylton
Director
U.S. Marshals Service

 4/26/11



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.33 Implementation of the Death Sentence in Federal Cases

A. PURPOSE: To set forth the policies, responsibilities, and procedures of the United States Marshals Service (USMS) in the discharge of a federal court order for the sentence of death for a federal prisoner.

B. AUTHORITY: [18 U.S.C. § 3596](#), [18 U.S.C. § 3597](#), [28 C.F.R. § 0.111b](#), [28 C.F.R. Part 26](#).

C. POLICY:

1. The USMS will execute the order of the court in the administration of a sentence of death for a federal prisoner in accordance with the cited authority, and in conjunction with the defined responsibilities of the Bureau of Prisons (BOP) in accomplishing this responsibility.
2. No employee shall be required to attend or to participate in any prosecution or execution if such participation is contrary to his or her moral or religious convictions.

D. PROCEDURES:

1. The Director of the USMS will designate a U.S. Marshal to execute the Judgment and Order issued by a United States District Court. The primary designated U.S. Marshal shall be from the Southern District of Indiana. An alternate U.S. Marshal will be chosen by the Director from the district in which the Judgment and Order was originally issued or as designated by the Director. The alternate U.S. Marshal will be available in the district where the execution is to take place but may not be required to be present in the execution building.
2. The U.S. Marshal will ensure that the attorney for the government has appended a "Return" to the Judgment and Order, which the U.S. Marshal will use to inform the court that the sentence of death has been executed. The U.S. Marshal will execute the Judgment and Order and submit the "Return" to the issuing U.S. District Court.
3. The means, date, and place of the execution will be designated by the Director, Bureau of Prisons (BOP). The primary location for the implementation of the death sentence is the BOP facility located in the U.S. Penitentiary, Terre Haute, Indiana.
4. In the event that neither the designated nor alternate U.S. Marshal is able to fulfill the role, the Director will delegate the responsibility to substitute U.S. Marshals, as authorized by statute.

E. RESPONSIBILITIES:

1. **Director:** Designates a U.S. Marshal and an alternate U.S. Marshal to supervise the implementation of the sentence of death.
2. **Designated U.S. Marshal:** is responsible for:

- a. Attending the planning sessions required by the BOP execution protocol
- b. Attending the execution, including:
 - Monitoring the communication with the Department of Justice (DOJ) Command Center
 - 1) Verifying to the Warden at the appropriate time that no stay or commutation has been received from the President via the DOJ Command Center
 - 2) Receiving a copy of the death certificate from the attending coroner
 - 3) Signing the "Return" and submitting it to the appropriate court
 - 4) Submitting a report to the Director within 7 days of the execution
- 3. **Substitute U.S. Marshal(s):** In the event that neither the designated U.S. Marshal nor the alternate U.S. Marshal is able to perform these duties, the Director will delegate their responsibility to substitute U.S. Marshals. The substitute U.S. Marshals will assume and accomplish the responsibilities as cited above.



United States Marshals Service POLICY DIRECTIVES

PRISONER OPERATIONS

9.34 Body Orifice Security Scanner (BOSS) Chair

- A. Proponent:** Prisoner Operations Division (POD). Phone: 202-307-5100, Fax: 703-603-7008.
- B. Purpose:** This directive establishes the policy and procedures to be followed when utilizing the BOSS Chair, manufactured by Ranger Security Detectors.
- C. Authority:** The Director's authority to direct and supervise all activities of the United States Marshals Service (USMS) is set forth in [28 U.S.C. § 561\(g\)](#) and [28 C.F.R. § 0.111](#).
- D. Policy:**
1. **Conditions for Use:** The BOSS Chair is a screening device used to prevent metal contraband from being introduced into USMS cellblocks and also aids in preventing attacks on USMS staff, prisoners, and court personnel. The BOSS Chair may be utilized as a search tool during the receipt and processing of prisoners introduced to a USMS cellblock. This device should be utilized when USMS personnel have reason to suspect a prisoner may be in possession of any metal contraband.
 2. **Prohibited Use:**
 - a. The BOSS Chair shall not be utilized as a restraint device. However, non-metallic restraints, such as flex cuffs, may be utilized on a combative prisoner in conjunction with this device. For guidance on restraint devices, refer to Policy Directive 9.18, [Restraining Devices](#).
 - b. The BOSS Chair shall not be used for punishment, harassment, or to belittle a prisoner, and should never be used in a manner which would purposely inflict pain on a prisoner.
 3. **Authorization:**
 - a. When using the BOSS Chair outside normal daily operations, USMS personnel must first receive verbal approval from a district/division management official (United States Marshal (USM), Chief Deputy United States Marshal (CDUSM), Assistant Chief Deputy United States Marshal, or Supervisory Deputy United States Marshal).
 - b. In an emergency situation where this approval cannot be reasonably obtained prior to placement in a BOSS Chair, approval will be sought at the first available opportunity.
 - c. The incident should be reported and documented using Form [USM-210](#), *Field Report*, and a Suspicious Activity, Assault, Incident, and Death (SAID) report should be entered into the Justice Detainee Information System (JDIS). Reports should also include the name and title of the approving official.

E. Responsibilities:

1. **District/Division Management:**
 - a. Ensure designated management and operational employees successfully complete initial BOSS Chair training.
 - b. Ensure initial and annual BOSS Chair training, as designated by POD, is recorded on a training log and sent to the Training Division using Form [USM-452, Training Submission Form](#). The forms will be maintained in the appropriate district/division files.
 - c. Certify that BOSS Chair training has been successfully completed by each trainee after the instructor conducts training for district/division personnel.
2. **Operational Employees:** As designated by district management, operational employees must successfully complete a course of instruction as approved by POD before any use of the BOSS Chair.
3. **POD:**
 - a. Provide districts with BOSS Chair policy guidance.
 - b. Provide districts with the designated BOSS Chair training program.
 - c. Review all USMS BOSS Chair incidents for proper usage and lessons learned process.

F. Procedures:

1. **Application Guidelines:** A minimum of two operational personnel, one of whom must be a USMS employee, should operate the BOSS Chair. Contract guards who are trained and certified in the use of the BOSS Chair can assist in the placement of a prisoner into the chair. District management must ensure that a sufficient amount of personnel are assigned to safely place a prisoner into the BOSS Chair and operate the device.
2. **BOSS Chair Operation:**
 - a. For the best operation, the BOSS Chair should be placed on top of a flat rubber mat, away from any metal objects.
 - b. If the BOSS Chair indicates that the prisoner has a metal object in his/her possession, a red light on a panel on the back of the chair will indicate the finding.
 - c. Should the BOSS Chair alert the user that a metal object is located within the prisoner's body, the operational personnel should immediately place the prisoner in full restraints (i.e., hand cuffs, belly chain, leg irons, and black box); place the prisoner under constant observation; and contact a medical professional to remove the metal object. Refer to Policy Directive 9.17, [Body Searches](#).
3. **Reporting:** If the BOSS Chair indicates that the person being searched is in possession of a metal object, the following information should be reported using Form [USM-210, Field Report](#), and submitted to POD. The report should include the following:
 - a. Identity of the prisoner;

- b. Date, place, and type of search (i.e. proposed BOSS Chair scan);
 - c. Time and duration of BOSS Chair use;
 - d. Evidence or information that led operational personnel to believe using the BOSS Chair was warranted;
 - d. Identity of operational personnel using the BOSS Chair;
 - e. Identity of the supervisor approving the BOSS Chair use;
 - f. The names/positions and titles of all persons present while the BOSS Chair was in use;
 - g. A detailed description of the nature and extent of the search; and
 - h. A description of any weapons, evidence, or contraband found using the BOSS Chair.
4. **Training:** The following training protocols will be followed:
- a. USMS operational personnel (to include district management), as designated by the USM/CDUSM, must first complete the mandatory BOSS Chair training program as designated by POD before authorizing, supervising, or using the BOSS Chair.
 - b. BOSS Chair training shall be conducted in accordance with USMS [Training Policies](#). Valid training shall include, but is not limited to: a lesson plan that includes scenario-based exercises, review of the manufacturer's video, review of the USMS BOSS Chair policy, and participation in a scenario which includes placement of a voluntary test subject into the BOSS Chair.
 - c. All BOSS Chair training will be certified by district management.
 - d. District management will ensure that a log is maintained of authorized BOSS Chair operators.

G. Definitions:

- 1. **Operational Personnel:** Includes all operational employees assigned to the 1811 job series, 0082 series, Detention Enforcement Officers, contract guards, and USMs.
- 2. **Contraband:** Contraband is defined as any item or substance which the use or possession of is prohibited by (or which is defined as contraband in) any law of the United States or the state in which the property is currently located. Items may include, but are not limited to, keys, razors, blades, needles, metal tubs, and knives or shanks.

H. References: [BOSS II Manual](#).

