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

CHAIRMAN WALTON: Thank you.

Ms. Lowry, you may proceed with your testimony.

MS. HEATHER LOWRY: Thank you.

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

The Marshals Service was created more than 200 years ago by the first Congress through the Judiciary Act of 1789. Over the past two centuries of the Marshals Service, the duties have changed. From taking the census to protecting the President, the missions of the Marshals Service have evolved to meet the needs of the Nation. The Federal judicial system has grown from 13 districts to 94, covering the continental United States, Hawaii, Alaska, Guam, the
Mariana Islands, Puerto Rico, and the Virgin Islands. The various missions of the Marshals Service include: Protection of the Federal Judiciary and all other participants in the Federal judicial process, the execution of Federal arrest warrants, the service of the civil and criminal process, the transportation and production of prisoners for court, the administration of the seized asset program, and any other duties as ordered by the Attorney General. Because all federal prisoners are remanded to the U.S. Marshals Service, the Marshals Service has the responsibility of housing over 56,000 prisoners. Since the Marshals Service does not own or operate its own jail facilities, the prisoners are housed in a combination of Federal Bureau of Prisons facilities, local and state and private facilities. The Marshals Service is also responsible for producing these prisoners in court, transporting them to and from court, medical appointments, and to their designated BOP facility. Approximately 744,596 productions are done a year. The Marshals Service also runs the Justice Prisoner Alien Transportation System out of Oklahoma City, Oklahoma, otherwise known as JPATS. They coordinate trips by air, car, ambulance and
commercial bus for approximately 9,660 trips a year, and over 349,000 prisoners are moved a year. Because we deal with such a large population of prisoners, it's important for us to look at the implications of the recently established Prison Rape Elimination Act. Although the Marshals Service doesn't own or operate a facility, we do have cellblocks in each of our courthouses throughout the country and the prisoners spend a considerable amount of time in these cells. Additionally, the Marshals Service transports a large population of prisoners over great distances that require having them in a transport vehicle for a considerable amount of time.

In reference to cellblocks, each Federal courthouse in the 94 districts of the Marshals Service is designed to hold prisoners based on the estimated population of that district. The cellblock consists of one or more cells equipped with a bench and a small dividing wall that separates the toilet/sink combination from the rest of the cell. Each cell is monitored by a camera that is viewed from a command post. These posts are either in the cellblock or directly outside of the cellblock. Often Deputy Enforcement Officers are situated in the cellblock or processing area and the prisoners are
always monitored by one or more Marshals Service personnel. Additionally, deputies are constantly going back and forth in the cellblock processing prisoners, going to and from court, taking prisoners and putting them in interview rooms, as well as receiving prisoners and preparing prisoners to leave the cellblock.

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

Another area in which PREA applies to
the Marshals Service involves the transportation of
prisoners. The Marshals Service transports, as I said
earlier, an extremely large number of prisoners over
great distances. Airplanes, buses, vans and cars are
used to carry out these trips. Marshals Service
policy states that prisoners will be fully restrained
during transportation. Female prisoners will be
transported and handled separately from male
prisoners, as will juveniles.

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

Because of the policies and procedures
associated with cellblocks and transportation of
prisoners, the Marshals Service has had very few
claims of sexual assaults. According to the Marshals
Service Office of General Counsel, there have been
three allegations of sexual assault over the last 20
years. The first incident involved a female prisoner who claimed she was sexually assaulted by a male prisoner after they were mistakenly placed in the same cell in the Marshals Service cellblock. Currently, the allegations are being contested and the Marshals Service office involved was counseled on cellblock inspection and to upgrade their -- any policies or procedures they had.

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

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

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