



# United States Marshals Service POLICY DIRECTIVES

## PRISONER OPERATIONS

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

**A. Proponent:** Prisoner Operations Division (POD).

**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 [REDACTED] 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 [REDACTED]. 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:**

**Effective Date:**

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

  7/6/10