

Congress of the United States
Washington, DC 20510

February 27, 2019

Mr. Joel Brasfield
President
Prisoner Transportation Services, LLC
P.O. Box 171078
Nashville, TN 37217

Dear Mr. Brasfield:

I write to request information regarding the policies and procedures that Prisoner Transportation Services, LLC (PTS) and its subsidiaries have implemented to comply with federal regulations and to ensure the safety and security of the pretrial detainees and incarcerated persons that you transport.

Each year, tens of thousands of arrestees and incarcerated persons are transported across jurisdictions by a handful of private prisoner transport companies.¹ PTS, a private prisoner transport company, contracts with state and local law enforcement agencies and correctional facilities to convey these individuals across interstate or intrastate jurisdictional lines. PTS and its subsidiaries, Prisoner Transportation Services of America (PTSA) and U.S. Prisoner Transport (USPT), is one of the largest for-profit prisoner transport companies in the country.²

In addition to the moral obligation to avoid physically harming individuals in custody, for-profit prisoner transport companies are subject to the Interstate Transportation of Dangerous Criminals Act³ and the Department of Justice (DOJ) regulations issued pursuant to that Act. These regulations establish minimum safety and security standards for the transport of violent prisoners and include requirements regarding prisoners' health and wellbeing. Among other requirements, the regulations require companies to develop "policies, practices, and procedures...to ensure the health and physical safety of the prisoners during transport..." and to "prohibit the mistreatment of prisoners."⁴

A steady stream of troubling media reports and lawsuits have raised numerous questions about the safety and security of PTS' private prisoner transport services and the company's compliance with DOJ regulations. Public reports have documented inhumane and unsafe conditions in your transportation vehicles, including unsanitary practices, gross negligence, physical and sexual abuse, and a disturbing inattentiveness to the basic and urgent medical needs of incarcerated

¹ The Marshall Project, "Inside the Deadly World of Private Prisoner Transport," Eli Hager and Alysia Santo, July 6, 2016, <https://www.themarshallproject.org/2016/07/06/inside-the-deadly-world-of-private-prisoner-transport?ref=hp-1-100#.uLvZ9X7HV>.

² The New York Times, "Death on a Prison Bus: Extradition Companies' Safety Improvements Lag," Eli Hager and Alysia Santo, March 23, 2017, <https://www.nytimes.com/2017/03/23/us/prisoner-transport-vans.html>.

³ The Interstate Transportation of Dangerous Criminals Act of 2000, Public Law 106-560.

⁴ U.S. Department of Justice, "Establishment of Minimum Safety and Security Standards for Private Companies That Transport Violent Prisoners," December 26, 2002, <https://www.gpo.gov/fdsys/pkg/FR-2002-12-26/pdf/02-32608.pdf>.

persons in your custody.⁵ At least 5 individuals have died while in PTS custody since 2012: one man was allegedly beaten to death by other prisoners as PTSA guards looked on⁶; two men died from perforated ulcers after reportedly receiving no medical attention, despite complaints of intense pain;⁷ a woman died from health complications related to withdrawal, after being denied her prescribed anti-anxiety medication;⁸ and a man died after repeated complaints of chest pain, calls of “I can’t breathe”, and requests for medical attention were all ignored by PTS guards.⁹

In addition to harming prisoners, private prisoner transport companies have also endangered the general public. According to the Marshall Project, “[these] companies are usually paid per prisoner per mile, giving them incentive to pack the vans and take as few breaks as possible.” The impacts of these perverse incentives can risk public safety. Since 2000, at least 60 prisoners have escaped from private extradition companies’ vehicles, and more than two dozen people have been killed or gravely injured in more than 50 car crashes involving private prisoner transport vans.¹⁰

While PTS reportedly took some steps to improve safety conditions in the wake of negative news coverage,¹¹ reports of poor conditions, negligence, and mistreatment in your vehicles continue. In a lawsuit filed in April 2018, for example, the plaintiff alleged that PTS and its subsidiaries subjected him to unsafe, unsanitary, and inhumane conditions, including the failure to provide him with prescribed hypertension medicine—risking fatal injury.¹² The plaintiff also claimed that drivers were abusive towards prisoners and would repeatedly “threaten to use their mace or taze the detainees” and “threatened to use, or used, force against individuals in their custody for no reason at all.”¹³ In a separate incident, one of your employees was federally indicted in June 2018 for sexually assaulting a female prisoner in his custody while brandishing a firearm.¹⁴ The indictment alleges the PTS guard reached through an access window to communicate with and sexually fondle the woman, who was in restraints, while another guard drove the van. The Federal Bureau of Investigation (FBI) reported that the woman revealed the assault to an intake

⁵ The Marshall Project, “Inside the Deadly World of Private Prisoner Transport,” Eli Hager and Alysia Santo, July 6, 2016, <https://www.themarshallproject.org/2016/07/06/inside-the-deadly-world-of-private-prisoner-transport?ref=hp-1-100#.uLvZ9X7HV>.

⁶ The Marshall Project, “Inside the Deadly World of Private Prisoner Transport,” Eli Hager and Alysia Santo, July 6, 2016, <https://www.themarshallproject.org/2016/07/06/inside-the-deadly-world-of-private-prisoner-transport?ref=hp-1-100#.uLvZ9X7HV>.

⁷ *Id.*

⁸ *Id.*

⁹ The New York Times, “Death on a Prison Bus: Extradition Companies’ Safety Improvements Lag,” Eli Hager and Alysia Santo, March 23, 2017, <https://www.nytimes.com/2017/03/23/us/prisoner-transport-vans.html>.

¹⁰ *Id.*

¹¹ The Marshall Project, “Company in Deadly Prisoner Transportation Investigation Puts New Safety Measures in Place,” Eli Hager and Alysia Santo, August 5, 2016, <https://www.themarshallproject.org/2016/08/05/company-in-deadly-prisoner-transportation-investigation-puts-new-safety-measures-in-place#.25jYDSH96>.

¹² Complaint and Jury Demand at Page 19, *Edward Kovari v. Brevard Extraditions, LLC et. al.*, No. 5:18-cv-00070, April 24, 2018.

¹³ *Id.*

¹⁴ U.S. Department of Justice, “PTS Prisoner Transport Officer Indicted for Sexually Assaulting Inmate and Possessing a Firearm in Furtherance of Sexual Assault,” June 21, 2018, <https://www.justice.gov/opa/pr/pts-prisoner-transport-officer-indicted-sexually-assaulting-inmate-and-possessing-firearm>

nurse, and a subsequent physical exam showed her injuries were consistent with sexual assault.¹⁵ These reports and allegations raise serious questions about your company's conduct and its ability to ensure the safety and well-being of the individuals that law enforcement agencies have entrusted to your custody.

The desire to slash costs in order to increase profit margins may create perverse incentives for your company to jeopardize the health and safety of your employees and the prisoners in your care. Reports suggest that PTS and its subsidiaries work to "maintain tight profit margins with cost-cutting decisions that affect safety for guards and prisoners," from prisoner sanitation to security to necessary medical care.¹⁶ These cost-cutting measures and a reported culture of gross negligence have created conditions that jeopardize the safety and well-being of the individuals in your custody—many of whom have not been convicted of a crime—and also create a public safety concern.

To help me better understand the policies and procedures your company employs to ensure you are meeting appropriate safety and security standards and federal regulations, please provide answers to the following questions no later than March 13, 2019:

1. Describe the policies and procedures you have in place to protect the health and safety of your employees, the individuals you are transporting, and the general public. In addition, please provide the following information demonstrating your compliance with DOJ regulations requiring private prisoner transport companies to meet a set of basic standards "to ensure the safety of violent prisoners during transport."¹⁷
 - a. DOJ regulations require private prisoner transport companies to "require the completion of a minimum of 100 hours of employee training before an employee may transport violent prisoners," including training in the "use of restraints"; "searches of prisoners"; "use of force, including use of appropriate weapons and firearms"; cardiopulmonary resuscitation (CPR); "map reading"; and "defensive driving."¹⁸ Please describe how PTS and its subsidiaries comply with these regulations, including copies of any training materials.
 - b. Private prisoner transport companies must ensure that "policies, practices, and procedures are in effect to ensure the health and physical safety of the prisoners during transport, including a first-aid kit and employees who are qualified to dispense medications and administer CPR and emergency first-aid." Please

¹⁵ The Star Tribune, "Private prisoner transport officer from Bovey, Minn., accused of sexually assaulting female inmate," Stephen Montemayor, June 22, 2018, <http://www.startribune.com/private-prisoner-transport-officer-accused-of-sexually-assaulting-female-inmate/486305441/>.

¹⁶ Mother Jones, "Investigation Reveals Disturbing Conditions for Prisoners Transported by For-Profit Companies," Kanyakrit Vongkiatkajor, July 7, 2016, <https://www.motherjones.com/politics/2016/07/private-prison-transportation-companies-investigation/>.

¹⁷ *Id.*

¹⁸ U.S. Department of Justice, "Establishment of Minimum Safety and Security Standards for Private Companies That Transport Violent Prisoners," December 26, 2002, <https://www.gpo.gov/fdsys/pkg/FR-2002-12-26/pdf/02-32608.pdf>.

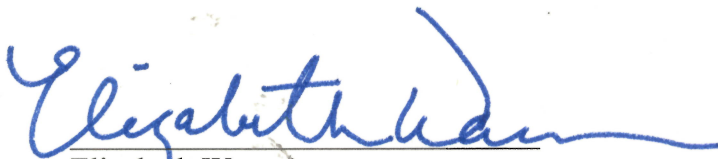
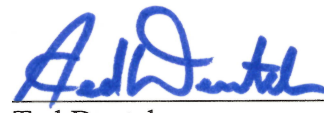
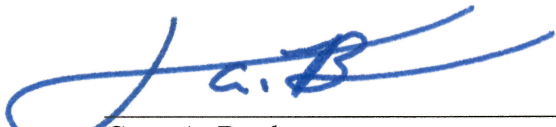
describe how PTS and its subsidiaries comply with these regulations, including copies of any written guidance or other materials.

- c. Private prisoner transport companies must ensure that “policies, practices, and procedures are in effect to prohibit the mistreatment of prisoners, including prohibitions against covering a prisoner’s mouth with tape, the use of excessive force, and sexual misconduct.” Please describe how PTS and its subsidiaries comply with these regulations, including copies of any written guidance or other materials.
 - d. Private prisoner transport companies are responsible for “taking reasonable measures to insure the wellbeing of the prisoners in their custody including, but not limited to, necessary stops for restroom use and meals, proper heating and ventilation of the transport vehicle, climate-appropriate uniforms, and prohibitions on the use of tobacco, in any form, in the transport vehicle.” Please describe how PTS and its subsidiaries comply with these regulations, including copies of any guidance or other written materials.
 - e. DOJ regulations require private prisoner transport companies to use restraints on violent prisoners unless the use of such restraints “would create a serious health risk to the prisoner, or extenuating circumstances (such as pregnancy or physical disability) make the use of...restraints impractical.” How do employees at PTS and its subsidiaries determine whether the full use of restraints would “create a serious health risk” or whether an “extenuating circumstance” exists that precludes the use of restraints? Please provide any copies of written training or policy materials explaining how employees make these decisions.
2. Between 2008 and 2018, how many individuals have died while in the custody of PTS and its subsidiaries?
3. Between 2008 and 2018, how many individuals have experienced a medical emergency during transport while in the custody of PTS and its subsidiaries? Please explain how you define a “medical emergency.”
- a. What policies or procedures does your company use to collect information about the medical needs of individuals you take into custody?
 - b. Do you have particular guidance for drivers when it comes to the handling and administering of prescription medications? Please provide copies of these policies, procedures, or guidance.
4. Between 2008 and 2018, how many individuals have required medical attention during or after transport in the custody of PTS and its subsidiaries? Please explain how you determine that an individual requested medical attention.

5. Between 2008 and 2018, how many individuals have reported being sexual assaulted or abused while in the custody of PTS and its subsidiaries? Please provide your policies and guidance on sexual assault.
6. Please provide incident reports for each event included in the responses to Questions (2)-(5).
7. Please provide copies of the contracts that PTS and its subsidiaries hold with any federal, state, or local law enforcement agency for the transportation of arrestees and prisoners.
8. Please provide copies of the contracts that PTS and its subsidiaries hold with any private prison companies for the transportation of arrestees and prisoners.
9. Does your company currently undertake (or have they previously undertaken) audits on your transportation services either internally, by a government entity, or private auditor? If yes, please provide the name and contact information of the auditor or department, including any reports and recommendations.

Thank you very much for your attention to this matter. We look forward to your response.

Sincerely,


Elizabeth Warren
United States Senator
Ted Deutch
Member of Congress
Cory A. Booker
United States Senator