

**United States Marshals Service  
FY 2021 Performance Budget  
President's Budget Submission**

**Federal Prisoner Detention  
Appropriation**



**February 2020**

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## **I. Federal Prisoner Detention (FPD) Overview**

### **A. Introduction**

The United States Marshals Service (USMS) Federal Prisoner Detention (FPD) appropriation provides housing, transportation, and care for Federal detainees housed in non-Federal detention facilities. The USMS requests a total of 33 positions, 30 full-time equivalent (FTE), and \$2,046,609,000 for FPD in FY 2021.

<b>USMS Federal Prisoner Detention</b>			
	<b>Positions</b>	<b>FTE</b>	<b>Amount (\$000)</b>
FY 2019 Enacted with Supplemental	27	27	\$1,707,397
FY 2020 Enacted	27	27	\$1,867,461
FY 2021 Request	33	30	\$2,046,609

The USMS is not requesting enhancements for information technology (IT). The request includes two positions, two FTE and \$21,574,000 for base IT activities as reported in the Agency IT Portfolio Summary. The IT resources provide for support staff; hardware; applications providing access to electronic Intergovernmental Agreements (eIGAs), detention facility information, facility contract information, and prisoner movement; telecommunications services; mission modernization (Capture); and other IT-related services.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

### **B. Background**

The FPD appropriation pays for costs associated with the care and custody of Federal detainees in private, state, and local facilities. The sole purpose of the FPD appropriation is detention. The USMS is required to house all prisoners remanded to the custody of the Attorney General, and must ensure sufficient resources are available to house and care for its detainees.

The FPD estimated budget requirement for any given fiscal year is based on the most current information available regarding the detainee population at the time. To develop the FY 2021 request, the USMS carefully examined population projections, known law enforcement and prosecutorial trends (such as the continued focus on the Southwest Border (SWB) region), and the potential impact of the Attorney General's initiatives involving violent crime, illegal immigration and illegal drugs.

Law enforcement and prosecutorial priorities directly impact USMS detention resource needs, as increases in arrests and prosecutions lead to increases in the FPD Average Daily Population (ADP). Linking these priorities to detention funding requests is essential to provide Congress with accurate population projections and budgetary resource needs. While the budget request reflects known priorities established within the Department of Justice (DOJ), it does not reflect enhancements that other law enforcement or litigating components may receive in the FY 2021 budget process. If priorities change in any significant manner, then this budget request may not fully account for associated detention funding requirements.

**Projecting the Prisoner Population:** Projecting the ADP for the detention account is a challenging exercise due to the complexity and dynamic nature of the variables used to calculate projections. For example, detention projections are calculated using reliable trend analyses comprised of several leading indicators that are factored into the projection with a significant degree of accuracy, such as booking offense, time-in-detention, law enforcement and attorney staffing levels. However, other influences (frequently established outside of the budget process) can also have substantial influence on detention needs, such as special law enforcement and prosecutorial initiatives. For this reason, population projections are in a fairly constant state of flux and require periodic adjustments. Despite the complexities of projecting the detention population, building the budget request using current patterns and trends keeps the budget in alignment with detention requirements.

**USMS FPD Average Daily Population and  
Prisoners Received, by Primary Offense  
FY 2011 through 2021**

<u>Fiscal Year</u>	<u>Total ADP</u>	<u>Total Prisoners Received</u>	<u>Immigration</u>	<u>Drugs</u>	<u>Weapons</u>	<u>Other</u>
2011	61,701	210,822	84,341	31,087	8,090	87,304
2012	60,467	207,433	91,527	28,937	8,590	78,379
2013	59,219	222,504	98,027	28,382	8,305	87,790
2014	55,170	204,633	82,178	24,525	7,578	90,352
2015	51,777	196,662	71,402	24,970	8,365	91,925
2016	51,316	197,498	68,743	26,921	9,248	92,586
2017	50,317	187,356	58,282	25,579	10,587	92,908
2018	55,776	239,505	108,650	25,511	12,092	93,252
2019	61,474	249,458	118,342	26,894	13,081	91,141
2020*	64,274	253,587	118,291	27,383	13,112	94,801
2021*	64,366	259,855	121,769	27,733	13,315	97,038

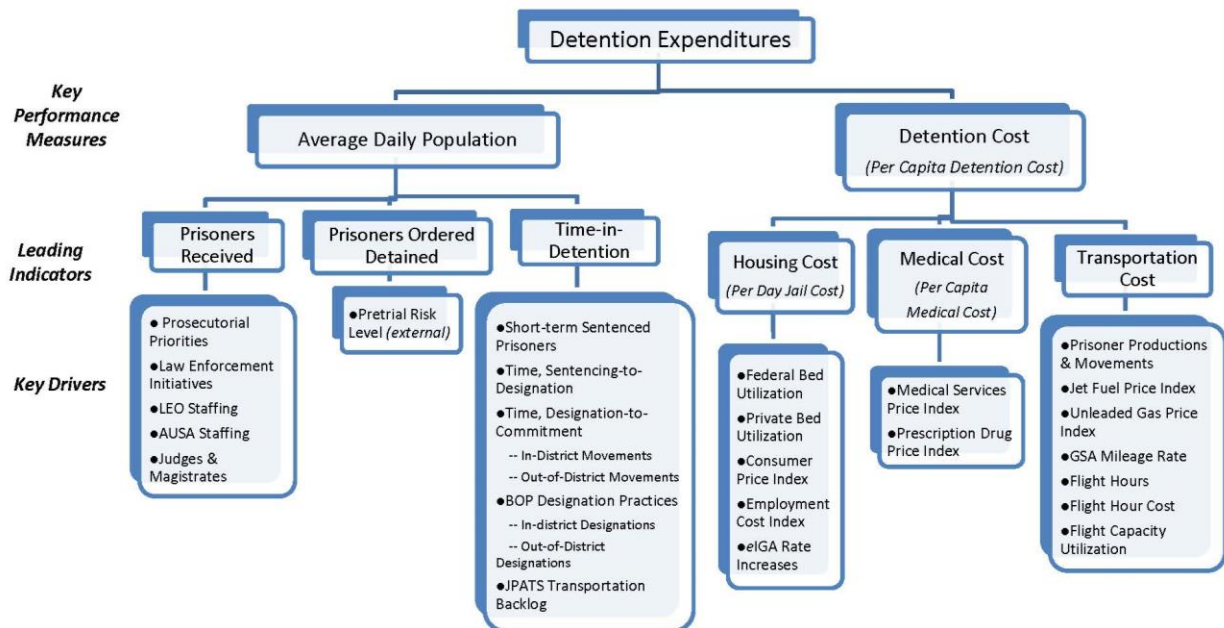
\* Data shown for FY 2020–2021 reflect FPD projections as of December 2019. All other data shown are actual.

**Detention Population Forecasting Model:** The USMS uses a statistical approach to predict detention needs. The Detention Population Forecasting Model incorporates factors such as population, demographic trends, number and type of criminal cases processed, average processing time per type of case, and authorized/requested positions of Federal law enforcement, U.S. Attorneys, U.S. District Court judges, and immigration judges. These factors allow for the development of impact scenarios that address proposed legislation, known DOJ law enforcement initiatives, and current activities. The USMS bases detention projections on past performance and behavior of the players involved. Any shift in behavior may alter the outcome.

The detention population projection for FY 2021 is a particularly challenging assessment for the USMS. The long-term trends prior to FY 2011 reflected steady annual increases in the number of prisoners received, which translated directly to increases in the overall detention population. However, from FY 2011 to FY 2017, the number of prisoners received for prosecution significantly decreased and overall ADP decreased from 61,701 to 50,317. This decrease may have been due to factors such as reduced funding for Federal law enforcement agencies and changes in prosecutorial practices and priorities. Conversely, based on increases observed in FY 2018, it appears that the downward trend was temporary. Prosecutorial activity has substantially increased after this period of stagnation, particularly as a result of the change in Administration and prosecutorial priorities.



## Primary Drivers of Detention Expenditures

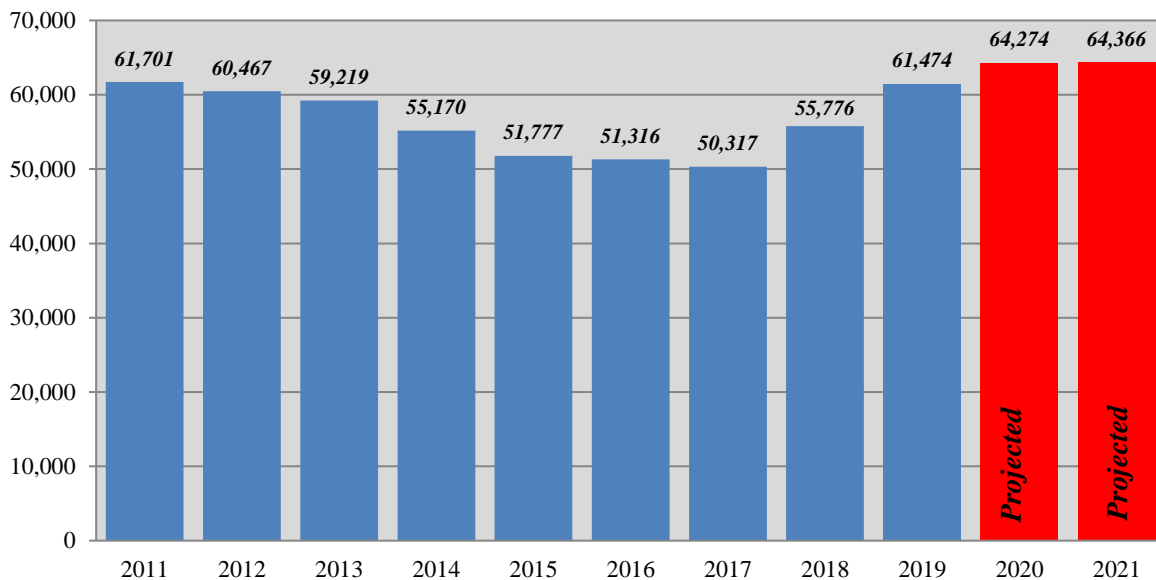


As shown in the chart above, the primary drivers of detention expenditures are the number of prisoners booked by the USMS and the length of time those prisoners are held in detention. However, both of these factors are directly influenced by activities and decisions throughout

Federal law enforcement components, U.S. Attorneys offices, and the Federal judiciary. Accordingly, the USMS regularly monitors – and tries to anticipate – changes in Federal law enforcement priorities and the number of on-board staff.

**Current Trends – Prisoner Population and Prisoners Received:** In 2017, annual ADP reached a 13-year low of 50,317. Since April 2017, ADP has increased rapidly due in large part to Departmental policy changes and new enforcement and prosecutorial initiatives. The annual ADP for FY 2019 was 61,474 – an increase of 22 percent from the 2017 low point. Current projections indicate that the detention population will continue to increase to 64,274 during FY 2020 and to 64,366 during FY 2021. The USMS budget request assumes a sustained level of drug and weapon offenses as a result of targeted law enforcement efforts to reduce violent crime and combat illegal drugs as well as a marginal increase in SWB immigration bookings.

*USMS Annual Average Daily Population  
FY 2011 through 2021*



\* Data shown for FY 2020–2021 reflect FPD projections as of December 2019. All other data shown are actual.

The SWB continues to be a focal point of Federal law enforcement in FY 2021. Historically, immigration enforcement initiatives along the SWB have had a significant impact on the detention population and USMS workload. At peak enforcement levels, immigration offenders comprised almost half of all persons received by the USMS. During FY 2019, more than half of all prisoners the USMS received were in the five SWB judicial districts (Arizona, Southern California, New Mexico, Southern Texas, and Western Texas).

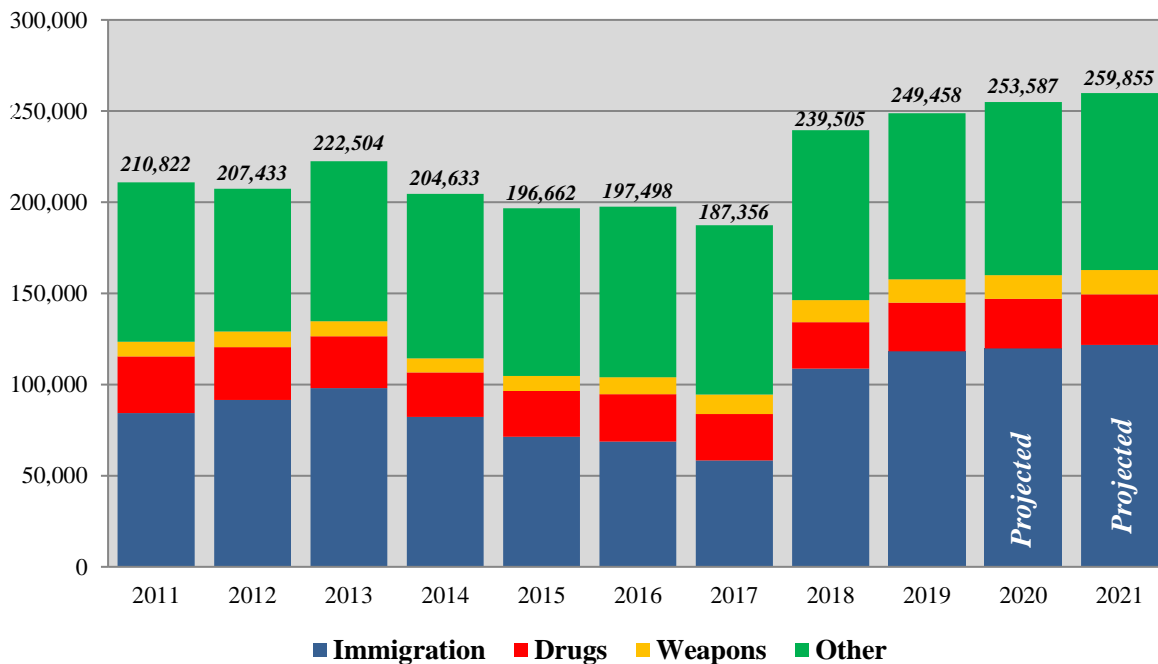
First-time immigration offenders facing criminal prosecution generally spend minimal time in USMS detention, with relatively little effect on ADP. For example, misdemeanor offenders accounted for almost two-thirds (66 percent) of the prisoners received for immigration through FY 2019, but the FY 2019 ADP of 3,051 for those offenses was only 20.7 percent of immigration ADP and five percent of overall ADP. However, if immigration enforcement

initiatives lead to future changes in prosecution, court operations, or adjudication patterns (e.g. longer detention for misdemeanor offenses or a significant increase in felony immigration prosecutions), costs for criminal detention attributable to immigration offenses could increase rapidly.

Starting in the fourth quarter of FY 2017, the USMS began to see an increase in the number of prisoners received, particularly in immigration offenses. Between FY 2017 and FY 2019, the number of prisoners USMS received for a primary offense related to immigration increased by 103 percent, from 58,282 to 118,342. The USMS anticipates this number will continue to increase, but at a slower rate: 118,291 in FY 2020 and 121,769 in FY 2021 (+2.9 percent).

The USMS projects it will receive a total of 259,855 prisoners for all primary offense types during FY 2021, an increase of 2.5 percent from the FY 2020 projected total of 253,587.

**USMS FPD Prisoners Received, by Primary Offense  
FY 2011 through 2021**



\* Data shown for FY 2020–2021 reflect FPD projections as of December 2019. All other data shown are FY actuals.

**Funding Issues:** The FPD budget request reflects USMS’ efforts to contain and manage detention costs. The USMS’ approach to containing and managing detention costs is being shaped by increases in the prisoner population, new laws, and new Federal law enforcement initiatives. Each of these critical detention issues plays a vital role in the escalating costs of detention. Beginning in FY 2017, the USMS experienced unprecedented growth in the detention population as a result of expanded border enforcement initiatives. This historic growth resulted in major funding challenges. Given the current trend analysis, the USMS anticipates that these initiatives could continue through FY 2021.



- **FY 2019:** Due to an increase in prisoner population and subsequent anticipated funding shortfall, Congress approved an emergency supplemental appropriation that provided \$155,000,000 for detention and the Department reprogrammed the additional funding required from other DOJ components.
- **FY 2020:** The USMS currently projects a budget deficit of approximately \$75,000,000. This deficit is attributable to the continued growth in the prisoner population as a result of immigration initiatives along the SWB. In 2019, the USMS began to implement immediate, short-term, and long-term initiatives designed to operate the detention program as cost effectively as possible.

**Cost Mitigation Initiatives:** While much of the overall detention cost is beyond USMS control, USMS developed strategies that can be taken to reduce expenses without adversely affecting operations. The following are a few of the efficiency plan actions that began in FY 2019.

- **Increased utilization of Federal Bureau of Prisons (BOP) detention space.** USMS met with BOP to gain a temporary allocation of additional pre-trial beds at previously unused Federal facilities. A new Memorandum of Understanding was implemented to memorialize this decision. This realignment of beds ensures greater usage and will save USMS approximately \$7,000,000 on detention beds.
- **Shift prisoners to lower cost facilities when operationally feasible.** The USMS managed its detention populations by shifting prisoners to lower cost detention facilities after sentencing and while awaiting future court dates. This practice also will likely free up court beds closer to the district's Federal courthouse.
- **Expedite movement of sentenced prisoners.** The USMS continued its partnership with the BOP and the Justice Prisoner and Alien Transportation System (JPATS) to move sentenced prisoners more expeditiously into BOP designated facilities. In addition, the USMS ensured partner agencies provide the proper paperwork in a timely manner to expeditiously move sentenced prisoners into BOP custody
- **Leverage tiered pricing models at private detention facilities.** The USMS focused on maximizing economies of scale in order to reduce per capita costs. Districts that are in close proximity to the private detention facilities with tiered pricing may be required to move prisoners into these facilities to ensure cost efficiencies. The USMS assisted district management in identifying specific detention populations where these efficiencies may be gained.

The USMS continues to refine and improve detention operations to be more cost-effective and responsive to the requirements of the changing detention environment. Although fluctuations in ADP are largely outside of the USMS' direct control, the USMS continues to coordinate the acquisition of sufficient detention space in the most cost-efficient manner possible. This objective becomes more challenging in times when detention space availability is limited. The USMS continues to aggressively seek efficiencies; work with Federal, state, and local partners

regarding bed space; and reduce contract costs. These measures also help contain detention expenditures.

**Capital Improvement Program (CIP):** The CIP is a comprehensive program that addresses detention space needs in critical areas. The program offers various contractual vehicles to provide Federal funding to state and local authorities for renovation, expansion, or construction of jails or acquisition of equipment, supplies, or materials in exchange for detention bed space.

The program consists of two parts: the Cooperative Agreement Program (CAP) and Non-Refundable Service Charge Contract (NSCC). CAP provides Federal resources to select state and local governments to renovate, construct, and equip detention facilities in return for guaranteed bed space for a fixed period of time for Federal detainees in or near Federal court cities. The NSCC allows the USMS to directly contract with state and local governments providing up-front funding for renovation or construction of jails to house Federal detainees in exchange for guaranteed bed space at a fixed rate. The program is subject to the guidelines set by the Federal Acquisition Regulation (FAR) and allows the USMS to meet Federal detention housing needs by directly investing resources into participating state and local facilities.

The last CIP agreement was in FY 2010 when the Office of the Detention Trustee (OFDT), FPD's predecessor, entered into an Intergovernmental Agreement (IGA) with the State of Maryland to use up to 500 beds at the Maryland Correctional Adjustment Center (now Chesapeake Detention Facility) through 2025 in exchange for a \$20,000,000 CIP award. The facility is in close proximity to the Federal district court in Baltimore and provides dedicated, guaranteed detention space for prisoners held in USMS custody in the District of Maryland. Full utilization of the IGA at a fixed operating cost reduced the effective per diem rate from \$198 to approximately \$131.

The USMS has approximately 29 active CIP agreements that provide detention beds in critical areas. This program remains an essential tool in helping the USMS provide adequate detention beds in areas where space is limited.

**Detention Information Technology Infrastructure:** The USMS is modernizing its information technology infrastructure to maintain its IT business requirement for detention-related systems and to establish a new foundation for future technology requirements. In FY 2016, the USMS began efforts to modernize, replace, and consolidate outdated USMS prisoner management information systems. This initiative, now referred to as "Capture," has resulted in operational efficiencies, new mobile computing capabilities, increased officer safety, and improved internal and external information sharing across all district offices and for headquarters program managers. Capture will be deployed incrementally using an agile development framework. The eMove program, which provides a seamless transition from eDesignate to complete the full automation of the Sentence to Commitment (S2C) process, is the first module to transition to Capture in 2019.

The USMS continues to use IT to implement efficiencies through programs including eDesignate, which reduces post-sentencing time in detention; eIGA, which standardizes the pricing strategy for non-Federal detention space, controlling costs and providing greater certainty

in rates to be paid; and the Quality Assurance Program, which ensures that private facilities meet DOJ requirements for safe, secure and humane confinement. Shared data and the integration of information technology systems such as the USMS Justice Detainee Information System (JDIS) and the JPATS Management Information System (JMIS) are fundamental to these programs.

**C. FY 2021 Request**

The FPD account is defined by one program activity - Detention Services. The FPD request includes \$2,046,609,000 in appropriated resources for this activity.

**Full Program Cost:** Full program costs include resources for housing, care, and transportation of detainees as well as activities that help improve detention infrastructure and contain costs. Investment in detention infrastructure will enable the USMS to effectively drive efficiencies and manage the detention appropriation.

<b>Full Program Cost for Detention Services</b>		
<b>Program Category</b>	<b>Description</b>	<b>Amount (\$000)</b>
Housing & Subsistence	For housing and subsistence of detainees	\$1,782,463
Health Care Services	For health care	\$104,747
Medical Guards	For medical guards	\$33,742
Transportation	For transportation costs	\$78,854
Detention Program Management, Support Services, and IT Systems	For detention program management, support services, and IT systems	\$44,874
Incidental Costs	For costs associated with prisoner housing and transportation such as prisoner meals while in transit, prisoner clothing, and parking for government vehicles	\$1,929
<b>Total Request</b>		<b>\$2,046,609</b>

**Adjustments-to-Base:** FPD’s base adjustments reflect an increase of \$174,000 for pay and benefits, \$62,028,000 for other inflationary cost increases associated with detention-related services, and \$112,864,000 for the population adjustment.

**Program Increases:** FPD’s program increases reflect an increase of \$2,000,000 for the establishment of a field-staffed task force to explore cost mitigation efforts, and \$2,082,000 including six positions to expand the oversight office to ensure that detention facilities meet USMS standards of confinement with effective oversight and internal controls over private detention contracts.

**ADP Projections:** The USMS currently projects a baseline ADP of 64,366 for FY 2021 based on estimated bookings and time-in-detention. The ADP is directly related to the number of persons arrested by Federal law enforcement agencies coupled with the length of time defendants are detained pending adjudication, release, or subsequent transfer to the BOP following conviction and sentencing.

The FPD appropriation operates within a structure that offers little opportunity for economies of scale. Each additional prisoner received translates into a direct expenditure. For example, an additional three percent increase for FY 2021’s projection of number of prisoners received for drug offenses (or 832 additional prisoners) would result in a \$13,144,528 increase in detention expenditures. As the chart on next page demonstrates, in the drugs, weapons, and immigration primary offense categories, an unplanned three to 10 percent increase in prisoners received results in a level that is within historical boundaries.

<b>Impact of Increase in Prisoners Received Beyond FY 2021 Population Projections</b>				
<b>Primary Offense Category / Increase</b>	<b>Prisoner Bookings</b>		<b>Total ADP</b>	<b>Projected Cost Increase</b>
	<b>Total</b>	<b>Variance from Projection</b>		
<i><b>Prisoners Received for Drug Offenses</b></i>				
Baseline	27,733	---	64,366	---
+3%	28,565	832	64,745	\$13,144,528
+5%	29,120	1,387	64,998	\$21,907,547
+10%	31,893	2,773	65,630	\$43,815,094
<i><b>Prisoners Received for Weapons Offenses</b></i>				
Baseline	13,315	---	64,366	---
+3%	13,714	399	64,547	\$6,275,424
+5%	13,981	666	64,668	\$10,459,040
+10%	14,647	1,332	64,969	\$20,918,080
<i><b>Prisoners Received for Immigration Offenses</b></i>				
Baseline	121,769	---	64,366	---
+3%	125,422	3,653	64,854	\$16,922,328
+5%	127,857	6,088	65,179	\$28,203,880
+10%	140,034	12,177	65,993	\$56,407,760

The USMS develops its budget using a statistical projection model based mainly on past behavior. The rapid population increases experienced in FY 2018 and FY 2019 have brought the FPD detainee population to record levels, and the USMS is concerned that this population increase trend has not yet peaked.

Because the FPD account is subject to population fluctuations and other cost increases that are beyond its control, incorporating a risk assessment is a prudent approach to more accurately estimate the required funding level.

#### **D. Sustainability**

The USMS continues using detention services contracts that increase the purchase and use of renewable, environmentally friendly bio-based products. The USDA BioPreferred Program has identified more than 15,000 commercially-available, bio-based products across approximately 200 categories. Each contractor submits an annual report that indicates the percentage of BioPreferred products used within the detention facility. The USMS uses these reports to determine contractor compliance with contract standards for bio-based product utilization.

The USMS conducts contract procurement for new detention space in compliance with the National Environmental Policy Act (NEPA). NEPA requires Federal agencies to examine the impact of agency actions on the environment. The examination determines if there are any endangered species that will be affected, potential hazardous toxin emissions that could harm water supply, traffic patterns, etc., leading to the development of mitigation plans in conjunction with private service providers.

The USMS evaluates environmental documentation submitted by contract applicants during the acquisition process, and verifies submissions for accuracy in accordance with solicitation environmental instructions. When comparing competing proposals, the USMS credits those proposals that have a lower, or smaller negative, impact on the human environment.

#### **E. Challenges**

The USMS detention resources are directly impacted by law enforcement and prosecutorial priorities and larger legislative changes such as immigration reform, SWB initiatives, and revisions to sentencing guidelines. If immigration initiatives intensify, the USMS could experience a substantial increase in costs and limited bedspace in some areas of the SWB.

Also, the USMS continues to reform business practices to optimize national detention operations. This includes robust interagency and non-governmental collaboration efforts to develop innovative solutions to effectively forecast and manage prisoner processing, housing, transportation, and medical costs. In streamlining detention operations and providing for monitoring and performance-based reporting, the USMS is developing a comprehensive IT environment that will modernize technology infrastructure, allow for enhanced data sharing and facilitate greater efficiencies across the agency.

The USMS continues to analyze cost savings measures for economies of scale; communicate transparently with the Department, Office of Management and Budget (OMB), and Congress; and pursue resources to accomplish the USMS' core mission, operate programs, improve detention management, ensure officer and detainee safety, and provide the highest possible security for the Federal judicial process.

## II. Summary of Program Changes

<b>Item Name</b>	<b>Description</b>	<b>Pos.</b>	<b>FTE</b>	<b>Dollars (\$000)</b>	<b>Page</b>
<b>Cost Mitigation Task Force</b>	Funds to support a field-staffed task force to explore cost mitigation efforts	0	0	\$2,000	31
<b>Detention Oversight &amp; Monitoring</b>	Funds to strengthen oversight and internal controls over private detention contracts and to ensure that detention facilities meet USMS standards of confinement	6	3	\$2,082	34

### **III. Appropriations Language and Analysis of Appropriations Language**

UNITED STATES MARSHALS SERVICE  
FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, [\$1,867,461,000] \$2,046,609,000, to remain available until expended: Provided, That not to exceed \$20,000,000 shall be considered “funds appropriated for State and local law enforcement assistance” pursuant to section 4013(b) of title 18, United States Code: Provided further, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System.

#### **Analysis of Appropriations Language**

No substantive changes proposed.



## IV. Program Activity Justification

<i>Detention Services</i>	<b>Direct Pos.</b>	<b>Estimate FTE</b>	<b>Amount</b>
2019 Enacted with Supplemental	27	27	\$1,707,397
2020 Enacted	27	27	\$1,867,461
Adjustments to Base and Technical Adjustments	0	0	\$175,066
2021 Current Services	27	27	\$2,042,527
2021 Program Increases	6	3	\$4,082
2021 Request	33	30	\$2,046,609
<b>Total Change 2020-2021</b>	<b>6</b>	<b>3</b>	<b>\$179,148</b>

<i>Detention Services</i> <b>Information Technology Breakout (of Decision Unit Total)</b>	<b>Direct Pos.</b>	<b>Estimate FTE</b>	<b>Amount</b>
2019 Enacted	2	2	\$10,901
2020 Enacted	2	2	\$19,734
Adjustments to Base and Technical Adjustments	0	0	\$1,840
2021 Current Services	2	2	\$21,574
2021 Request	2	2	\$21,574
<b>Total Change 2020-2021</b>	<b>0</b>	<b>0</b>	<b>\$1,840</b>

### 1. Program Description

#### Detention Services

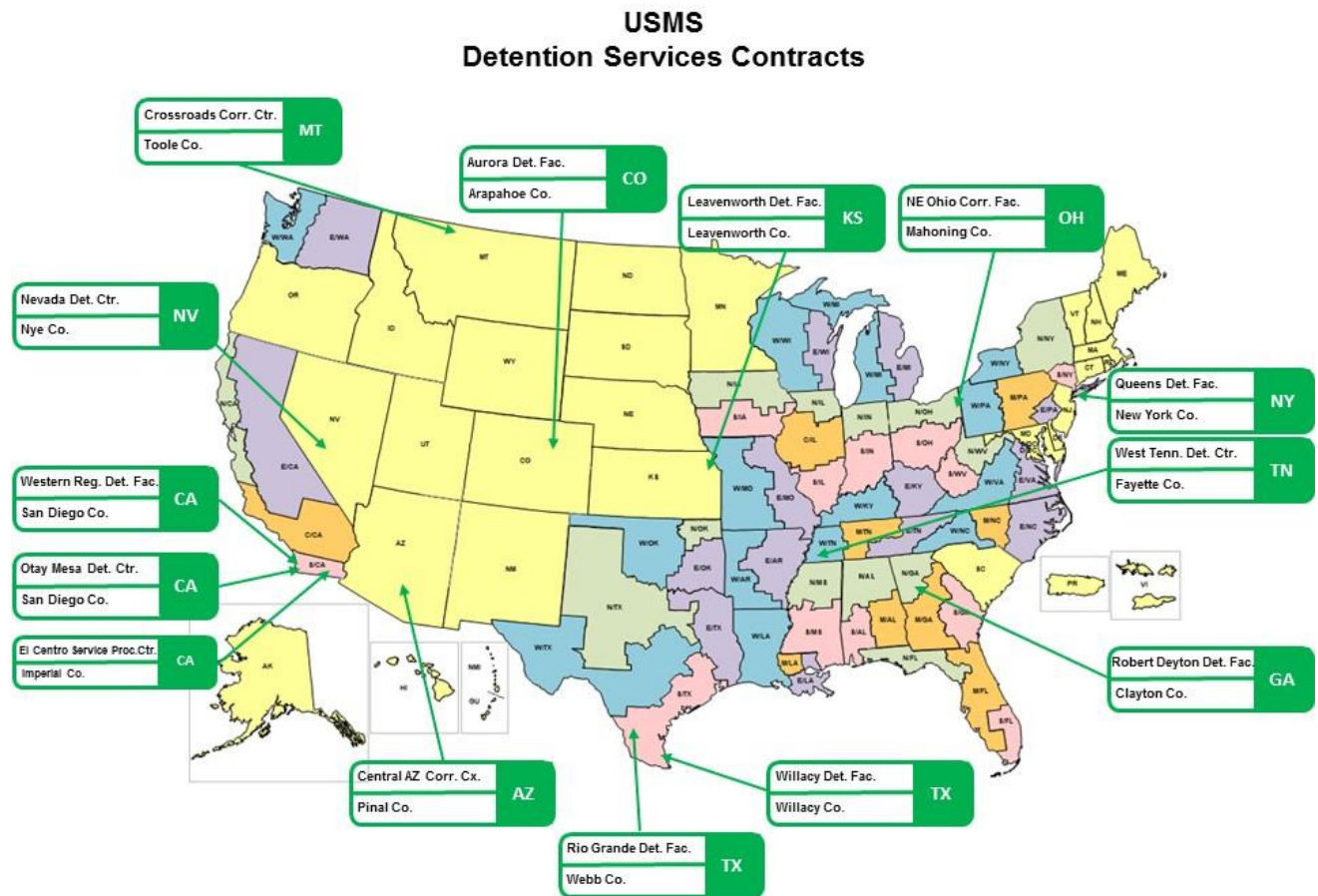
Detention resources provide housing, transportation, medical care, and medical guard services for Federal detainees remanded to USMS custody. The FPD appropriation expends resources from the time a prisoner is brought into the USMS custody until criminal proceedings are terminated and/or the detainee is committed to BOP.

The Federal government relies on various methods to house detainees. The USMS acquires detention bed space for Federal detainees as effectively and efficiently as possible through:

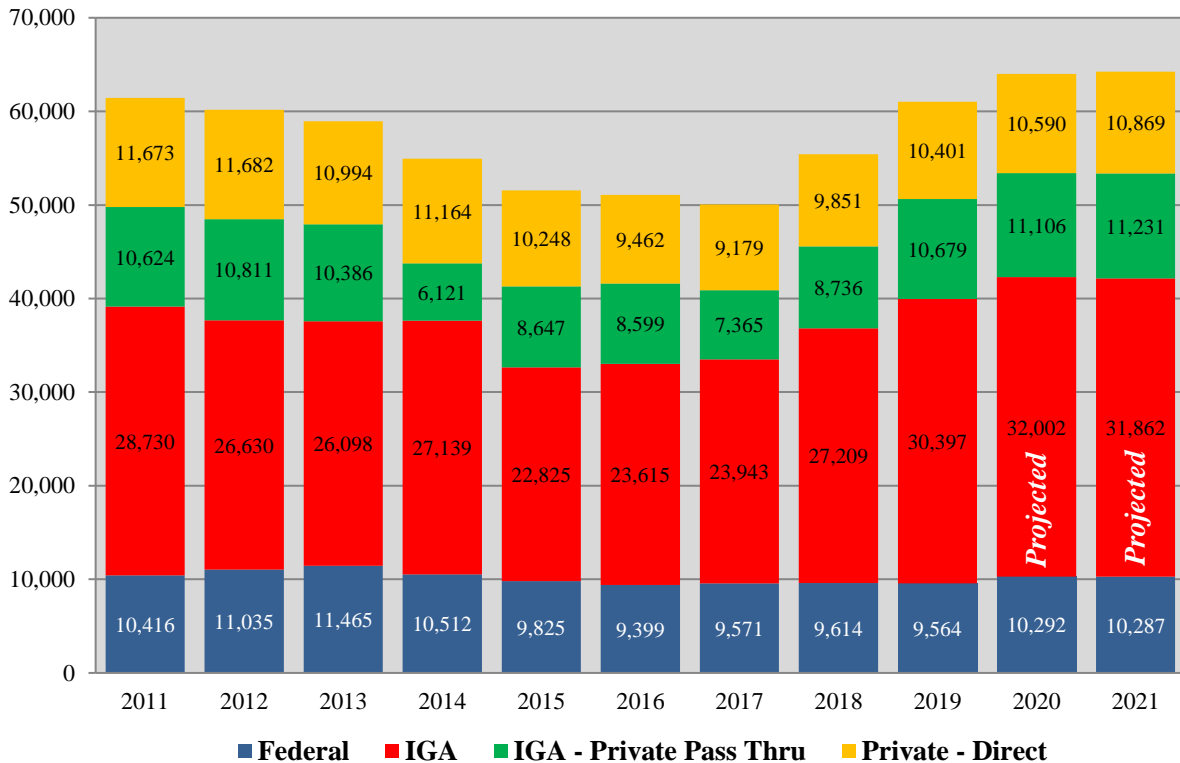
- Federal detention facilities, where FPD uses BOP facilities for which the Federal government has already paid for construction and subsequent operation;

- Intergovernmental Agreements (IGA) with state and local jurisdictions that have excess prison/jail bed capacity and receive a daily rate for the use of a bed;
- Private jail facilities where a daily rate is paid per bed; and
- Capital Improvement Program, which includes the CAP and the NSCC, where capital investment funding is provided to state and local governments for guaranteed detention bed space in exchange for a daily rate negotiated through an IGA.

In certain high demand areas (e.g., the SWB), DOJ has not been able to rely as much on IGAs and Federal facilities to meet housing requirements. For example, in 2019, Federal facility capacity accommodated only 16 percent of its detention population. By contrast, during FY 2000, Federal facilities housed approximately 30 percent of the USMS detention population. As less space in Federal facilities is available, DOJ has increasingly had to rely on the private sector. Below is a map of the private detention facilities.



**Average Daily Population by Facility Type  
FY 2011 through 2021**



Note: Detainee counts for medical bedspace are not included in the data shown above.

### Detention Management Services Automation

The USMS continues to facilitate efficiencies through process automation by identifying opportunities, designing support solutions, and investing in IT infrastructure – when appropriate, integrating existing detention systems and services. The USMS’ primary operational mission systems for Federal Prisoner Detention are the Justice Detainee Information System (JDIS) and Detention Services Network. The current configuration and support for these systems lack stability, scalability, centralization, and are no longer technologically sustainable. System capabilities do not meet current operational mission requirements effectively or efficiently. Moreover, the systems do not easily interface with external local, state, and Federal partners for complex data sharing.

**Capture Initiative:** In FY 2016, the USMS began to integrate required IT solutions with existing systems to maximize the government’s return on investment. Capture incorporates a comprehensive integration and improvement of all current USMS operational business and mission capabilities (automated and manual), a consolidation of operational data, and an improvement of operational business processes at headquarters and in the field.

The transformation to implement Capture will be accomplished, in part, with a new web-based solution that enables user access from multiple platforms (i.e., desktops, tablets, and mobile

phones) in a manner which is intuitive for each distinctive USMS line of business. These enhancements aim to streamline FPD operations and allow the USMS to leverage new operational efficiencies.

**Detention Services Network (DSNet):** DSNet is a multifaceted, full-service internet site for the management of detention services and prisoner processing. The USMS' Prisoner Operations Division (POD) administers the DSNet via programs that provide for the housing, transportation, and care of Federal prisoners throughout all 50 states and its U.S. territories. The web-based DSNet system optimizes national detention operations with well-established business practices that achieve cost effective, safe, secure, and humane confinement and transportation of prisoners.

The DSNet system automates many of the processes required to manage prisoners while storing case information related to the "Arrest to Commitment" lifecycle. DSNet is the primary tool utilized by POD to manage detention services and supports the following specific functions:

- Automation of the "sentence to commitment" process for Federal detainees;
- Management and procurement of private detention services via state and local intergovernmental agreements;
- Inspection and procurement of "bed space" for detention services; and
- Approval of prisoner medical requests.

Modernization of DSNet will provide a comprehensive integration into the Capture initiative, further improving current USMS operational business and mission capabilities at headquarters, in the field, and with detention partners. Detention services offerings continue to be developed and implemented as detention needs arise. The DSNet site currently includes six modules: eDesignate; eMove; Electronic Prisoner Medical Record (ePMR); Electronic Intergovernmental Agreement (eIGA); Facility Review Management System (FRMS); and Detention Facility Review (DFR). DSNet deployment is planned for phase five in FY 2020.



***eDesignate:*** eDesignate is a secure, electronic, web-based system that automates the Sentence to Commitment (S2C) process by transferring data and documents electronically. eDesignate includes eMove, a transportation module that allows the USMS to submit movement requests electronically.

Since 2008, eDesignate has been fully operational in all 94 U.S. Federal Court districts. It is the enterprise technology solution used by the U.S. Courts, USMS, and BOP for Federal prisoner designations and JPATS movement requests. eDesignate eliminates the paper process and creates a faster, more transparent, and effective workflow across agencies. Specifically, automated detainee data sharing for designation and movement eliminates redundant efforts, saves time, reduces errors, provides better visibility of the process, enables better problem resolution across agencies, and provides information necessary to manage more effectively.

eDesignate enables the BOP to complete sentence computations and dispositions for designation or return to the USMS. Disposition is based on the sentence length: in the case of a short-term sentence, the USMS maintains custody of the detainee until the sentence is served; for longer sentences, the USMS prepares the prisoner for movement to the commitment location. eDesignate delivers the necessary documents and data in one complete package to the BOP via a secure system, which saves detention costs by enabling all agencies to monitor and provide relevant information to shorten the post-sentence process.

Finally, eDesignate monitors performance objectives and metrics within and across agencies as well as gives managers the ability to watch and react to operational issues and trends. Managing and monitoring the S2C process via eDesignate has reduced the average number of days detainees are in the S2C pipeline.

***eMove:*** In 2008, the USMS implemented eMove in all 94 USMS districts in cooperation with JPATS. eMove provides a seamless transition from eDesignate to complete the full automation of the S2C process. It gives the USMS the ability to submit and monitor web-based movement requests to JPATS and streamlines the workflow among participating agencies by fully automating the Federal detainee transportation request process, thereby reducing the time from designation to commitment.

In February 2012, an eMove enhancement was released nationwide that enables districts to schedule and manage all in-district Judgment and Commitment (J&C) detainee moves. The module allows the USMS to submit routine out-of-district movement requests, such as Federal Writs, Attorney Special Requests, and Warrant of Removals, to JPATS. eMove enables districts to submit and manage all prisoner movement information seamlessly in one central system.

The USMS now centrally manages in-district moves, which allows the USMS to develop performance objectives and measure the operational effectiveness of prisoner movement. With this monitoring capability, the USMS can identify movements that minimize time-in-detention, thus reducing detention costs.

Capture Deployment I is currently underway with the Transportation module replacing the

functionality of *eMove*. *eMove* is scheduled to be fully “retired” from DSNet and USMS when Capture Deployment I rollout is completed.

***ePMR***: *ePMR* was implemented in all 94 USMS districts in 2010 to provide a workflow for medical designations. The system streamlines and automates the approval process for requests for detainee medical services from USMS district offices to the Office of Interagency Medical Services (OIMS). *ePMR* eliminated a paper-based request and approval system and provided the ability to automatically capture relevant detainee data from other agency systems.

*ePMR* works seamlessly with existing systems and reduces the work associated with data entry, storage, and reduces costs associated with paper/printer usage. The electronic solution presents relevant data and documents in one complete package to OIMS at USMS headquarters at a single point in time. The system also provides feedback mechanisms across USMS offices for faster case resolution. Additionally, *ePMR* not only provides users within districts with a level of collaboration never before realized, but also enables managers to adjust workloads internally, monitor performance and audit status both internally and externally.

***eIGA***: The USMS deployed the *eIGA* system in 2008 to manage its interaction with facility providers offering detention services. *eIGA* automates the application process by enabling a facility to provide essential information via a secure, web-based system and then provides the government with a reliable and justifiable structure for negotiation. The system streamlines the former paper-based process, tracks the negotiation between detention provider and the government, and provides audit and reporting tools.

***FRMS***: The *FRMS* is a web-based application developed to facilitate, standardize, record, and report the results of Quality Assurance Review (QAR) performed on private facility contract performance. The system documents and produces a comprehensive QAR report that provides consolidated facility information and historic data. *FRMS* information ensures the adequacy and sufficiency of services provided in non-Federal detention facilities that house Federal detainees. In 2008, *FRMS* received the Attorney General’s Award for Information Technology Excellence based on its innovative concept, successful implementation, and continued program success.

***DFR***: The *DFR* application module automates the review of non-Federal facility reviews. The application allows easy, standardized recording of review results, which then can be summarized into reports for USMS management’s use.

**Restrictive Housing**: On March 1, 2016, the President issued a memorandum entitled "*Limiting the Use of Restrictive Housing by the Federal Government*," directing that "DOJ shall promptly undertake to revise its regulations and policies, consistent with the direction of the Attorney General, to implement the policy recommendations in the DOJ Report concerning the use of restrictive housing. DOJ shall provide an update on the status of these efforts no later than 180 days after the date of this memorandum." The USMS has developed a web-based automated process for use by state, local, tribal, territorial and private detention service providers to report basic information regarding the use of restrictive housing for USMS prisoners. This information includes monthly use and duration of restrictive housing, and immediate notification whenever a member of a vulnerable population is housed restrictively.

## 2. Performance Resources Table

PERFORMANCE AND RESOURCES TABLE													
Decision Unit: Detention Services													
Workload / Resources (\$ in thousands)		Target		Actual		Projected		Changes		Requested (Total)			
Note: Performance measures reflect amounts for base population.		FY 2019		FY 2019		FY 2020		Current Services Adjustments and FY 2021 Program Changes		FY 2021 Request			
<b>Total Average Daily Population</b>		<b>61,088</b>		<b>61,474</b>		<b>64,274</b>		<b>92</b>		<b>64,366</b>			
State & Local Gov't (IGA) Facilities		40,629		41,077		43,108		(15)		43,093			
Private Facilities		10,477		10,401		10,590		279		10,869			
<b>Subtotal Non-Federal Facilities</b>		<b>51,106</b>		<b>51,477</b>		<b>53,698</b>		<b>264</b>		<b>53,962</b>			
<b>Federal Facilities (BOP)</b>		<b>9,615</b>		<b>9,564</b>		<b>10,292</b>		<b>(5)</b>		<b>10,287</b>			
<b>Non-Paid Beds</b>		<b>367</b>		<b>432</b>		<b>284</b>		<b>(167)</b>		<b>117</b>			
<b>Total Costs and FTE</b> (Reimbursable: FTE are included, but costs are bracketed and not included in totals)		<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>		
		27	\$1,707,397	27	\$1,840,882	27	\$1,867,461	3	\$179,148	30	\$2,046,609		
<b>TYPE DOJ SG 3</b>	<b>STRATEGIC OBJECTIVE</b>	<b>PERFORMANCE</b>		<b>FY 2019</b>		<b>FY 2019</b>		<b>FY 2020</b>		<b>Current Services Adjustments and FY 2021 Program Changes</b>		<b>FY 2021 Request</b>	
<b>Program Activity</b>	<b>Detention Services</b>	<b>Resources</b>		<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>	<b>FTE</b>	<b>Amount</b>
		Detainee Housing & Subsistence		27	\$1,707,397	27	\$1,840,882	27	\$1,867,461	3	\$179,148	30	\$2,046,609
Efficiency	Per Day Jail Cost (Non-Federal)	\$84.43		\$85.23		\$86.28		\$1.73		\$88.01			
Performance	Health Care Cost Per Capita (Non-Federal)	\$2,154		\$2,393		\$2,460		\$106.00		\$2,566			
Performance	# Targeted Non-Federal Facility Reviews Completed*	18		18		19		0		19			
Outcome	Per Day Detention Cost	\$90.37		\$91.80		\$93.00		\$2.00		\$95.00			
Outcome	# Targeted Non-Federal Facilities Meeting Minimum Standards	18 of 18		18 of 18		19 of 19		0		19 of 19			

Strategic Objective	PERFORMANCE MEASURE TABLE									
	Decision Unit: Detention Services									
	Performance Report and Performance Plan Targets		FY 2015	FY 2016	FY 2017	FY 2018	FY 2019		FY 2020	FY 2021
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target
3.1	Efficiency Measure	Per Day Jail Costs (Non-Federal)	\$79.24	\$81.13	\$83.54	\$84.49	\$84.43	\$85.23	\$86.28	\$88.01
3.1	Performance Measure	Health Care Cost Per Capita (Non-Federal)	\$2,168	\$2,165	\$2,208	\$2,082	\$2,154	\$2,393	\$2,460	\$2,566
3.1	Performance Measure	# Targeted Facility Reviews (Non-Federal)	15	18	18	18	18	18	19	19
3.1	Performance Measure: Outcome	Per Day Detention Cost (Non-Federal)	\$85.59	\$86.82	\$89.34	\$90.17	\$90.37	\$91.80	\$93.00	\$95.00
3.1	Performance Measure: Outcome	Targeted Non-Federal Facilities (Private) Meeting Minimum Standards	100% 15 of 15	100% 18 of 18	89% 16 of 18	100% 18 of 18	100% 18 of 18	100% 18 of 18	100% 19 of 19	100% 19 of 19



## **Definitions, Validation, Verification, and Limitations:**

### **1. Performance Measure: Average Daily Population (ADP)**

- a. Data Definition:** Number of prisoners in the custodial jurisdiction of the USMS on an average daily basis. ADP is calculated on a per capita, per day basis.
- b. Data Collection and Storage:** Data is maintained in the Justice Detainee Information System (JDIS) database. All prisoner statistical information is derived from JDIS.
- c. Data Validation and Verification:** Monthly data are verified by comparing the data recorded in JDIS with billing data provided by non-Federal detention service providers. Jail rate information is verified and validated against actual jail contracts.
- d. Data Limitations:** Limited by the timely entry of prisoner data into JDIS.

### **2. Performance Measure: Per Day Jail Cost**

- a. Data Definition:** Actual average price paid per day (over a 12-month period) by the USMS to house Federal prisoners in non-Federal detention facilities. IGA jail cost represents the average cost paid by the USMS to house prisoners in facilities operated by state and/or local governments. Private jail costs represent the average cost paid by the USMS to house prisoners in facilities operated by non-governmental entities (such as for-profit corporations). Average price paid is weighted by actual jail day usage at individual detention facilities.
- b. Data Collection and Storage:** Data describing the actual price charged by state, local, and private detention facility operators is maintained by the USMS in their prisoner tracking system (PTS) and it is updated on an as-needed, case-by-case basis when rate changes are implemented. Rate information for specific facilities is maintained by USMS headquarters staff. In conjunction with daily reports of prisoners housed, reports are compiled describing the price paid for non-Federal detention space on a weekly and monthly basis. Data are reported on both district and national levels.
- c. Data Validation and Verification:** Data reported are validated and verified against monthly reports describing district-level jail utilization and housing costs prepared by the USMS.
- d. Data Limitations:** Maintaining prisoner movement data is a labor-intensive process. The reliability of the reported data is often compromised by time lags between the actual movement of prisoners and key-punching of those events into the PTS system. Accordingly, it is often necessary to delay reporting of official statistics several weeks to ensure that prisoner movement records have been properly updated.

### **3. Performance Measure: Health Care Cost Per Capita**

- a. Data Definition:** Cost of health care services provided to Federal prisoners under the custodial jurisdiction of the USMS. Total health care costs include the costs of health services provided by medical practitioners and medical guard services. Per capita health care costs are determined by dividing total health care expenditures for the reporting period by the average daily prisoner population for that reporting period.

- b. Data Collection and Methodology:** Data describing funds obligated for prisoner health care services are reported through reports generated from the USMS financial system.
- c. Data Validation and Verification:** In accordance with generally accepted accounting principles, the USMS routinely monitors its financial data for new obligations and de-obligations.
- d. Data Limitation:** Data reported reflect the anticipated cost of services provided to USMS prisoners. In the event that the actual cost is different from the anticipated cost, additional funds may need to be obligated or obligated funds, de-obligated. Because of the time lag between the rendering of services and the payment of invoices, several weeks may lapse before the actual cost of health care services provided to an individual prisoner can be accurately determined.

**4. Performance Measure: Per Day Detention Cost**

- a. Data Definition:** Total detention costs represent the aggregation of paid jail costs and health care costs on a per capita, per day basis.
- b. Data Collection and Storage:** See items 2 and 3 above.
- c. Data Validation and Verification:** See items 2 and 3 above.
- d. Data Limitations:** See items 2 and 3 above.

**5. Performance Measure: Targeted Non-Federal Facilities Reviews and Targeted Non-Federal Facilities Meeting Minimum Standards**

**a. Data Definitions:**

Targeted Non-Federal Facilities: All private facilities receive a Quality Assurance Review (QAR), and all IGA facilities housing more than five USMS prisoners per year receive a Detention Facility Review (DFR).

Number of Targeted Reviews Completed: Targeted non-Federal facility QARs completed during the fiscal year.

Meeting Minimum Standards: In the QAR review process, a facility may receive one of five rating levels:

- Excellent:** Level of performance exceeds minimum standards, deficiencies are nonexistent or minor.
- Good:** Level of performance meets minimum standards; deficiencies are minor, offset by outstanding elements of performance.
- Acceptable:** Level of performance meets minimum standards; deficiencies are minor.
- Deficient:** Level of performance is weak; corrective action plans for internal controls are needed to maintain minimum standards.
- At-Risk:** Level of performance does not meet minimum standards and requires immediate corrective action plans.

Facilities must receive a rating above the At-Risk level to be considered Meeting Minimum Standards.

Targeted Number of Private Facilities Meeting Minimum Standards: This percentage is calculated by dividing the Private Facilities Meeting Minimum Standards by the number of these facilities scheduled for review during the fiscal year.

- b. Data Collection and Storage:** Data describing the facility ratings and standards that are met by the individual facilities will be maintained in the FRMS system. In conjunction with the QAR reviews; state, local, and other agency reviews are maintained in the DFR system.
- c. Data Validation and Verification:** Data reported are validated and verified against QAR reports, repository information, state, local or other agency reported data (i.e. BOP Sentry, USMS PTS).
- d. Data Limitations:** Data reported often reflect a delay in reporting.

### 3. Performance, Resources, and Strategies

#### Program Activity: Detention Services

##### FPD Performance Goal 1

Meet the Nation’s detention requirements in the most economical manner.

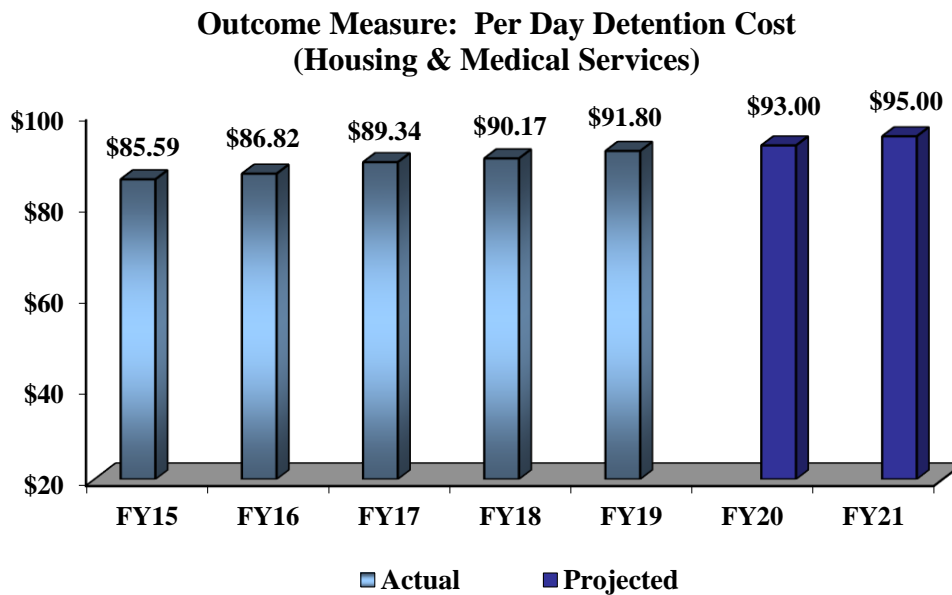
The USMS established a performance goal of maintaining per day detention costs at or below inflation to measure the success of obtaining detention space in the most cost-efficient manner. The chart and discussions identify the targeted level required to achieve that goal, and explain the mission challenges and strategies required to make the targeted level attainable.

##### Performance Plan and Report:

**Measure:** Per Day Detention Cost (Housing and Medical Services)

**FY 2019 Target:** \$90.37

**FY 2019 Actual:** \$91.80



##### Challenge: Adequate Detention Beds

When state and local governments need more capacity to house their own prisoners, fewer detention beds are available to accommodate Federal detainees. A reduction in state and local facility availability increases FPD reliance on private facilities that are habitually higher in cost.

*Strategy: Maximize the use of available bed space.*

One goal of DSNet is to provide a means to monitor detention bed space usage and to allow for improved oversight of non-Federal facility contracts and services. Timely and accurate data from JDIS and other systems will be integrated into DSNet dashboards and reports to query and monitor capacity and usage. As a consolidated detention services site, the DSNet will also

provide a vehicle for automated processing of IGAs, detention facility review information, and procurement data for agencies to assess, monitor, and manage detention bed space. This will give district offices increased flexibility to determine the best value to the Federal government by leveraging available space, transportation, and care capabilities. The result is greater efficacy securing beds and other related services while holding detention costs down.

**FPD Performance Goal 2**

**Ensure efficient use of detention space and minimize price increases.**

**Challenge: Projection of IGA Increases**

DOJ uses intergovernmental agreements to establish relationships with state and local governments for the use of excess bed space at a negotiated per diem rate. During the life of an agreement, a state or local government may request rate adjustments from DOJ. Historically, the USMS did not know the quantity, frequency, or magnitude of such adjustments; the lack of that information added to the difficulty of projecting accurate rate increases for budgeting purposes.

***Strategy: eIGA.***

eIGA provides a measure of standardization for the cost and the manner in which IGA rates for state and local facilities are calculated. eIGA is used to establish a negotiated fixed per diem rate for each facility within the parameters of rates of similar local facilities and limits future per diem rate adjustments. The cost of housing detainees becomes more predictable as new trends and set prices are integrated with more comprehensive bed space requirements. eIGA is adding more IGAs as new agreements are initiated and older agreements are renegotiated. The eIGA system also has reporting capabilities which enable more accurate, timely reports.

***Strategy: Reduce prisoner processing time via eDesignate.***

eDesignate provides for a more efficient workflow between the U.S. Probation Offices, the USMS, and the BOP during the sentence-to-commitment process by significantly reducing the workload of agency personnel involved in the administratively taxing designation process. All 94 Judicial Districts are use eDesignate. In 2010, eDesignate was expanded to include JPATS movement requests.

***Strategy: Increase use of detention alternatives.***

The USMS will continue to provide funding to the Federal judiciary to support alternatives to pretrial detention, such as electronic monitoring, halfway house placement, and drug testing and treatment. The budgetary savings of these alternatives to detention is substantial. The USMS provides the Administrative Office of the United States Courts (AOUSC) with \$4,000,000 annually to supplement its funding for alternatives to detention. If the defendants who were released on an alternative-to-detention program had been detained in a secure facility pending adjudication, the detention population would be higher and the costs to house those defendants would far exceed the amount provided to AOUSC.

**Strategy:** *Maintain/gain economies of scale through partnered contracting.*

The USMS will continue to partner with Immigration, Customs, and Enforcement (ICE) and BOP as appropriate on joint-use facilities to achieve the best cost to the Government. In this procurement process, each agency establishes a minimum level of bed space usage to achieve the best prices. Approaching the negotiating process together eliminates the potential for competition between agencies. This methodology has worked well in the past and will continue for future negotiations as appropriate.

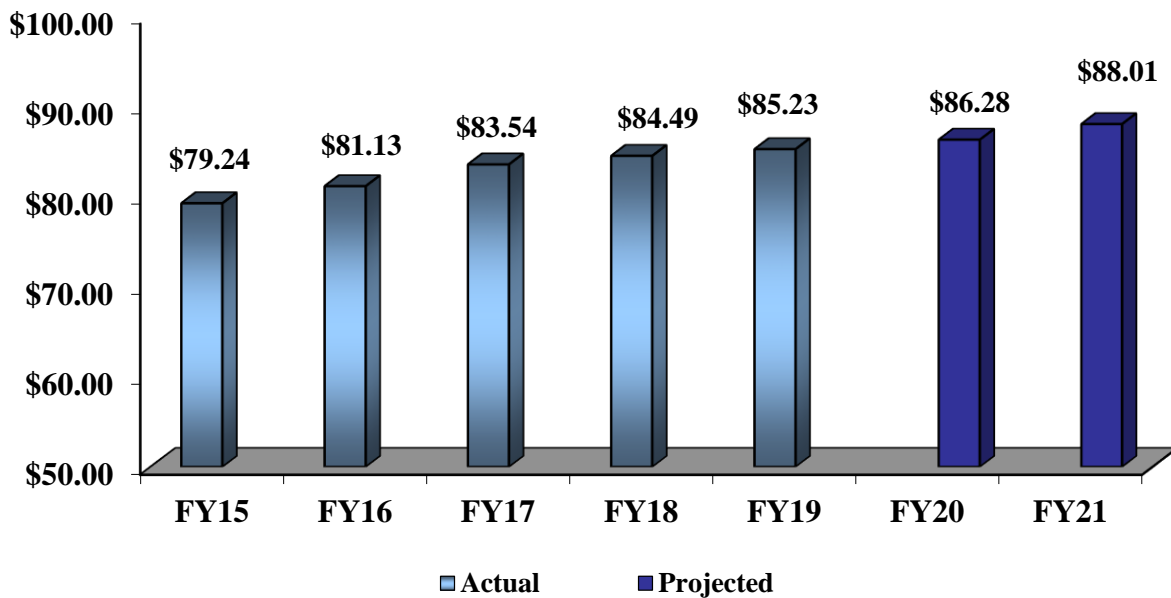
**Performance Plan and Report:**

**Measure:** Per Day Jail Cost

**FY 2019 Target:** \$84.43

**FY 2019 Actual:** \$85.23

**Efficiency Measure:  
Per Day Jail Cost**



**FPD Performance Goal 3**  
**Ensure adequate medical services are provided in the most economical manner.**

**Challenge: Rising Medical Costs**

Ensuring appropriate medical care for detainees at or near detention facilities is an important facet of confinement conditions. Providing a uniform approach to these services at the best value to the Government, while minimizing the cumbersome process for field operations, is a challenge.

**Strategy: National Managed Care Contract**

The USMS manages a National Managed Care Contract (NMCC) that establishes a national health care delivery system for USMS prisoners. The contract ensures that the USMS acquisition of medical services complies with Federal procurement statutes and regulations, and that USMS prisoner medical claims are re-priced to Medicare rates in accordance with the provisions of 18 U.S.C. 4006. The NMCC has also reduced the district administrative workload related to prisoner medical issues, because the NMCC contractor processes and pays all contract-related prisoner medical bills on behalf of the districts. Finally, the NMCC includes a national discount pharmacy program that allows the USMS to receive discounts on medications that it purchases for prisoner care. The NMCC has been fully implemented in all USMS districts.

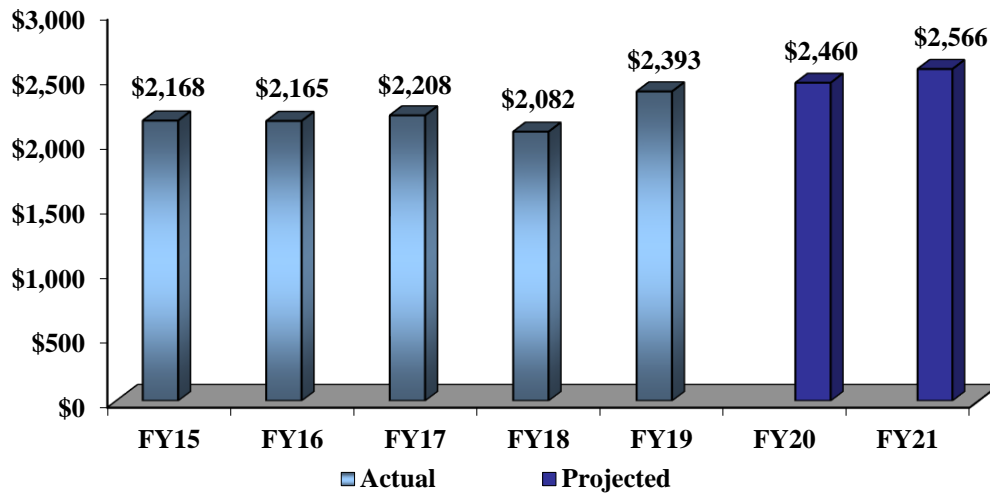
**Performance Plan and Report:**

**Measure:** Health Care Cost Per Capita (Medical Treatment and Security)

**FY 2019 Target:** \$2,154

**FY 2019 Actual:** \$2,393

**Health Care Cost Per Capita  
(Medical Treatment & Security)**



**FPD Performance Goal 4**  
**Ensure detention facilities meet established standards for confinement.**

**Challenge: Varying Detention Standards**

Concurrent with the desire to create efficiencies within detention, the USMS needs to ensure facilities provide for the safe, secure, and humane confinement of detainees. These competing imperatives are especially challenging given FPD’s reliance on a large number of state, local, and private facilities. Confinement standards at these facilities vary according to local and state requirements. To address this issue, the USMS developed a comprehensive Quality Assurance

Program to ensure that facilities providing detention bed space to the Federal government meet confinement standards.

***Strategy: Continuation of the Comprehensive Quality Assurance Program***

The Quality Assurance Program is a multi-faceted approach to ensure the safe, secure, and humane confinement of detainees and address public safety concerns relating to violent prisoners (e.g., *Interstate Transportation of Dangerous Criminals Act*, also known as *Jenna's Act*). The Federal Performance-Based Detention Standards (FPBDS) provide the foundation for the program, while various program components ensure compliance with standards by covering all aspects of detention from construction to operational review and training.

- **Performance-Based Contracts:** To define acceptable conditions of confinement, FPBDS was created in cooperation and coordination with the BOP, USMS, and ICE. The FPBDS provides objective standards to ensure that all providers achieve and maintain the standards. Federal contracts are written or modified to reflect the FPBDS for all private contract facilities. To ensure compliance with the standards, private contractor performance evaluation and, consequently, compensation are based on the facility's ability to demonstrate alignment with the standards.
- **Quality Assurance Reviews (QARs):** The QAR program conducts on-site reviews for Targeted Non-Federal Facilities, which are private facilities and select IGA facilities. If a contract review identifies facility deficiencies in the delivery of services, the facility develops a corrective action plan developed by the facility which the USMS monitors until the deficiencies are resolved. USMS implementation of QARs has led to a quantifiable improvement in detention services quality; in particular, the reduction in repeat deficiencies is notable. Cumulatively, these improvements resulted in higher ratings and services.
- **Private Detention Facility Construction and Activation Monitoring:** The USMS awarded a contract to monitor private detention facility construction and activation, to ensure newly-constructed facilities meet all aspects of the FPBDS in addition to local and state requirements.
- **On-Site Monitoring:** On-site monitoring is the target monitoring of specific detention services (medical, transportation, food service, etc.) in support of the USMS detention program. Monitoring periods range from 30 days up to 1 year. Monitoring actions address functions identified as "At-Risk"; document and report corrective actions taken by the detention services provider to permanently resolve "At-Risk" and "Deficient" findings; and provide pro-active risk management.

The table below captures the categories of QARs and relative performance goals. All actively used IGA facilities receive an annual review utilizing the Detention Investigative Facility Report.



<b>Outcome Measure: Percentage of Targeted Non-Federal Facilities Meeting Minimum Standards</b>									
<b>Facility</b>		<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>		<b>FY 2020</b>	<b>FY 2021</b>
<b>Type</b>	<b>Size (ADP)</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Target</b>	<b>Actual</b>	<b>Target</b>	<b>Target</b>
<b>Performance Goal: 100% Meet Minimum Standards</b>									
<b>Private</b>	<b>N/A</b>	100%	100%	89%	100%	100%	100%	100%	100%
		15	18	16	18	18	18	19	19
<b>IGA</b>	<b>Large</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	<b>&gt; 480</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total</b>		100%	100%	89%	100%	100%	100%	100%	100%
		15	18	16	18	18	18	19	19

**Performance Plan and Report:**

**Measure:** Number of Targeted Non-Federal Facilities Meeting Minimum Standards

**FY 2019 Target:** 18

**FY 2019 Actual:** 18

## V. Program Increases by Item

<b>Item Name:</b>	<b><u>Cost Mitigation Task Force</u></b>
Strategic Goal:	<u>3 – Reduce Violent Crime and Promote Public Safety</u>
Strategic Objective:	<u>3.1 Combat violent crime, promote safe communities, and Uphold the rights of victims of crime</u>
Budget Decision Unit(s):	<u>Detention Services</u>
Organizational Program:	<u>Prisoner Operations</u>
Program Increase:	Positions <u>0</u> Agt/Atty <u>0</u> FTE <u>0</u> Dollars <u>\$2,000,000</u>

### **Description of Item**

The USMS requests \$2,000,000 to establish a task force to explore cost mitigation efforts that will address the rising costs of detention.

### **Justification**

Federal Prisoner Detention costs are directly tied to prisoner populations; due to an unprecedented increase in population, FPD costs have increased significantly. In FY 2019, USMS developed a Cost Mitigation Plan to identify cost saving measures in response to a potential funding shortfall. That plan identified and implemented a variety of initiatives designed to operate the detention program cost-effectively, and targeted:

- The establishment of business practices to streamline and consolidate workload issues;
- Cost avoidance initiatives and reduced spending efforts; and,
- Immediate, short-, and long-range measures.

For 2021, the Budget requests \$2 million to build on 2020's efforts by establishing a task force to develop innovative solutions to effectively forecast and manage prisoner processing, housing, transportation, and medical costs. For example, the USMS is working closely with BOP and Immigration and Customs Enforcement (ICE) to consolidate management of their detention operations where possible.

A cost mitigation evaluation that incorporates input from the field, and best practices identified at the district level, is consistent with USMS and DOJ efforts to comprehensively evaluate the entire spectrum of detention operations and related factors that impact the resources required for detention. The task force would build on the Cost Mitigation Plan by engaging with USMS' 94 districts to identify best practices in State, local, and private prisons that are scalable, and have the potential to be implemented nationwide. The task force is also directed to engage with the Bureau of Prisons (BOP) to identify potential unrealized bed space.

### **Impact on Performance**

The USMS continues to analyze cost savings measures for economies of scale, and pursue resources to accomplish the USMS' core mission. The establishment of a task force would help USMS to expand on its work to control the rate of growth in overall detention expenditures.

## Funding

### Base Funding

FY 2019 Enacted with Supplemental				FY 2020 Enacted				FY 2021 Current Services			
Pos	Atty	FTE	Amount (\$000)	Pos	Atty	FTE	Amount (\$000)	Pos	Atty	FTE	Amount (\$000)
0	0	0	\$0	0	0	0	\$0	0	0	0	\$0

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2021 Request (\$000)	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Cost Mitigation Task Force			\$2,000	0	0
<b>Total Non-Personnel</b>			\$2,000	0	0

### Total Request for this Item

Category	Pos	Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Current Services	0	0	0	\$0	\$0	\$0		
Increases	0	0	0	\$0	\$0	\$2,000	\$0	\$0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$2,000</b>	<b>\$0</b>	<b>\$0</b>

<b>Item Name:</b>	<b><u>Detention Oversight and Monitoring</u></b>
Strategic Goal:	<u>3 – Reduce Violent Crime and Promote Public Safety</u>
Strategic Objective:	<u>3.1 Combat violent crime, promote safe communities, and Uphold the rights of victims of crime</u>
Budget Decision Unit(s):	<u>Detention Services</u>
Organizational Program:	<u>Prisoner Operations</u>
Program Increase:	Positions <u>6</u> Agt/Atty <u>0</u> FTE <u>3</u> Dollars <u>\$2,082,000</u>

**Description of Item**

The USMS requests six positions, three FTE, and \$2,082,000. This includes \$582,000 for contract administration and performance monitoring of approximately 11,000 detention beds provided by private detention service providers. The requested positions include five Detention Contract Administrators (DCA) and one Detention Facility Specialist. In addition, the USMS requests \$1,500,000 to enhance the office that ensures detention facilities meet established standards of confinement.

**Justification**

This request responds to the DOJ’s Office of the Inspector General (OIG) memorandum entitled, *Potential Systemic Deficiencies in U.S. Marshals Service Continuous Oversight of Contracts for Detention Services*, advising of significant issues that may be affecting the ability of the USMS to adequately monitor contractor performance on its contracts for detention services.

In addition, this request will ensure the following:

- All state, local, and private facilities have proper USMS oversight for prisoner safety and security;
- Uniformity in initial USMS facility approval and recertification;
- Identification of the appropriate skills of staff providing facility approval; and,
- Uniformity in protocol surrounding facility deficiencies and infractions.

Federal detention space is provided by three sources: 1) Federally-owned and operated detention centers; 2) facilities operated by state or local government; and, 3) facilities operated by private detention companies. In certain geographic areas, detention population growth has outpaced state and local resources, creating a need for expanded use of private detention facilities. While the use of non-Federal facilities provides budgetary relief from large capital construction costs and ongoing operational costs, it does require that the Federal government improve and increase its monitoring of state, local, and private detention facilities to ensure compliance with appropriate detention standards and other contract requirements.

In June 2015, the OIG initiated an audit at the Leavenworth Detention Center (LDC) in Leavenworth, Kansas, to assess USMS contract administration and vendor compliance with contract terms and conditions for billing and payments; staffing requirements; and contract management, oversight, and monitoring. During the course of the audit, the OIG identified significant concerns with USMS oversight and monitoring that warranted immediate attention and corrective action. The OIG found that USMS’ continuous monitoring efforts were not adequate to sufficiently oversee contract performance.

Prior to FY 2016, the USMS assigned a Deputy United States Marshal (DUSM) to perform as the Contracting Officer’s Representative (COR) as a collateral duty, rather than as a primary duty. This DUSM/COR was responsible for managing and monitoring the private detention contracts in the districts. The OIG audit of LDC identified several issues related to this approach: limited on-site presence, inadequate COR experience and detention-related training, insufficient continuous monitoring procedures, a lack of oversight guidance, failure to monitor contractor internal and external audit reviews, and failure to use the Contractor Performance Assessment Reporting System as required by the Federal Acquisition Regulation. The OIG also expressed concern that the LDC audit issues could be systemic across all USMS private contract detention facilities. The complexity, costs, and standards of performance-based government contracts mean collateral duty COR assignments are no longer a realistic or viable option; USMS detention contracts require dedicated monitoring and administration.

In February 2016, the OIG issued a *Management Advisory Memorandum* to the USMS identifying these “significant issues that may be affecting the U.S. Marshals Service’s (USMS) ability to adequately monitor contractor performance on its contracts for detention services.” In response to this memorandum, the USMS began steps to improve its monitoring of detention facility contracts. In FY 2016, two DCA positions were funded for LDC in the District of Kansas and multiple facilities in the Southern District of Texas (S/TX). In FY 2017, an additional eight DCA positions were funded. These ten DCAs perform full COR responsibilities and provide continuous on-site presence at the locations shown in the table below.

<b>Current DCA Assignments</b>		
1	Queens Detention Center	Eastern District of New York
2	Northeast Ohio (Youngstown)	Northern District of Ohio
3	Otay Mesa Detention Center	Southern District of California
4	Leavenworth Detention Center	District of Kansas
5	Robert Deyton Detention Facility	Northern District of Georgia
6	Rio Grande Detention Facility	Southern District of Texas
7	Willacy Detention Facility	Southern District of Texas
8	West Tennessee Detention Center	Western District of Tennessee
9	Nevada Detention Center	District of Nevada
10	Central Arizona Detention Facility	District of Arizona

In comparison, the BOP places two government COR positions in each detention facility to administer its private contracts.

To effectively manage detention services, the USMS requests the following positions for FY 2021:

**Detention Contract Administrator – five positions and \$485,000.** The USMS will have a total of 15 DCAs to conduct oversight and surveillance of contractor performance. These dedicated personnel are needed to perform duties to continuously monitor contractor performance on-site at all 14 private detention locations, which currently house approximately 11,000 USMS prisoners. The new DCAs will be assigned to the facilities indicated in the table below; when hiring is completed, two DCAs will be assigned to oversee the Central Arizona Detention facility due to its size and complexity.

<b>FY 2021 DCA Request</b>		
1	Western Region San Diego Detention Center	Southern District of California
2	Shelby Correctional Facility	District of Montana
3	Aurora County Detention Facility	District of Colorado
4	Central Arizona Detention Facility	District of Arizona
5	El Centro Detention Facility	Southern District of California

**Detention Facility Specialist – one position and \$97,000.** The USMS requests an additional detention contract management position to ensure operational integrity of non-Federal detention facilities, vendor compliance, and judicious expenditure of taxpayer dollars. This position will be dedicated to working with the DCAs and will provide oversight/support to assist in monitoring the performance of the facilities as well as identifying problem areas. Additionally, this position will monitor implementation of newly passed Federal laws related to pre-trial detention to include the First Step Act, The Next Step Act, Restrictive Housing Unit, and the Prisoner Rape Elimination Act. This position also will play a significant role in new and ongoing vendor contract administration, including corrective action plan compliance and new project coordination.

**Oversight Office – 0 positions and \$2,000,000.** The USMS has developed a comprehensive Quality Assurance Review (QAR) Program that conducts on-site reviews for Targeted Non-Federal Facilities, which are private facilities and select IGA facilities. If a contract review identifies facility deficiencies in the delivery of services, the facility develops a corrective action plan which the USMS monitors until the deficiencies are resolved. USMS implementation of QARs has led to a quantifiable improvement in detention services quality; in particular, the reduction in repeat deficiencies. Cumulatively, these improvements resulted in higher ratings and services.

Initially, the goal of the QAR program was to conduct on-site reviews for 100 percent of Targeted Non-Federal Facilities, which was defined as: all private facilities, all agency requested reviews and all high-volume IGAs, as well as smaller IGA facilities that were selected for review using various criteria, for example, a significant incident has occurred. The Detention Facility Review (DFR) contains the standards applied to non-contract facilities, which allows easy, standardized recording of review results. The DFR is designed to review jail practices to verify basic, minimal requirements are met. DFRs are not used in lieu of potentially more intense or focused reviews by other appropriate authorities regarding jail conditions and practices. The resources requested would fund expansion of the QAR program to additional IGA facilities, and help expedite the effort to evaluate and improve the DFR program.

### **Impact on Performance**

Additional staff will comply with the OIG audit by significantly expanding USMS oversight of private detention facilities. Without these additional positions, USMS will be limited in its ability to provide timely, accurate information for sufficient oversight. These positions identify deficiencies and financial weaknesses related to delivery of detention services and will enable the USMS to monitor problem areas in non-Federal contract and other intergovernmental agreement facilities. The existing positions have generated \$1,700,000 in contract reductions since their inception, and the USMS anticipates commensurate annual reductions during FY 2020 and beyond. Additionally, the existence of these positions and their location within the facilities has a direct impact on the quality of service provided to the USMS and maximizes the safe, secure, and humane treatment of USMS prisoners.



## Funding

### Base Funding

FY 2019 Enacted with Supplemental				FY 2020 Enacted				FY 2021 Current Services			
Pos	Atty	FTE	Amount (\$000)	Pos	Atty	FTE	Amount (\$000)	Pos	Atty	FTE	Amount (\$000)
10	0	10	\$1,874	10	0	10	\$1,932	10	0	10	\$1,951

### Personnel Increase Cost Summary

Type of Position/Series	Full-year Modular Cost per Position (\$000)	1 <sup>st</sup> Year Adjustments	Number of Positions Requested	FY 2021 Request (\$000)	2 <sup>nd</sup> Year Annual- ization	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Clerical and Office Services (0300-0399)	\$141.867	\$97.090	1	\$97	\$131	\$34	\$57
Business & Industry (1100-1199)	\$141.867	\$97.090	5	\$485	\$653	\$168	\$283
<b>Total Personnel</b>			<b>6</b>	<b>\$582</b>	<b>\$784</b>	<b>\$202</b>	<b>\$340</b>

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2021 Request (\$000)	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Cost Mitigation Task Force			\$1,500	0	0
<b>Total Non-Personnel</b>			<b>\$1,500</b>	<b>0</b>	<b>0</b>

### Total Request for this Item

Category	Pos	Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2022 Net Annualization (change from 2021) (\$000)	FY 2023 Net Annualization (change from 2022) (\$000)
Current Services	10	0	10	\$1,951	\$0	\$1,951		
Increases	6	0	3	\$582	\$1,500	\$2,082	\$202	\$340
<b>Total</b>	<b>16</b>	<b>0</b>	<b>13</b>	<b>\$2,533</b>	<b>\$1,500</b>	<b>\$4,033</b>	<b>\$202</b>	<b>\$340</b>