
Chapter 1. Overview

The Office of the Federal Detention Trustee “... shall exercise all power and functions authorized by law relating to the detention of federal detainees in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service.”

Public Law 106-553

The Office of the Federal Detention Trustee (OFDT) was established within the Department of Justice (DOJ) in September 2001 by directive of the United States Congress (Public Law 106-553) in response to growing concerns about the federal detention system. As stated in the law, the Federal Detention Trustee “... shall exercise all power and functions authorized by law relating to the detention of federal detainees in non-federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration Service.” Prior to the OFDT’s establishment, the management of federal detention was decentralized into three organizations. The primary responsibility for detention was divided between the United States Marshals Service (USMS), Immigration and Naturalization Service (INS), with the Federal Bureau of Prisons (BOP) providing a supporting role.

In recent years, federal detention has grown enormously. Detention bed space increased at an annual rate of 12.4% between 1994 and 2001, resulting in a total increase of over 125%. Such growth has generated the need for additional funding for bed space, transportation, medical costs, support services, and associated personnel. Congress appropriated over \$2 billion in the fiscal year 2002 budget to fund existing detention programs. Unfortunately, growth in the demand for detention services has outpaced the ability of the USMS and INS to coordinate needs efficiently, plan effectively, and develop business process improvements. Furthermore, as both agencies face a growing demand for detention beds, locating bed space sufficient for each agency is often a concern in many locations.

Since 1989, the DOJ Office of the Inspector General (OIG) has continuously identified detention space as a material weakness and one of the “*Top Management Challenges in the Department of Justice – 2001 List*”. The fragmented management structure of federal detention and the complexity and dynamic nature of detention issues have led to difficulty in developing and implementing coordinated business practice improvements. While significant resources have been provided over the years to detention operations, generally such resources have been allocated in subsequent fiscal years to the funding of major law enforcement initiatives. Detention bed space acquisitions have been “reactionary” to short-term immediate needs at the field level as opposed to a strategic Department-wide approach to maximizing detention resources.

The size and scope of federal detention demands a central organization that can direct resources and implement programmatic changes. A number of previous studies in DOJ have addressed these very issues. This central command structure is the key to realizing cost-savings and gaining efficiency. The OFDT’s mission is to support the core and critical missions of INS and USMS, from a DOJ-wide perspective, through a consolidated and effective detention program. The transition to this program will require the support of DOJ components, OMB, and Congress to overcome barriers of organizational culture and resistance, and further the OFDT’s mission to resolve “growing concerns about the problem of inadequate planning and management” of federal detention (language stated in House Appropriations Committee Reports H.R. 106-680 and H.R. 107-139).

Currently, the agencies involved in federal detention are undergoing significant organizational transformations. For example, INS Detention and Removal Operations are being brought under centralized headquarters control and USMS is considering to increase the use of a job series that focuses on detention duties and detainee transportation. The timeliness of the transition to the OFDT will be paramount to effect programmatic change.

