

**United States Marshals Service
FY 2016 Performance Budget
President's Budget Submission**

Federal Prisoner Detention Appropriation



February 2015

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I. 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. For FY 2016, the FPD Appropriation requests a total of 17 positions, 17 FTE, and \$1,454,414,000. The request represents a base adjustment of \$1,258,107,000 reflecting an increase of \$76,000 for pay and benefits adjustments, a prior year balance restoration of \$188,000,000, a base restoration of \$1,100,000,000, and a transfer of \$29,969,000 in base resources to the Federal Bureau of Prisons (BOP) for prisoner medical care of USMS prisoners housed in BOP facilities. The request also includes a program decrease of \$111,000,000 for a decreasing average daily population (ADP) adjustment. In addition, a cancellation of \$69,500,000 from prior year balances is proposed.

A base restoration of \$1,100,000,000 is included in the FY 2016 request. In FY 2015, Congress instructed the Department to use \$1,100,000,000 of excess unobligated balances from the Assets Forfeiture Fund to fully fund the FPD account. The Department does not anticipate that this funding mechanism will be available in FY 2016 and, therefore, requests that those resources be restored to ensure that the FPD account maintains sufficient base funding.

The USMS is not requesting any enhancements for information technology (IT), although the request includes \$12,634,000, 8 positions and 8 FTE for base IT activities as reported in the Agency IT Portfolio Summary (formerly Exhibit 53A). Additionally, it should be noted that currently the FPD account has one IT position. The 8 positions reported in the Agency IT Portfolio Summary reflect all USMS FTE that support a detention function. The IT resources provide for support staff, hardware, applications providing access to detention facility information, facility contract information, electronic Intergovernmental Agreement (eIGA), prisoner movement, and an e-Gov site providing secure role-based access to detention information.

From 1994 through 2011, the average daily population (ADP) increased from 18,282 to 62,406. The population has since decreased to 55,330, an unprecedented decline which resulted in unobligated funds carried over from year to year. The FY 2016 request supports an ADP of 56,823.

This request level anticipates an ADP resulting from FY 2015 law enforcement hiring within the Department of Justice (DOJ) components, as well as Department of Homeland Security's (DHS) U.S. Customs and Border Protection's announcement that 2,000 additional officer positions will be hired at air, land and sea ports across the country as a result of the 2014 enacted budget. In addition, there will be a continued emphasis on protecting and securing the international borders from illegal immigration and drug trafficking.

The USMS continues to drive efficiencies, work with federal and state and local partners regarding bed space, and reduce contract costs. These measures also have contributed to large unobligated balances. However, factors beyond the control of the USMS could impact the

prisoner population, including immigration reform, new officer hires as noted above, and even weather delays that affect prisoner movements. These funds are needed for all the unknowns and upward adjustments of prior year obligations.

Electronic copies of the DOJ'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 costs associated with the care and custody of federal detainees in private, state, and local facilities are funded from the FPD appropriation.

The USMS detention resource needs are directly impacted by law enforcement and prosecutorial priorities. Linking law enforcement initiatives with detention funding requests is the key to providing the Congress with accurate information for budget forecasting, cost containment and effective results.

The USMS must ensure sufficient resources are available to house and care for the corresponding detainees. This objective is made even more challenging given the times of limited detention space availability. While fluctuations in the ADP are outside of USMS direct control, the USMS continues to coordinate the acquisition of sufficient detention space in the most cost efficient manner.

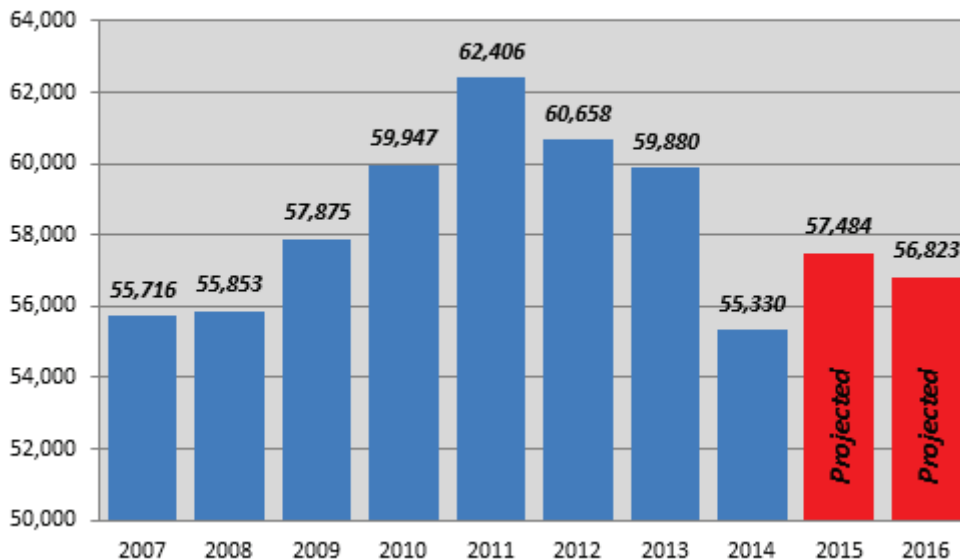
C. FY 2016 Request

The FPD account is defined by one program activity: Detention Services. The FPD request includes \$1,454,414,000 in appropriated resources for this activity. This amount includes \$1,287,505,000 for housing and subsistence of detainees. Program costs for health care are \$72,617,000, medical guards are \$24,078,000, and transportation costs are \$67,314,000. The requested amount also includes \$2,900,000 for incidental costs associated with prisoner housing and transportation such as prisoner meals while in transit, prisoner clothing, and parking for government vehicles.

Adjustments-to-base: FPD's base adjustments total \$1,287,505,000. This amount reflects an increase of \$76,000 for pay and benefits adjustments, a base restoration of \$188,000,000 for the FY 2015 rescission of balances, a base restoration of \$1,100,000,000 and a transfer of \$29,969,000 in base resources to the Bureau of Prisons (BOP) for prisoner medical care of USMS prisoners housed in BOP facilities. The transfer will provide BOP the direct resources required to manage and support the prisoner medical care of all USMS prisoners housed in BOP facilities.

Program Decrease: FPD's program decrease of \$111,000,000 reflects the projected cost reduction associated with the decrease in the detention population.

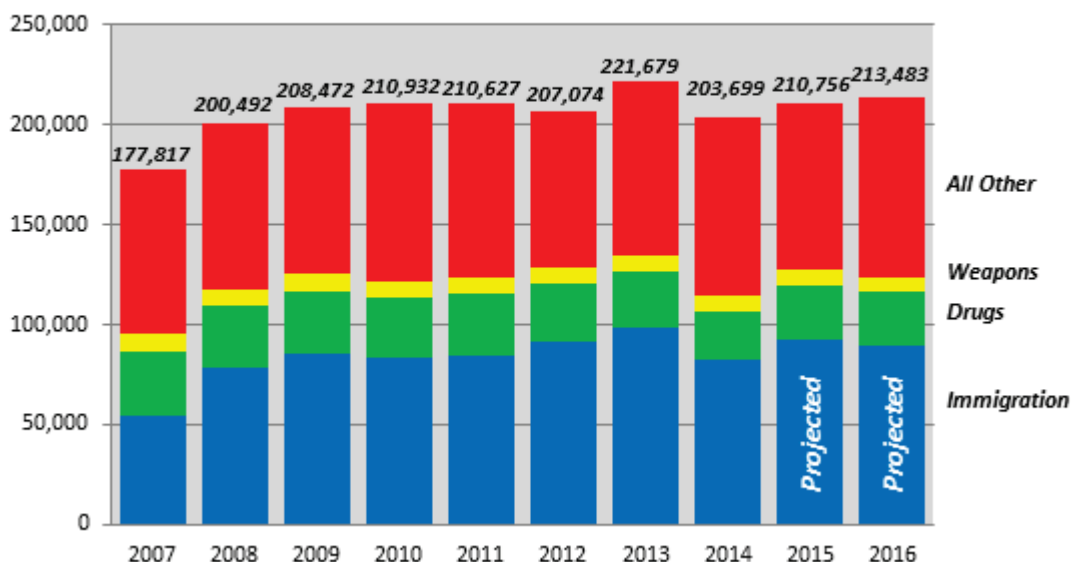
*United States Marshals Service, Average Daily Detention Population,
Fiscal Year 2007 through 2016 (projected)*



ADP Projections: Based on estimated bookings and time-in-detention, the ADP is currently projected to be 56,823 for FY 2016. The ADP is primarily dependent upon the number of persons arrested by the 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. Beginning in FY 2014, the USMS has observed a substantial curtailing of the number of prisoners received for prosecution. Additionally, continuing initiatives such as fast-tracking the prosecution of selected offenses, expediting the designation and transfer of sentenced prisoners to BOP correctional institutions, and utilizing detention alternatives have proven successful at reducing detention time, particularly during the period post-sentencing. These factors combined have resulted in a substantial decrease in the detention population from peak levels. While the USMS currently projects that the detention population will increase from its current level of 55,330 in FY 2014, the growth rate is below historic levels and the projected detention population for FY 2016 (56,823) is nearly 10 percent below the peak population attained during FY 2011 (62,406).

Through FY 2016, the USMS projects that the Southwest Border (SWB) area will continue to be a focal point of federal law enforcement. During FY 2014, more than half of all prisoners received by the USMS were received in the five judicial districts comprising the SWB (Arizona, Southern California, New Mexico, Southern Texas, and Western Texas). In FY 2016, of the approximate 12,000-increase in prisoners received, more than two-thirds of those prisoners will be from the SWB districts and primarily charged with immigration offenses. Though lower than the peak level observed during FY 2013, the projected increase generally reflects continued increases in federal law enforcement resources in these districts and federal law enforcement's emphasis on protecting and securing the SWB.

United States Marshals Service, Prisoners Received, by Offense, Fiscal Year 2007 through 2016 (projected)



Detention Population Forecasting Model

A Detention Population Forecasting Model is used to take a statistical approach for predicting detention needs using 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 projections are based on past performance and behavior of the players involved. Any shift in behavior may alter the outcome.

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 the activities and decisions of federal law enforcement, U.S. Attorneys, 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.

Historically, implementation of zero-tolerance immigration enforcement policies along the SWB has had the most significant impact on the detention population and USMS workload. Since implementation of these policies during 2005, the number of prisoners received for immigration offenses increased to more than 98,000 in FY 2013. At the height of these programs, immigration offenders comprised almost half of all persons received by the USMS. While the USMS observed a decrease in the number of persons received for immigration offenses during FY 2014, the USMS estimates that the number of immigration offenders received will increase due to immigration enforcement-related activity.

The detention population projection for FY 2016 is a particularly challenging assessment for the USMS. During prior years, the long-term trend has reflected steady annual increases in the number of prisoners received. This trend translates directly to increases in the overall detention population. However, beginning in FY 2014, the USMS has observed a substantial curtailment of the number of prisoners received for prosecution. This observed decrease may be the result of factors such as reduced funding for federal law enforcement agencies and hiring freezes resulting from the threat of sequestration, and changes in prosecutorial practices and priorities stemming from the Attorney General's *Smart on Crime* initiative. Consequently, it is difficult to determine whether the decrease observed is a permanent change that will be sustained into the future, or it is a temporary "shock" whereby after a period of stagnation prosecutorial activity will substantially increase.

The FPD appropriation operates within a structure that offers little opportunity for economies of scale and each additional prisoner received translates into a direct expenditure. For example, an additional three percent increase in the number of prisoners received for drug offenses (or 807 additional prisoners) would result in an \$11,542,797 increase in detention expenditures. For each of the offense categories drugs, weapons, and immigration, a three to 10 percent increase in prisoners received results in a level that is within historical boundaries. The following chart illustrates the **potential impact** of unplanned prisoners received by offense:

<i>Impact of Increased Number of Prisoners Received Beyond the Fiscal Year 2016 Population Projections</i>				
	<i>Prisoner Bookings</i>			
	Total	Increase Above Current Projection	Total ADP	Projected Cost Increase
<i>Prisoners Received for Drug Offenses</i>				
Baseline	26,900	---	58,823	---
+3%	27,707	807	57,188	\$11,542,797
+5%	28,245	1,345	57,431	\$19,237,995
+10%	30,935	2,690	58,039	\$38,475,989
<i>Prisoners Received for Weapons Offenses</i>				
Baseline	7,944	---	56,823	---
+3%	8,182	238	56,939	\$3,651,521
+5%	8,341	397	57,016	\$6,085,869
+10%	8,738	794	57,208	\$12,171,738
<i>Prisoners Received for Immigration Offenses</i>				
Baseline	89,170	---	56,823	---
+3%	91,845	2,675	57,227	\$12,760,185
+5%	93,629	4,459	57,495	\$21,266,974
+10%	102,546	8,917	58,168	\$42,533,949

Capital Improvement Program (CIP): The CIP is a comprehensive program used to address detention space needs in critical areas. The program offers various contractual vehicles to provide federal funding to state and local authorities for the expansion, renovation, and construction of jails or the acquisition of equipment, supplies, or materials in exchange for detention beds. 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. 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 will allow the USMS to meet federal detention housing needs by directly infusing resources into participating state and local facilities.

For example, during FY 2010, in exchange for a \$20,000,000 CIP award, the then Office of the Detention Trustee (OFDT) entered into an Intergovernmental Agreement (IGA) with the State of Maryland (MD) to use up to 500 beds at the Maryland Correctional Adjustment Center (now Chesapeake Detention Facility) in Baltimore, MD. The facility is in close proximity to the federal district court in Baltimore, MD and provided for dedicated and guaranteed detention space for prisoners held in USMS custody in the District of Maryland. Given that the USMS has full utilization of the facility at a fixed operating cost, the effective per diem rate was reduced from \$198 to approximately \$131. Over a 20-year period, this CIP award will result in an estimated \$40,000,000-cost avoidance for basic prisoner housing while providing dedicated detention space in a metropolitan area without requiring construction.

Full Program Cost

Full Program Cost by Program Activity (In \$000)		
Program Activity	Dollars in Thousands	
Detention Services	Housing & Subsistence	\$1,287,505
	Health Care Services	72,617
	Medical Guards	24,078
	Transportation	67,314
	Other	2,900
Total Request.....		\$1,454,414

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

USMS continues to implement efficiencies through computer 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 and IGA facilities meet DOJ requirements for safe, secure and humane confinement. Fundamental to these programs is 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).

D. Strategic Goals

In the DOJ's Strategic Plan under Strategic Goal III: "Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal, and International Levels," USMS' responsibility is in Strategic Objective 3.3: Provide safe, secure, humane, and cost-effective confinement and transportation of federal detainees and inmates. The USMS supports this mission objective by accomplishing the following performance goals:

- Meet the Nation's detention requirements in the most economical manner
- Ensure efficient use of detention space and minimize price increases
- Ensure adequate medical services are provided in the most economical manner
- Ensure safe, secure, humane confinement
- Ensure detention facilities meet established standards for confinement

Performance goals, workload projections, and related resources are identified in the Performance and Resource Table.

E. Environmental Accountability

Detention services contracts have been designed to increase the purchase and use of renewable, environmentally friendly bio-based products. The USDA BioPreferred Program has identified more than 15,000 bio-based products commercially available across approximately 200 categories. Each contractor submits an annual report that reflects the percentage of BioPreferred products used within the detention facility. These reports are used to determine if contractors are complying with the bio-based product utilization standards required in the contract.

When the USMS contracts for new detention space, the procurement is conducted 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.

Environmental documentation submitted is evaluated in the acquisition process and verified for accuracy in accordance with the solicitations' environmental instructions. Greater consideration is given to the proposal that has a lesser or reduced negative effect on the human environment when compared with competing proposals.

II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Population Adjustment	Cost reduction resulting from decrease in detention population	0	0	-\$111,000	28

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

U.S. Marshals Service

Federal Prisoner Detention

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, [\$495,307,000]\$1,454,414,000, to remain available until expended: *Provided*, [That section 524(c)(8)(E) of title 28, United States Code, shall be applied for fiscal year 2015 as if the following were inserted after the final period: The Attorney General shall use \$1,100,000,000 of the excess unobligated balances available in fiscal year 2015 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: *Provided further*, That any use of such unobligated balances shall be treated as a reprogramming of funds under section 505 of this Act: *Provided further*,]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: *Provided further*, That any unobligated balances available from funds appropriated under the heading General Administration, Detention Trustee shall be transferred to and merged with the appropriation under this heading.

(cancellation)

Of the unobligated balances from prior year appropriations available under this heading, [\$188,000,000]\$69,500,000 are hereby permanently cancelled: *Provided*, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. (Department of Justice Appropriations Act, 2015).

Analysis of Appropriations Language

To fully fund the FPD account in FY 2015, Congress instructed the Department to allocate \$1,100,000,000 of excess unobligated balances from the Assets Forfeiture Fund. This language is deleted as the Department does not anticipate that this funding mechanism will be available in FY 2016.

IV. Program Activity Justification

A. Detention Services

Detention Services	Perm. Pos.	FTE	Amount (\$000)
2014 Enacted	17	19	\$1,533,000
2015 Enacted	17	17	\$495,307
2015 Balance Rescission			-\$188,000
2015 Total Request (with Balance Rescission)	17	17	\$307,307
Adjustments to Base and Technical Adjustments	0	0	\$1,258,107
2016 Current Services	17	17	\$1,565,414
2016 Program Decreases			-\$111,000
2016 Request	17	17	\$1,454,414
2016 Balance Rescission			-\$69,500
2016 Total Request (with Balance Rescission)	17	17	\$1,384,914
Total Change 2015-2016			\$959,107

1. Program Description

Detention Services

Detention resources provide the housing, transportation, medical care, and medical guard services for federal detainees remanded to USMS custody. FPD resources are expended from the time a prisoner is brought into USMS custody through termination of the criminal proceeding and/or commitment to BOP.

The federal government relies on various methods to house detainees. Detention bed space for federal detainees is acquired “as effectively and efficiently as possible” through: 1) federal detention facilities, where the government pays for construction and subsequent operation of the facility through the BOP; 2) Intergovernmental Agreements (IGA) with state and local jurisdictions who have excess prison/jail bed capacity and receive a daily rate for the use of a bed; 3) private jail facilities where a daily rate is paid per bed; and, 4) CIP, which includes the CAP and the NSCC contract, 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 Southwest Border, DOJ has not been able to rely as much on IGAs and federal facilities to meet housing requirements. Accordingly, by 2016, it is expected that the capacity of the federal facilities will accommodate only 19% of the USMS detention population. By contrast, during FY 2000, federal facilities housed approximately 30% of the USMS detention population. When space is unavailable in areas where more federal bed space is needed, DOJ has increasingly had to rely on the private sector.

Detention Management Services Automation

The USMS will continue to identify process automation opportunities, design support solutions, and invest in information technology (IT) infrastructure to facilitate improved efficiencies through process automation and when appropriate the integration of existing detention systems and services.

It is critical that the USMS takes steps to modernize its code to maintain its IT business requirement for detention-related systems and establish a new foundation for future technology requirements. The key detention automation programs that continue to drive mission efficiencies include the cross-agency initiatives of eDesignate and the DSNetwork.

eDesignate: eDesignate is a secure, electronic, web-based system that completely automates the sentence to commitment process by transferring data and documents electronically. eDesignate includes eMove, a transportation module that allows the USMS to submit a movement request electronically.

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

eDesignate enables the BOP to complete sentence computations and designations and returns disposition to the USMS. Based on the length of sentence, the USMS either maintains custody of the detainee until the sentence is served, in the case of a short term sentence, or prepares the prisoner for movement to the commitment location. Delivering the necessary documents and data in one complete package to the BOP via a secure system, eDesignate enables all agencies to monitor and provide relevant information to shorten the post-sentence process, thereby saving detention costs.

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 Sentence to Commitment (S2C) process via eDesignate has reduced the average number of days detainees are in the S2C pipeline and ultimately resulted in a cost avoidance of \$25,000,000 in detention housing per year since FY 2008.

eMove: In 2008, the USMS in cooperation with JPATS, implemented in all 94 USMS districts, the eDesignate Movement Request (eMove). eMove provides a seamless transition from eDesignate to complete the full automation of the sentence to commitment 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 process, thereby reducing the time from designation to commitment.

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

The USMS now has the ability to centrally manage in-district moves, which will allow the USMS to develop performance objectives and measure the operational effectiveness of how and when prisoners are moved. Because the USMS is now able to monitor this effort, they will be able to determine the movements that will reduce time-in-detention, thus reducing detention costs.

ePMR: The electronic Prisoner Medical Request (ePMR) system serves to provide a workflow for medical designations. ePMR was implemented in all 94 USMS districts in 2010. 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 not only eliminated the paper-based request and approval system previously in place, but creates 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.

Detention Services Network (DSNetwork): The Detention Services Network (DSNetwork) is a multifaceted, full-service internet site for detention services. The goal of DSNetwork is to improve interaction between government agencies and service providers as well as reduce workload. The vision of the DSNetwork site is to provide information to authorized detention stakeholders regarding procurement and to share detention quality assurance information and other relevant detention facility data. The detention services offerings continue to be developed and implemented as detention needs arise. The following existing modules are:

- ***Electronic Intergovernmental Agreement (eIGA)***
The eIGA system was successfully deployed in 2008 to manage the interaction between facility providers offering detention services and a federal agency. 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.

- ***Facility Review Management System (FRMS)***

The FRMS is a web-based application developed to facilitate, standardize, record, and report the results of Quality Assurance Reviews (QAR) performed on private contract facilities. USMS is currently adding the reviews of non-federal IGA facilities to the FRMS and developing the ability to conduct associated analysis. In 2008, FRMS was chosen to receive the Attorney General's Award for Information Technology Excellence based on its innovative concept, successful implementation and continued program success.

2. Performance Resources Table

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Detention Services												
Workload/Resources			Target		Actual		Projected		Changes		Requested (Total)	
			FY 2014		FY 2014		FY 2015		Current Services Adjustments and FY 2016 Program Changes		FY 2016 Request	
Workload: Total Average Daily Population:			58,791		55,330		57,484		(661)		56,823	
State & Local Gov't (IGA) Facilities			35,080		33,299		35,208		(951)		34,257	
Private Facilities			11,911		11,164		11,319		365		11,684	
Subtotal Non-federal Facilities			46,991		44,463		46,527		(586)		45,941	
Federal (BOP) Facilities			11,400		10,647		10,745		(23)		10,722	
Non-Paid Beds			400		220		212		(52)		160	
Total Costs and FTE			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
(Reimbursable FTE are included, reimbursable costs are bracketed and not included in the total)			17	\$1,533,000 [\$6,150]	19	\$1,425,521 [\$4,766]	17	\$495,307 [\$650]	0	\$959,107 [\$0]	17	\$1,454,414 [\$650]
Type/ Strategic Obj.	Performance/Resources		FY 2014		FY 2014		FY 2015		Current Services Adjustments and FY 2016 Program Changes		FY 2016 Request	
DOJ SO 3.3	Detention Services	Resources	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity		Detainee Housing & Subsistence	17	\$1,533,000 [\$6,150]	19	\$1,425,521 [\$4,766]	17	\$495,307 [\$650]	0	\$959,107 [\$0]	17	\$1,454,414 [\$650]
Efficiency	Per Day Jail Cost (Non-federal)		\$76.45		\$76.24		\$77.37		\$3.23		\$80.60	
Performance	Health Care Cost Per Capita (Non-federal)		\$2,027		\$2,044		\$2,196		(\$99)		\$2,097	
Performance	# Targeted Non-federal Facility Reviews Completed*		15		15		15		0		15	
OUTCOME	Per Day Detention Cost		\$83.31		\$82.81		\$84.49		\$1.94		\$86.43	
OUTCOME	Targeted Non-federal Facilities Meeting Min Stds (Private)		15		15		15		0		15	

PERFORMANCE MEASURE TABLE										
	Decision Unit: Detention Services									
Strategic Objective	Performance Report and Performance Plan Targets		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014		FY 2015	FY 2016
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target
3.3	Efficiency Measure	Per Day Jail costs (Non-Federal)	\$70.56	\$72.88	\$74.21	\$74.63	\$76.45	\$76.24	\$77.37	\$80.60
3.3	Performance Measure	Health Care Cost Per Capita (Non-federal)	\$1,630	\$1,624	\$1,890	\$1,873	\$2,027	\$2,044	\$2,196	\$2,097
3.3	Performance Measure	# Targeted Facility Reviews (Non-federal)	32	30	30	30	15	15	15	15
3.3	Performance Measure: Outcome	Per Day Detention Cost (Non-federal)	\$76.07	\$78.59	\$78.23	\$80.33	\$83.31	\$82.81	\$84.49	\$86.43
3.3	Performance Measure: Outcome	Targeted Non-federal Facilities Meeting Min Stds (Private)	100% 22 of 22	100% 23 of 23	100% 23 of 23	100% 23 of 23	100% 15 of 15	100% 15 of 15	100% 15 of 15	100% 15 of 15

Data Definitions, Validation, Verification, and Limitations:

Performance Measure: Average Daily Population (ADP)

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.

Data Collection and Storage: Data are maintained by the Justice Detainee Information System (JDIS) database. All prisoner statistical information is derived from JDIS.

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.

Data Limitations: Limited by the timely entry of prisoner data into JDIS.

Performance Measure: Per Day Jail Cost

Data Definition: Actual average price paid (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.

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 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.

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.

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.

Performance Measure: Health Care Cost Per Capita

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.

Data Collection and Methodology: Data describing funds obligated for prisoner health care services are reported through reports generated from the USMS financial system.

Data Validation and Verification: In accordance with generally accepted accounting principles, the USMS routinely monitors its financial data for new obligations and de-obligations.

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.

Performance Measure: Per Day Detention Cost

Data Definition: Total detention costs represent the aggregation of paid jail costs and health care costs on a per capita, per day basis.

Data Collection and Storage: See, Paid Jail Costs and Health Care Costs, above.

Data Validation and Verification: See, Paid Jail Costs and Health Care Costs, above.

Data Limitations: See, Paid Jail Costs and Health Care Costs, above.

Performance Measure: Targeted Non-federal Facilities Reviews and Targeted Non-federal Facilities Meeting Minimum Standards

Data Definitions: Targeted Non-federal Facilities: All Private Facilities, all Large Intergovernmental Agreement (IGA) facilities with an average daily population (ADP) of approximately 480 or more, all Medium IGA facilities with an ADP of approximately 200 – 479, and other select facilities such as those involved in agency requested facility reviews. Number of Targeted Reviews Completed: Targeted Non-federal Facility Quality Assurance Reviews (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 and are offset by outstanding elements of performance. Acceptable: Level of performance meets minimum standards, deficiencies are minor. Deficient: Level of performance indicates 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 to be Meeting Minimum Standards.* Targeted Number of Non-federal Facilities Meeting Minimum Standards: This percentage is calculated

by dividing the Targeted Non-federal Facilities Meeting Minimum Standards by the number of these facilities scheduled for review during the fiscal year.

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 inspection reports are maintained.

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).

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

To measure success toward achieving this strategic goal, a performance goal was established to hold per day detention costs at or below inflation. This chart reflects the targeted level required to achieve that goal. The discussions below specify the mission challenges and strategies required to make the targeted level attainable. In addition, the graph depicts the specific performance level required for each contributing initiative.

Performance Plan and Report:

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

FY 2014 Target: \$83.31

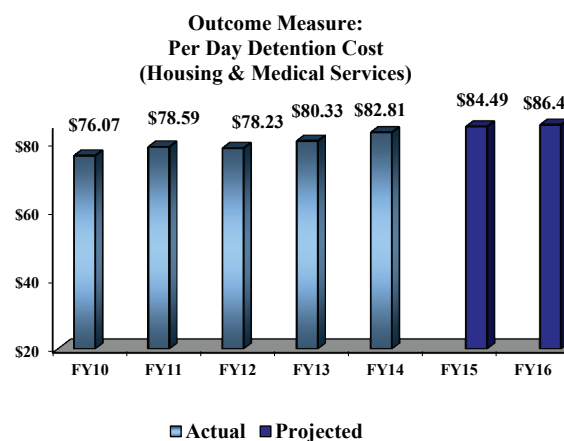
FY 2014 Actual: \$82.81

Challenge: Adequate Detention Beds

When state and local governments require more of their capacity to house their own prisoners, fewer detention beds are available to accommodate federal detainees. The reduction in available state and local facilities forces an increased reliance on private facilities that are historically higher in cost.

Strategy: *Maximize the use of available bed space*

One goal of DSNetwork is to provide a means to monitor detention bed space usage and to allow for oversight of non-federal facility contracts and services. Timely and accurate data from JDIS and other systems will be integrated into DSNetwork dashboards and reports to query and monitor capacity and usage. As a consolidated detention services site, the DSNetwork will also provide a vehicle for automated processing of IGAs, detention facility review information, other detention services, and procurement data for agencies to assess, monitor, and manage detention bed space. This will allow district offices increased flexibility to determine the best value to the federal government by better leveraging available space, transportation, and care capabilities. It will result in securing beds and related services more efficiently and is vital to holding detention costs down.



FPD Performance Goal 2

Ensure efficient use of detention space and minimize price increases

Challenge: Projection of IGA Increases

DOJ utilizes Intergovernmental Agreements (IGA) to establish the relationship with a state or local government for the use of excess bed space at a negotiated per diem rate. During the life of the agreement, a state or local government may request rate adjustments from DOJ. Historically, it was unknown how many or at what frequency the state or local governments would request such adjustments or the magnitude of the adjustments, making it difficult to project rate increases for budgeting purposes.

Strategy: eIGA

eIGA was developed to provide a measure of standardization for the cost and the manner in which the 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 adjustments to the per diem rate. This allows the cost of housing detainees to become more predictive as new trends and set prices are integrated to provide more comprehensive bed space requirements. eIGA continues to include more IGAs as new agreements are initiated and older agreements are renegotiated. In addition to the multiple benefits of the eIGA, this system has reporting capabilities, which can result in a more accurate and faster report.

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 using 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 their 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 could have been higher by as many as 2,900 prisoners per day at a cost of approximately \$67,000,000.

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 bedspace usage to achieve the best prices. By approaching the negotiating process together, this eliminates the potential for competition between federal agencies. This methodology has worked well in the past and will continue for future negotiations as appropriate.

Performance

Plan and

Report:

Measure:

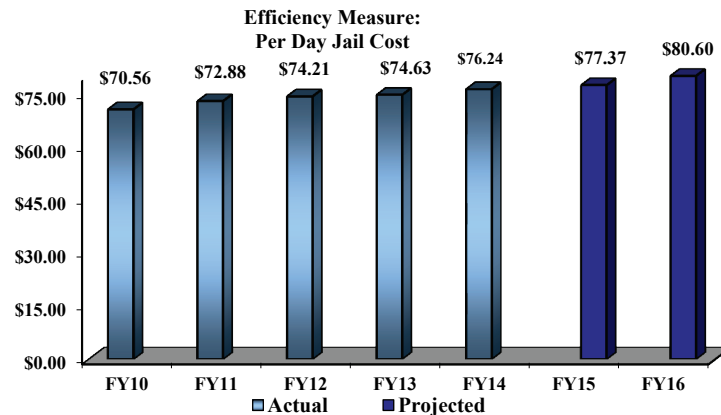
Per Day Jail
Cost

FY 2014

Target: \$76.45

FY 2014

Actual: \$76.24



FPD Performance Goal 3

Ensure adequate medical services are provided in the most economical manner

Challenge: Rising Medical Costs

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

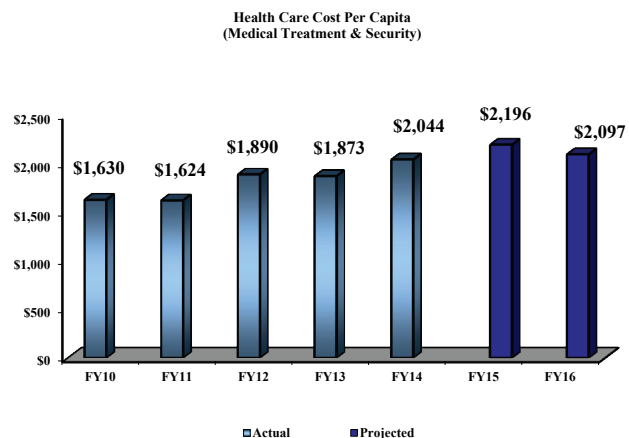
Strategy: National Managed Care Contract

The USMS manages a National Managed Care Contract (NMCC) that establishes a national health care delivery system for USMS prisoners. The contract helps to ensure that the USMS is complying with the federal procurement statutes and regulations when it acquires medical services

for its prisoners. It also ensures that the 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 prisoner medical-related administrative workload of the districts. The NMCC contractor is processing and

paying the entire contract-related prisoner medical bills on behalf of the districts.

Finally, the NMCC provides for a national discount pharmacy program that allows the



USMS to receive discounts on the medications that the USMS purchases for its prisoners. The NMCC has been fully implemented in all USMS districts.

Performance Plan and Report:

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

FY 2014 Target: \$2,027

FY 2014 Actual: \$2,044

FPD Performance Goal 4

Ensure safe, secure, humane confinement

To measure success toward achieving this strategic goal, a performance goal was established to ensure that 100% of all private detention facilities meet minimum standards annually.

FPD Performance Goal 5

Ensure detention facilities meet established standards for confinement

Challenge: Varying Detention Standards

Concurrent with the desire to create efficiencies within detention is the need to ensure that facilities provide for the safe, secure, and humane confinement of detainees. This is especially challenging considering the vast number of state, local, and private facilities in use. The standard for confinement at these facilities varies according to local and state requirements. To address this issue, a comprehensive Quality Assurance Program was developed to ensure that the 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 as well as address Congress' concerns for public safety as it relates 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 the various program components ensure compliance to the standards. These components (listed below) cover 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, defined as: private facilities and select IGA facilities. A review identifies and reflects facility deficiencies as related to the delivery of contract services. A corrective action plan developed by the facility to address deficiencies is monitored by USMS until resolution. Since the implementation of the QAR program there has been quantifiable improvement in the quality of detention services. Specifically notable is the reduction in repeat deficiencies. The cumulative effect of these improvements resulted in increased ratings and services.

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.

Outcome Measure: Percentage of Targeted Non-federal Facilities Meeting Minimum Standards									
Facility		FY 2010	FY 2011	FY 2012	FY 2013	FY 2014		FY 2015	FY 2016
Type	Size (ADP)	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Goal: 100% Meet Minimum Standards									
Private	N/A	100%	100%	100%	100%	100%	100%	100%	100%
		12	14	14	14	15	15	15	15
IGA	Large	100	100%	100%	100%	N/A	N/A	N/A	N/A
	> 480	10	9	9	9	N/A	N/A	N/A	N/A
Subtotal:		100%	100%	100%	100%	100%	100%	100%	100%
		22	23	23	23	15	15	15	15
Performance Goal: 100% of Medium Facilities Meet Minimum Standards									
IGA	Medium	100%	100%	100%	100%	N/A	N/A	N/A	N/A
	200 - 480	8	7	7	7	N/A	N/A	N/A	N/A
Performance Goal: Meet Annual Targets as Established									
IGA	Small	100%	100%	100%	100%	N/A	N/A	N/A	N/A
	40 - 199	1	N/A	N/A	N/A	N/A	N/A	N/A	N/A
As Previously Reported:		93%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		27	32	30	30	N/A	N/A	N/A	N/A

- **Private Detention Facility Construction and Activation Monitoring:** To ensure that newly constructed facilities meet all aspects of the FPBDS in addition to local and state requirements, a contract was awarded to monitor private detention facility construction and activation.
- **Joint Review Initiative (JRI):** The USMS will continue to coordinate with the federal government detention stakeholders to develop the JRI for facility

inspections. The JRI will facilitate joint reviews of shared USMS/ICE/BOP IGA facilities using a single federal baseline detention standard.

Performance Plan and Report:

Measure: Number of Targeted Non-federal Facilities Meeting Minimum Standards

FY 2014 Target: 15

FY 2014 Actual: 15

V. Program Increases by Item

No program increases.

VI. Program Decreases by Item

Item Name:	<u>A. Population Adjustment</u>
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Strategic Goal:	<u>DOJ Strategic Goal: 3</u>
Strategic Objective:	<u>DOJ Objective: 3.3</u>
Budget Decision Unit(s):	<u>Detention Services</u>
Organizational Program:	<u>U. S. Marshals Service</u>

Program Decrease: Positions 0 Agt/Atty 0 FTE 0 Dollars **-\$111,000,000**

Description of Item

This decrease reflects the projected cost reduction associated with the decreasing trend in the detention population.

Justification

The detention account has been experiencing an unprecedented decline in the prisoner population. Assuming current policies and conditions do not change and the decreasing trend continues into FY 2016, the cost for the detention population is anticipated to be lower than the base funding level. This decrease allows the USMS and the Department to maintain sufficient base resources while also accounting for a possible lower than projected population.

Impact on Performance

The impact of this proposal on detention operations is expected to be minimal.

Funding

Base Funding

FY 2014 Enacted				FY 2015 Enacted				FY 2016 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
17	0	19	\$1,533,000	17	0	17	\$495,307	17	0	17	\$1,565,414

Non-Personnel Decrease Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2016 Request (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)	FY 2018 Net Annualization (change from 2017) (\$000)
Housing			-\$111,000	\$0	\$0
Total Non-Personnel			-\$111,000	\$0	\$0

Total Decrease for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non- Personnel (\$000)	Total (\$000)	FY 2017 Net Annualization (change from 2016) (\$000)	FY 2018 Net Annualization (change from 2017) (\$000)
Current Services	17	0	17	\$3,000	\$1,562,414	\$1,565,414		
Decrease					-\$111,000	-\$111,000	\$0	\$0
Grand Total	17	0	17	\$3,000	\$1,451,414	\$1,454,414	\$0	\$0