

Department of Justice

§97.11

agreements with other public or private entities, exclude violent offenders from programs authorized and funded under this part.

(b) No recipient of a grant made under the authority of this part shall permit a violent offender to participate in any program receiving funding pursuant to this part.

(c) Applicants must certify as part of the application process that violent offenders will not participate in programs authorized and funded under this part. The required certification shall be in such form and contain such assurances as the Assistant Attorney General may require to carry out the requirements of this part.

(d) If the Assistant Attorney General determines that one or more violent offenders are participating in a program receiving funding under this part, such funding shall be promptly suspended, pending the termination of participation by those persons deemed ineligible to participate under the regulations in this part.

(e) The Assistant Attorney General may carry out or make arrangements for evaluations and request information from programs that receive support under this part to ensure that violent offenders are excluded from participating in programs hereunder.

Subpart B [Reserved]

PART 97—STANDARDS FOR PRIVATE ENTITIES PROVIDING PRISONER OR DETAINEE SERVICES

Sec.

97.1 Purpose.

97.2 Definitions.

97.11 Pre-employment screening.

97.12 Employee training.

97.13 Maximum driving time.

97.14 Guard-to-prisoner ratio.

97.15 Employee uniforms and identification.

97.16 Clothing requirements for transported violent prisoners.

97.17 Mandatory restraints to be used while transporting violent prisoners.

97.18 Notification of local law enforcement prior to scheduled stops.

97.19 Immediate notification of local law enforcement in the event of an escape.

97.20 Standards to ensure the safety of violent prisoners during transport.

97.22 No pre-emption of federal, State, or local laws or regulations.

97.24 No civil defense created.

97.30 Enforcement.

AUTHORITY: Pub. L. 106-560, 114 Stat. 2784 (42 U.S.C. 13726b).

SOURCE: Order No. 2640-2002, 67 FR 78710, Dec. 26, 2002, unless otherwise noted.

§97.1 Purpose.

This part implements the provisions of The Interstate Transportation of Dangerous Criminals Act of 2000, Public Law 106-560, 114 Stat. 2784 (42 U.S.C. 13726b) (enacted December 21, 2000) (“the Act”), to provide minimum security and safety standards for private companies that transport violent prisoners on behalf of State and local jurisdictions.

§97.2 Definitions.

(a) *Crime of violence.* The term “crime of violence” has the same meaning as in section 924(c)(3) of title 18, United States Code. Section 924(c)(3) states that the term crime of violence means an offense that is a felony and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(b) *Private prisoner transport company.* The term “private prisoner transport company” (“company”) means any entity, other than the United States, a State, or an inferior political subdivision of a State, that engages in the business of transporting for compensation individuals committed to the custody of any State or of an inferior political subdivision of a State, or any attempt thereof.

(c) *Violent prisoner.* The term “violent prisoner” means any individual in the custody of a State or an inferior political subdivision of a State who has previously been convicted of or is currently charged with a crime of violence or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

§97.11 Pre-employment screening.

Private prisoner transport companies must adopt pre-employment screening measures for all potential employees.