

UNITED STATES MARSHALS SERVICE SPECIAL LIMITED USE AGREEMENT

SECTION I

<p>1. DATE OF AGREEMENT May 20, 2020</p>	<p>2. LUA AGREEMENT NO. 78-20-0009</p>	<p>3. JAIL CODE ND3</p>
<p>4. ISSUING OFFICE</p> <p>UNITED STATES MARSHALS SERVICE PRISONER OPERATIONS DIVISION CG-3, 3rd FLOOR WASHINGTON, DC 20530-0001</p>	<p>5. ACCOUNTING DATA</p> <p>a. RDS NO: 20-1399 b. APPROPRIATION: 15X1020 c. FISCAL YEAR: 2020/2021</p>	
<p>6. LOCAL GOVERNMENT FACILITY NAME AND ADDRESS:</p> <p>Hopkins County Sheriff's Office 298 Rosemont Street Sulphur Springs, TX 75482</p>	<p>7. USMS UTILIZATION AND COST DATA</p> <p>a. TIME PERIOD: May 19, 2020 – May 18, 2021 b. MAXIMUM PRISONER DAYS: 150 c. JAIL DAY RATE: \$60.00 d. HOURLY GUARD RATE: \$20.00</p>	
<p>8. DISTRICT E/TX (78)</p>		

SECTION II

BACKGROUND

1. Currently, nonfederal detention bed space for federal detainees and prisoners is acquired through Intergovernmental Agreements (IGAs), where a daily rate is paid to state and local governments, and facility-specific contracts with private service providers. The Department of Justice Appropriations Act for 2001 (Public Law 106-553) is designed to allow for the use of non-traditional contract vehicles when acquiring detention and other related services. This authority states:

“Sec. 119 – Notwithstanding any other provision of law, including section 4 (d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)), the Attorney General hereafter may enter into contracts and other agreements, of any reasonable duration, for detention or incarceration space or facilities, including related services, on any reasonable basis.”

2. In an effort to operate in the most effective way and receive the maximum benefit of Section 119 to meet the Federal Government cost saving initiatives.

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The United States Marshals Service, Prisoner Operations Division desires to award an Special Limited Use Agreement (LUA) to the Hopkins County Sheriff's Office (hereby referred to as the Local Government) to include transportation, in Sulphur Springs, TX.

SECTION III SPECIFIC TERMS AND CONDITIONS OF THIS AGREEMENT

1. The purpose of this Special LUA is to formalize an oral agreement between the United States Marshals Service (USMS) and Local Government listed above for the custody, care and transportation of Federal prisoners during the period of time shown in block 7a of this document.
2. This Special LUA is predicated upon the Federal Government's requirement for detention space and services for Federal prisoners and the local government's willingness to provide such services at the same level as those provided to local prisoners.
3. Optional Guard/Transportation Services to U.S. Courthouse
The Local Government agrees, subject to the availability of its personnel, to provide transportation and escort guard services for Federal detainees housed at the Facility to and from the U.S. Courthouse.

These services should be performed by at least two (2) armed qualified law enforcement or correctional officer personnel. Criteria as specified by the County Entity running the facility. In all cases these are part of a fulltime Law Enforcement Officer (LEO) or Correctional Officer (CO) that have met the minimum training requirements.

The Local Government agrees to augment this security escort if requested by the USMS to enhance specific requirement for security, prisoner monitoring, visitation, and contraband control.

Upon arrival at the courthouse, the Local Government's transportation and escort guard will turn Federal detainees over to a DUSM only upon presentation by the deputy of proper law enforcement credentials.

The hourly rate for these services is \$20.00 per hour per guard. Mileage shall be reimbursed in accordance with the current GSA mileage rate.

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4. Optional Guard Services to Video Teleconference Hearings within Facility

The Local Government agrees, subject to the availability of its personnel, to provide escort guard services for Federal detainees housed at its facility to monitor, on a case-by-case basis, court hearings conducted via Video Conferencing (VTC) when the Federal Judiciary has restricted in-person presentation of a detainee before the court.

The hourly rate for these services is \$20.00 per hour per guard.

5. PRISON RAPE ELIMINATION ACT (PREA)

The Facility must post the Prison Rape Elimination Act brochure/bulletin in each housing unit of the Facility. The Facility must abide by the relevant PREA regulations (See attachment 1).

AFFORDABLE CARE ACT

The local government/facility shall provide federal detainees, upon release of custody; information regarding the Affordable Care Act. The Affordable Care Act website is located at <http://www.hhs.gov/opa/affordable-care-act/>

RESTRICTIVE HOUSING

See attachment 2

6. The authority for this agreement is 18 USC 4002 and 4086.

7. The jail day rate covers one (1) person per "prisoner day". The Federal Government may not be billed for two (2) days when a prisoner is admitted one evening and removed the following morning. The Local Government may bill for the day of arrival, but not the day of departure.

SECTION IV

BILLING INSTRUCTIONS

Mail invoice to:

United States Marshals Service
Eastern District of Texas
221 West Ferguson Street, 4th Floor
Tyler, TX 75702
(903) 590-1370

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SECTION V

AUTHORIZING OFFICIAL(S)

SIGNATURE: Lewis Tatum
Local Government

DATE:
5-22-2020

SIGNATURE: Tiffani Eason

DATE:
05-22-2020

Tiffani Eason, Chief, Intragovernmental Agreements Branch

Robert Newton
County Judge

5-26-2020

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ATTACHMENT 1 - RAPE ELIMINATION ACT REPORTING INFORMATION

SEXUAL ASSAULT AWARENESS

This document is requested to be posted in each Housing Unit Bulletin Board at all Contract Detention Facilities. This document may be used and adapted by Intergovernmental Service Agreement Providers.

While detained by the Department of Justice, United States Marshals Service, you have a right to be safe and free from sexual harassment and sexual assaults.

Definitions

A. Detainee-on-Detainee Sexual Abuse/Assault

One or more detainees engaging in or attempting to engage in a sexual act with another detainee or the use of **threats, intimidation, inappropriate touching** or other actions and/or communications by one or more detainees aimed at **coercing and/or pressuring** another detainee to engage in a sexual act.

B. Staff-on-Detainee Sexual Abuse/Assault

Staff member engaging in, or attempting to engage in a sexual act with any detainee or the intentional touching of a detainee's genitalia, anus, groin, breast, inner thigh, or buttocks with the intent to abuse, humiliate, harass, degrade, arouse, or gratify the sexual desires of any person. Sexual abuse/assault of detainees by staff or other detainees is an inappropriate use of power and is prohibited by DOJ policy and the law.

C. Staff Sexual Misconduct is:

Sexual behavior between a staff member and detainee which can include, but is not limited to indecent, profane or abusive language or gestures and inappropriate visual surveillance of detainees.

Prohibited Acts

A detainee, who engages in inappropriate sexual behavior with or directs it at others, can be charged with the following Prohibited Acts under the Detainee Disciplinary Policy.

- Using Abusive or Obscene Language
- Sexual Assault
- Making a Sexual Proposal
- Indecent Exposure
- Engaging in Sex Act

Detention as a Safe Environment

While you are detained, no one has the right to pressure you to engage in sexual acts or engage in unwanted sexual behavior regardless of your age, size, race, or ethnicity. Regardless of your sexual orientation, you have the right to be safe from unwanted sexual advances and acts.

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Confidentiality

Information concerning the identity of a detainee victim reporting a sexual assault, and the facts of the report itself, shall be limited to those who have the need to know in order to make decisions concerning the detainee-victim's welfare and for law enforcement investigative purposes.

Report All Assaults!

If you become a victim of a sexual assault, you should report it immediately to any staff person you trust, to include housing officers, chaplains, medical staff, supervisors or Deputy U.S. Marshals. Staff members keep the reported information confidential and only discuss it with the appropriate officials on a need to know basis. If you are not comfortable reporting the assault to staff, you have other options:

- Write a letter reporting the sexual misconduct to the person in charge or the United States Marshal. To ensure confidentiality, use special (Legal) mail procedures.
- File an Emergency Detainee Grievance - If you decide your complaint is too sensitive to file with the Officer in Charge, you can file your Grievance directly with the Field Office Director. You can get the forms from your housing unit officer, or a Facility supervisor.
- Write to the Office of Inspector General (OIG), which investigates allegations of staff misconduct. The address is: Office of Inspector General, U.S. Department of Justice, 950 Pennsylvania Ave. Room 4706, Washington, DC. 20530
- Call, **at no expense to you**, the Office of Inspector General (OIG). The phone number is 1-800-869-4499.

Individuals who sexually abuse or assault detainees can only be disciplined or prosecuted if the abuse is reported.

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Washington, DC

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ATTACHMENT 2 - RESTRICTIVE HOUSING INSTRUCTIONS

State, local, tribal and territorial service providers that have Intergovernmental Agreements (IGAs) shall:

- Report basic information about the placement of federal detainees in restrictive housing, similar to the reporting requirements that the USMS imposes upon the occurrence of significant incidents.

To be in compliance with our request detention facilities shall:

- Immediately notify the Chief Deputy U.S. Marshal, or his or her designee, when a member of a vulnerable population is placed in restrictive housing or their restrictive housing status changes.
- Provide reports to the USMS on a monthly basis listing all USMS detainees who were detained in restrictive housing, and the reasons for their assignment to restrictive housing. The report shall be submitted via Detention Services Network (DSNET) to the Chief Deputy U.S. Marshal, or his or her designee, no later than the tenth day of each month in a standard format established by the USMS.
- Have a comprehensive suicide-prevention program in place incorporating all aspects of identification, assessment, evaluation, treatment, preventive intervention, and annual training of all medical, mental health, and correctional staff.

For the purposes of this Agreement, "restrictive housing" is defined as any type of detention that involves all of the following three basic elements:

Removal from the general population, whether voluntary or involuntary;

- Placement in a locked room or cell, whether alone or with another detainee; and
- Inability to leave the room or cell for the vast majority of the day, typically 22 hours or more.

For the purposes of this Agreement, "vulnerable population" means juveniles and individuals with serious mental illness.

The USMS Prisoner Operations Division has developed a web-based automated process for use by state, local, tribal, territorial and private detention service providers to report basic information regarding the use of restrictive housing for USMS prisoners. This information includes monthly use and duration of restrictive housing, and immediate notification whenever a member of a vulnerable population is housed restrictively. Information about restrictive housing, user account requests and a restrictive housing handbook (with screenshots and workflow descriptions) will be located on the eIGA homepage which can be found at: <https://ows.usdoj.gov/IGA/>. For technical assistance on the Detention Services Network (DSNet) eIGA system, please call the DSNet service desk at 877.633.8457 or email at DSNetservicedesk@leo.gov.