



Office of the Inspector General
U.S. Department of Justice



Procedural Reform Recommendation for the U.S. Marshals Service, Superior Court of the District of Columbia

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SYNOPSIS

The United States Marshals Service (USMS) is charged with the custody, care, and control of thousands of prisoners who are held daily in cell blocks at various United States District Courts. The USMS Policy Directive which describes the manner in which USMS prisoners will be observed (checked) within their cells does not specify which USMS official is responsible for ensuring the observations are made. Additionally, the USMS Policy Directive provides no mechanism by which prisoner observations are documented.

In 2014, the Office of the Inspector General identified several systemic deficiencies in the operation of a Drug Enforcement Administration (DEA) detention area that caused the improper detention of Daniel Chong, resulting in a multi-million dollar settlement. <https://oig.justice.gov/reports/2014/e1407-summary.pdf>. The deficiencies that we identified in the USMS Policy Directive are similar to issues we found with the operation of DEA's detention area.

DETAILS

The Problem

During an OIG investigation regarding the USMS's adherence to applicable prisoner supervision policies immediately prior to an inmate on inmate sexual assault in the District of Columbia Superior Court (DC/SC) cell block (case number 2017-001881), the USMS was able to produce policy directing the USMS to conduct "observations" (essentially safety/welfare checks) of prisoners every 30 minutes in person or via closed circuit television (CCTV). However, the USMS could not produce any policy at the national or DC/SC level which specified whose responsibility, supervisory or otherwise, it was to ensure the 30-minute prisoner observations were completed. The current policy is subject to the interpretation that both the Deputy U.S. Marshals (DUSMs) on the cellblock floor, and the sole DUSM operating the control booth (while managing a myriad of other security functions), are jointly responsible for the 30-minute observations of prisoners.

Further, there is no applicable USMS or DC/SC policy which provides for documentation that 30-minute observations of the prisoners take place.

The USMS DC/SC initiated an After Action Report pursuant to the aforementioned sexual assault. The USMS DC/SC proposed adding a dedicated "rover" (DUSM) to regularly check prisoner cells, as well the assignment of an additional DUSM in the control booth to monitor the CCTVs. The OIG concurs with these recommendations and proposes additional recommendations below.

The Regulation

USMS Policy Directive 9.20 (D)(1)(f) states in part: "All prisoners in the cellblock are observed at least every thirty minutes and counted at least every eight hours, if present for that duration. Observations may be made physically or by CCTV." There is no supplemental policy at the DC/SC level.

Neither the USMS nor DC/SC has a policy requiring the documentation of 30-minute prisoner observations.

RECOMMENDATIONS

1. Amendment of the applicable USMS Policy Directive to designate the Supervisory U.S. Deputy Marshal (SDUSM) in the cell block, or in the absence of the SDUSM, another specific USMS official, as the responsible official for ensuring the 30-minute prisoner observation policy is complied with. This would provide increased accountability for compliance with USMS Policy Directive 9.20 (D)(1)(f) and

remove potentially confusing assumptions about whom within the cellblock ultimately bears responsibility for making the observations. The OIG believes that, though increased control booth staffing would enhance prisoner observation, the SDUSM and the DUSMs working on the cellblock floor are in the most appropriate position to directly monitor and observe the prisoners at least every 30 minutes for compliance with the policy directive.

2. Creation of a cellblock log sheet to document observations of prisoners at least every 30 minutes as dictated by the policy directive. Responsibility for ensuring the log is up to date and observations are being documented by DUSMs should be assigned to the SDUSM or other specific designee. Retention of the log sheets should be consistent with USMS and Department of Justice document retention policies.