



## Core function five: Detention and Incarceration

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This Core Function describes DOJ's responsibilities for the confinement of persons convicted of Federal crimes and sentenced to terms of incarceration, and those charged with Federal offenses and detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation. Three of DOJ's components—the Bureau of Prisons (BOP), the United States Marshals Service (USMS), and the Immigration and Naturalization Service (INS)—engage in activities related to this Core Function.

BOP's primary responsibility consists of maintaining secure, safe and humane correctional institutions for sentenced offenders placed in its custody. BOP develops and operates correctional programs that seek a balanced application of concepts of punishment, deterrence, and incapacitation with opportunities to prepare the offender for successful reintegration into society. Through the National Institute of Corrections, BOP provides assistance to state and local correctional agencies.

BOP conducts its incarceration function using a range of BOP-run institutions of varying security levels, as well as the use of privately operated facilities, including half-way houses and community corrections facilities. While BOP deals with the special problems that accompany the long-term custody and care of sentenced Federal prisoners, BOP is also a major provider of detention bed space. BOP operates several metropolitan detention centers in cities where detention beds from non-Federal providers are not sufficient.

Over the next few years, BOP faces several challenges. During FY 1999, the BOP experienced the largest one year population increase in its history. At fiscal year end, the BOP total inmate population was 133,869, an increase of more than 11,300 over the population at the end of FY 1998. Despite an ambitious facility expansion program, the continued growth in the inmate population is affecting the BOP crowding rate. From 1990 - 1997, the over crowding rate decreased every year to a low of 22% in 1997. From FY 1997 to FY 1999, overcrowding has crept back up to 31% at the end of FY 1999.

The National Capital Revitalization and Self-Government Act of 1997 will result in BOP assuming the responsibility to house all DC adult felons sentenced to a term of confinement. Efforts are well underway for BOP to house and contract for the housing of this population. The Act requires that 2,000 DC inmates be housed in contract facilities by FY 2001 and, as soon as is practical, the others shall be transferred to BOP. Since passage of the Revitalization Act, the BOP has accepted 1,861 District of Columbia Department of Corrections (DCDOC) inmates. As of December 31, 1999, 1,583 of these inmates remain in facilities operated or contracted for by the BOP.

In addition, beginning in FY 2000, BOP is requesting funds to begin to assume the responsibility of housing the non-returnable INS detainee population who can not be repatriated to their homeland and require ongoing detention. DOJ, BOP, and INS are currently reviewing information on this population to determine if some of the detainees can be housed in contract facilities beginning in FY 2000. The BOP is planning additional Federal bed space for higher-security, long-term INS detainees and has requested additional construction funding in FY 2001.

Persons charged with Federal offenses and detained while awaiting, or during, trial are primarily the responsibility of USMS, as are pre-sentenced inmates. USMS does not operate any detention centers; rather it obtains the beds it needs to house this population from state and local jails and detention centers, BOP, INS and private facilities. USMS is responsible for ensuring that detainees make their scheduled court appearances, thereby contributing to the orderly work of the Federal courts.

INS likewise detains persons who are charged with violating immigration law, have entered the U.S. illegally, or have been ordered deported. INS houses its detainees in its own detention facilities (Service Processing Centers), contract facilities, state and local jails, and BOP facilities.

## **MANAGEMENT ISSUES**

There are two closely related management issues for this core function; overcrowding in federal prisons and shortage of detention facilities. Both of these concerns are the result of continual increases in the need for these facilities. Strategies to address the federal prison overcrowding include: optimum use and/or expansion of existing facilities, new construction, and alternative housing. However, even with such aggressive efforts underway, overcrowding is projected to continue well beyond FY 2001. The detention facility shortage will likely remain throughout FY 2001 despite requests for additional funds for housing USMS and INS detainees and the activation of a federal detention facility in Hawaii. To focus departmental management and oversight of detention resources, the Department is requesting the establishment of a detention trustee in FY 2001. Performance measures relating to these management issues are noted.

## **PROGRAM EVALUATION**

We anticipate that a Program Evaluation will continue into FY 2001 utilizing data from the USMS and BOP pilot study to be conducted in FY 2000. The BOP and USMS will conduct a pilot study regarding the delivery of health care to USMS prisoners confined in BOP detention facilities. The study results from a recommendation from the DOJ Detention and Incarceration Study which was completed in March 1998. Traditionally, the BOP has provided healthcare services for USMS prisoners in BOP facilities, while the USMS has been responsible for outside medical care. It has been USMS's responsibility to transport, maintain custody, and pay for the treatment of USMS prisoners at community hospitals. Under the pilot program the BOP will assume outside medical care responsibilities, including guard and escort duties, for USMS prisoners at three BOP detention centers: MCC New York, FDC Miami, and FTC Oklahoma. From January 1- April 30, 2000, the BOP will collect data on all outside medical trips at the pilot sites, for both BOP and USMS prisoners. This data will be used to assess the financial and operational impact of this initiative.

In FY 2000, INS' Detention and Deportation Program will perform a detailed assessment of detention needs to develop a three to five year plan of workload, requirements and management strategies to support increased removals. In FY 2001, INS plans to continue projects to use alternatives to detention based on an evaluation due in FY 2000 on the results of the Appearance Assistance Program (AAP) demonstration project. The evaluation will address the impact of AAP on improving aliens' appearance at hearings and compliance with Immigration Judge final orders as a means to reduce use of detention space for appropriate categories of aliens.

Regular review of Detention and Deportation Program management is conducted via the INS Program for Excellence and Comprehensive Tracking (INSpect). The scope of the review includes high-risk areas, including facility issues; security and control; detainee conduct and detainee services; transportation and escort; and docket control.

**Strategic Goal 5.1: Provide for the safe, secure and humane confinement of persons who are detained while awaiting trial or sentencing, a hearing on their immigration status, or deportation.**

**Annual Goal 5.1: Ensure adequate cost effective detention capacity; and Improve the operating efficiency of the Justice Prisoner and Alien Transportation System (JPATS)**

**STRATEGIES**

- ( Maintain and operate the Federal detention program through a coordinated and cost-effective management approach.
- ( Work cooperatively with state and local governments to obtain needed detention bed space and services.
- ( Operate efficiently and effectively the Justice Prisoner and Alien Transportation System (JPATS).

DOJ's performance plan includes goals to provide sufficient bed space for the expected increase in the detention populations of both USMS and INS. INS anticipates its population will continue to increase as a result of additional enforcement staffing and continued implementation of immigration legislation. USMS' pre-trial and pre-sentenced population is also expected to continue to increase as a result of growth in enforcement and prosecutorial personnel over the past several years. The success of DOJ's investigators and prosecutors at solving crimes, arresting suspects and trying cases places increasing workload demands on both INS and USMS detention activities.

JPATS, created in 1995, resulted from an innovative partnership among the USMS, INS, and BOP. It was formed to transport criminals and illegal aliens more safely, efficiently, and cost effectively than previously possible. Prior to the establishment of JPATS, movement of detained aliens (for transfer between institutions and for deportation) was

managed solely by INS, while transportation of other Federal prisoners was the responsibility of USMS.

By combining the equipment and personnel resources of the three agencies, and consolidating the movement of alien prisoners with other prisoners, flight and bus seats were more efficiently utilized. This resulted in lower per-passenger costs, and faster completion of prisoner movements.

**MEANS - Annual Goal 5.1**

**Dollars/FTE**

FY 1999		FY 2000		FY 2001	
\$1,607M	6,927	\$1,805M	7,318	\$ 2,307 M	8,326

**Skills**

Deputies must be able to: analyze inappropriate communications made against judges/witnesses, investigate threats against judges/witnesses; cultivate relationships with state and local law enforcement agencies; assess the potential risk to any USMS protectee; devise threat management strategies; and coordinate protective investigations with the FBI. Positions for the INS Detention and Deportation Program include: Deportation Officers, Detention Enforcement Officers, Docket Clerks, IRP Directors, Attorneys and Legal Technicians, Procurement Officers, and, Support Staff.

**Information Technology**

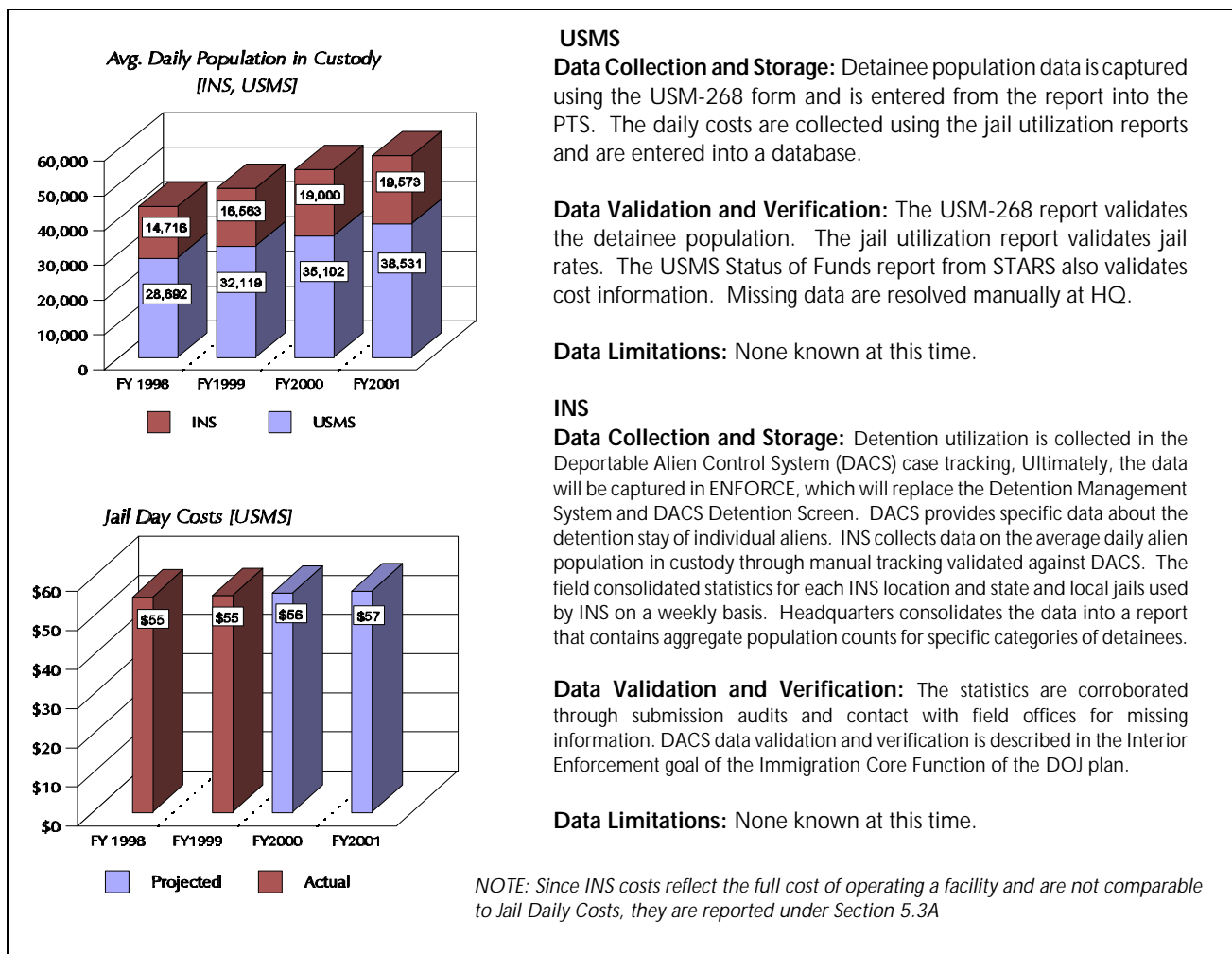
The following systems are in place to accomplish this goal: Warrant Information Network, Prisoner Tracking System, Automated Prisoner Scheduling System, and Automated Booking Station. In addition, the JDIS system allows USMS to manage prisoners and track them through the entire judicial process. INS systems utilized to collect detention data are the Deportable Alien Control (DACS) and Criminal Alien Information System (CAIS). Ultimately, the data will be captured in ENFORCE.

**PERFORMANCE ASSESSMENT - Annual Goal 5.1 (indicators 5.1A-5.1B )**

**5.1A Ensure Adequate Cost Effective Detention Capacity (Management Issue)**

In FY 2001, DOJ will work cooperatively with the private sector, state, and local governments to establish and maintain adequate capacity to detain persons in Federal custody in cost-effective, safe, secure and humane facilities, while awaiting trial, a hearing, or deportation. Specifically, we will obtain sufficient detention space for an estimated average daily population of 38,403 persons in the custody of the USMS.

In addition, BOP will continue to support USMS requirements by housing a significant number, over 30% of Federal pretrial detainees, in BOP facilities, and will open a detention center in FY 2001 in Honolulu, Hawaii (this data is included in the section addressing overcrowding (5.2)). The remainder will be housed in non-Federal facilities (e.g., state and local jails, private facilities). We will also provide 19,573 detention beds in FY 2001 for persons in the INS custody.



**USMS**

**Data Collection and Storage:** Detainee population data is captured using the USM-268 form and is entered from the report into the PTS. The daily costs are collected using the jail utilization reports and are entered into a database.

**Data Validation and Verification:** The USM-268 report validates the detainee population. The jail utilization report validates jail rates. The USMS Status of Funds report from STARS also validates cost information. Missing data are resolved manually at HQ.

**Data Limitations:** None known at this time.

**INS**

**Data Collection and Storage:** Detention utilization is collected in the Deportable Alien Control System (DACS) case tracking. Ultimately, the data will be captured in ENFORCE, which will replace the Detention Management System and DACS Detention Screen. DACS provides specific data about the detention stay of individual aliens. INS collects data on the average daily alien population in custody through manual tracking validated against DACS. The field consolidated statistics for each INS location and state and local jails used by INS on a weekly basis. Headquarters consolidates the data into a report that contains aggregate population counts for specific categories of detainees.

**Data Validation and Verification:** The statistics are corroborated through submission audits and contact with field offices for missing information. DACS data validation and verification is described in the Interior Enforcement goal of the Immigration Core Function of the DOJ plan.

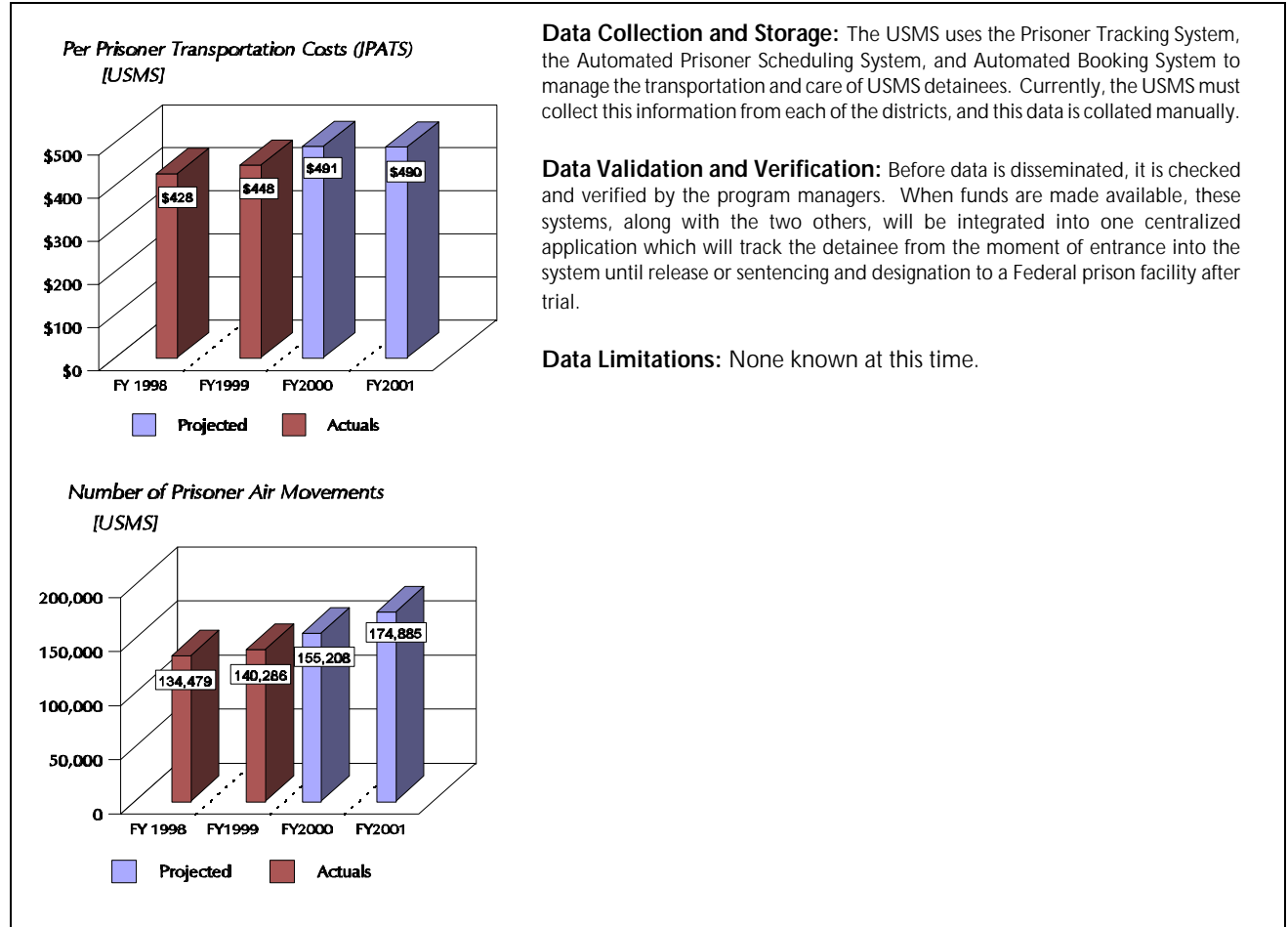
**Data Limitations:** None known at this time.

**Crosscutting Activities:**

DOJ works cooperatively with the private sector, state, and local governments to establish and maintain adequate capacity to detain persons in Federal custody in cost-effective, safe, secure and humane facilities.

## 5.1B Improve Operating Efficiency of the Justice Prisoner and Alien Transportation System (JPATS)

In FY 2001, DOJ will improve the operating efficiency of the Justice Prisoner and Alien Transportation System (JPATS) by acquiring needed aircraft and providing on-site aircraft maintenance at the Hangar in Oklahoma City to reduce aircraft down times and flight delays and prevent unnecessary maintenance costs. Also, access to the Automated Prisoner Scheduling System will be provided to the INS and BOP, as well as enhancements to the system.



**Data Collection and Storage:** The USMS uses the Prisoner Tracking System, the Automated Prisoner Scheduling System, and Automated Booking System to manage the transportation and care of USMS detainees. Currently, the USMS must collect this information from each of the districts, and this data is collated manually.

**Data Validation and Verification:** Before data is disseminated, it is checked and verified by the program managers. When funds are made available, these systems, along with the two others, will be integrated into one centralized application which will track the detainee from the moment of entrance into the system until release or sentencing and designation to a Federal prison facility after trial.

**Data Limitations:** None known at this time.

### Crosscutting Activities:

The USMS is responsible for the production, transportation, and custody of all Federal detainees (except non-returnable aliens). This includes receiving prisoners from the FBI, DEA, and INS; processing them through the cellblock; producing them for court proceedings at the direction of the U.S. Attorneys; and either releasing them or transporting them to a Bureau of Prisons or contract facility at the termination of a trial.

INS is responsible for the detention and deportation of illegal aliens. INS works closely with the USMS on transportation issues, and with USMS and BOP on detention issues. INS also coordinates closely with the Executive Office for Immigration Review, which ensures the fair and impartial review of immigrant applications.

**Strategic Goal 5.2: Ensure that sufficient prison capacity exists so that violent and other serious criminal offenders are imprisoned to the fullest extent of the law.**

**Annual Goal 5.2: Reduce prison overcrowding**

**STRATEGIES**

- ( Increase Federal prison bedspace by constructing and activating new facilities, and exploring opportunities for the renovation and expansion of existing facilities.
- ( Pursue negotiations with other government units to consider property transfers, joint use contracts, and other cooperative arrangements.
- ( Continue the careful use and evaluation of secure alternatives to traditional incarceration for nonviolent offenders, including Comprehensive Sanctions Centers and Home Confinement strategies where appropriate.

In order to keep pace with inmate population growth and reduce overcrowding, BOP expands bed space capacity each year through construction projects and facility activations. BOP also explores alternatives to traditional confinement.

The National Capital Revitalization and Self-Government Improvement Act of 1997 transfers to the BOP the responsibility for housing felons sentenced under the DC Code and to the U.S. Parole Commission (USPC) the responsibility for conducting parole hearings for these felons.

Since passage of the Revitalization Act, the BOP accepted 1,861 District of Columbia Department of Corrections (DCDOC) inmates. As of December 31, 1999, 1,583 of these inmates remained in facilities operated or contracted for by the BOP. Despite delays in the privatization procurement process (due to environmental and legal challenges), the Department and the BOP are fully committed to housing, and maintaining 2,000 post transition D.C. sentenced felons. The

Department and BOP do not anticipate that the movement problems experienced in 1999 will adversely impact on the Lorton Closure (December 31, 2001).

**MEANS - Annual Goal 5.2**

**Dollars/FTE**

FY 1999		FY 2000		FY 2001	
\$1,002M	438	\$868 M	567	\$1,140 M	586

**Skills**

The BOP requires a full complement of well trained and educated staff from correctional officers to the warden, project managers to oversee construction projects, contract specialists to negotiate large construction contracts, and innovative program specialists to identify secure and community based alternatives to traditional incarceration for nonviolent offenders.

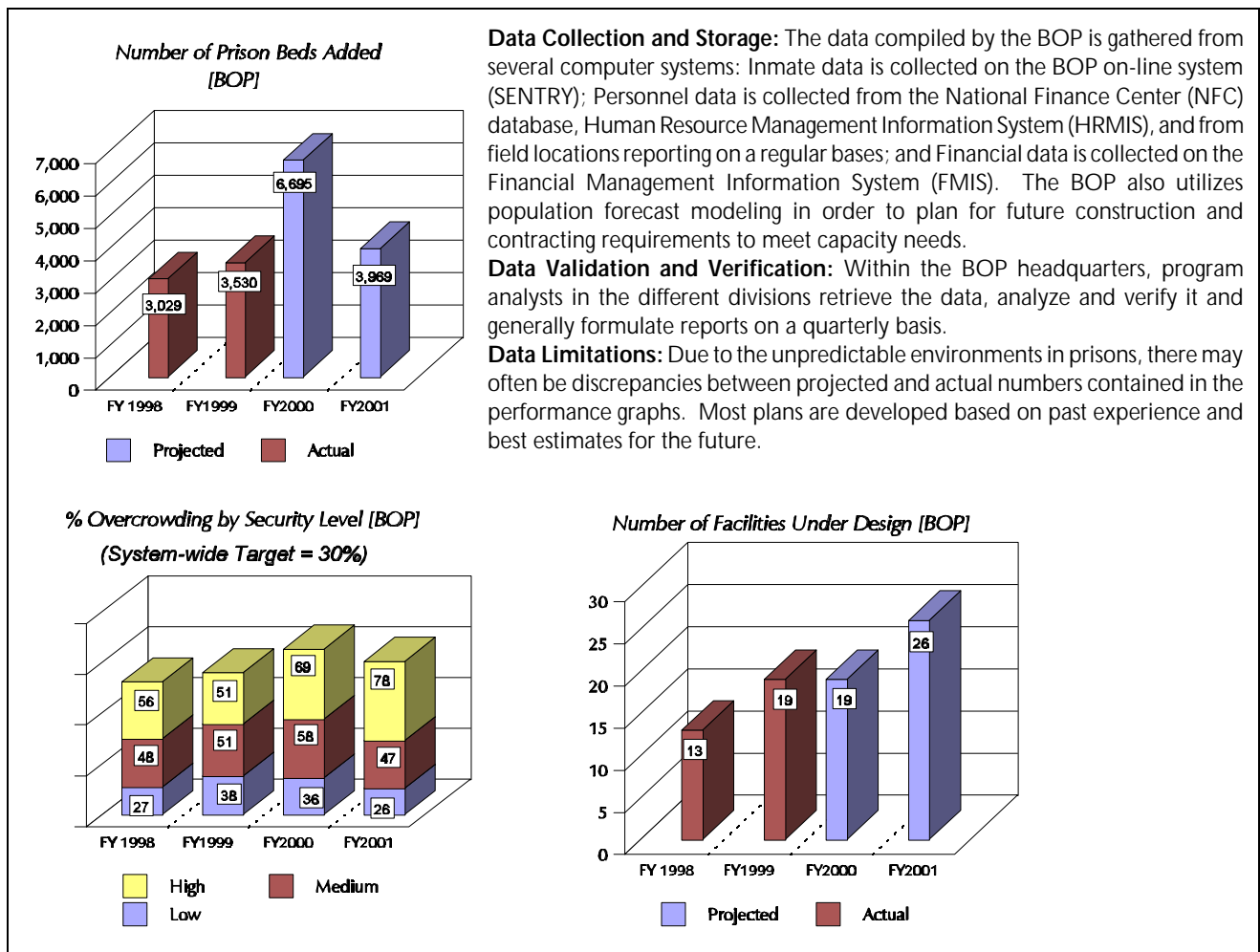
**Information Technology**

Inmate data is collected on the BOP on-line system (SENTRY); Personnel data is collected on the Human Resource Management Information System (HRMIS); and Financial data on the Financial Management Information System (FMIS). The BOP also utilizes population forecast modeling in order to plan for future construction and contracting requirements to meet capacity needs. USPC utilizes a parolee database for hearings and status of cases.

**PERFORMANCE ASSESSMENT - Annual Goal 5.2 (indicator 5.2A )**

**5.2A Reduce prison overcrowding (Management Issue)**

In FY 2001, the Department will continue implementation of the National Capital Revitalization and Self-Government Improvement Act (NCRSGIA) of 1997. Since the passage of the NCRSGIA, BOP has accepted approximately 2,170 District of Columbia sentenced felons into its custody. In consideration of the influx of D.C. sentenced felons, as well as other increases in population, DOJ will support BOP's efforts to hold the system-wide overcrowding rate near 30% with the addition of over 6,200 new beds resulting from the activations of Pollock (high security and camp), Atwater (high security and camp), Coleman (DC high security), and Honolulu (detention center). Also included are approximately 2,500 beds to be added by expanding low security bed space at: Ft. Dix, Elkton, Jesup, Yazoo City, Seagoville, and Lompoc. In addition, a reprogramming request has gone forward to convert the existing prison camp at El Paso to a secure camp and expand capacity to 500 beds. The FY 2001 request and advance appropriations will provide funding for new construction which will add nearly 20,000 beds when completed during FY 2005-FY2007.



**Crosscutting Activities:**

DOJ works cooperatively with the private sector, state, and locals to establish and maintain adequate capacity to detain persons in Federal custody in cost-effective, safe, secure and humane facilities. In addition, the implementation of the NCRSGIA of 1997 is coordinated through the efforts of BOP, USPC and the (DCDOC) and Trustees.

**Strategic Goal 5.3: Maintain and operate the Federal prison system in a safe, secure, humane and efficient manner.**

**Annual Goal 5.3: Efficiently operate well maintained facilities**

**STRATEGIES**

- ( Ensure an appropriate level of properly trained and equipped staff.
- ( Ensure compliance with environmental, health and safety regulations.

The Modernization and Repair (M&R) program provides the resources to undertake essential rehabilitation and renovation or replacement projects at existing institutions to ensure that structures, utilities systems, and other plant facilities are kept in a good state of repair. Proper maintenance, modernization and repair of BOP institutions is essential. Failure to adequately maintain structures and utility systems erodes capital investment and multiplies the costs in future years of accomplishing the required maintenance and repair. Most importantly, failure to maintain structures can cause direct and/or indirect security problems.

**MEANS - Annual Goal 5.3**

**Dollars/FTE**

		FY 2000		FY 2001	
\$1,351M	16,614	\$1,474M	17,953	\$1,592 M	18,122

**Skills**

BOP must maintain a staff of project managers and professional engineers/architects to ensure design compliance and monitor construction activities. These staff must have broad knowledge of institution operations and management requirements. Project managers must have a wide variety of construction skills and the ability to supervise large inmate work crews.

**Information Technology**

The BOP will continue to rely on a database to track and manage modernization and repair projects.



**PERFORMANCE ASSESSMENT - Annual Goal 5.3 (indicator 5.3A )**

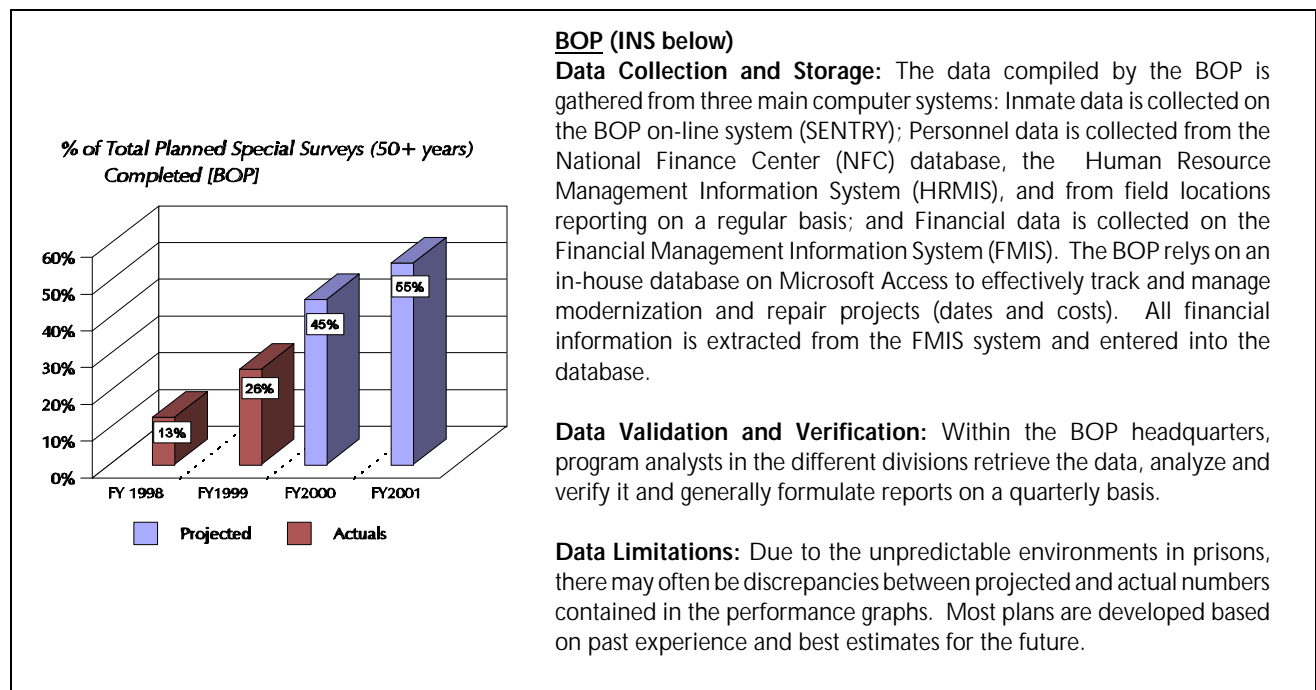
**5.3A Efficiently Operate Well Maintained Facilities**

The BOP will continue to repair and renovate facilities as required; identify any hazardous waste that may exist on Federal prison property; comply with all requirements of the National Fire Protection Association (NFPA), 101 Life Safety Code pertaining to penal facilities; bring applicable utilities into compliance with National Electric Code and American Waterworks Standards; and ensure safety and security of facilities.

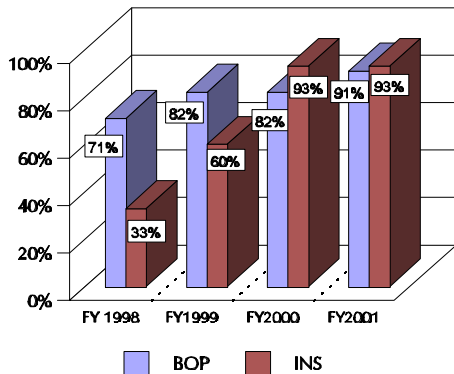
From FY 1999 through FY 2001, the BOP will remediate 100 percent of Life Safety discrepancies. Approximately 450 Modernization & Repair (M & R) projects will be completed each year, including 60-65 special projects completed and closed relating to life safety, accessibility, environmental and energy projects. The BOP has been working diligently to complete M&R projects over three years old. By FY 2001, 100 percent of those M&R projects subject to the new guidelines will be completed. In addition, long range master plans will be developed for facilities over 50 years old (50+ surveys) requiring major renovation. Of the total of 31, 21 BOP facilities remain in that category (over 50 years old without major renovation). A minimum of four long range master plans will be completed each fiscal year through FY 2000. To date, six master plans have been developed. Once a 50+ year old facility has had necessary major renovation, it is removed from the list for 50+ surveys.

Each facility has numerous buildings, as well as inmate living quarters on the compound, many of which require extensive work to maintain them in an adequate state of repair and to assure they meet BOP and American Correctional Association (ACA) standards. These prison facilities are subjected to heavier than normal use, since they are in use twenty-four hours a day. In addition, due to record levels of overcrowding, these facilities are being over utilized which is causing extensive wear , as well as premature deterioration. This is especially true of the older facilities which have infrastructures designed for a much smaller inmate population.

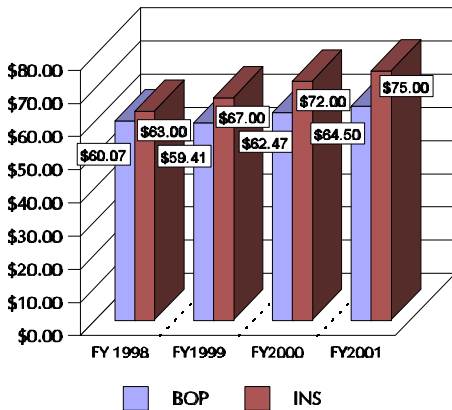
INS will continue to seek and maintain ACA accreditation of Service Processing Center and contract facilities and will implement a nationwide INS Detention Standards program for all facilities, including state and local facilities holding INS detainees.



**% of Facilities with ACA Accreditations \***  
[BOP,INS]



**Per Capita Costs [INS,BOP]**



**INS (BOP above)**

**Data Collection and Storage:** ACA accreditation data reported are the findings, certifications, and recommendations of the accrediting agencies.

Detention utilization is collected in the Deportable Alien Control System (DACS) case tracking. Ultimately, the data will be captured in ENFORCE, which will replace the Detention Management System and DACS Detention Screen. DACS provides specific data about the detention stay of individual aliens. INS collects data on the average daily alien population in custody through manual tracking validated against DACS. The field consolidated statistics for each INS location and state and local jails used by INS on a weekly basis. Headquarters consolidates the data into a report that contains aggregate population counts for specific categories of detainees.

**Data Validation and Verification:** ACA accreditation data results from independent reports and certifications of the accrediting institution.

The detention related statistics are corroborated through submission audits and contact with field offices for missing information. DACS data validation and verification is described in the Interior Enforcement goal of the Immigration Core Function of the DOJ plan.

**Data Limitations:** None known at this time.

\* ACA Accreditations percentages for BOP reflect accreditations based on the number of physical institutions. Percentages for INS reflect accreditations based on the number of sites.

**Crosscutting Activities:**

DOJ works cooperatively with the private sector, state, and local governments to establish and maintain adequate capacity to detain persons in Federal custody in cost-effective, safe, secure and humane facilities.

**Strategic Goal 5.4: Provide productive work, education, medical and other programs to meet inmate needs and facilitate their successful reintegration into society, consistent with community expectations and standards.**

**Annual Goal 5.4: Provide critical inmate services**

**STRATEGIES**

- ( Expand and improve the quality of prison work and education programs to minimize inmate idleness and develop marketable skills.
- ( Continue to develop and expand the availability of quality drug treatment programs.
- ( Provide necessary quality health care to inmates and detainees while controlling costs.
- ( Provide programs to meet the requirements of "special need offenders."
- ( Ensure equitable opportunities for all recognized faith groups.

In FY 2001, all medically fit inmates will continue to work and have the opportunity to participate in general and occupational educational programs, psychological services, religious and fitness activities. FPI will continue to employ up to twenty-five percent of inmates in secure facilities. The BOP will continue to provide residential treatment to 100 percent of eligible inmates.

Inmate care includes: providing adequate medical care; meeting appropriate dietary requirements; providing residential drug treatment (to 100 percent of eligible inmates); providing general education and skills-based training, ensuring that all medically fit inmates required to work do so; and affording inmates the opportunity to participate in other productive activities such as "special needs" programs, worship services, adult education, parenting classes, etc. The purpose of Inmate Programs is to improve inmate self-control, education and establish healthy relationships between staff and inmates by dividing the large institution population into smaller, more manageable groups.

**MEANS - Annual Goal 5.4**

**Dollars/FTE**

FY 1999		FY 2000		FY 2001	
\$913 M	10,322	\$973 M	12,346	\$1,063 M	12,080

**Skills**

BOP needs trained educators, program specialists, medical personnel, and industrial experts with appropriate experience and education. The staff must have broad knowledge of institution operations and management, and be skilled in applying, adapting, and imparting their knowledge in carefully controlled, closely directed settings.

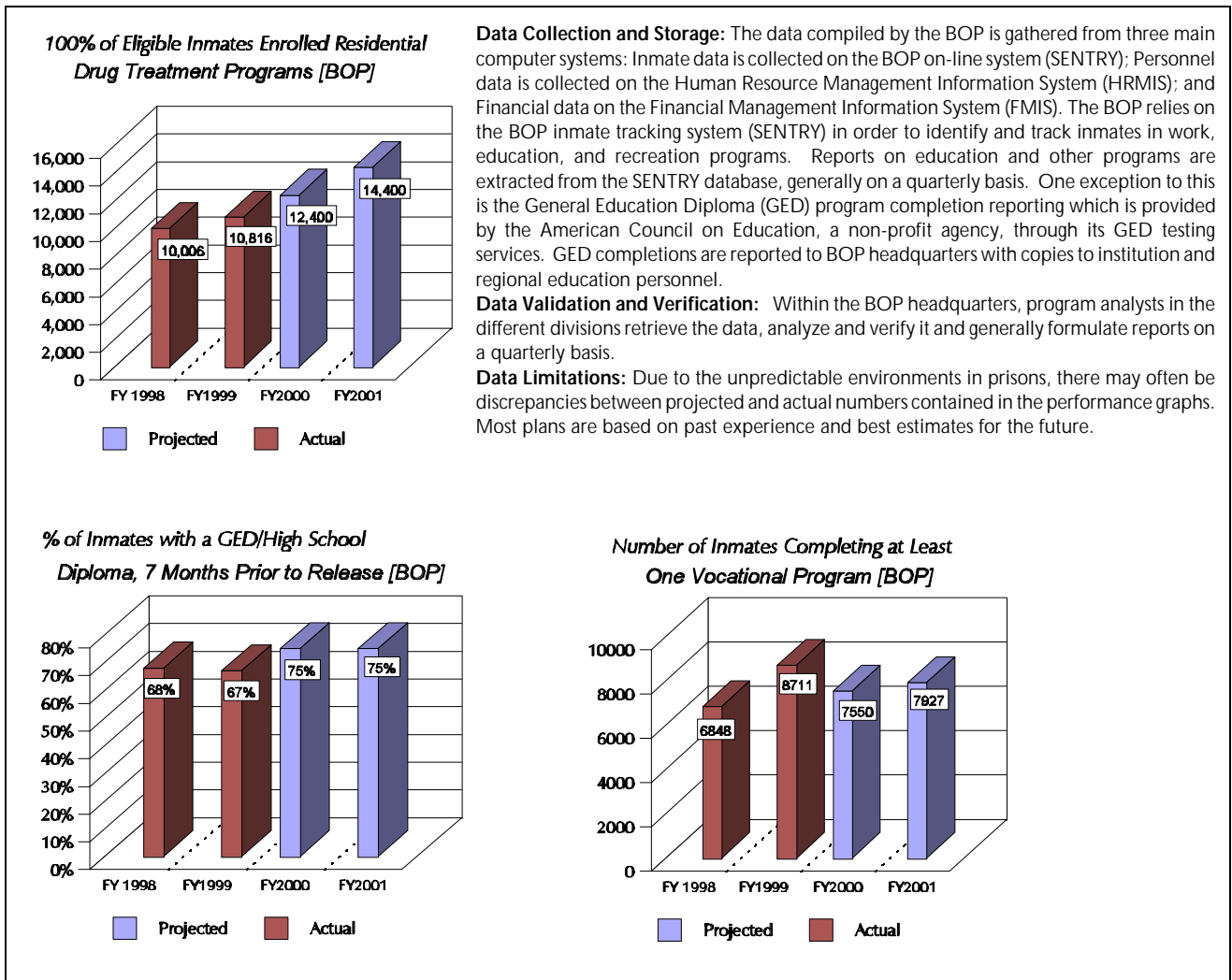
**Information Technology**

The BOP relies upon SENTRY computer system and other databases to accurately track inmate medical, education, work and recreation programming needs.

**PERFORMANCE ASSESSMENT - Annual Goal 5.4 (indicator 5.4A)**

**5.4A: Provide critical inmate services**

In FY 2001, DOJ will support BOP's efforts to provide services and programs to address inmate needs that contribute to successful reintegration into society. During FY 2001, nearly 8,000 inmates are expected to complete at least one vocational training program, and over 14,000 will participate in residential drug treatment programs. In FY 2001, an additional 120 staff positions are requested for education programming expansion and to address the backlog of inmates waiting to participate in literacy/GGED programs. In addition, the BOP is working on an initiative for prisoner re-entry programs to examine the possibility of improving released prisoners' chances of success upon release.



**Crosscutting Activities:**

In order to continue to provide a wide range of useful inmate activities, BOP coordinates with private voluntary organizations and businesses for teaching vocational skills to the inmates. BOP also employs Public Health Services doctors to provide quality health care in BOP facilities.