

1 conclusion, OFDT will continue, the Office of the
2 Federal Detention Trustee will continue to work with
3 other federal agencies, local counties, sheriffs,
4 police departments and this Commission to meet this
5 challenging mission with diligence and determination,
6 in addition to the continued partnership with fellow
7 law enforcement agency efforts to ensure the safe,
8 secure, humane housing of federal detainees in
9 non-federal facilities.

10 I welcome your questions and
11 observations and thank you again for allowing the
12 Office of the Federal Detention Trustee to testify on
13 this important issue.

14 CHAIRMAN WALTON: And we thank both of
15 you for your presence here in coming to Austin to
16 present your testimony and your testimony itself.

17 Ms. Lowry, in reference to -- I think
18 you indicated there is one case that is still pending.

19 MS. HEATHER LOWRY: Yes.

20 CHAIRMAN WALTON: When did that
21 allegedly occur?

22 MS. HEATHER LOWRY: Was it the juvenile
23 case or the --

24 CHAIRMAN WALTON: It was the first one
25 you mentioned.

1 MS. HEATHER LOWRY: Oh, the first one?
2 When did that occur? That occurred four years ago.

3 CHAIRMAN WALTON: In reference to those
4 facilities that you have said there was an issue with
5 their compliance, what happens in that case?

6 MS. CLAUDIA HILL: What happens in that
7 case is that the facility must report back to the
8 Office of the Federal Detention Trustee in the form of
9 an action plan as to their -- how they will meet those
10 requirements. They also give a date of compliance, in
11 which the Office of the Detention Trustee then goes
12 back to ensure that they have met the requirement.
13 That is either through physical observation, or if it
14 is a matter of policy that needed to -- to be
15 implemented, then we will request a copy of that
16 policy to review.

17 CHAIRMAN WALTON: Can you classify what
18 type of problems were identified?

19 MS. CLAUDIA HILL: For example, in the
20 Workforce Integrity, lesson plans, actual training of
21 staff regarding sexual assaults were determined not to
22 be in place.

23 The -- in the Administration and
24 Management area, for the orientation and admission,
25 the information not only being provided verbally but

1 also written, in some cases, were not being provided.

2 CHAIRMAN WALTON: Those were the two
3 areas that you identified?

4 MS. CLAUDIA HILL: There are several
5 areas as we go out, but those are two of the main
6 areas. Administration and orientation where the
7 detainees are not either verbally or in writing
8 provided the information on how they can report if
9 they're being victimized.

10 CHAIRMAN WALTON: How many facilities
11 nationwide are we talking about?

12 MS. CLAUDIA HILL: Well, the -- the
13 government actually has over 1,200 facilities that
14 they utilize. The Office of the Federal Detention
15 Trustee, at this time, focuses on all private
16 facilities and what has been established as an average
17 daily population of 500 or more large
18 Intergovernmental Agreement agencies.

19 Now, we also partner with the United
20 States Marshals Service, specifically, Ms. Lowry's
21 division, in special requests. So any of the
22 governmental agencies, if they have a concern, do
23 request that we go out to perform these quality
24 assurance reviews.

25 COMMISSIONER FELLNER: I would like to

1 follow up on a couple of those. So there are 1,200
2 facilities in all. That includes immigration, it
3 includes local jail stays, some are IGA, some are not,
4 some are private and some are not. Is that right? In
5 response to the judge's question? There are 1,200
6 facilities.

7 MS. CLAUDIA HILL: Yes. Nationwide.

8 COMMISSIONER FELLNER: Nationwide. And
9 you said that the trustee focuses on those that are
10 private and those that are larger than 500.

11 MS. CLAUDIA HILL: That's correct.

12 COMMISSIONER FELLNER: How many
13 inmates, then, are in facilities that are not within
14 the -- your jurisdiction?

15 MS. HEATHER LOWRY: About 60 percent.

16 COMMISSIONER FELLNER: So 60 percent.

17 And you pointed out -- first of all, if you're
18 doing -- wait a minute.

19 How many facilities, then, in all are
20 you -- of the 1,200 are actually ones that you are
21 looking at?

22 MS. CLAUDIA HILL: We're actually
23 providing oversight right now approximately 20 to --
24 approximately 20 facilities.

25 COMMISSIONER FELLNER: That's all?

1 MS. CLAUDIA HILL: Well, that is all.
2 However, the Marshals Service has an inspection
3 process that they utilize, too.

4 COMMISSIONER FELLNER: I'm sorry. Let
5 me see if I understand this. Out of the 1200
6 facilities, you are only -- you only have jurisdiction
7 over 20?

8 MS. CLAUDIA HILL: We have the
9 responsibility of providing the oversight for the
10 private facilities.

11 COMMISSIONER FELLNER: Uh-huh.

12 MS. CLAUDIA HILL: And specific
13 Intergovernmental Agreement facilities. At this time,
14 that comes to a -- an approximate number of 20.

15 COMMISSIONER FELLNER: So who -- how
16 does the Federal government, which has responsibility
17 for this, ensure that appropriate standards and
18 policies exist and are being followed in the other
19 1,180 facilities? I understand you said in your
20 testimony that, you know, they're already subject to
21 PREA. But as we all know, some places are trying hard
22 to put -- and some places are not. You have no
23 ability to go into those other places to check how
24 they're doing?

25 MS. HEATHER LOWRY: Let me jump in

1 here.

2 COMMISSIONER FELLNER: I'm sorry. I'm
3 thinking of, like, immigration, not the Marshal ones,
4 but where they're already now in immigration
5 facilities, for example.

6 MS. CLAUDIA HILL: Homeland Security
7 has their own detention standards, and they conduct
8 their own inspections. They are not part of the
9 Department of Justice.

10 COMMISSIONER FELLNER: Okay. And does
11 the Marshals Service use the same standards that they
12 do -- have?

13 MS. HEATHER LOWRY: The Marshals
14 Service uses an abbreviated version of the standards.
15 We don't have 200 pages. We have nine sections and we
16 have 59 standards. They are from ACA, but they are
17 not as extensive as their standards are. But we
18 inspect all facilities we use.

19 COMMISSIONER FELLNER: I wondered if
20 you could provide the Commission with a copy of the
21 standards themselves and with the -- what in your
22 testimony you gave -- you sort of broke out in the
23 general headings, could you provide us with all of
24 that?

25 CHAIRMAN WALTON: Both sets.

1 MS. CLAUDIA HILL: Yes.

2 COMMISSIONER FELLNER: And could you
3 give us a copy of each of the quality reviews that
4 were done in 2006 and 2007?

5 MS. CLAUDIA HILL: Yes, I can. I can
6 also provide you with our website that also has the
7 standards listed.

8 COMMISSIONER FELLNER: Okay. And does
9 it have -- does it list the quality assurance reports?
10 Are they on the website? I don't want to take up time
11 if it's already there.

12 MS. CLAUDIA HILL: No, the quality
13 assurance reviews are not on the website.

14 COMMISSIONER FELLNER: And I had one
15 other question for you, Ms. Lowry, and then I will
16 cede to my others. You said that there were only
17 three -- three known incidents of sexual abuse
18 allegations. How many allegations have you had of
19 excessive use of force by staff or violence among
20 inmates that aren't defined as sexual abuse, but in
21 which there is -- as our Commissioner Aiken often
22 points out, things may be reported as violence which
23 may have had a sexual component but not be listed or
24 registered as a sexual assault.

25 MS. HEATHER LOWRY: Unfortunately, we

1 don't track those. We have -- if there is an incident
2 in a cellblock, then it's written up and they're
3 tracked within the district. But unless it were
4 something that were to rise to the level of a lawsuit,
5 it's not tracked.

6 COMMISSIONER FELLNER: Huh. So you
7 don't know if there -- what the levels of violence are
8 in your facilities?

9 MS. HEATHER LOWRY: Well, we don't have
10 facilities -- the cellblocks?

11 COMMISSIONER FELLNER: The cellblocks
12 that you are using.

13 MS. HEATHER LOWRY: Not at this moment,
14 we don't.

15 COMMISSIONER FELLNER: Okay.

16 COMMISSIONER SMITH: I actually -- now,
17 getting back to this whole number of -- can you hear
18 me?

19 MS. HEATHER LOWRY: Yes.

20 COMMISSIONER SMITH: Great. That you
21 had three incidents over 20 years.

22 MS. HEATHER LOWRY: Yes.

23 COMMISSIONER SMITH: Now, is that
24 incidents that have risen to the level of litigation
25 or is that also three allegations over 20 years?

1 MS. HEATHER LOWRY: That have risen to
2 the level.

3 COMMISSIONER SMITH: Okay. So what is
4 the level of incidents that you had over, let's say,
5 the last ten years?

6 MS. HEATHER LOWRY: That's all we've
7 tracked. Because of our monitoring and because
8 prisoners are -- are never left one-on-one with one
9 deputy, one prisoner in a cellblock confined area, we
10 don't appear to have incidents that rise to the
11 level -- like, rise to the level of lawsuits in --
12 except for the three that I mentioned.

13 COMMISSIONER SMITH: Let me ask you a
14 question. If I'm an inmate and I'm in a U.S. Marshals
15 Service custody, is there a procedure where I know,
16 for example, how to make a report about my conduct,
17 about something that happens to me? What is that
18 process like?

19 MS. HEATHER LOWRY: You would notify
20 the deputy in the cellblock.

21 COMMISSIONER SMITH: And when am I told
22 that?

23 MS. HEATHER LOWRY: You're not.

24 COMMISSIONER SMITH: Okay. Let me ask
25 you a question, Ms. Hill. You have indicated whenever

1 there is an incident, right, that what happens is,
2 from the IGAs, that incident then gets recorded back
3 over to the appropriate agency.

4 MS. CLAUDIA HILL: That's correct.

5 COMMISSIONER SMITH: Can you tell me
6 how many -- do you have -- you said you also have
7 control over U.S. Marshals Service facilities as well.
8 Is that right?

9 MS. CLAUDIA HILL: We do not have
10 control. We go in and provide the oversight.

11 COMMISSIONER SMITH: Or oversight. Do
12 you have a number in terms of the number of reports of
13 those incidents that have gone back to the Marshals
14 Service for 2006 or 2007?

15 MS. CLAUDIA HILL: No, we do not. What
16 our quality control review team does is that we
17 actually collect the statistics for assaults. One of
18 the areas that we have encountered difficulty is -- is
19 the way the various facilities can or cannot separate
20 assaults, sexual to be specific.

21 Also, one of the problems that a lot of
22 the local facilities have is when they house both
23 federal and local detainees, they do not have, at this
24 time, the ability to be able to provide to us how many
25 of those assaults were federal detainee assaults and

1 how many were local assaults.

2 COMMISSIONER SMITH: So if I'm
3 understanding this correctly, because, you know, I've
4 got to get a visual here. Currently in the Federal
5 system -- and this may be -- currently, the Federal
6 system is not engaging in the same data collection
7 efforts as the states are currently under PREA?

8 MS. CLAUDIA HILL: I cannot respond to
9 what the Federal --

10 COMMISSIONER SMITH: Okay.

11 MS. CLAUDIA HILL: -- area is doing,
12 simply because we are providing the oversight for the
13 federal in non-federal facilities.

14 COMMISSIONER SMITH: Right. But let me
15 ask Ms. Lowry, then. Are you doing the same kind of
16 data collection that the states are doing, using the
17 BJS definitions?

18 MS. HEATHER LOWRY: No, we are not.

19 COMMISSIONER FELLNER: Is there a
20 reason why not?

21 MS. HEATHER LOWRY: I don't believe
22 we've been asked. And I know that sounds a little
23 ignorant, but I don't believe we've been asked,
24 because I know we're more than willing to track or to
25 develop any type of system we need to if this is

1 important to do.

2 COMMISSIONER SMITH: And one last
3 question. One of the things that I haven't heard in
4 terms of the standards and a continuously persistent
5 issue that the Commission is looking for -- and I
6 think this would, actually, Ms. Hill, go under the
7 standard of, I think, Workplace Integrity, I think.
8 Is that right?

9 MS. CLAUDIA HILL: Yes.

10 COMMISSIONER SMITH: And also, I would
11 like a response from Ms. Lowry as well. Is there
12 anything in the standards that talks about referral of
13 these matters for prosecution?

14 MS. CLAUDIA HILL: At this time in our
15 standards, no.

16 MS. HEATHER LOWRY: No.

17 COMMISSIONER SMITH: Okay.

18 CHAIRMAN WALTON: Commissioner Nolan.

19 COMMISSIONER NOLAN: Yes. Ms. Hill,
20 are you -- is there an analogous institution to yours
21 that looks at the Federal facilities, the Bureau of
22 Prison facilities?

23 MS. CLAUDIA HILL: The Federal Bureau
24 of Prisons.

25 COMMISSIONER NOLAN: Is there someone

1 doing the type of analysis that you're doing? For
2 instance, the Federal detention centers, are you aware
3 of any?

4 MS. CLAUDIA HILL: I cannot really
5 answer for what areas the Federal Bureau of Prisons is
6 responsible for.

7 CHAIRMAN WALTON: You have the Federal
8 detention facilities. Right?

9 MS. HEATHER LOWRY: No.

10 COMMISSIONER NOLAN: No. That's
11 Transport.

12 Ms. Lowry, when you take prisoners like
13 to El Reno, you basically give jurisdiction over to
14 the BOP at that point you remove them from the plane
15 or the transport. Is that correct?

16 MS. HEATHER LOWRY: Yes.

17 COMMISSIONER NOLAN: I guess, trying to
18 follow up on what the other Commissioner said, my
19 hunch is it's more likely that if there were a
20 complaint, the shot would be filed at the receiving
21 institution rather than with your Marshals.

22 MS. HEATHER LOWRY: Yes.

23 COMMISSIONER NOLAN: And is there any
24 way of tracking, for instance -- at El Reno, just as
25 an example, because there are so many prisoners who

1 travel through there, is there a process for El Reno
2 to accept those shots and turn them over to the
3 Marshals Service, or do you know what the process
4 would be?

5 MS. HEATHER LOWRY: Right now, there is
6 no formal process. They would just notify the local
7 Marshal's office in that area. Because they're --
8 part of -- they're supposed to notify of an
9 significant incidents, including sexual assault, they
10 would notify that. The Marshals would send the
11 deputies out to interview the prisoners, the staff, to
12 find out about, you know, the allegations.

13 COMMISSIONER NOLAN: Now, the three
14 that you talked about were actual lawsuits. Are you
15 aware of any complaints that didn't rise to the point
16 of lawsuits?

17 MS. HEATHER LOWRY: Casual complaints.
18 And I mean casual as that they were written up, they
19 never rose to lawsuits, and that was -- that,
20 basically, was from -- I sent out an e-mail to the
21 different districts saying, any situations, whether
22 they were lawsuits or just incidences that you all
23 have. Because, honestly, we do not track them right
24 now in any kind of database.

25 COMMISSIONER SMITH: Let me just ask

1 another question.

2 So on the one hand, you have Ms. Hill
3 with this 200-page document --

4 MS. HEATHER LOWRY: Yes.

5 COMMISSIONER SMITH: -- for these
6 private facilities that has very detailed standards,
7 including those related to training and for --
8 training for staff, and orientation for offenders who
9 are in those facilities. And then on the other side,
10 with the U.S. Marshals Service, you don't have a
11 process in place right now where offenders get
12 orientation or training about how they might report
13 this? I'm just asking.

14 MS. HEATHER LOWRY: No. That's
15 correct.

16 COMMISSIONER SMITH: What about staff?
17 I mean, have staff been trained about their
18 obligations under PREA?

19 MS. HEATHER LOWRY: The Marshals
20 Service? No. Because -- if I can just continue one
21 second.

22 COMMISSIONER SMITH: Okay, sure.

23 MS. HEATHER LOWRY: Because the
24 Marshals Service -- because we don't own or operate
25 facilities, we entrust the facilities that are housing

1 our prisoners to manage their jail, to handle all they
2 normally do for state and local prisoners. In fact,
3 that's what we tell them. You know, do the same for
4 us as you would do for your prisoners.

5 COMMISSIONER FELLNER: But that's
6 actually my question to both of you. How do you make
7 sure that the facilities in which you are entrusting
8 the people who you have responsibility for are safe
9 places? You mentioned, for example, that you don't --
10 you know, that some of the local jails -- we mentioned
11 that some of the local jails don't break out, you
12 know, whether these assaults are against federal or
13 state. I would think you would want to know,
14 regardless of whether they're federal or local inmates
15 who are being injured, how violent is the place you
16 are confining people. How dangerous, and if they're
17 not -- you said that they're not currently
18 contractually obligated. Why not?

19 MS. CLAUDIA HILL: Let me try to answer
20 some of your concerns.

21 COMMISSIONER FELLNER: Yes.

22 MS. CLAUDIA HILL: The United States
23 Marshals Service has the responsibility to negotiate
24 these intergovernmental agreements, in which the
25 Office of the Federal Detention Trustee does -- is not

1 involved in that. The districts -- and I'll allow
2 Ms. Lowry to speak on this -- the districts do their
3 own negotiation and work with her division regarding
4 the responsibilities. We do go out, OFDT, that has
5 the responsibility for the private contracts, and
6 conduct preinspection to, number one, make sure that
7 what the facility is stating to us or has placed in
8 writing to us actually operationally performs those
9 functions and provides the services. So that's prior
10 to the detainees being placed in that facility. And
11 then, again, we perform those reviews every year or as
12 needed to ensure that those services are being
13 continued in those facilities.

14 COMMISSIONER FELLNER: Now, it seems
15 that the facilities that fall under you, it sounds
16 like an admirable system. And maybe it needs to be
17 tinkered with or something, but it sounds good. But
18 I'm actually, quite frankly, surprised to hear how
19 many facilities aren't -- that you're not negotiating
20 or requiring them to meet the standards; that you
21 don't seem to be getting a flow of information by
22 which you can determine, you know, are these violent
23 or dangerous jails that you're housing people in.

24 MS. HEATHER LOWRY: Well, I should
25 clarify. First, we do have a thorough inspection

1 program. Every district has inspectors that goes out
2 at least once a year to inspect the facilities,
3 besides the fact that our deputies are at these
4 facilities almost every day, so they have a very good
5 relationship with these facilities as far as
6 information flow.

7 As far as our standards, I share your
8 frustration. Okay? Federally, we have no -- they
9 have no obligation in any legal way to abide by our
10 standards.

11 COMMISSIONER FELLNER: If you put it in
12 the contract, wouldn't they have to as a contractual
13 matter?

14 MS. HEATHER LOWRY: Yes. If they would
15 sign it.

16 MS. CLAUDIA HILL: Intergovernmental
17 agreements are not --

18 COMMISSIONER FELLNER: It's money for
19 them.

20 MS. HEATHER LOWRY: Well, but -- and
21 this is where it also gets frustrating. Except for
22 the private contracts, which we have statements of
23 work and are controllable and are easier to deal with,
24 the intergovernmental agreements for the state and
25 local facilities are basically a -- I'm going to pay

1 you money, here are some conditions, we hope you abide
2 by them, thank you for taking my prisoners. But you
3 can turn around tomorrow and say, I don't want your
4 prisoners any more. Unfortunately, in a lot of areas
5 of the country, we can't be picky. We try -- that's
6 why we try to work with these facilities as much as we
7 can. But, legally, they don't have to take our
8 prisoners. We have had numerous facilities throughout
9 the country that have said to us, you know, I have to
10 take the state and locals, I don't have to take the
11 federals. If you guys cause us any problems, legal
12 problems, litigation problems, the prisoners complain
13 too much, they can tell us to remove our prisoners.
14 So --

15 CHAIRMAN WALTON: You know, I
16 sympathize because I deal with it every day. And I
17 sympathize with your frustration. I mean, you know,
18 some may not understand, the reality is what you're
19 just saying. I know in the District of Columbia area,
20 we have a significant problem finding facilities to
21 house D.C. federal offenders. It's a real problem.

22 COMMISSIONER NOLAN: And this is not --
23 because I hadn't finished some of the things I was
24 going to do. The Marshals are in a pickle here in
25 that you basically are -- in custody for transport

1 mostly. You're driving across the country, you come
2 to a local jail you have an agreement with, and you
3 drop the prisoners off to stay overnight, and then
4 pick up and drive the next day. Isn't that a lot of
5 what your IGAs are?

6 MS. HEATHER LOWRY: No. Mostly our
7 IGAs are -- I'm in Virginia, so in Alexandria,
8 anything close to the court, we try to use.

9 COMMISSIONER NOLAN: Right.

10 MS. HEATHER LOWRY: And those places
11 are usually state and local. Every now and then you
12 do have facilities that are connected to courthouses.
13 But they're usually state and local, so you make an
14 agreement with them as much as you can.

15 COMMISSIONER NOLAN: Right. And you
16 probably -- because you're a bigger part of their
17 business, have more control. But I'm talking about
18 the prisoners your transporting. When you drop a
19 prisoner off overnight, my experience is that the
20 federal prisoners are the bottom of the totem pole.
21 They sleep on the floor by the toilets because the
22 locals don't care about them. They aren't their
23 constituents and --

24 MS. HEATHER LOWRY: Well, and the irony
25 is --

1 COMMISSIONER NOLAN: And you don't have
2 any control over them.

3 MS. HEATHER LOWRY: The frustrating
4 part when you do deal with them sometimes is that when
5 they tell us that, well, these are federal, and we
6 say, no, no, they have Federal charges. A lot of
7 these are local prisoners, they just have Federal
8 charges.

9 COMMISSIONER NOLAN: Right. Yeah.

10 COMMISSIONER FELLNER: But in all of
11 the facilities, then, if our standard -- if we develop
12 standards that are applied to all of these facilities
13 that you feel that you can't contractually bind to
14 your standards, but if those standards become sort of
15 obligatory nationwide, that would take care of some of
16 the problem. I'm just -- I'm concerned that there is
17 this quite sizable pool of people on an annual basis
18 who goes through who aren't, in fact, under any good
19 protections. We -- at Human Rights Watch we did some
20 research a number of years ago on some of the parishes
21 in Louisiana. This is not where you want to be
22 housing people. And I understand the difficulty,
23 but -- so that -- we could help in that sense because
24 then you wouldn't have to put them in your contracts.
25 They're already obligated, if they were Federal

1 standards.

2 MS. HEATHER LOWRY: That would be
3 wonderful.

4 COMMISSIONER SMITH: And I guess my
5 last point is, from my perspective, what I'm most
6 concerned about is the lack of data, the lack of
7 information, and the lack of training. While
8 certainly it's interesting to me, and certainly we'll
9 send a message to our friends over at the Bureau of
10 Justice Statistics that you're just waiting to be
11 asked to do data collection. But there is certainly
12 particular requirements of the Prison Rape Elimination
13 Act that don't actually require you to wait for
14 anybody, that talk about particular practices, that
15 talk about particular areas around prevention, around
16 safe communities, that all agencies should be
17 undertaking.

18 And, actually, what is quite
19 interesting to me is that it feels like, in the
20 states, many of these agencies have stepped up, but
21 that in the Federal arena where we generally expect
22 the practice to be somewhat more evolved and
23 sophisticated, that it actually hasn't. So --

24 CHAIRMAN WALTON: Do you have a staff?
25 I mean, how large of a staff do you have?

1 MS. HEATHER LOWRY: In the Prisoner
2 Operations section of the Marshals Service?

3 CHAIRMAN WALTON: Yeah.

4 MS. HEATHER LOWRY: Well, we probably
5 have -- we have four branches and we probably have
6 about 18 people. But of those branches, there is a
7 medical branch, there is the contracting IGA branch,
8 then there is my branch which has four inspectors,
9 then there is also a -- basically, we call them a
10 numbers branch; they keep all of the data.

11 COMMISSIONER FELLNER: Four inspectors
12 for how many facilities that you're moving people in
13 and out and housing them?

14 MS. HEATHER LOWRY: Four inspectors in
15 headquarters for all of the facilities for the entire
16 country.

17 COMMISSIONER FELLNER: Which is --

18 MS. HEATHER LOWRY: But we do have --

19 CHAIRMAN WALTON: Which is 1,200?

20 MS. HEATHER LOWRY: As far as the
21 inspectors as far as that conduct the inspections,
22 those are throughout the country. That's a collateral
23 duty for deputies, among the many other things they do
24 in district.

25 COMMISSIONER FELLNER: Are they trained

1 in how to do inspections?

2 MS. HEATHER LOWRY: Yes. They have a
3 week training course down at Plessey (phonetic) and
4 they also have constant, I guess, contact with
5 different individuals up at headquarters if they have
6 questions or information they need.

7 COMMISSIONER FELLNER: Can I just
8 ask one -- short. Before there is national standards,
9 wouldn't there be -- and I understand fully the
10 problems of the local and state. They like getting
11 your money because you generally pay more than it
12 actually costs them, but they don't want to have to do
13 anything different than they're already doing.
14 Couldn't you, though, require them to give you
15 statistics on what is going on in their facilities?

16 MS. HEATHER LOWRY: In the inspection
17 report, we do ask them. There are three areas. We
18 ask them about escapes, assaults -- well, serious
19 assaults and lawsuits. And as Ms. Hill stated
20 earlier, it's defining assaults that appears to be an
21 issue.

22 COMMISSIONER FELLNER: But you don't
23 include on that, staff mis -- you know, excessive use
24 of force or any staff misconduct? I assume "assaults"
25 there is just inmate-on-inmate assaults?

1 MS. HEATHER LOWRY: No, we haven't. We
2 had it -- we put it in the inspection form and said,
3 inmate on inmate or inmate on staff.

4 COMMISSIONER FELLNER: What about staff
5 on inmate?

6 MS. HEATHER LOWRY: I believe we also
7 have that one in there. But that's -- it just depends
8 on if they're tracking it and how they define an
9 assault.

10 COMMISSIONER FELLNER: I'm sure they're
11 very --

12 CHAIRMAN WALTON: Any other questions?

13 Okay. We'll break at this time for
14 about five minutes and start back on time at 10:30.
15 Again, we thank you for your presence and your coming
16 down to Austin to present your testimony. Thank you.

17 (RECESS.)

18 CHAIRMAN WALTON: So we can remain on
19 time, we're going to get started. I assume the other
20 Commissioners will filter back in.

21 Our next panel will address the problem
22 of the operation of lock-up facilities and also law
23 enforcement standards. Our next two witnesses are
24 Mr. James Brown and Mr. Ronald -- Ruecker?

25 MR. RONALD RUECKER: Ruecker.

1 CHAIRMAN WALTON: Ruecker. Okay. If
2 you could please stand and take the oath.

3 (Witnesses sworn in.)

4 CHAIRMAN WALTON: If you could, please,
5 starting with Mr. Brown, identify yourself, and then
6 Mr. Ruecker identify yourself and tell us what you do.

7 MR. JAMES BROWN: Good morning. I'm
8 James Brown. I'm the Associate Director for the
9 Commission on Accreditation of Law Enforcement
10 Agencies, out of Fairfax, Virginia.

11 CHAIRMAN WALTON: Thank you.

12 MR. RONALD RUECKER: Good morning. My
13 name is Ron Ruecker. I'm the First Vice-president of
14 the International Association of Chiefs of Police.
15 I'm currently serving as the Interim Chief of Police
16 in Sherwood, Oregon, and just recently retired a few
17 months ago as the Superintendent of the Oregon State
18 Police.

19 CHAIRMAN WALTON: Okay. I would ask
20 that before we get started with the testimony, could
21 everybody please turn off your electronic devices
22 because I think that's what is causing the feedback.
23 We would appreciate it. Okay. Thank you.

24 Mr. Brown.

25 MR. JAMES BROWN: The Commission on