



Report to the Chair, Subcommittee on
Human Rights and the Law, Committee
on the Judiciary, U.S. Senate

July 2024

U.S. MARSHALS SERVICE

Actions Needed to Better Identify and Address Detention Condition Concerns

GAO Highlights

Highlights of [GAO-24-106348](#), a report to the Chair of the Subcommittee on Human Rights and the Law, Committee on the Judiciary, U.S. Senate

Why GAO Did This Study

Marshals Service is responsible for ensuring the safe and humane housing of the nearly 60,000 individuals in federal custody who are awaiting trial or sentencing on any given day. Marshals Service does not own or operate jails, but it partners with private facilities, local governments, and DOJ's Bureau of Prisons to detain these individuals. Strengthening management of federal prisons was added to GAO's high-risk list in 2023.

GAO was asked to review Marshals Service's oversight of facilities it uses to detain individuals. This report assesses the extent to which Marshals Service (1) has implemented mechanisms to identify and address concerns related to detention conditions, and (2) incorporates key steps to assess the performance of its detention operations.

GAO analyzed agency documents; assessed training, facility review, and inquiry data; observed deputy U.S. Marshals conduct reviews of six (of about 1,000) local facilities and contractors conduct a review of one of five private facilities; and interviewed agency officials and federal defenders who represent individuals in custody.

What GAO Recommends

GAO is making eight recommendations, including that Marshals Service develop guidance as well as a plan with time frames to provide deputies with training; routinely analyzes available detention operations data; and establish performance goals for the conditions at local detention facilities. Marshals Service concurred with the recommendations.

View [GAO-24-106348](#). For more information, contact Derrick Collins at (202) 512-8777 or CollinsD@gao.gov.

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U.S. MARSHALS SERVICE

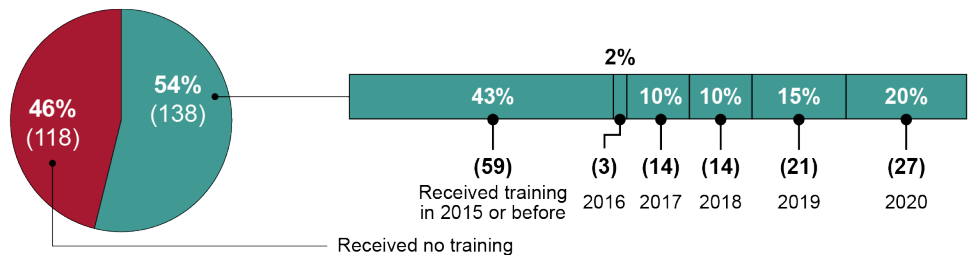
Actions Needed to Better Identify and Address Detention Condition Concerns

What GAO Found

The Department of Justice's (DOJ) U.S. Marshals Service (Marshals Service) uses onsite facility reviews and grievance processes to identify and address concerns related to conditions at private and local detention facilities that house individuals in its custody. However, detention operations could be improved.

Facility reviews. Marshals Service has implemented processes to conduct onsite reviews of facilities to assess whether they meet federal standards for healthcare, sanitation, and other detention conditions. However, deputies who conduct local facility reviews have limited guidance on how to complete them. Moreover, many deputies have not received required training because Marshals Service has not offered training since 2020 (see figure). Although Marshals Service has efforts underway to revise its training, it has not developed a plan and time frames to complete the revisions and ensure deputies receive it.

Percentage and Number of Marshals Service Deputies Who Conducted Local Detention Facility Reviews in Fiscal Year 2023 and Had Not Completed Facility Review Training



Source: GAO analysis of U.S. Marshals Service (Marshals Service) data. | GAO-24-106348

Grievance processes. Individuals may submit grievances to facilities or inquiries directly to Marshals Service. However, agency officials told us they have not analyzed the data they collect to determine trends—such as the nature or volume of inquiries related to individuals at certain facilities. For example, GAO analysis of Marshals Service inquiry data submitted from January 2018 through June 2023 found that at least 20 detention facilities received multiple inquiries about prison rape. In addition, at least 20 detention facilities received multiple inquiries about harassment. Marshals Service could routinely analyze such information to determine if changes are needed to improve detention operations.

Marshals Service has not fully incorporated key steps to assess its detention operations. For example, Marshals Service has a performance goal that private facilities meet minimum detention standards and assigns them ratings based on facility reviews. Private facilities have received overall ratings indicating they met minimum standards from 2018 through 2023, according to Marshals Service budget documents. However, Marshals Service does not have a similar goal for local facilities. According to Marshals Service data, some local facilities did not meet certain detention standards. For example, in fiscal year 2023, reviews found that an outside source had not inspected about 10 percent of facilities for food safety within the past 12 months, and about 7 percent of facilities had signs of insects. Establishing a performance goal for the conditions at local detention facilities would help Marshals Service better assess and monitor these facilities.

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Abbreviations

DOJ	Department of Justice
Marshals Service	U.S. Marshals Service

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July 1, 2024

The Honorable Jon Ossoff
Chair
Subcommittee on Human Rights and the Law
Committee on the Judiciary
United States Senate

Dear Mr. Chair

There are nearly 60,000 individuals awaiting federal trial or sentencing on any given day in the United States, according to the Department of Justice (DOJ).¹ These individuals have a constitutional right to certain minimal conditions that are safe and humane.² U.S. Marshals Service (Marshals Service), within DOJ, is responsible for ensuring the safe, secure, and humane custody and housing of these individuals.³ Marshals Service does not own or operate detention facilities, but it partners with state and local governments, private facilities, and DOJ's Federal Bureau of Prisons to detain individuals in its custody.

Audit organizations have raised questions about the health and safety of individuals in federal pretrial custody. In 2021, we found that Marshals Service policies regarding the treatment and care of pregnant or postpartum women did not align with certain aspects of national guidelines.⁴ In 2022, the Pandemic Response Accountability Committee—comprised of federal audit organizations including DOJ's Office of Inspector General—found that Marshals Service's lack of telehealth policies and comprehensive telehealth data could pose quality of care oversight challenges.⁵

¹U.S. Marshals Service, *Fact Sheet Prisoner Operations 2024* (Oct. 1, 2023).

²U.S. Const. amend. XIV. *Redd v. Conway*, 160 F. App'x 858, 860 (11th Cir. 2005).

³See 28 C.F.R. § 0.111(k).

⁴GAO, *Pregnant Women in DOJ Custody: U.S. Marshals Service and Bureau of Prisons Should Better Align Policies with National Guidelines*, [GAO-21-147](#) (Washington D.C.: Jan. 25, 2021). A list of related GAO products is provided at the end of this report.

⁵Pandemic Response Accountability Committee, *Insights on Telehealth Use and Program Integrity Risks Across Selected Health Care Programs During the Pandemic*, (December 2022).

In addition, in April 2023, we added the area of *Strengthening Management of the Federal Prison System* to GAO's biennial high-risk list.⁶ This biennial update describes the status of high-risk areas, outlines actions that are needed to assure further progress, and identifies new high-risk areas needing attention by the executive branch and Congress. This area was added, in part, due to the Bureau of Prisons' longstanding challenges in managing staff and resources and in planning and evaluating programs that help incarcerated people successfully return to the community.

You asked us to review Marshals Service's oversight of facilities it uses to detain individuals. This report addresses the extent to which Marshals Service has (1) implemented mechanisms to identify and address concerns related to detention conditions for individuals in its custody and (2) incorporated key steps to assess the performance of its detention operations.

To address both objectives, we obtained and analyzed Marshals Service documents relevant to detention operations. This included strategic plans, federal detention standards, policies, procedures, training materials, and memorandums.⁷ We analyzed these documents to determine the mechanisms Marshals Service uses to identify and address detention condition concerns and assess performance of its detention operations.

We also obtained and analyzed Marshals Service data from its reviews of detention facilities to determine the extent to which Marshals Service assesses conditions of confinement at private and state and local facilities.⁸ For example, we analyzed Marshals Service summary data from state and local detention facility reviews to determine the extent to which individual facilities did not meet federal detention standards. In

⁶GAO, *High-Risk Series: Efforts Made to Achieve Progress Need to Be Maintained and Expanded to Fully Address All Areas*, [GAO-23-106203](#) (Washington, D.C.: Apr. 20, 2023).

⁷For example: Marshals Service, *Strategic Plan: 2020-2024*; Marshals Service, *Federal Performance Based Detention Standards* (Nov. 2017; May 2022); Marshals Service, Prisoner Operations, *Policy Directive 9.7 Review of Non-federal Detention Facilities* (Washington, D.C.: Oct. 19, 2018); Marshals Service, Prisoner Operations, Office of Detention Standards & Compliance, *Quality Assurance Review: Standard Operating Procedures* (Version 1.0.0, 2019); and Marshals Service, Prisoner Operations, *Memorandum: Interim Detention Facility Review Training* (July 6, 2023).

⁸Although Marshals Service houses some individuals in its custody at DOJ's Bureau of Prisons facilities, Marshals Service is not responsible for the conditions of Bureau of Prisons facilities. As a result, our review did not include Bureau of Prisons facilities that house individuals in Marshals Service custody.

addition, we analyzed Marshals Service record data from completed state and local detention facility reviews to determine the extent to which individual facilities had the same deficiency for multiple and consecutive reviews.⁹ We obtained summary and record data for fiscal years 2021 through 2023—the most recent 3-year period for which complete data were available from Capture, a Marshals Service information system. To assess the reliability of these data, we conducted electronic and manual tests for missing data, outliers, and obvious errors; reviewed agency documents (e.g., standard operating procedures); and interviewed agency officials. We determined that the data were sufficiently reliable to describe the extent to which Marshals Service collects and maintains information about detention conditions, performance of detention facilities, and describe Marshals Service’s assessment of conditions.

We also analyzed Marshals Service record data on inquiries (e.g., grievances) related to individuals in its custody to determine the extent to which it collects and uses this information to help manage detention operations. We reviewed available Marshals Service inquiry data, which generally covered inquiries submitted to Marshals Service from January 2018 through June 2023. To assess the reliability of these data, we conducted manual and electronic testing and interviewed agency officials. We determined that these data were sufficiently reliable to describe the extent to which Marshals Service collects and maintains information about detention inquiries as well as the nature and approximate number of inquiries. Limitations of these data are discussed in greater detail later in this report.

To further address our first objective, we obtained and analyzed a nongeneralizable selection of documentation associated with Marshals Service’s review of private detention facilities, such as (1) quality assurance review reports, (2) detention facility corrective action plans, and (3) correspondence between Marshals Service and detention

⁹Completed facility reviews include those with a status of “completed.” Marshals Service defines completed as reviews finalized by the Marshals Service, which includes deputies entering information into the Marshals Service information system, Capture, and managers approving the information.

facilities regarding actions to resolve deficiencies.¹⁰ The results from our reviews of these documents are not generalizable but provide insights on Marshals Service’s mechanisms and efforts to identify and address concerns at detention facilities.

We also reviewed Marshals Service detention operations training summary data for Marshals Service officials who conducted facility reviews in fiscal year 2023—the most recent year when Marshals Service conducted facility reviews. To assess the reliability of these data, we obtained information about the Marshals Service’s data system that maintains information about the training of its staff and interviewed agency officials from the Prisoner Operations Division—the office responsible for developing policy related to detention and conditions of confinement. We determined that the data were sufficiently reliable to describe the extent to which Marshals Service officials had completed facility review training.

We conducted observations and interviews at seven detention facilities in five Marshals Service districts (i.e., Alabama-Northern, Illinois-Northern, Georgia-Middle, Texas-Southern, Wisconsin-Eastern). Specifically, we conducted one site visit at a private detention facility and six site visits at local facilities.¹¹ During each site visit, two GAO staff observed Marshals Service conduct the facility review and interviewed Marshals Service and

¹⁰During the 4-year period from 2019 to 2022, Marshals Service conducted 70 quality assurance reviews of private facilities with which it had a contract, according to budget documents. We analyzed seven quality assurance review reports. Three reports were of one facility—where we conducted a site visit (described below)—and were conducted in 2020, 2021, and 2022. Four reports were for four different facilities—three reviews were conducted in 2022 and one review was conducted in 2019. We identified these four reports by requesting Marshals Service to provide recent examples of reports with varying numbers of deficiencies. During the 3-year period from 2020 to 2022, Marshals Service required private facilities with which it had a contract to develop 38 corrective action plans, according to Marshals Service summary data. We analyzed documentation related to 10 corrective action plans associated with seven private detention facilities. Four plans were associated with one facility—where we conducted a site visit (described below)—and spanned 2020 through 2023. The six additional plans were associated with six different facilities—documents for one facility were from 2020, documents for two facilities were from 2021, documents for two facilities were from 2022, and documents for one facility were from 2023. We identified the six plans by requesting the Marshals Service to provide examples of recent plans resulting from Marshals Service reviews that identified deficiencies and because of known issues.

¹¹We selected the facilities based on (1) whether the facility had an active agreement with Marshals Service and was scheduled for a review before the end of fiscal year 2023; (2) facility type (e.g., private or state and local); (3) facilities with high and low average daily populations of individuals in Marshals Service custody for fiscal year 2022; and (4) geographic dispersion.

detention facility officials.¹² We analyzed the information obtained from these observations and interviews to provide context about the extent to which the Marshals Service obtained complete and accurate information about conditions and performance. In addition, we interviewed federal defenders to obtain their insights about the variations in care among facilities Marshals Service uses to detain individuals and policies and practices for individuals in Marshals Service custody to submit grievances.¹³ Although not generalizable, the results of our site visits and interviews with federal defenders provide insights about Marshals Service's implementation of mechanisms to identify and address detention condition concerns.

We interviewed officials from Marshals Service's Prisoner Operations Division to understand the mechanisms the agency has in place to identify and address concerns related to detention conditions. In addition, we interviewed two interest groups—Vera and the Prison and Jail Innovation Lab—to obtain their perspectives on these issues.¹⁴ While not generalizable, our interviews with interest groups provide insights on Marshals Service detention operations.

Finally, we compared Marshals Service actions to identify and address concerns related to detention conditions for individuals in Marshals

¹²For example, we observed the extent to which the review team questioned facility staff, reviewed facility documents and records, completed Marshals Service tools (e.g., checklists, forms), understood questions on the tools, and visited all areas of the facility where individuals in Marshals Service custody could be held. In addition, we observed mechanisms facilities used to enable individuals to submit grievances and conducted semi-structured interviews with facility management and Marshals Service deputies and their supervisors.

¹³Federal defenders we interviewed included both federal defender organization attorneys and Criminal Justice Act panel attorneys. Generally, a federal defender is an attorney employed by a federal defender organization established under the Criminal Justice Act of 1964, Pub. L. No. 88-455, 78 Stat. 552 (codified, as amended, at 18 U.S.C. § 3006A) who provides legal representation to financially eligible persons in federal criminal proceedings. A Criminal Justice Act panel attorney is a private attorney compensated on an hourly basis for providing legal representation. We identified these individuals by requesting the Administrative Office of the U.S. Courts to select individuals in the districts where we observed detention facility reviews who could provide insights about the pretrial detention system and coordination with Marshals Service officials. For the purposes of this report, we refer to both federal defender organization attorneys and Criminal Justice Act panel attorneys as federal defenders.

¹⁴Vera is a national advocacy organization whose mission is to end the overcriminalization and mass incarceration of people of color, immigrants, and people experiencing poverty. The Prison and Jail Innovation Lab is a national policy resource center within the Lyndon B. Johnson School of Public Affairs at The University of Texas at Austin. The lab works to ensure the safe and humane treatment of people in custody.

Service custody against (1) Marshals Service’s strategic plan and policies, (2) GAO guidance for assessing strategic training efforts in the federal government, (3) DOJ’s jail standards and inspection programs resource and implementation guide, and (4) federal internal control standards.¹⁵

To further address our second objective, we reviewed Marshals Service performance budget documents and reports that monitor the completion and outcomes of facility reviews to identify practices the agency has established to assess the performance of its detention operations.¹⁶ We interviewed officials from Marshals Service’s Prisoner Operations Division to understand the extent to which Marshals Service has implemented key practices to assess the performance of its detention operations. In addition, we reviewed Marshals Service summary reports on inquiries from February, March, and April 2024—the three most recent reports available at the time of our review—to better understand Marshals Service performance information. Finally, we compared Marshals Service actions to incorporate key practices to assess the performance of detention operations against (1) DOJ’s and Marshals Service’s strategic plans, (2) Marshals Service policies, (3) federal performance management practices, and (4) federal internal control standards.¹⁷

We conducted this performance audit from November 2022 to June 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our

¹⁵Marshals Service, *Strategic Plan: 2020-2024*; Marshals Service, Prisoner Operations, *Policy Directive 9.7 Review of Non-federal Detention Facilities*; GAO, *Human Capital: A Guide for Assessing Strategic Training and Development Efforts in the Federal Government*, [GAO-04-546G](#) (Washington, D.C.: Mar. 2004); DOJ National Institute of Corrections, *Jail Standards and Inspection Programs: Resource and Implementation Guide* (Washington, D.C.: Apr. 2007); and GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 2014).

¹⁶Marshals Service, Performance Budget: Federal Prisoner Detention Appropriation, Fiscal Years 2020 through 2023 (Mar. 2019, Feb. 2020, May 2021, and Mar. 2022); Marshals Service, Performance Budget: Salaries and Expenses, Fiscal Years 2020 through 2024 (Mar. 2019, Feb. 2020, May 2021, Mar. 2022, and Mar. 2023); Marshals Service, *Detention Facility Review-Status Report*; and Marshals Service, *Detention Facility Review-Question Response Inventory Report*.

¹⁷Department of Justice, *Strategic Plan: 2022-2026*; Marshals Service, *Strategic Plan: 2020-2024*; Marshals Service, Prisoner Operations, *Policy Directive 9.7 Review of Non-federal Detention Facilities*; GAO, *Evidence-Based Policymaking: Practices to Help Manage and Assess the Results of Federal Efforts*, [GAO-23-105460](#) (Washington, D.C.: July 2023); and [GAO-14-704G](#).

findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Background

Marshals Service is responsible for the safekeeping of individuals who are awaiting trial or sentencing on federal charges.¹⁸ The Prisoner Operations Division, within Marshals Service headquarters, is responsible for managing incarceration expenses and developing policy related to detention and conditions of confinement. Marshals Service's operations are located across 94 geographical districts, which align with 94 federal judicial districts throughout the United States. Districts are to implement Marshals Service detention-related policies developed by the Prisoner Operations Division.

Generally, individuals arrested for federal offenses are brought to their initial court appearance by deputy U.S. marshals.¹⁹ During the hearing, the judge determines if the individual may be released or remanded to Marshals Service custody. In the latter case, Marshals Service is responsible for identifying an available holding facility near the federal courthouse where the individual is to go on trial. Marshals Service does not own or operate its own facilities. It acquires bed space for individuals in its custody through

- the use of reserved beds at DOJ's Bureau of Prisons facilities, for which Marshals Service does not pay,²⁰
- intergovernmental agreements with state and local governments that have excess prison or jail bed capacity and with a negotiated daily rate for the use of a bed,²¹ and

¹⁸Pursuant to 18 U.S.C. § 4086, "United States marshals shall provide for the safekeeping of any person arrested or held under authority of any enactment of Congress pending commitment to an institution."

¹⁹Deputy U.S. marshals are responsible for a range of law enforcement and security duties, including apprehending fugitives, providing court security, and transporting individuals in Marshals Service custody.

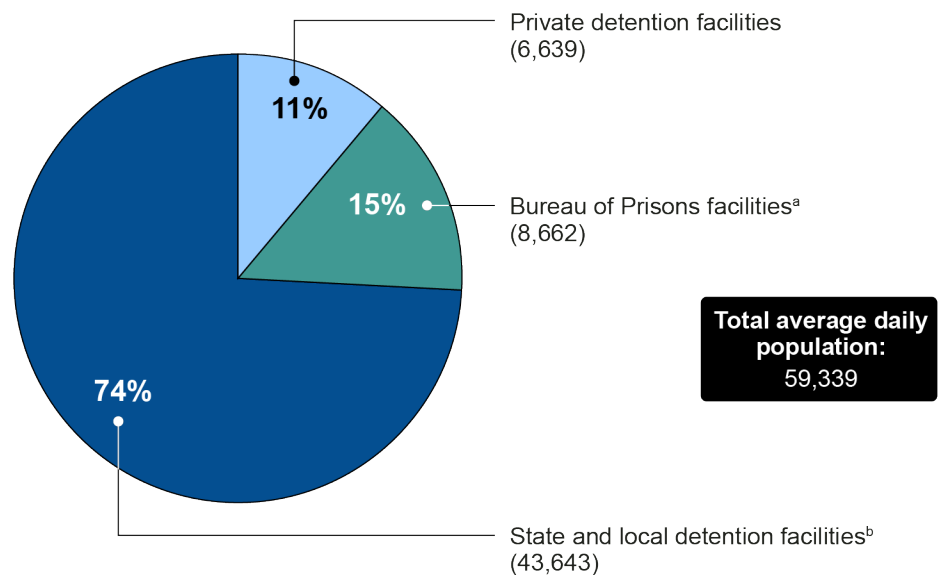
²⁰Marshals Service-reserved bed space at Bureau of Prisons facilities is normally at the bureau's pretrial facilities. Bureau of Prisons is responsible for ensuring the conditions of its facilities are safe, secure, and humane.

²¹Intergovernmental agreements are formal agreements between Marshals Service and a state or local government in which the state or local government agrees to house individuals in federal custody at an agreed-upon daily rate. These are "at will" agreements that allow either party to discontinue its use at any time.

- privately-owned and operated facilities with which Marshals Service enters a fixed-price contract for bed space.

In fiscal year 2023, Marshals Service had agreements with nearly 1,000 state and local governments and five contracts with private detention facilities, according to Marshals Service.²² In addition, Marshals Service may have an intergovernmental agreement with a state or local government to hold individuals in its custody, but the state or local government may contract with a private facility. Marshals Service refers to these as pass-through intergovernmental agreement detention facilities.²³ As figure 1 illustrates, in fiscal year 2023, the majority of individuals in Marshals Service custody were housed in state and local detention facilities.

Figure 1: Total Average Daily Population of Individuals in Marshals Service Custody, by Facility Type (Fiscal Year 2023)



Source: U.S. Marshals Service (Marshals Service) summary data. | GAO-24-106348

²²Marshals Service, *2024 Prisoner Operations Fact Sheet*. Although Marshals Service had nearly 1,000 intergovernmental agreements with state and local governments for use of bed space at their facilities, it does not use every facility on a regular basis. The actual number of facilities Marshals Service uses on any given day varies depending on district needs.

²³Unless otherwise stated, throughout this report we refer to any facility that has an intergovernmental agreement with Marshals Service to hold individuals in its custody as a state and local facility.

Note: A small number of individuals in Marshals Service custody (395) were temporarily housed in medical facilities.

^aThe Bureau of Prisons is responsible for the care of individuals in Marshals Service custody who are in Bureau of Prisons' custody.

^bNot all facilities that Marshals Service classifies as a state and local facility are run by a state or local government. Some of the state and local governments contract with a private facility to provide detention services.

Since at least 2011, DOJ has promulgated federal detention standards.²⁴ These standards are based on the American Correctional Association Standards and include seven functional areas: (1) administration and management, (2) healthcare, (3) security and control, (4) food service, (5) restrictive housing, (6) safety and sanitation, and (7) services and programs.²⁵ They include hundreds of requirements such as those listed below:

- All individuals receive a medical and mental health screening upon admission to the facility.
- The facility's food service operation is reviewed by an independent, outside source to ensure the food service facilities and equipment meet established governmental health and safety codes.
- A program exists to monitor environmental conditions of the facility, including lighting and temperature.
- Individuals must have access to exercise opportunities and equipment.

Marshals Service's use of different types of facilities has changed in recent years because of a 2021 executive order. Issued on January 29, 2021, Executive Order 14006 stated that to decrease incarceration levels the federal government is to phase out its reliance on private detention facilities.²⁶ Accordingly, the order directs the Attorney General to cease renewals of DOJ contracts with such facilities. Marshals Service recognized the impact of the order on its detention operations. As of February 2024, Marshals Service had concluded seven of 12 private detention facility contracts that were active when the Executive Order was

²⁴DOJ, U.S. Marshals Service; *Federal Performance Based Detention Standards* (May 2022).

²⁵American Correctional Association's mission is to provide a professional organization for all individuals and groups, both public and private, that share a common goal of improving the justice system.

²⁶Exec. Order No. 14006, *Reforming Our Incarceration System To Eliminate the Use of Privately Operated Criminal Detention Facilities*, 86 Fed. Reg. 7483 (Jan. 29, 2021).

issued, according to Marshals Service documentation and officials. In six of these seven contracts, Marshals Service identified Bureau of Prisons or state or local facilities with additional bedspace. In the remaining contract, Marshals Service established a pass-through intergovernmental agreement for continued use of the private facility after concluding the contract.²⁷ For this contract, Marshals Service officials said they explored options to comply with the Executive Order to acquire the bed space to relocate the individuals, but government-operated detention space was unavailable in the area.²⁸

Regarding the five remaining contracts, Marshals Service received exemptions from DOJ to continue contracts with four private detention facilities. This was due to the unavailability of alternate federal, state, or local facilities with proximity to the federal courthouses where judicial proceedings were being held. Marshals Service plans to request an exemption for the final private detention facility in fiscal year 2025—when the current option period is scheduled to end—because currently there are no other government facilities within the geographic area that are capable and willing to accept additional individuals in Marshals Service custody, according to Prisoner Operations Division officials.

²⁷Marshals Service, Federal Prisoner Detention, Implementation of Executive Order 14006 Discontinuing the Use of Privately-Operated Detention Facilities, Fiscal Year 2022 4th Quarter.

²⁸DOJ's Office of the Inspector General reviewed Marshals Service's actions and found that Marshals Service's decision was based on concerns that moving individuals in Marshals Service custody to another facility would negatively impact the individual's cases and the court. However, the Inspector General also found that establishing a pass-through agreement could increase costs by as much as \$6 million per year while decreasing the control Marshals Service had for ensuring the safe and humane treatment of those in their custody. DOJ's Office of the Deputy Attorney General contested the Inspector General's findings. For example, the Deputy Attorney General noted that increased costs were unavoidable and preferable to the alternative of housing individuals nearly 300 miles away and having to transport them for court appearances. In addition, Marshals Service also remained on site to monitor facility performance. See DOJ, *Review of Concerns Raised Related to the United States Marshals Service's Implementation of Executive Order 14006*. DOJ IG 23-055 (Mar. 2023).

Mechanisms to Identify and Address Detention Condition Concerns Have Deficiencies

Marshals Service uses facility reviews and processes to identify and address concerns related to detention conditions for individuals in its custody. Although Marshals Service conducts annual reviews of detention facilities that house individuals in its custody, it has not ensured agency officials have received (1) training or guidance to conduct the reviews of state and local facilities or (2) procedures pertaining to working with these facilities to resolve deficiencies. Individuals in Marshals Service custody can file grievances regarding their treatment and care to facility staff as well as the Marshals Service, but data collected by Marshals Service were incomplete and inconsistent. Marshals Service officials stated that they defer to detention facility policies to address these grievances when they do not contradict federal detention standards. Further, Marshals Service's private detention facility review process employs a higher level of independence than the review process used for state and local facilities.

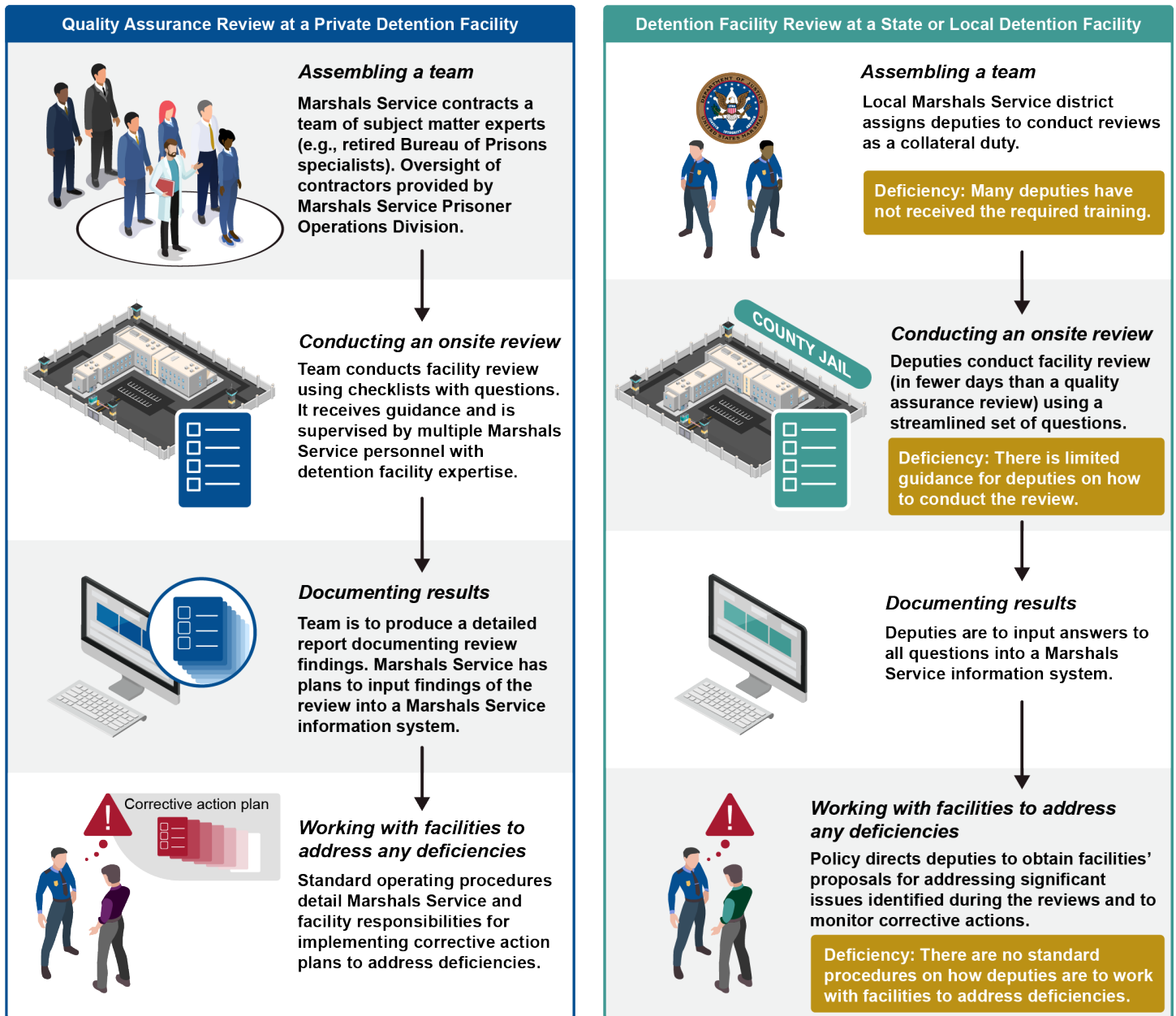
Marshals Service Reviews Detention Facilities, but Its Process Does Not Include Key Elements

Marshals Service has implemented processes to conduct annual reviews of both private as well as state and local detention facilities. As figure 2 shows, private contract facilities that house individuals in its custody are to receive a "quality assurance review," while state and local facilities are to receive a "detention facility review," according to Marshals Service policy. In certain cases, Marshals Service conducts quality assurance reviews of state and local facilities as well.²⁹ Quality assurance reviews are more comprehensive than detention facility reviews. First, both processes generally involve assembling a team, but Marshals Service has not ensured agency officials have received detention facility review training before conducting reviews of state and local facilities. Second, both processes also include conducting an onsite review using standardized tools to determine the extent to which detention facilities are adhering to federal detention standards. However, Marshals Service has not established guidance for agency officials to use while conducting reviews of state and local facilities. Third, both processes involve documenting the results of the facility reviews. Finally, both processes include working with facilities to address any deficiencies. However, Marshals Service has not established procedures describing how

²⁹For example, Marshals Service has continued to conduct quality assurance reviews at a private facility that it previously had a contract with but changed to a pass-through intergovernmental agreement in response to Executive Order 14006. (A pass-through intergovernmental agreement differs from a direct contract in that Marshals Service signs an agreement with a state or local government that has a contract with a private facility to provide detention services.)

deputies should work with state and local detention facilities to resolve deficiencies identified during annual reviews.

Figure 2: Marshals Service Detention Facility Review Processes



Source: GAO analysis of U.S. Marshals Service (Marshals Service) documents, statements, and seal from Marshals Service officials; Icons-Studio/stock.adobe.com. | GAO-24-106348

Assembling a Team

Marshals Service assembles different types of teams for its annual quality assurance reviews and detention facility reviews, and these teams have different levels of training and experience. For example, almost half of the deputies who conducted detention facility reviews in fiscal year 2023 had not completed facility review training.

Quality assurance reviews. For private detention facilities, Marshals Service typically contracts with companies that are recognized for their subject matter expertise in detention management. For example, the team that conducted the quality assurance review we observed included a retired Bureau of Prisons warden who served as the team's lead subject matter expert and a medical doctor with detention experience who led the health care portions of the review. According to agency officials, staff from Marshals Service's Prisoner Operations Division in headquarters and detention contract monitors from another facility provide oversight of the contracted review team.³⁰

Detention facility reviews. For state and local detention facilities, Marshals Service districts assign deputies to conduct detention facility reviews as a collateral duty. Since at least October 2018, Marshals Service policy has required deputies who conduct facility reviews to complete detention facility review training.³¹ According to Marshals Service Prisoner Operations Division officials from headquarters, deputies fulfilled this training requirement by taking the facility review training once. Generally, the training includes information, guidance, and specific directions to deputies on how to determine whether individuals in their custody are housed in safe, secure, and humane conditions.

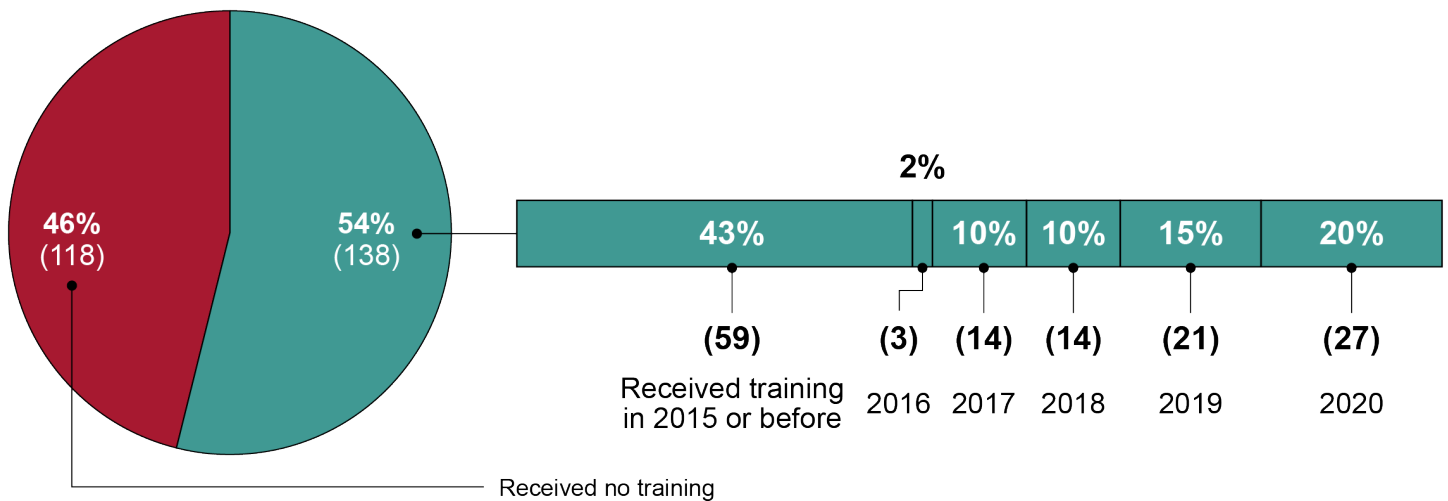
However, not all deputies who conduct detention facility reviews have completed the training. According to Marshals Service training records, about 46 percent (118 of 256) of deputies who conducted detention

³⁰Detention contract monitors are Prisoner Operations Division officials who administer and monitor contracts between the Marshals Service and private facilities and work onsite at the facility.

³¹Marshals Service, Prisoner Operations, Policy Directive 9.7 *Review of Non-federal Detention Facilities*.

facility reviews in fiscal year 2023 had not completed the required training (see figure 3).³²

Figure 3: Percentage and Number of Marshals Service Deputies Who Conducted Detention Facility Reviews in Fiscal Year 2023 and Had Not Completed Detention Facility Review Training



Source: GAO analysis of U.S. Marshals Service (Marshals Service) data. | GAO-24-106348

Note: No Marshals Service staff who conducted detention facility reviews in fiscal year 2023 completed facility review training in fiscal years 2021, 2022, or 2023. According to agency officials, the Marshals Service did not provide a training course during these years. Marshals Service had training records for 256 deputies who conducted detention facility reviews in fiscal year 2023. However, Marshals Service did not have training records for nine additional deputies who conducted detention facility reviews in fiscal year 2023 and therefore are not included in this analysis.

The format and availability of detention facility review training has changed over time. From 2012 through 2016, Marshals Service contracted with the Federal Law Enforcement Training Center to provide in-person training to deputies, according to agency officials.³³ Beginning in 2017, Marshals Service provided all facility review training to deputies through an online course on an internal website. In December 2020, Marshals Service discontinued its online training due to technical changes and security risks with its platform, according to agency officials. As of April 2024, Marshals Service continued to not provide a facility review

³²Marshals Service had training records for 256 deputies who conducted detention facility reviews in fiscal year 2023. However, Marshals Service did not have training records for nine additional deputies who conducted detention facility reviews in fiscal year 2023 and therefore are not included in this analysis.

³³The Federal Law Enforcement Training Centers helps prepare the federal law enforcement community to safeguard America's people, property, and institutions.

training course. As a result, for a period of over 3 years, deputies have not had an opportunity to take a training course on how to conduct a facility review.³⁴

In August 2022, Marshals Service initiated efforts to develop a new training course. In July 2023, Marshals Service circulated a memorandum announcing an interim training course that details how deputies should prepare for and conduct detention facility reviews. Marshals Service officials stated that they expect to finalize the new online training course in 2024 and will require deputies to take the course annually. However, as of March 2024—about 3 years after Marshals Service stopped providing training—it had not developed a plan with time frames to ensure deputies receive the required training course. Marshals Service officials told us that they first focused on finalizing the training materials before developing and implementing a plan for deputies to complete the training.

GAO guidance for assessing strategic training efforts in the federal government identifies planning as a key element of agencies' efforts to train and develop its workforce.³⁵ In particular, federal agencies should develop a strategic approach that establishes priorities and leverages investments in training and development to achieve agency results. In addition, agencies should ensure that changes are promptly incorporated in training efforts.

Developing and implementing a plan with time frames to provide required training to deputies who conduct reviews would help ensure that the Marshals Service can determine whether individuals in their custody are housed in safe, secure, and humane conditions of confinement.

Conducting an Onsite Review

Both Marshals Service quality assurance review and detention facility review teams visit detention facilities and use standardized tools (e.g., checklists, question set) based on federal detention standards to conduct their assessments. These standards establish the performance level needed to meet detention requirements and provide the basis for conducting all Marshals Service detention facility reviews of non-federal facilities. However, the Marshals Service does not have accompanying guidance for the tool deputies are to use to conduct detention facility

³⁴According to agency officials, Marshals Service's detention facility review training was hampered because it had to identify and implement a new platform sooner than expected and faced complications in detention facility operations during the COVID-19 pandemic.

³⁵[GAO-04-546G](#).

reviews, and we observed that deputies did not always obtain information necessary to accurately answer the questions contained in the tool.

Quality assurance reviews. According to Prisoner Operations Division officials, the team of subject matter experts visit the private detention facility and complete a tool with questions to assess conditions of confinement for individuals in Marshals Service custody. The tool is comprised of checklists pertaining to the federal detention standard categories, such as health care and food service. During the quality assurance review we observed, the team obtained evidence to complete the review by observing actions of facility staff, reviewing records, interviewing facility managers and staff, and asking individuals in Marshals Service custody questions. For example, subject matter experts reviewed the detention facility policies and procedures and took steps to determine if the facility was following them through their observations, reviewed records (e.g., logbooks), and held discussions with facility managers, facility staff, and individuals in Marshals Service custody. In addition, the team frequently corroborated testimonial evidence with direct observations and documentary evidence—such as facility records and policies.

According to agency officials and our observation of a quality assurance review, Prisoner Operations Division staff also travel to the detention facility to oversee the team's implementation of the tool and provide guidance throughout the review. For example, during the quality assurance review we observed Marshals Service officials, which included a Prisoner Operations Division assistant chief, requiring the team to meet with them at the end of each day to discuss potential deficiencies the team had identified during the day. Generally, Marshals Service officials provided guidance during these meetings, including how to verify potential deficiencies (e.g., reviewing detention facility logbooks). According to agency officials, these end-of-day meetings are standard procedure for all quality assurance reviews.








Detention facility reviews. According to Prisoner Operations Division officials and the detention facility reviews we observed, deputies generally visit the facility and complete a tool with questions to assess conditions of confinement for individuals in Marshals Service custody at state and local facilities. The tool includes questions that cover the seven federal detention standard categories and align with a subset of specific

detention standards.³⁶ In addition, the tool includes some questions related to Marshal Service requirements contained in the intergovernmental agreement, such as obtaining a Prison Rape Elimination Act audit at least once every 3 years.³⁷ For examples of questions included in the tool, see figure 4.

³⁶For example, the Federal Performance Based Detention Standards include 45 standards for Food Service. In contrast, Marshals Services facility review tool includes nine questions related to Food Service.

³⁷Prison Rape Elimination Act of 2003, Pub. L. No. 108-79, 117 Stat. 972 (codified, as amended, at 34 U.S.C. §§ 30301 – 30309. Among other things, the Prison Rape Elimination Act generally requires detention facilities to be audited at least once during each 3-year period. In November 2021, Marshals Service updated its standard intergovernmental agreement to require facilities to arrange for a Prison Rape Elimination Act audit every 3 years. Furthermore, facilities must maintain Prison Rape Elimination Act compliance or be actively working toward compliance.

Figure 4: Select Questions Included in Marshal Service’s Detention Facility Review Tool

Questions that align with Federal Performance Based Detention Standards (by functional areas)	
Administration and management 	<ul style="list-style-type: none"> • Does the facility have written contingency plans in place for situations involving mass prisoner relocation? (e.g., weather, fire, flooding, facility not habitable.) • Are initial background checks completed for all employees, contractors, and volunteers prior to hiring?
Health care 	<ul style="list-style-type: none"> • Does the facility have policy or procedures for medical, mental health, and dental health screening during intake? • Are prisoners with mental health issues identified as part of the vulnerable population?
Security and control 	<ul style="list-style-type: none"> • Does the facility have procedures for searching prisoners for contraband upon arrival to the facility? • Does the facility notify the Marshals Service of every use of force incidents involving Marshals Service prisoners? • Are tools and culinary equipment controlled and inventoried?
Food service 	<ul style="list-style-type: none"> • Has the facility been inspected by an external entity within the past 12 months to ensure that the food service and equipment meet established health, sanitation, and safety codes? • Does the facility provide meals that are nutritionally adequate and varied, as approved by a dietitian?
Restrictive housing 	<ul style="list-style-type: none"> • Does the facility have written procedures for monitoring prisoners in restrictive housing? • Does the facility immediately report restrictive housing of any Marshals Service prisoner in the vulnerable population?
Safety and sanitation 	<ul style="list-style-type: none"> • Was an annual fire safety inspection conducted by an external entity? • Is the facility kept clean and in good repair? • Is there any evidence or signs of insects?
Services and programs 	<ul style="list-style-type: none"> • Do prisoners have the opportunity to participate in the religious practice of their faith? • Does the prisoner grievance protocol include at least one level of appeal? • Does the facility provide prisoners with opportunity for exercise and out-of-cell time?
Questions that align with Marshals Service’s intergovernmental agreement	
	<ul style="list-style-type: none"> • Does the facility have a Prisoner Rape Elimination Act compliance program? • Has the facility had an audit conducted by a Department of Justice certified Prisoner Rape Elimination Act auditor within the past 3 years? • Does the facility report restrictive housing of every Marshals Service prisoner, monthly to Marshals Service?

Source: U.S. Marshals Service’s (Marshals Service) Detention Facility Review tool; Icons-Studio/stock.adobe.com. | GAO-24-106348

Marshals Service expects deputies to review documentation to confirm facilities actions and compliance with federal detention standards. For

example, according to Marshals Service officials, deputies are to review documentation—such as policies, procedures, and logbooks—to confirm facilities actions and compliance with federal detention standards. In addition, these officials stated that deputies are to interview individuals in custody.

In March 2018, the tool included some guidance and tips to assist deputies' efforts to collect accurate information for certain questions posed during a detention facility review. For example, it directed deputies to verify appropriate documentation and guided deputies to review policies and procedures and interview individuals in Marshals Service custody. In 2021, Marshals Service updated the tool by, among other things, revising and adding questions as well as removing the guidance, according to agency officials.³⁸ In addition, they converted the guidance to questions within the tool. These officials also stated that the updated tool included all the information the deputies needed to answer the questions in the tool and conduct the review.

However, the current tool does not direct deputies when to obtain and review facility documents to verify that facility actions comply with federal detention standards and Marshals Service requirements. Furthermore, the tool does not direct or guide deputies to interview individuals in Marshals Service custody or obtain and review relevant state inspections (such as food service, health, and fire)—direction and guidance that the prior version of the tool included.

During our site visits to six local detention facilities, we observed that deputies did not always obtain information from documents and observations necessary to accurately answer the questions contained in the detention facility review tool. For example:

- Deputies did not always review documentation to determine if facility actions met detention standards. Instead, they relied on self-reported information from facility staff. During four site visits, deputies did not review medical files to determine if the facility had implemented health care requirements included in the Marshals Service tool—which are based on federal detention standards. Moreover, during three site visits we observed, deputies did not talk with individuals in Marshals

³⁸According to program officials, Marshals Service removed the guidance and tips because its new software system to document reviews did not have the capability to include this information.

Service custody to obtain their perspectives on treatment and care to corroborate information provided by facility staff.

- Deputies did not always understand questions on the detention facility review tool. For example, during all six site visits we observed deputies who did not know Marshals Service’s definition for vulnerable population.³⁹ For example, although several deputies identified individuals with mental illness as a vulnerable population, none of the deputies identified pregnant and postpartum individuals as a vulnerable population. Similarly, during one site visit we observed deputies who did not know how to determine if facilities completed all the questions pertaining to correctional staff background checks. For example, deputies did not understand how to verify if the facility had obtained information about the applicant’s credit history, such as current delinquencies or unresolved liens.
- Deputies sometimes did not observe areas of the facility where individuals in Marshals Service custody can be held. During one site visit, deputies did not observe the restrictive housing units and therefore relied on information self-reported by facility staff.

During six site visits, we observed deputies omitting some steps—such as reviewing health and safety inspection documentation or talking with individuals in Marshals Service custody. However, these steps were included in prior guidance, and officials from Prisoner Operations Division reported that deputies were expected to take these steps.

Marshals Service policy requires the Prisoner Operations Division to provide guidance and assist districts with the detention facility review process.⁴⁰ In addition, Marshals Service’s strategic plan includes an objective to ensure data are accurate, valid, consistent, and current, and to provide high-quality information to inform evidence-based decisions.⁴¹

Although Marshals Service officials are in the process of developing detention facility review training for deputies, the training does not provide guidance to accompany the tool that deputies can use to complete the onsite facility review. Developing guidance with specific actions deputies are required to take when conducting a detention facility review would

³⁹Marshals Service defines “vulnerable population” as individuals “who are more likely to be victimized in confinement settings.” Marshals Service considers its precise definition of “vulnerable population” to be sensitive information.

⁴⁰Marshals Service, Prisoner Operations, *Policy Directive 9.7 Review of Non-federal Detention Facilities*.

⁴¹Department of Justice, *U.S. Marshals Service Strategic Plan: 2020-2024*.

Documenting Results of
Facility Reviews

help better ensure Marshals Service obtains accurate and complete information about the extent to which facilities' meet federal detention standards. Moreover, deputies would be better positioned to identify deficiencies at detention facilities and assess the risks associated with housing individuals at the facilities.

Marshals Service officials stated that deputies would benefit from having comprehensive guidance on how to complete detention facility reviews. In addition, two deputies noted that it would be helpful to have guidance. For example, guidance could include information on (1) when to review documentation—such as specific policies, logbooks, certifications, training records, employee files, and medical records; (2) when to obtain testimonial information from individuals in Marshals Service custody, and (3) definitions of certain terms—such as “vulnerable population.”

After completing reviews of the detention facilities, Prisoner Operations Division policies require quality assurance review teams and deputies to document the results of their reviews.

Quality assurance reviews. The quality assurance review team is to produce a detailed report that includes an overall rating for the facility, individual ratings for each detention standard category, and identifies deficiencies with specific federal detention standards. Beginning in 2024, Prisoner Operations Division officials are also to enter some results into Capture—a Marshals Service information management system, according to agency officials.⁴²

⁴²Prior to 2024, the Prisoner Operations Division tracked results of quality assurance reviews in SharePoint, according to agency officials.

U.S. Marshals Service Quality Assurance Review Performance Rating Levels

Excellent: Exceeds minimum standards and deficiencies are nonexistent or minor.

Good: Meets minimum standards and deficiencies are offset by outstanding elements of performance.

Acceptable: Meets minimum standards and deficiencies are minor

Deficient: Performance is weak and corrective action plans for internal controls are needed to maintain minimum standards

At-Risk: Performance does not meet minimum standards and requires immediate corrective action plans.

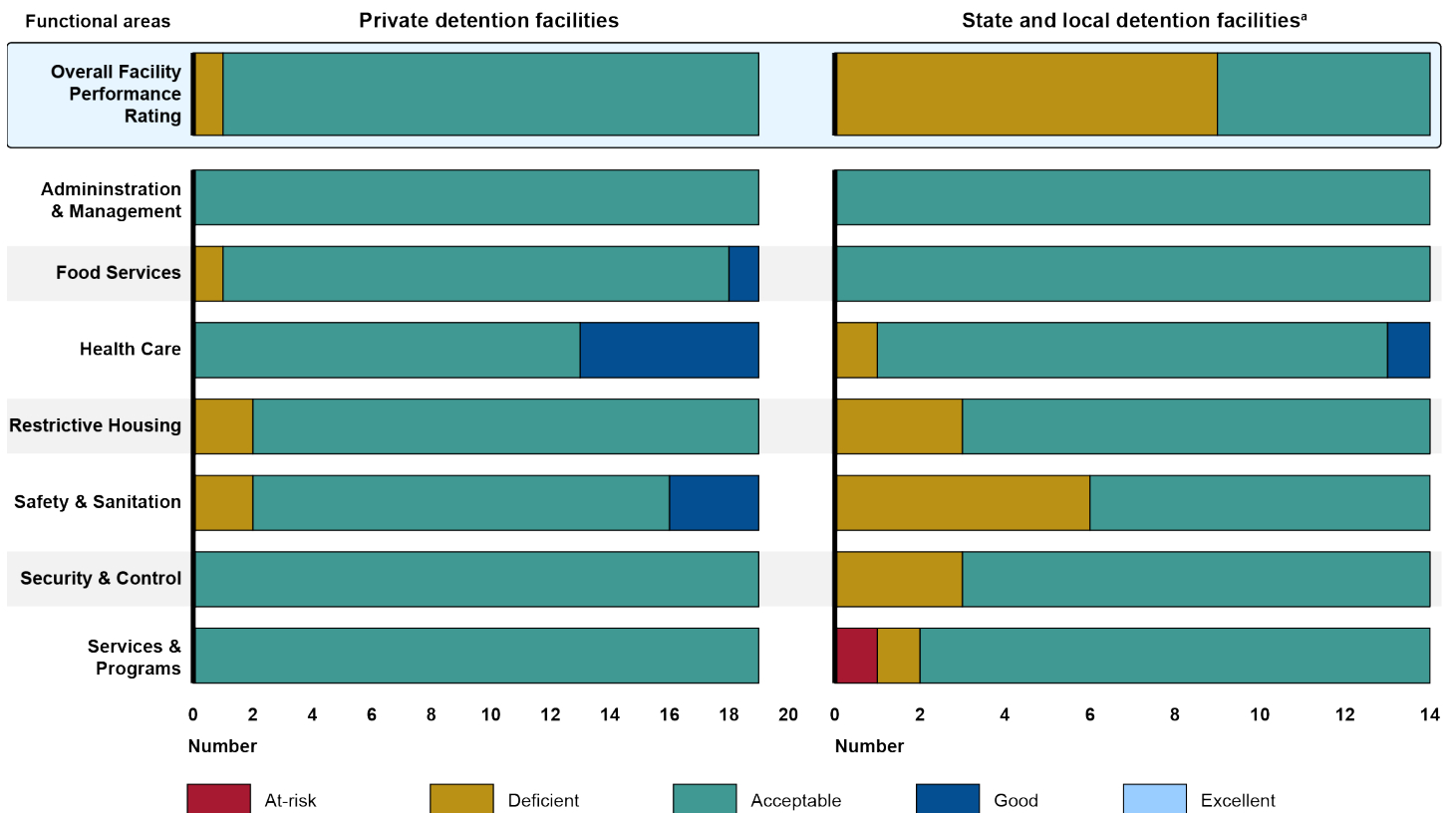
Source: U.S. Marshals Service performance budget. | GAO-24-106348

Facilities have received an overall rating indicating they met minimum federal detention standards in recent years, according to our review of Marshals Service quality assurance review data.⁴³ However, in some cases, facilities did not meet specific federal standards and Marshals Service requirements, according to Marshals Service summary data and quality assurance review reports. Specifically, among the 19 quality assurance reviews of private contract facilities conducted from February 2021 through April 2023, all but one facility received an overall “acceptable” rating. During this same period, Marshals Service conducted 14 quality assurance reviews of state and local facilities, which included pass-through intergovernmental agreement detention facilities.⁴⁴ In contrast to the findings from reviews of private contract facilities, nine of the 14 reviews of state and local facilities resulted in an overall rating of “deficient,” and five of these nine reviews resulted in more than one “deficient” rating for individual functional areas. Figure 5 shows the results of both reviews.

⁴³Facilities must receive a rating above “at-risk” to be considered meeting minimum standards.

⁴⁴As described above, Marshals Service can also conduct quality assurance reviews of state and local facilities, such as those that contract with private facilities for detention services.

Figure 5: Facility Performance Ratings of Marshals Service Quality Assurance Reviews (February 2021 through April 2023)



Source: GAO analysis of U.S. Marshals Service (Marshals Service) summary data. | GAO-24-106348

^aNot all facilities that Marshals Service classifies as a state and local facility are run by a state or local government. Instead, Marshals Service may have an intergovernmental agreement with a state or local government to hold individuals in its custody, but the state or local government contracts with a privately-owned and operated facility. Among the 14 quality assurance reviews, five were agreements with a local government and nine were agreements with a local government that had a contract with a private detention facility.

Furthermore, quality assurance review reports contain information about specific deficiencies with individual federal detention standards. For example, these reports can document instances when required food inspections were not conducted and medical tests were not performed when required. We analyzed seven quality assurance reports for private contract facilities from May 2019 through March 2022 and found that the number of deficiencies identified during an individual facility review ranged from 11 to 43.

Detention facility reviews. Like quality assurance reviews, deputies document the results of detention facility reviews. Deputies do not determine an overall rating for the facility or individual ratings for each detention standard category; rather, they enter the answers to each question on the tool in Capture.

According to Marshals Service summary data, many state and local facilities that house individuals in Marshals Service's custody met certain federal detention standards. For example, in fiscal year 2023, about 99 percent of facilities had policies and procedures for allowing individuals in custody to file a grievance, conducting a medical screening during intake, and searching individuals for contraband upon arrival to the facility (see figure 6).⁴⁵

However, according to Marshals Service summary data, some state and local facilities that house individuals in Marshals Service's custody did not meet specific federal detention standards and Marshals Service requirements (see figure 6). For example, in fiscal year 2023, about 65 percent of state and local detention facilities (520 of 806) had not obtained the required Prison Rape Elimination Act audit within the past 3 years.⁴⁶ In addition, about 24 percent of these facilities (190 of 806) did not ensure testing for tuberculosis during the initial intake process. About 10 percent of state and local detention facilities (84 of 805) had not been inspected within the past 12 months to ensure that food service and

⁴⁵However, as discussed above, we found during our observations of facility reviews that deputies do not always obtain information necessary to accurately answer questions contained in the detention facility review tool. As a result, some of these facilities may not meet these federal detention standards.

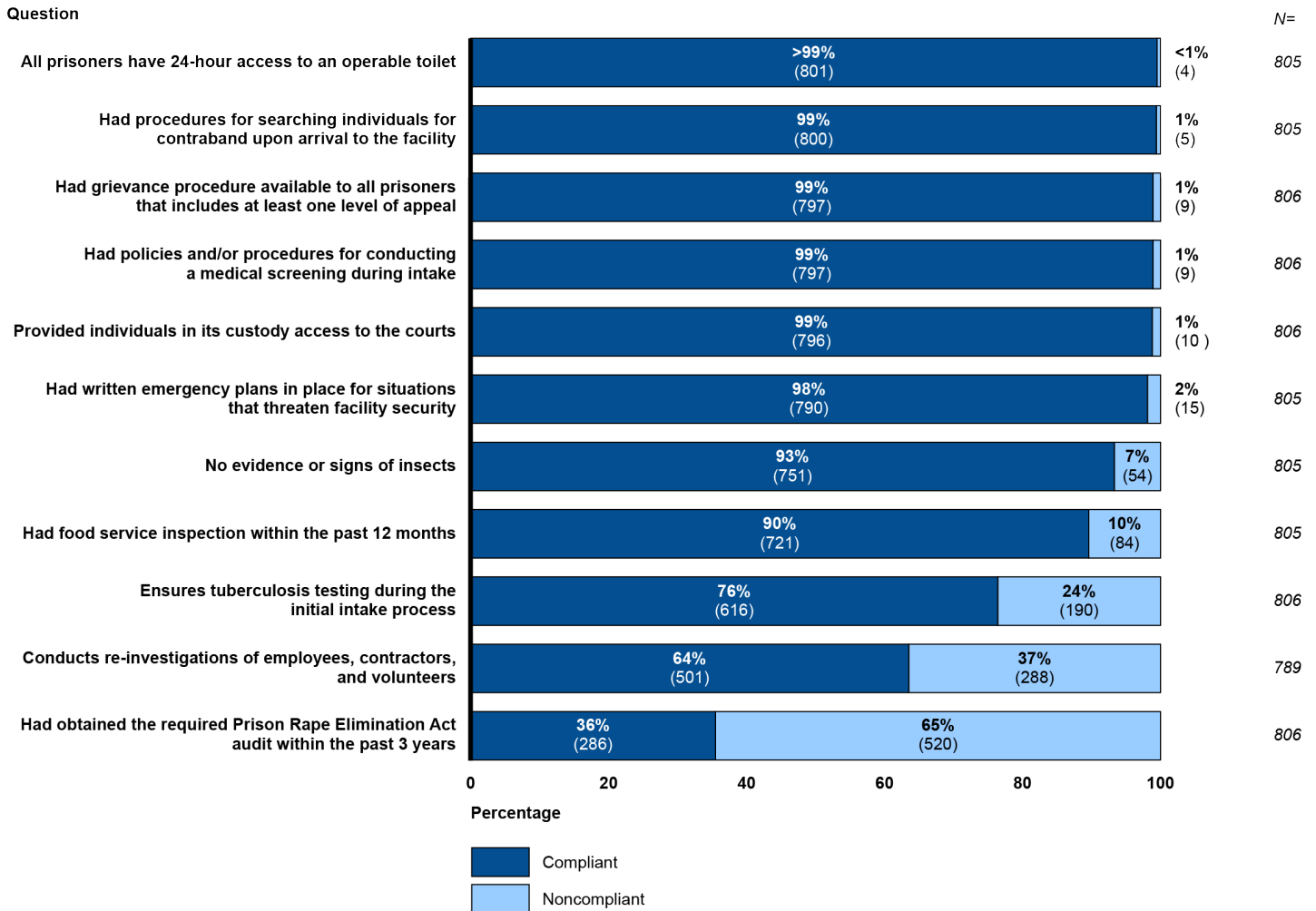
⁴⁶Federal Performance Based Detention Standards include several requirements related to sexual assaults but do not include requirements specific to the Prison Rape Elimination Act. However, in November 2021, Marshals Service updated its standard intergovernmental agreement to require facilities to arrange for a Prison Rape Elimination Act audit every 3 years. Furthermore, facilities must maintain Prison Rape Elimination Act compliance or be actively working toward compliance. Moreover, since at least March 2018, Marshals Service's facility review tool has included questions to determine if the facility has had a Prison Rape Elimination Act audit and, if so, the date of the audit.

equipment met established health, sanitation, and safety protocols.⁴⁷ Further, about 7 percent of state and local detention facilities (54 of 805) had evidence or signs of insects.⁴⁸ However, as discussed above, we found during our observations of facility reviews that deputies do not always obtain information necessary to accurately answer questions contained in the detention facility review tool. As a result, additional facilities may not meet these federal detention standards.

⁴⁷Federal Performance Based Detention Standards require the facility's food service operation to be reviewed by an independent, outside source to ensure the food service facilities and equipment meet established governmental health and safety codes. Marshals Service detention facility tool requires deputies to determine if the facility has been inspected by an external entity within the past 12 months to ensure that the food service and equipment meets established health, sanitation, and safety protocols. The number of facilities for which Marshals Service has information for individual questions varies because Marshals Service did not obtain information from all facilities, or the question was not relevant to the facility.

⁴⁸Federal Performance Based Detention Standards state vermin and pests are controlled through monthly inspections and treatment by a qualified pest control technician. Marshals Service detention facility tool requires deputies to determine if there is any evidence or signs of insects.

Figure 6: Proportions of State and Local Facilities Housing Individuals in Marshals Service Custody in Compliance and Noncompliance with Certain Detention Standards in Fiscal Year 2023



Source: U.S. Marshals Service (Marshals Service) summary data. | GAO-24-106348

Note: The number of facilities for which Marshals Service has information for individual questions varies because Marshals Service did not obtain information from all facilities. Numbers displayed are accurate, but percentages have been adjusted to whole numbers and may be greater than 100 percent due to rounding.

According to federal defenders we met with who have represented individuals (i.e., their clients) in Marshals Service custody in the five districts we visited, the care of individuals in Marshals Service custody varies among facilities. Federal defenders from all five districts we met with stated that the care their clients receive is dependent on the facility,

Working with Facilities to
Address Any Deficiencies

and some facilities do not meet certain federal standards. For example, according to federal defenders, while many individuals in pretrial custody have their medical and other needs met, they have serious concerns for those who do not receive the medical care they need and other needs are not met, which most often occurs in select facilities that fall short of federal detention standards. In addition, the federal defenders we interviewed, who represented clients in a district that transferred individuals in Marshals Service custody from a private facility to local detention facilities in response to Executive Order 14006, stated that the local detention facilities provide lower standards of care than the private detention facility.

Although Marshals Service has procedures in place to help ensure private facilities address deficiencies identified during quality assurance reviews, Marshals Service does not have similar procedures in place for state and local facilities.

Quality assurance reviews. Marshals Service has established and implemented policies and procedures that help ensure private facilities address deficiencies identified during quality assurance reviews. According to Marshals Service's standard operating procedures, once a quality assurance review team finalizes its report, Marshals Service is to send a letter to the private facility requiring it to develop a corrective action plan to correct all deficiencies identified during the review.⁴⁹ These letters are to identify and describe all identified deficiencies. Facilities have 30 days to submit a corrective action plan to Marshals Service. Subsequently, Marshals Service is to review and either approve or reject the plan. Finally, Marshals Service procedures require detention contract monitors to oversee and track facilities' efforts to complete corrective action plans.⁵⁰

From fiscal years 2020 through 2022, Marshals Service required 16 private detention facilities it used to house individuals in its custody during this period to develop 38 corrective action plans, according to Marshals Service summary data. Our review of a selection of documentation related to 10 corrective action plans and associated with seven private detention facilities indicate that Marshals Service had implemented its

⁴⁹Marshals Service, Prisoner Operations Division, Office of Detention Standards and Compliance, *Quality Assurance Review: Standard Operating Procedures*.

⁵⁰Detention contract monitors work onsite at private facilities to ensure compliance with the detention contract—including applicable detention standards and are to verify implementation of corrective actions.

corrective action plan policies and procedures for those facilities.⁵¹ For example, Marshals Service informed facilities of deficiencies the review team identified and requested that facilities submit a corrective action plan. In some cases, Marshals Service determined that facilities' proposed actions would not resolve the deficiency and requested that facilities adjust their proposal. In another case, documentation we reviewed demonstrated that Marshals Service and the private facility were working toward resolving deficiencies.

Detention facility reviews. Marshals Service has also established some policies to help ensure state and local facilities address deficiencies identified during detention facility reviews. Since at least October 2018, Marshals Service policy has directed districts to (1) obtain state and local facilities' proposals for addressing significant issues, such as deficiencies with federal detention standards, identified during detention facility reviews and (2) monitor facilities subsequent actions to resolve them.⁵² Further, according to Marshals Service's intergovernmental agreement template, state and local detention facilities will provide a corrective action plan to address significant issues identified during detention facility reviews.⁵³

However, deputies do not have procedures on how to work with state and local detention facilities to help ensure these facilities address deficiencies. As a result, the extent to which deputies have ensured state and local facilities address deficiencies is not clear. For example,

- According to our analysis of Marshals Service data, a number of facilities have had the same deficiency for multiple and consecutive reviews. For example, although Marshals Service requires detention facilities to obtain a Prison Rape Elimination Act audit at least once every 3 years, at least 290 (of 517) facilities were not compliant with this Marshal Services requirement for 3 consecutive years from fiscal

⁵¹For six facilities, we reviewed documentation associated with one corrective action plan. And for one facility we reviewed documentation associated with four corrective action plans.

⁵²Marshals Service, Prisoner Operations, *Policy Directive 9.7 Review of Non-federal Detention Facilities*.

⁵³According to Marshals Service's intergovernmental agreement template, "If the Federal Government identifies significant finding(s) during the review, the Local Government will provide the Federal Government with a corrective action plan to address the issue(s)."

years 2021 through 2023.⁵⁴ Accordingly, these facilities had not obtained the required audit for at least 4 years.⁵⁵ In fiscal year 2023, Marshals Service had an average daily population of nearly 11,000 individuals at these 290 facilities. These facilities were located in, among other states, Texas (44), New York (34), Illinois (19), North Carolina (15), Indiana (12), Missouri (13), and Montana (11).⁵⁶

Similarly, although Marshals Service requires detention facilities to obtain an annual food safety inspection, at least 18 (of 517) facilities were not compliant with the Marshal Services requirement for 3 consecutive years from fiscal years 2021 through 2023.⁵⁷ In fiscal year 2023, Marshals Service had an average daily population of about 700 individuals at these 18 facilities (six of these facilities were located in Missouri).⁵⁸

- Agency officials from headquarters reported that very few detention facility reviews result in corrective action plans. For example, an October 2021 detention facility review of the District of Columbia's Central Detention Facility resulted in the removal of individuals in Marshals Service custody from the facility because conditions did not meet federal detention standards, according to agency officials. Deficiencies identified included the presence of mold and inadequate medical treatment. Although three detention facility reviews of the facility dating back to August 2019 identified similar deficiencies,

⁵⁴Based on our site visits, we found that deputies do not always obtain information necessary to accurately answer questions contained in the detention facility review tool. As a result, additional facilities may not have met this federal detention standard.

⁵⁵Since at least 2019, Marshals Service has required state and local facilities to abide by all relevant Prison Rape Elimination Act regulations, 28 C.F.R. pt. 115.

⁵⁶The remaining facilities were located in Alaska (1), Alabama (5), Arkansas (8), Arizona (6), Colorado (6), District of Columbia (1), Florida (10), Georgia (8), Iowa (4), Idaho (1), Kansas (3), Kentucky (8), Louisiana (7), Maryland (3), Maine (1), Michigan (7), Northern Mariana Islands (1), Mississippi (4), New Jersey (2), New Mexico (7), Ohio (4), Oklahoma (1), Oregon (2), Pennsylvania (2), South Carolina (7), South Dakota (5), Tennessee (5), Virginia (2), Virgin Islands (2), Washington (3), Wisconsin (8), and Wyoming (8).

⁵⁷Based on our site visits, we found that deputies do not always obtain information necessary to accurately answer questions contained in the detention facility review tool. As a result, additional facilities may not have met this federal detention standard.

⁵⁸The remaining facilities were located in: Alaska (1), Florida (1), Guam (2), Indiana (1), Michigan (1), Pennsylvania (1), Texas (1), Washington (2), Wisconsin (1), and West Virginia (1).

Marshals Service did not request the facility develop a corrective action plan until after the October 2021 facility review.

- According to our observations of detention facility reviews, although deputies identify deficiencies during the reviews, they do not always request facilities to develop corrective action plans. For example, during three of our site visits, deputies informed facility staff that they identified deficiencies. However, none of the deputies conducting these reviews requested these three facilities to develop a corrective action plan.⁵⁹ Instead, the deputies stated they planned to work informally with facilities to ensure they address deficiencies identified during the detention facility review.

Marshals Service policy requires the Prisoner Operation Division to assist districts with the detention facility review process.⁶⁰ Similarly, federal internal control standards guide management to communicate policies and procedures to personnel so that they can implement their assigned responsibilities.⁶¹

Agency officials acknowledged that deputies would benefit from such procedures but that their focus has been to first develop the detention facility review training.⁶² Developing procedures on how district staff are to work with facilities to address deficiencies identified during reviews of state and local detention facilities would better ensure deputies work with facilities to resolve deficiencies and that risks to the safety and security of individuals in Marshals Service custody are either addressed or managed. For example, these procedures could specify how to approve and monitor corrective action plans resulting from detention facility

⁵⁹During three of our site visits to observe detention facility reviews, deputies did not identify any deficiencies.

⁶⁰Marshals Service, Prisoner Operations, *Policy Directive 9.7 Review of Non-federal Detention Facilities*.

⁶¹[GAO-14-704G](#).

⁶²As of June 2023, Marshals Service interim detention facility review training included several steps deputies are to take when working with state and local facilities to resolve deficiencies. For example, the interim training states that it is incumbent upon district staff to work with the detention facility to resolve any issues identified during the detention facility review and that districts will request the facility to develop a corrective action plan within 30 days of the review. District staff are to follow up within 60 days of receipt of the corrective action plan to assess whether any identified corrective actions have been implemented. However, Marshals Service has not established procedures that codifies these expected steps.

reviews as well as what to do when a facility does not develop a corrective action plan.

Marshals Service Has Processes to Address Grievances, but Data Were Incomplete and Inconsistent

Two processes are available to file grievances regarding the treatment and care of an individual in Marshals Service custody. Individuals in Marshals Service custody can file a grievance with the private or state and local detention facility where they are detained. In addition, anyone—including an individual in Marshals Service custody, their family member, or an attorney—can file an inquiry, which can be a grievance, with Marshals Service. Figure 7 describes both the detention facility and Marshals Service grievance mechanisms.

Figure 7: Overview of Grievance Mechanisms for Individuals in Marshals Service Custody

An individual can file a grievance directly to the detention facility.



Both individuals in custody and other interested parties (e.g., family members and attorneys) can file an inquiry, which can be a grievance, directly to Marshals Service.



Source: U.S. Marshals Service (Marshals Service) documents, statements, and seal from Marshals Service officials; (illustrations) Onyx/adobe.stock.com, Grimgram/adobe.stock.com. | GAO-24-106348

File Grievance with Detention Facility. The Marshals Service and federal detention standards require facilities to have a grievance mechanism in place that makes forms readily available and include at

least one level of appeal.⁶³ In these cases, facility staff are to address the grievance, and Marshals Service staff do not participate in addressing these grievances. Federal detention standards require facility staff to provide individuals in custody a response within 3 business days of submitting a grievance and facility staff must track the basis and disposition of each grievance.

Among the seven quality assurance review reports we analyzed, all five private facilities had grievance procedures available to individuals in custody that included at least one level of appeal. Similarly, in fiscal year 2023, about 99 percent (797 of 806) of state and local detention facilities had grievance procedures available to all prisoners that included at least one level of appeal, according to Marshals Service's summary data from detention facility reviews.

In addition, all seven facilities we visited had a grievance program. For example, some facilities had paper forms available to individuals in custody as well as lockboxes where individuals could submit their written grievances. Two facility managers noted that staff check these boxes. Five of the seven facilities we visited had kiosks or tablets where individuals could submit their grievances electronically. In addition, managers at three facilities noted that their grievance program can include a multilevel review process. For example, management from one facility highlighted that individuals can appeal the handling of grievances through several levels of management, including the facility warden.

File Grievance with Marshals Service. According to agency officials, anyone—including an individual in Marshals Service custody, their family member, or an attorney—can file an inquiry, which can be a grievance, directly to Marshals Service's Prisoner Operations Division. In these cases, agency officials noted that Marshals Service staff are to review and research the issue and develop a response. For example, the Prisoner Operations Division staff in headquarters can review and address the grievance. In other cases, the Prisoner Operations Division review the grievance and can ask staff from district offices to assist in addressing the grievance. In all cases, Marshals Service aims to resolve

⁶³Marshals Service, Prisoner Operations Division, *Federal Performance Based Detention Standards* (Nov. 2017; May 2022). Marshals Service contracts with private facilities and intergovernmental agreements with state and local governments require facilities to house individuals in federal custody in a manner consistent with the Federal Performance Based Detention Standards.

inquiries, including grievances, within 14 business days by contacting the person who filed the grievance, according to agency officials.

Marshals Service collects and maintains information on inquiries it receives, including grievances. Specifically, Marshals Service maintains a spreadsheet documenting all inquiries (such as emails or phone calls) submitted by family members, attorneys, and other interested parties on behalf of individuals in Marshals Service custody. The data are to include the name of the individual in Marshals Service custody associated with the inquiry, the facility where the individual is detained, the nature of the inquiry, the date Marshals Service resolved the inquiry, and actions taken by Marshals Service to address the inquiry.

The nature of inquiries pertaining to individuals in custody varies. According to our analysis of Marshals Service data, from January 2018 through June 2023, interested parties submitted about 10,830 inquiries on behalf of individuals in Marshals Service custody. About one-third (3,600) related to learning where an individual is housed, when they might be transferred out of a facility, or their judicial or custody status. Other inquiries pertained to conditions of confinement. For example, about 960 of the inquiries pertained to medical treatment or billing, at least 150 pertained to rape or sexual assault, and about 80 pertained to death of an individual in custody.

Although Marshals Service collects inquiry data, the data it collects were incomplete and at times inconsistent. For example, over half of the inquiries (6,078) did not have a value for the facility name field. In addition, 1,340 of the inquiries have a value of “unknown” for the nature of inquiry field, and another 906 inquiries have a blank for that field. In addition, there are inconsistencies in the inquiries field. For example, there are separate categories for “medical,” “prisoner medical,” and “medical treatment,” but the differences among these categories was unclear. Detention facility names are also inconsistent. Moreover, while inquiry data describes the status of the inquiry (i.e., whether the inquiry is open or resolved), the data does not describe how the Marshals Service resolved the inquiry.

According to federal defenders we met with who have represented individuals in Marshals Service custody in the five districts we visited, individuals in Marshals Service custody use facility grievance mechanisms and, if needed, elevate grievances to Marshals Service. However, they stated that grievances sometimes go unresolved. For example, federal defenders told us that their clients first generally pursue

grievances with the detention facility, which most often pertain to medical care and food service. Federal defenders' viewpoints on the effectiveness of facility grievance mechanisms varied. Federal defenders in three districts stated grievances were not resolved by the facility to their clients' satisfaction in certain cases—such as grievances about food services. Federal defenders in one district stated that in most cases their clients' grievances were denied and not resolved by the facility to their satisfaction.⁶⁴ However, federal defenders in four districts noted that if detention facilities do not adequately address their clients' grievances, either they or their clients can elevate the grievance to Marshals Service—such as to a deputy U.S. marshal—if needed.

According to these federal defenders, deputies acknowledge and generally take actions to address grievances raised by individuals in Marshals Service custody. For example, federal defenders in one district told us that facility staff assigned one of their clients, who was unable to walk, to a top bunk for sleeping. The attorneys stated that after their client elevated the issue to deputy U.S. marshals, the facility addressed the issue by providing alternate sleeping arrangements.

These federal defenders also noted that while deputies are often approachable, helpful, and willing to contact detention facilities when problems arise, deputies did not always resolve the grievance. For example, in one case, a federal defender told us an individual did not receive their prescribed antipsychotic medication when they were transferred to a different facility because the new detention facility charged co-pays for medications that the individual could not afford.

Marshals Service officials stated that they defer to detention facility policies when they do not contradict federal detention standards. For example, if an individual submits a grievance about the frequency of haircuts, but the current frequency meets facility policies, then Marshals Service would not weigh in on the appropriateness of the policy or the outcome of the grievance, according to Marshals Service officials. However, if an individual submits a grievance that conflicts with federal detention standards, such as 24-hour access to hot and cold water, Marshals Service officials stated that they would research the grievance and, if necessary, work with facility staff through district officials.

⁶⁴According to federal defenders in this district, some of the grievances may not have been legitimate.

Marshals Service's strategic plan for fiscal years 2020 through 2024 highlights the importance of evidence-based, data-driven decision-making through the improved use of data assets and by providing high-quality, timely, and transparent information.⁶⁵ Marshals Service officials stated that staff responsible for addressing an inquiry are responsible for reading through the inquiry to assess the nature of it.

In its technical comments in response to our draft report, Marshals Service officials told us that they have recently improved the inquiry data it collects. Our subsequent analysis of Marshals Service inquiry data confirms that officials have taken steps to improve the completeness and consistency of its inquiry data. For example, 54 percent of the inquiries submitted from January 2020 through December 2021 did not have a value for the facility name field. However, 15 percent of inquiries submitted from January 2022 through June 2023 were blank for that field. Similarly, 24 percent of the inquiries submitted from January 2020 through December 2021 had a value of "unknown" for the nature of inquiry field. However, only 3 percent of inquiries submitted from January 2022 through June 2023 had a value of "unknown" for that field.⁶⁶ According to Marshals Service officials, the facility name and nature of inquiry associated with an inquiry can be unknown because individuals who submit the inquiries sometimes do not provide this information.

Marshals Service has also developed a field that tracks how it responds to inquiries. For example, this field can include information on if Prisoner Operations Division staff answered a question on an individual's location or how Marshals Service district staff coordinated with detention staff to resolve an inquiry pertaining to time available for recreation, according to Marshals Service officials. Ensuring detention operations inquiry data that it maintains are complete and consistent will help ensure that Marshals Service can systematically track and monitor efforts to resolve inquiries, including grievances, and make any needed process improvements.

⁶⁵Department of Justice, *Marshals Service Strategic Plan: 2020-2024*.

⁶⁶According to our analysis of Marshals Service inquiry data, 2,107 of 3,923 inquiries submitted from January 2020 through December 2021 did not have a value for the facility name field. However, only 255 of the 1,756 inquiries submitted from January 2022 through about June 2023 did not have a value for that field. Similarly, 956 of the inquiries submitted from January 2020 through December 2021 had a value of "unknown" for the nature of inquiry field. However, only 54 inquiries submitted from January 2022 through June 2023 had a value of "unknown" for that field.

Independence of Marshals Service Facility Review Processes Varies

DOJ's jail standards and inspection programs resource and implementation guide highlights the importance of independent inspections and regulatory oversight to ensure that detention standards are met.⁶⁷ In particular, the guide states the importance of sound inspections, which are to be conducted by knowledgeable, well-trained, and independent jail inspectors, cannot be overstated. In addition, the guide notes independent entities conduct objective evaluations of detention facilities.

Marshals Service's facility review processes employ different levels of independence. As discussed above, Marshals Service has two mechanisms to conduct facility reviews—quality assurance reviews and detention facility reviews. Quality assurance reviews are more independent than detention facility reviews because quality assurance reviews use contractors overseen by Marshals Service headquarters officials while detention facility reviews use deputy U.S. marshals from the local district.

- **Quality assurance reviews.** Marshals Service takes certain steps to help ensure the independence of quality assurance reviews. Marshals Service contracts with companies that are recognized for their subject matter expertise in detention management. However, per Marshals Service policy, multiple Marshals Service headquarters staff from the Prisoner Operations Division oversee contractors that conduct quality assurance reviews.⁶⁸ For example, among the seven quality assurance review reports we analyzed, all reports included staff from the Prisoner Operations Division.

In addition, Marshals Service officials who participated in the quality assurance review we observed included Prisoner Operations Division headquarters and field staff—specifically, assistant chiefs from headquarters as well as a detention contract monitor from a facility in a different district. Although the detention contract monitor for the facility under review was onsite during the quality assurance review we observed, they did not participate in the quality assurance review. According to two detention contract monitors we spoke with during our observation of this quality assurance review, it is a conflict of interest

⁶⁷Department of Justice, National Institute of Corrections, *Jail Standards and Inspection Programs: Resource and Implementation Guide*.

⁶⁸Marshals Service Prisoner Operations Division, *Office of Detention Standards & Compliance Quality Assurance Review Standard Operating Procedures*.

for detention contract monitors to participate in a review of a facility that they monitor.

Marshals Service officials from the Prisoner Operations Division play key roles in quality assurance reviews. Contractors draft the initial report to document the findings from the quality assurance review, per Marshals Service policy. However, Marshals Service staff from an office within the Prisoner Operations Division—the Office of Detention Standards and Compliance—are to review and finalize the report. Establishing a separate office responsible for monitoring compliance with federal detention standards provides a certain level of independence. However, the entity responsible for detention (Prisoner Operations Division) also conducts the oversight of detention facilities that house individuals in Marshals Service Custody.

- **Detention facility reviews.** Detention facility reviews are less independent than quality assurance reviews. Staff from Marshals Service district offices conduct and approve reviews of state and local detention facilities, and Prisoner Operations Division officials monitor completion of these reviews. Deputies conduct detention facility reviews in their own districts. For example, during four of the six detention facility reviews we observed, deputies noted they regularly interact with facility staff as part of their duties to transport individuals in Marshals Service custody. According to Marshals Service officials, deputies conduct detention facility reviews in their districts because it is the most efficient way to conduct them. To document the findings from the detention facility review, the deputy is to input information into Capture, and district supervisors are to review and approve the information. Subsequently, Prisoner Operations Division officials are to monitor the completion of detention facility reviews.

According to one of the interest groups we met with, there is an inherent conflict of interest with Marshals Service participating in and conducting reviews of private as well as state and local facilities it uses. Representatives from this group questioned the independence of Marshals Service facility review teams. For example, these representatives said Marshals Service is dependent upon the detention facilities being able to provide bed space for those in its custody, which may result in Marshals Service staff being less inclined to identify problems.

Marshals Service officials acknowledged that while they need the bed space provided by detention facilities, they still hold facilities they use to the federal detention standards. In addition, Marshals Service officials

also noted that many facilities are subject to multiple inspections by other organizations, such as state oversight entities. However, state detention standards may not always align with federal detention standards, according to Marshals Service officials and a representative from one interest group who we met with.

Marshals Service could consider, among other things, the following options to increase the independence of facility reviews.

- Marshals Service could consider increasing the number of quality assurance reviews it conducts of state or local detention facilities. Between October 2020 and June 2023, Marshals Service conducted 14 quality assurance reviews of five different state or local facilities.⁶⁹ According to Marshals Service officials, they typically conduct such reviews when the detention facility predominantly houses individuals in Marshals Service custody and there is a large number of individuals in Marshals Service custody located at the facility, or an incident has occurred or exists at the facility. Prisoner Operations Division officials stated that Marshals Service does not always have the resources to conduct quality assurance reviews of state and local detention facilities. However, Marshals Service could assess the costs and benefits of conducting additional quality assurance reviews at state and local facilities based on additional risk factors, such as results of detention facility reviews.
- Marshals Service could consider requiring deputy U.S. marshals from a neighboring district to conduct detention facility reviews. As discussed above, it may be a conflict of interest for Marshals Service officials to participate in a review of a facility that they regularly frequent. Furthermore, at least one state jail inspection agency—the Texas Commission on Jail Standards—does not allow field inspectors to inspect jails in their home county or facilities where they previously worked. Prisoner Operations Division officials stated that Marshals Service does not have the funding or infrastructure to support the travel of deputies to different districts to conduct hundreds of detention facility reviews of state and local detention facilities each year but acknowledged they may be able to take more limited steps. For example, Marshals Service could assess the costs and benefits of identifying a selection of state and local detention facilities that would

⁶⁹Four of the five facilities received quality assurance reviews in fiscal years 2021, 2022, and 2023. The remaining facility received quality assurance reviews in fiscal years 2021 and 2023. Three of the five facilities were pass-through intergovernmental agreement facilities.

receive a facility review by a deputy from a neighboring district or headquarters.

- Marshals Service could consider developing an independent office to conduct additional reviews of both private as well as state and local facilities based on risk. For example, U.S. Immigration and Customs Enforcement uses some of the same private and state and local detention facilities as Marshals Service. Its Office of Detention Oversight was created in 2009 as part of a series of detention reforms.⁷⁰ The goal of this office is to provide Immigration and Customs Enforcement leadership with a second set of inspections separate from the agency detention inspections process.

As discussed above, there are a variety of options to increase the independence of facility reviews. Taking steps, as appropriate and feasible, to better ensure the independence of its facility review processes would help ensure that Marshals Service is effectively using its resources to identify and manage risks to the safety and security of individuals in its custody.

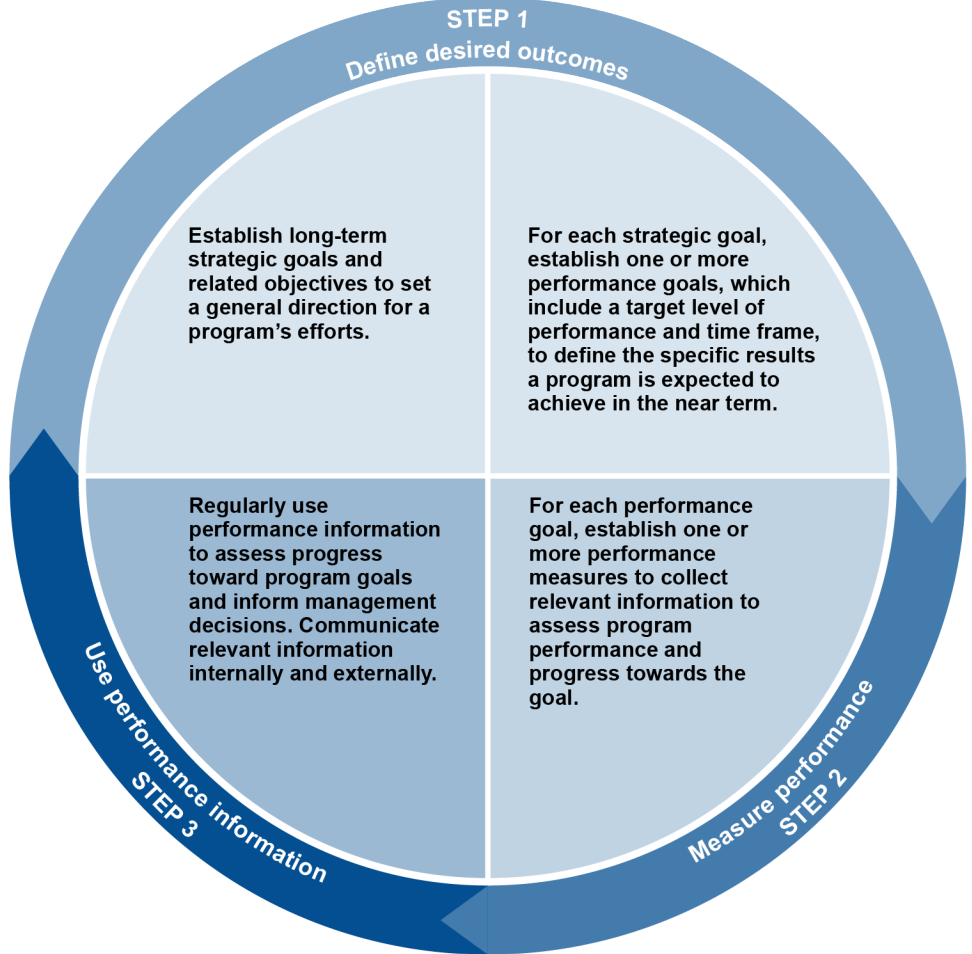
Marshals Service Has Not Fully Incorporated Key Steps to Assess Performance

Marshals Service has incorporated some, but not all, key performance management steps that could help it better assess and manage its detention operations. Performance management involves measuring the program's progress toward preestablished goals. In our prior work, we have defined performance management as a three-step process by which organizations (1) set goals to identify the results they seek to achieve, (2) collect information to measure performance, and (3) use that information to assess progress and inform decisions as well as communicate information externally (see figure 8).⁷¹

⁷⁰U.S. Immigration and Customs Enforcement's Office of Detention Oversight is within its Office of Professional Responsibility. The Office of Professional Responsibility is to uphold the agency's professional standards through a multidisciplinary approach of security, inspections, and investigations to promote integrity and accountability across the agency. Further, the office is to promote organizational integrity by managing U.S. Immigration and Customs Enforcement's security programs, conducting independent reviews of agency programs and operations, and objectively investigating allegations of employee misconduct.

⁷¹[GAO-23-105460](#).

Figure 8: Key Practices of Results-Oriented Performance Management



Source: GAO. | GAO-24-106348

Although Marshals Service has established a strategic goal and performance goals for both private detention facilities and state and local detention facilities, the goals do not allow it to fully assess progress toward all aspects of its strategic objective.⁷² For those goals that help

⁷²Strategic goals are outcome-oriented statements of aim or purpose. They articulate what the organization wants to achieve to advance its mission and address relevant problems, needs, challenges, and opportunities. Strategic objectives are the outcomes or impacts the organization is intending to achieve through its various activities. They are usually outcome-oriented to reflect core mission and service-related functions, as well as the breadth of the organization's efforts. Performance goals are target levels of performance to be accomplished within a timeframe. They are generally expressed as tangible, measurable objectives, or as quantitative standards, values, or rates.

assess progress, Marshals Service has mixed results in meeting them, according to Marshals Service’s documents. Further, although Marshals Service collects some facility performance and inquiry data, it does not use available data to make informed decisions to improve results or communicate relevant information from detention facility reviews to external stakeholders.

Marshals Service Has Defined Desired Outcomes for Private but Not State and Local Detention Facilities

Marshals Service has established a strategic goal and objective as well as performance goals for monitoring detention facilities, but its performance goals do not fully address its strategic objective. Marshals Service’s strategic goal is to administer just court and correctional systems, and its strategic objective is to maintain a safe and humane prison system—which mirror DOJ’s strategic goal and objective regarding correctional systems.⁷³ Marshals Service has established performance goals to annually review all private facilities and these facilities must meet minimum detention standards. Similarly, Marshals Service has established a performance goal for all active state and local facilities to receive an annual review.⁷⁴ However, Marshals Service has not established a performance goal for state and local facilities to meet minimum detention standards (see table 1).

Table 1: U.S. Marshals Service Strategic Goal and Objective and Performance Goals for Detention Facilities

Strategic goal and objective ^a	Performance goals ^b	
	Private detention facilities	State and local detention facilities
Goal: Administer just court and correctional systems	Annual reviews of all facilities	Annual reviews of all active facilities ^c
Objective: Maintain a safe and humane prison system	All facilities meet minimum detention standards	[no equivalent goal]

Source: GAO analysis of Marshals Service performance budget documents. | GAO-24-106348

^aMarshals Service’s correctional systems strategic goal and objective mirror the Department of Justice’s strategic goal and objective.

^bPerformance goals are target levels of performance to be accomplished within a time frame. They are generally expressed as tangible, measurable objectives or as quantitative standards, values, or rates.

^cActive facilities include state and local facilities where Marshals Service has detained an individual in its custody within the past year.

⁷³See Department of Justice, Strategic Plan: 2022-2026; Marshals Service, *Performance Budget: Federal Prisoner Detention Appropriation*, Fiscal Years 2020 through 2024; and Marshals Service, *Performance Budget: Salaries and Expenses*, Fiscal Years 2020 through 2024.

⁷⁴Active facilities include state and local facilities where Marshals Service has detained an individual in its custody within the past year.

Officials stated that Marshals Service does not have a performance goal for state and local facilities that aligns with its strategic goal and objective because it does not manage these facilities and the agreements with these facilities are “at will” and voluntary. As a result, Marshals Service does not have control over the extent to which these facilities meet minimum detention standards, according to these officials.

It is Marshals Service’s statutory responsibility to provide for the safekeeping of any person arrested or held under authority of any enactment of Congress pending commitment to an institution.⁷⁵ In addition, DOJ and Marshals Service both have the strategic goal and objective to provide safe and humane confinement. For example, DOJ’s strategic plan states it will investigate allegations of adverse conditions at detention facilities and remedy improper conditions as promptly as possible. As such, Marshals Service must ensure it houses individuals in its custody in facilities that are safe and humane, including both private as well as state and local detention facilities. Establishing performance goals that fully address all aspects of DOJ’s and Marshals Service’s detention operations strategic goals and objectives—namely, to maintain a safe and humane prison system—would allow Marshals Service to better assess and monitor the extent to which individuals in Marshals Service custody are detained in safe and humane conditions.

Marshals Service does have a performance goal regarding responding to inquiries—such as grievances, and uses the inquiry data it collects to help manage the inquiries it receives. According to Marshals Service officials, they attempt to resolve inquiries, including grievances, within 14 business days. Furthermore, Marshals Service identifies inquiries that have not been addressed by Marshals Service staff within this time frame. Specifically, the Prisoner Operations Division generates a monthly report to monitor the extent to which Marshals Service staff are meeting the goal to respond to inquiries within 14 days.

Marshals Service Measures Performance for Its Facility Reviews and Inquiry Response Goals

Marshals Service has mixed results in meeting its performance goals for monitoring private as well as state and local detention facilities and responding to inquiries, according to Marshals Service’s documents and data.

Reviews of private detention facilities. From fiscal years 2018 through 2022, Marshals Service conducted annual reviews of all private detention

⁷⁵18 U.S.C. § 4086, 28 C.F.R. § 0.111(k).

facilities and determined that they met minimum standards overall, according to our review of Marshals Service performance budgets.⁷⁶ In addition, as discussed earlier, our review of Marshals Service data shows that all 19 quality assurance reviews of private detention facilities conducted from February 2021 through April 2023 met minimum standards overall.

Reviews of state and local detention facilities. From fiscal years 2018 through 2022, Marshals Service met its performance goal for conducting annual reviews of all active state and local detention facilities in some years but not others, according to Marshals Service performance budgets.⁷⁷ These documents report that Marshals Service conducted reviews of all active state and local facilities in 2 years (2020 and 2021). However, for 2 years (2018 and 2019) it conducted reviews at 99 percent of active facilities and in 1 year (2022) it conducted 77 percent of these reviews. Marshals Service officials explained that they experienced some technical issues within the system of record which prevented some facility reviews from completely processing once uploaded, giving the appearance that some districts did not complete their facility review.

Responding to inquiries. Marshals Service officials stated that they generally meet the performance goal to respond to inquiries within 14 days and report this information monthly to Prisoners Operations Division management. According to the reports from February, March, and April 2024 that we reviewed, the Marshals Service addressed all of the inquiries they received. Our analysis of Marshals Service inquiry data from January 2023 through June 2023 shows that Marshals Service closed most inquiries within 14 days of receiving the inquiry.⁷⁸

Marshals Service Uses and Publicly Reports Limited Performance Data

⁷⁶Facilities must receive an overall rating above “at-risk” to be considered meeting minimum standards. Marshals Service defines “at-risk” as performance that does not meet minimum standards and requires immediate corrective action plans. Marshals Service conducted 18 quality assurance reviews in fiscal years 2018 and 2019, 19 quality assurance reviews in 2020 and 2021, and 14 quality assurance reviews in 2022.

⁷⁷Active facilities include state and local facilities where Marshals Service has housed an individual in its custody within the past year.

⁷⁸According to our analysis, Marshals Service closed at least 94 percent (423 of 449) inquiries submitted from January through June 2023 within the 14-day goal (The most recent data available at the time of our review).

Use of Facility Performance and Inquiry Data

Marshals Service collects a variety of performance data for its detention operations during reviews of both private and state and local detention facilities as well as data on inquiries, including grievances. However, Marshals Service does not always use performance and inquiry data it collects to make informed decisions to improve results—step 3 in the performance management process.

Facility performance data. Marshals Service collects data to monitor the extent to which it meets its goal to annually review detention facilities. For state and local detention facilities, Marshals Service staff tracks the status of deputies completing reviews (e.g., in progress, review, approval, and completed) in Capture. Furthermore, Marshals Service uses these data to produce reports that inform management of the status of completing reviews. For example, the report includes the number and percentage of detention facility reviews assigned to deputies by district offices as well as the number and percentage of reviews that they have completed. Prisoner Operations Division management stated that they monitor these reports to help ensure that districts complete required reviews. Similarly, Marshals Service has a system in place to track the completion of quality assurance reviews of private facilities.

Marshals Service has also developed and can produce individual reports that describe the extent to which state and local facilities are meeting a subset of federal detention standards. One report illustrates the number and percent of facilities that had noncompliant answers to specific questions within a fiscal year. For example, this report can illustrate the extent to which detention facilities conduct background checks on employees prior to hiring, have obtained the required Prison Rape Elimination Act audit, and have had a food service inspection within the last 12 months. In another report Marshals Service produces, it can obtain an overview of facility-level responses for each question in the facility review tool.

Although valuable facility data are available, Prisoner Operations Division management told us that they do not routinely use these reports to assess performance. Marshals Service management told us they have not analyzed facility performance information—such as compliance with federal detention standards—because Capture is relatively new. Marshals Service implemented Capture in 2021 and initially prioritized using the data to ensure Marshals Service completed the required annual detention facility reviews of state and local facilities. Prisoner Operations Division officials also told us that because the system is relatively new, they do not have a lot of experience using data to generate certain reports.

Furthermore, Marshals Service officials noted that they did not have multiple years of data that would enable it to conduct trend analyses to identify problem areas.⁷⁹ However, Marshals Service summary data indicate that the agency collected performance data for more than 800 facilities each year during the 3-year period from fiscal year 2021 through 2023.⁸⁰

In addition, agency officials noted that data Marshals Service has collected in 2021, 2022, and 2023 was from anomaly years when its operations were significantly affected by the COVID-19 pandemic. For example, deputies were widely restricted from accessing prisoner housing areas, and consequently, the ability to complete detention facility reviews. However, during all of our six site visits to observe deputies conduct reviews of state and local facilities, all deputies had unfettered access to the facility, and all deputies reported that the review we observed was typical of reviews they had conducted in recent years.

Marshals Service officials noted that it would be beneficial to generate and review facility performance data to identify problem areas, trends, and best practices. For example, in April 2024, these officials noted that Prisoner Operations Division plans to analyze data from a selection of questions contained in the detention facility review tool to generate program-wide data on deficiencies, patterns, and practices. Marshals Service officials also stated they plan to use this information to identify systemic issues in individual districts or facilities. However, throughout the course of our review, Marshals Service did not articulate how they might use such information to identify problem areas, trends, and best practices.

Implementing practices to analyze facility performance data is important because detention facilities, when considered in the aggregate, have tended to perform at a weaker level in certain areas. For example, as discussed earlier, private facilities are most often deficient in the safety and sanitation as well as the restrictive housing functional areas. Similarly, Marshals Service maintains information about deficiencies

⁷⁹Officials stated that the data were obtained during anomaly years (e.g., COVID-19 pandemic) which impacted Marshals Service operations. Marshals Service did not see a full-year return to agency operations until 2023, which will be the first year data has been/will be used in redirecting operations.

⁸⁰Marshals Service collected performance data for 968 facilities in fiscal year 2021, 872 facilities in fiscal year 2022, and 807 facilities in fiscal year 2023, according to agency summary data.

identified at state and local facilities. As described above, based on our analysis of Marshals Service’s fiscal year 2023 data, at least 520 facilities had not obtained the required Prison Rape Elimination Act audit within the past 3 years. In addition, at least 84 facilities had not been inspected within the past 12 months to ensure that food service and equipment met established health, sanitation, and safety protocols. Furthermore, 54 facilities had evidence or signs of insects.

Inquiry data. Marshals Service also collects and maintains data on inquiries, which includes grievances associated with individuals in its custody, as discussed above. However, agency officials told us they have not analyzed the data they collect to review the characteristics of inquiries to determine trends, such as the nature of grievances or the volume of grievances at individual facilities, because they have not identified the need to analyze the data. Such an analysis could identify areas for improvement. For example, our analysis of Marshals Service inquiry data submitted on behalf of individuals in custody from January 2018 through June 2023 found that at least 20 detention facilities received multiple inquiries about prison rape. In addition, at least 20 detention facilities received multiple inquiries about harassment. Marshals Service could use such information to better inform facility reviews, among other things.

Marshals Service’s strategic plan for fiscal years 2020 through 2024 highlights the importance of evidence-based, data-driven decision-making through the improved use of data assets and by providing high-quality, timely, and transparent information.⁸¹ Further, according to a Marshals Service policy directive, the Prisoner Operations Division has the responsibility to analyze the results of all detention facility reviews of state and local facilities annually to determine trends, identify best practices, and determine if changes are needed to review standards, processes, or instruments.⁸² In addition, a key federal performance management practice is using evidence to learn, which includes developing an understanding of why results were achieved and helps leaders better understand and address challenges and set priorities to help improve performance.⁸³

Routinely analyzing available detention operations data to identify problems, trends, and best practices could help Marshals Service better

⁸¹Department of Justice, *United States Marshals Service Strategic Plan: 2020-2024*.

⁸²Marshals Service Policy Directive 9.7: *Review of Non-Federal Detention Facilities*.

⁸³[GAO-23-105460](#).

understand the risks associated with housing individuals in its custody in both private and state and local detention facilities. Moreover, reviewing relevant information would enable senior leadership to better understand what led to the results and identify where performance is lagging. For example, Marshals Service could use the information to identify problem areas and trends in facility reviews and identify opportunities to improve conditions at facilities that are generally complying with federal detention standards but are performing at a weak level in certain areas. Furthermore, Marshals Service could analyze the data it collects and maintains about grievances associated with individuals in its custody to identify trends and problem areas. Analyzing detention facility performance information and inquiry data could help Marshals Service determine if changes are needed to improve detention operations and better inform management decisions, as appropriate.

Public Reporting of Detention Facility Performance

Federal performance management practices include communicating results to its key stakeholders. Although Marshals Service collects detailed information about the conditions of private as well as state and local facilities that detain individuals in its custody, it communicates limited information publicly. As described above, both quality assurance reviews and detention facility reviews result in an assessment on the extent to which detention facilities provide conditions of confinement for individuals in Marshals Service's custody that are safe, secure, and humane. Marshals Service documents and maintains detailed information from these reviews in reports as well as in Capture.

Marshals Service publicly reports (1) the percentage of annual reviews it conducts of private as well as state and local detention facilities and (2) the percentage of private facilities that meet minimum federal detention standards. However, Marshals Service does not publicly report additional information from its reviews of detention facilities—such as the extent to which facilities are meeting specific federal detention standards or deficiencies identified—for a variety of reasons. Marshals Service policy states that its reviews of state and local facilities are not certifications, accreditations, or compliance approvals. Furthermore, this policy notes that information obtained during facility reviews is for internal Marshals Service use only. Agency officials also told us Marshals Service cannot publicly release information from these reports because some of the information is law enforcement sensitive.

However, there are a number of reasons why Marshals Service should publicly report more detailed information about the findings from its reviews of detention facilities. One of DOJ's performance objectives is to

maintain a safe and humane prison system, which includes ensuring transparency, effective oversight of detention facilities, and accountability.⁸⁴ As shown earlier in figure 8, federal performance management practices include communicating results to its key stakeholders. This includes Congress, other federal organizations, state and local governments, and the public.⁸⁵ Users of federal information reported that they value a variety of data from across the federal government, such as law enforcement data. Both federal performance management practices and federal internal control standards also guide federal organizations to tailor its communications to meet the needs of various stakeholders and to select appropriate methods to communicate externally.⁸⁶ For example, organizations can identify and omit information that is law enforcement sensitive.

Moreover, other federal and state agencies publicly report the results of their detention facility reviews and inspections, while also protecting law enforcement sensitive information. For example, U.S. Immigration and Customs Enforcement uses some of the same facilities as Marshals Service and publicly reports deficiencies and actions taken by the facility. While we were observing Marshals Service complete a review of a private detention facility in June 2023, U.S. Immigration and Customs Enforcement simultaneously completed one of its inspections. The results of the inspection are posted on the agency's website and include an overall rating, the number of deficiencies the inspection team identified by category (e.g., staff-detainee communication and suicide prevention), and details regarding the deficiency. The report redacted certain sensitive areas.

Figure 9 shows the deficiencies identified during U.S. Immigration and Customs Enforcement's inspection of a private facility where Marshals Service also houses individuals as well as an inspection of a county detention facility. In addition, the Texas Commission on Jail Standards describes the deficiencies its inspectors identify at county jails on its website.

⁸⁴Department of Justice, *Strategic Plan: 2022-2026*.

⁸⁵[GAO-23-105460](#).

⁸⁶[GAO-14-704G](#).

Figure 9: Summary of ICE Findings from Inspections of a Private Detention Center and County Jail Contained in a Publicly Available Report (June 2023)

Rio Grande Detention Center
Laredo, Texas

Cobb County Jail
Marietta, Georgia

**FINDINGS BY NATIONAL DETENTION STANDARDS 2019
MAJOR CATEGORIES**

**FINDINGS BY NATIONAL DETENTION STANDARDS 2019
MAJOR CATEGORIES**

NDS 2019 Standards Inspected	Deficiencies
Part 1 - Safety	
Environmental Health and Safety	0
Sub-Total	0
Part 2 - Security	
Admission and Release	0
Custody Classification System	0
Facility Security and Control	0
Funds and Personal Property	0
Use Of Force and Restraints	0
Special Management Units	0
Staff-Detainee Communication	1
Sub-Total	1
Part 4 - Care	
Food Service	0
Medical Care	0
Personal Hygiene	0
Significant Self-Harm and Suicide Prevention and Intervention	2
Terminal Illness and Death	0
Sub-Total	2
Part 5 - Activities	
Recreation	0
Telephone Access	1
Visitation	0
Sub-Total	1
Part 6 - Justice	
Grievance System	0
Sub-Total	0
Total Deficiencies	4

NDS 2019 Standards Inspected	Deficiencies
Part 1 - Safety	
Environmental Health and Safety	7
Sub-Total	7
Part 2 - Security	
Use of Force and Restraints	0
Special Management Units	0
Sexual Abuse and Assault Prevention and Intervention	9
Sub-Total	9
Part 4 - Care	
Food Service	9
Hunger Strikes	1
Medical Care	4
Significant Self-Harm and Suicide Prevention and Intervention	1
Sub-Total	15
Part 5 - Activities	
Recreation	1
Sub-Total	1
Part 6 - Justice	
Detainee Handbook	4
Sub-Total	4
Total Deficiencies	36

Source: U.S. Immigration and Customs Enforcement (ICE) documents. | GAO-24-106348

Note: The 2019 National Detention Standards govern the conditions of confinement at certain ICE detention facilities. The standards dictate how these facilities should operate to ensure safe, secure, and humane confinement for immigration detainees and the requirements that these facilities must meet to house immigration detainees.

Public access to information created, collected, and maintained by Marshals Service about the condition of detention facilities would provide transparency about the conditions of these facilities as well as Marshals Service’s oversight of detention facilities. Publicly reporting additional nonsensitive information on the results of its facility reviews, such as the number and categories of deficiencies identified, would provide the public information and increase transparency about the conditions of the detention facilities Marshals Service uses to house individuals in its custody.

Conclusions

Tens of thousands of individuals are in Marshals Service custody at hundreds of detention facilities throughout the country every day. These individuals have a constitutional right to certain minimal conditions that are safe and humane. In addition, Marshals Service has a statutory responsibility to provide for the safekeeping of these individuals.

Although Marshals Service has implemented processes to conduct reviews of both private and state and local detention facilities, these processes could be improved by ensuring annual training to deputy U.S. marshals who conduct the reviews, developing guidance on conducting such reviews, and developing procedures on working with facilities to address deficiencies. Further, Marshals Service lacked complete and consistent detention operations inquiry data, and the independence of its facility review processes are questionable. By addressing these weaknesses, Marshals Service could provide greater assurance that individuals in its custody are housed in safe, secure, and humane conditions.

Marshals Service has also not incorporated certain key performance management steps for its detention operations, such as establishing performance goals for the conditions of state and local detention facilities, analyzing available detention operations data to identify trends, and publicly reporting information on the results of its reviews of detention facilities. Fully incorporating these steps could help Marshals Service better assess and monitor detention facility conditions and increase transparency.

Recommendations for Executive Action

We are making the following eight recommendations to Marshals Service:

The Director of the Marshals Service should ensure that the Prisoner Operations Division develops and implements a plan with timeframes to ensure that deputy U.S. marshals who conduct detention facility reviews complete annual training. (Recommendation 1)

The Director of the Marshals Service should ensure that the Prisoner Operations Division develops guidance for deputy U.S. marshals on how to conduct a detention facility review. (Recommendation 2)

The Director of the Marshals Service should ensure that the Prisoner Operations Division develops procedures on how district staff are to work with facilities to address deficiencies identified during reviews of state and local detention facilities. (Recommendation 3)

The Director of the Marshals Service should maintain complete and consistent detention operations inquiry data. (Recommendation 4)

The Director of the Marshals Service should take steps, as appropriate and feasible, to better ensure the independence of its facility review processes. (Recommendation 5)

The Director of the Marshals Service should establish performance goals for the conditions of state and local detention facilities that fully address all aspects of its detention operations strategic goal and objective. (Recommendation 6)

The Director of the Marshals Service should ensure that the Prisoner Operations Division routinely analyzes available detention operations data, including detention facility performance and inquiry data, to identify problems, trends, best practices, and any needed changes. (Recommendation 7)

The Director of the Marshals Service should publicly report additional nonsensitive information on the results of its reviews of detention facilities. (Recommendation 8)

Agency Comments and Our Evaluation

We provided a draft of this report to Marshals Service and the Administrative Office of the U.S. Courts for review and comment. Marshals Service provided comments via email, stating that it concurred with the recommendations in the report. Marshals Service also provided technical comments on the report, which we incorporated as appropriate. The Administrative Office of the U.S. Courts did not have any comments on the report.

We will be sending copies of this report to the appropriate congressional committees, the Attorney General, and the Director of the Administrative Office of the U.S. Courts.

If you or your staff have any questions about this report, please contact me at (202) 512-8777 or collinsd@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last

page of this report. GAO staff who made key contributions to this report are listed in appendix III.

Sincerely,

A handwritten signature in black ink that reads "Derrick Collins". The signature is written in a cursive, flowing style.

Derrick Collins
Director,
Homeland Security and Justice

Appendix I: GAO Contact and Staff Acknowledgements

GAO Contact

Derrick Collins, (202) 512-8777 or CollinsD@gao.gov

Staff Acknowledgments

In addition to the contact named above, Charles Michael Johnson Jr. (Managing Director); Paul Hobart (Assistant Director); Anne Akin (Analyst-in-Charge); Joy Booth; Russell Brown, Jr.; Billy Commons; Benjamin Crossley; Dominick Dale; Kathleen Donovan; Benjamin Licht; Lydie Loth; Michael Maciag; Grant Mallie; and Natalie Swabb made key contributions to this report.

Related GAO Products

Restrictive Housing: Actions Needed to Enhance BOP and ICE Management and Oversight. [GAO-24-107494](#). Washington, D.C.: April 16, 2024.

Bureau of Prisons: Additional Actions Needed to Improve Restrictive Housing Practices. [GAO-24-105737](#). Washington, D.C.: February 6, 2024.

Immigration Detention: ICE Can Improve Oversight and Management. [GAO-23-106350](#). Washington, D.C.: January 9, 2023.

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Southwest Border: CBP Oversees Short-Term Custody Standards, but Border Patrol Could Better Monitor Care of At-Risk Individuals. [GAO-22-105321](#). Washington, D.C.: September 28, 2022.

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