

1 detention standards and compliance division, in which
2 we have the responsibility of going out and providing
3 quality assurance reviews to non-federal facilities
4 that house U.S. Marshal, BOP, Federal Bureau of
5 Prisons -- I'm sorry -- and on occasions, Homeland
6 Security detainees.

7 CHAIRMAN WALTON: Thank you.

8 Ms. Lowry, you may proceed with your
9 testimony.

10 MS. HEATHER LOWRY: Thank you.

11 Basically, I would start off with just
12 a very brief history of the missions of the Marshals
13 Service and then into our policies and procedures that
14 pertain to cellblocks and transport, which is where we
15 would come into contact with anything that would have
16 to do with PREA.

17 The Marshals Service was created more
18 than 200 years ago by the first Congress through the
19 Judiciary Act of 1789. Over the past two centuries of
20 the Marshals Service, the duties have changed. From
21 taking the census to protecting the President, the
22 missions of the Marshals Service have evolved to meet
23 the needs of the Nation. The Federal judicial system
24 has grown from 13 districts to 94, covering the
25 continental United States, Hawaii, Alaska, Guam, the

1 Mariana Islands, Puerto Rico, and the Virgin Islands.

2 The various missions of the Marshals
3 Service include: Protection of the Federal Judiciary
4 and all other participants in the Federal judicial
5 process, the execution of Federal arrest warrants, the
6 service of the civil and criminal process, the
7 transportation and production of prisoners for court,
8 the administration of the seized asset program, and
9 any other duties as ordered by the Attorney General.

10 Because all federal prisoners are
11 remanded to the U.S. Marshals Service, the Marshals
12 Service has the responsibility of housing over 56,000
13 prisoners. Since the Marshals Service does not own or
14 operate its own jail facilities, the prisoners are
15 housed in a combination of Federal Bureau of Prisons
16 facilities, local and state and private facilities.
17 The Marshals Service is also responsible for producing
18 these prisoners in court, transporting them to and
19 from court, medical appointments, and to their
20 designated BOP facility. Approximately 744,596
21 productions are done a year.

22 The Marshals Service also runs the
23 Justice Prisoner Alien Transportation System out of
24 Oklahoma City, Oklahoma, otherwise known as JPATS.
25 They coordinate trips by air, car, ambulance and

1 commercial bus for approximately 9,660 trips a year,
2 and over 349,000 prisoners are moved a year.

3 Because we deal with such a large
4 population of prisoners, it's important for us to look
5 at the implications of the recently established Prison
6 Rape Elimination Act. Although the Marshals Service
7 doesn't own or operate a facility, we do have
8 cellblocks in each of our courthouses throughout the
9 country and the prisoners spend a considerable amount
10 of time in these cells. Additionally, the Marshals
11 Service transports a large population of prisoners
12 over great distances that require having them in a
13 transport vehicle for a considerable amount of time.

14 In reference to cellblocks, each
15 Federal courthouse in the 94 districts of the Marshals
16 Service is designed to hold prisoners based on the
17 estimated population of that district. The cellblock
18 consists of one or more cells equipped with a bench
19 and a small dividing wall that separates the
20 toilet/sink combination from the rest of the cell.
21 Each cell is monitored by a camera that is viewed from
22 a command post. These posts are either in the
23 cellblock or directly outside of the cellblock. Often
24 Deputy Enforcement Officers are situated in the
25 cellblock or processing area and the prisoners are

1 always monitored by one or more Marshals Service
2 personnel. Additionally, deputies are constantly
3 going back and forth in the cellblock processing
4 prisoners, going to and from court, taking prisoners
5 and putting them in interview rooms, as well as
6 receiving prisoners and preparing prisoners to leave
7 the cellblock.

8 The Marshals Service has extensive
9 policies and procedures concerning cellblock
10 operations. To begin with, a minimum of two deputies
11 are present when cells are unlocked or entered, when
12 prisoners are moved in and out of the cellblock, when
13 prisoners of the opposite sex are being handled, or
14 when meals are being served. A record is made of any
15 problems that occur when a prisoner of the opposite
16 sex is handled. Male and female prisoners are
17 separated by sight and sound from each other and
18 juveniles are separated by sight and sound from all
19 adults. Access to cellblocks is limited to authorized
20 personnel. All prisoners are observed at least every
21 30 minutes and counted at least once every eight
22 hours. Security sweeps of all cellblock areas are
23 performed twice a day and entered into the cellblock
24 activity log.

25 Another area in which PREA applies to

1 the Marshals Service involves the transportation of
2 prisoners. The Marshals Service transports, as I said
3 earlier, an extremely large number of prisoners over
4 great distances. Airplanes, buses, vans and cars are
5 used to carry out these trips. Marshals Service
6 policy states that prisoners will be fully restrained
7 during transportation. Female prisoners will be
8 transported and handled separately from male
9 prisoners, as will juveniles.

10 During these transports, a minimum of
11 two armed Marshals Service personnel will be used. If
12 needed, a follow car is also used. The vehicles that
13 are used for these transports are specially equipped
14 with security screens and emergency equipment.
15 Transporting deputies are to maintain visual contact
16 of prisoners at all times. Additionally, prisoners
17 will not be left unguarded at any time, and will
18 remain under close surveillance even while in
19 restrooms.

20 Because of the policies and procedures
21 associated with cellblocks and transportation of
22 prisoners, the Marshals Service has had very few
23 claims of sexual assaults. According to the Marshals
24 Service Office of General Counsel, there have been
25 three allegations of sexual assault over the last 20

1 years. The first incident involved a female prisoner
2 who claimed she was sexually assaulted by a male
3 prisoner after they were mistakenly placed in the same
4 cell in the Marshals Service cellblock. Currently,
5 the allegations are being contested and the Marshals
6 Service office involved was counseled on cellblock
7 inspection and to upgrade their -- any policies or
8 procedures they had.

9 The second incident involved a female
10 prisoner who claimed she was sexually assaulted by a
11 male detention officer in a cellblock. In this case,
12 although the lawsuit was dismissed against the
13 Marshals Service, the Detention Enforcement Officer in
14 question was fired and sued separately.

15 Finally, the last incident involved a
16 male juvenile who claimed he was sexually assaulted by
17 a male inmate in the Marshals Service cellblock. The
18 juvenile won the lawsuit and the Marshals Service was
19 instructed to put in place procedures and policy to
20 make sure this did not occur again.

21 When the alleged sexual assaults have
22 occurred, the Internal Investigations Office of the
23 U.S. Marshals Service has done the investigation.
24 Their inspectors are thoroughly trained in interview
25 and inspection techniques. After the inspection is