

**U.S. Department of Justice**  
**FY 2007 PERFORMANCE BUDGET**

**Office of the Federal Detention Trustee**

Congressional Budget Submission

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## **I. Overview for Office of the Federal Detention Trustee**

### **Introduction**

In FY 2007, the Office of the Federal Detention Trustee (OFDT) requests a total of \$1,332,326,000, to support the detention population housed in non-federal facilities. This request includes a transfer of \$27,935,000 in base resources from the U.S. Marshals Service (USMS) for prisoner transportation. Total increases, including \$3,900,000 for prisoner transportation, are \$170,359,000, of which \$64,459,000 are adjustments-to-base. This request supports strategic objective 4.3 of the Department of Justice (DOJ) Strategic Plan.

### **Mission**

OFDT's mission is to provide oversight of detention management, and improvement and coordination of detention activities, including the effective and efficient expenditure of appropriated funds with a consistent approach, and to ensure Federal agencies involved in detention provide for the safe, secure and humane confinement of persons in the custody of the United States.

### **Background**

OFDT was established as a response to growing concerns about the federal detention system, in particular, rising costs. The size and scope of federal detention would benefit from a central organization that could direct resources and implement programmatic changes to realize cost savings and gain efficiency.

Beginning in FY 2003, the OFDT assumed the oversight role for the appropriated resources provided to the USMS and the Immigration and Naturalization Service (INS) for the care of detainees in private, state, and local facilities. On March 1, 2003, the Department of Homeland Security (DHS) was created, and INS was partitioned and transferred from DOJ to DHS. OFDT now has oversight responsibility for the cost of prisoners in USMS custody and through an interagency agreement with DHS Immigration and Customs Enforcement (ICE), coordinates Federal detention needs.

### **Organization**

In order to be an effective trustee of the Nation's criminal detention infrastructure, OFDT is developing a sound strategic plan with an organizational structure that is tied to its mission statement, to the Department's Strategic Goals, Presidential priorities, and to Congressional intent. The development of the strategic plan is expected to be completed in February 2006.

OFDT's structure creates a high-level policy oversight, regulatory and troubleshooting organization, which continues to refine and improve detention operations to be more cost-effective and responsive to the needs of the detention community and to the issues raised by the Administration and Congress. To ensure OFDT meets the fiduciary responsibility established by Congress of a consistent and efficient approach to the expenditure of detention funds, OFDT has provided direct policy guidance and active oversight. OFDT achieves this by:

- Collecting critical data;
- Analyzing the data and developing accurate, long range projections of detention needs;
- Formulating detainee population projections;
- Overseeing the procurement of detention resources and operations; and
- Monitoring the expenditure of appropriated funds.

OFDT's staff and contractors direct detention operations, monitor, assess, and advise the expenditure of detention funds. OFDT personnel interact on a daily basis with USMS, ICE, and BOP, traveling to detention facilities as needed, to provide guidance and hands-on assistance. All of this results in greater coordination among the various components of the detention community; places greater emphasis on monitoring of resources; and provides greater reliance on agreements to implement policy regarding detention.

### **PART Review**

No programs in this budget have been subjected to a PART review. (The Office of Management and Budget (OMB) is scheduled to conduct a PART review during FY 2008.)

### **Issues, Outcomes and Strategies**

*DOJ Strategic Goal.* In the Department of Justice Strategic Plan for FY 2003-2008, under Strategic Goal IV: Ensure the Fair and Efficient Operation of the Federal Justice System, OFDT's responsibility is in Strategic Objective 4.3: "Provide for the safe, secure, and humane confinement of detained persons awaiting trial and/or sentencing."

The OFDT budget continues the efforts that have proven effective to contain and manage detention costs and that fund the strategies that support OFDT's performance goal. The OFDT's approach to containing and managing detention costs is being shaped by funding shortfalls, increases in the detainee 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.

- *Funding Shortfalls*

In the past 13 years, the Federal detainee population has experienced unprecedented growth as a result of expanded Federal law and border enforcement initiatives. This unprecedented growth has resulted in a major challenge for Federal agencies detaining prisoners. In FY 2004, the DOJ reprogrammed \$109 million for detention needs. For FY 2005, Congress approved an emergency supplemental appropriation that provided \$184 million for detention.

### *Fiscal Year 2007*

The FY 2007 budget request for OFDT is \$170,359,000 higher (including a base transfer from USMS of \$27,935,000 for prisoner transportation) than the FY 2006 appropriation, for a total request of \$1,332,326,000. OFDT has requested a program increase of

\$105,900,000, of which \$102,000,000 is for the care of USMS prisoners and \$3,900,000 is for prisoner transportation.

- Increasing Detention Population

Between FY 2000 and 2005, the USMS detention population increased an average of 9.0% annually, from 34,907 to 53,618. Current projections indicate that the detention population will continue to increase during s 2006 and 2007, to 58,362 and 62,920, respectively.

- FY 2007 Anticipated Average Daily Population

For FY 2007, the USMS' average daily detention population (ADP) is projected to increase to 62,920. This increase is the result of increases in the anticipated number of arrests made by federal law enforcement agencies during FYs 2006 and 2007. The number of persons arrested and subsequently booked by the USMS during FY 2007 is currently projected to increase to 190,462. Length of stay in detention post-sentencing continues to be reduced as a result of some of the cost avoidance/savings initiatives, i.e., automation of designation process.

Providing sufficient detention space continues to be a major issue for OFDT and the USMS. During FY 2005, the ADP under the custodial jurisdiction of the USMS was 54,121. Of these, an average of 12,341 were housed in facilities owned and operated by the Bureau of Prisons (BOP). The remaining detainees (41,780) were housed in a combination of detention facilities operated by state and local governments (34,392) and private correctional facility operators (7,209).<sup>1</sup> Because state and local governments are requiring more of the available capacity to house their own prisoners and detainees, the DOJ has increasingly used private detention facilities to accommodate its detention space requirements. For example, the Bureau of Justice Statistics (BJS) (2005) reported that on June 30, 2004, the Nation's local jails were operating at 94% of available capacity, on average. Of the 50 largest jail jurisdictions, 21 were operating above their rated capacity. Some of those facilities operating above their rated capacity are located in areas with the greatest federal need, e.g., Arizona, Southern District of California, New Mexico, and the Western District of Texas. Additionally, the USMS has reported to OFDT that they have virtually exhausted all available detention space in 22 judicial districts -- to include Baltimore-Washington Metropolitan Area, Central District of California, and the Middle District of Florida. While BJS reported that the rated capacity of the Nation's local jails increased by 19,132 during the 12 months ending June 30, 2004, the population housed increased by 22,572.

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<sup>1</sup>. "Private" includes (1) private detention facilities providing detention space through a direct contract with the USMS or other federal agency; and (2) private detention facilities providing detention space through an intermediary, i.e., a state or local government.

- *New Laws and Federal Law Enforcement Initiatives*

**Immigration Enforcement.** During FY 2004, significant detainee population growth was attributable to DHS' efforts to secure the Nation's borders and improve public safety. While records show that increases occurred in every offense category, arrests/bookings for criminal immigration offenses increased by the largest amount (43% of new growth), reflecting increased emphasis – and success – in identifying convicted felons attempting to illegally enter the United States.

Currently available data for FY 2005 suggests that the growth associated with immigration offenses will increase at a normal 5.8% annually between FY 2005 and 2007. The FY 2006, DHS budget supports an additional 1,000 border patrol agents, 100 immigration enforcement agents, and 250 criminal investigators. (A supplemental appropriation authorized and supported an additional 500 border patrol agents during FY 2005.) It is too early to determine the exact impact these actions might have on OFDT. As a result of hiring and training lags, not all of these new law enforcement officers authorized will necessarily produce new arrests during the budget year.

As part of the adjusted FY 2007 budget, it is currently anticipated that the number of immigration offenders arrested and booked will increase to approximately 44,500 (from 39,973 during 2005 and 42,100 during 2006). These increases in caseload are consistent with reports by the U.S. Attorneys of anticipated increases through FY 2007 and are incorporated in our projections.

- *OFDT Accomplishments*

**Cost Management Plan.** The Conference Report accompanying the Department of Justice Appropriations Act for FY 2005 directs the OFDT to review the entire detention process from commencement to incarceration in order to identify efficiencies and cost savings opportunities. This direction is consistent with DOJ efforts to comprehensively evaluate the entire spectrum of immigration policy, law enforcement and related factors that impact the resources required for detention. The Justice Management Division Budget Staff is working with a consulting firm to evaluate the detention process. OFDT is assisting the firm to complete the assessment.

The Detention Trustee developed a Cost Management Plan that reflects OFDT immediate, short term, and long term initiatives designed to operate the detention program as cost effectively as possible. The plan targets:

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

To accomplish this cost management plan, each detention program area was reviewed to identify what could be done immediately to address the funding crisis. Secondly, OFDT determined what improved business practices could be implemented throughout the year for long-term improvements. Data indicates that these initiatives have already saved millions. The efficiency plan actions are outlined below.

#### Accomplished

- Increased utilization of allocated BOP federal beds. OFDT met with USMS and BOP to redistribute allocated pretrial beds between Federal facilities. A written agreement was implemented to facilitate this process. This realignment of beds ensured greater usage of the federal beds, thus saving on detention costs.
- Briefing of the Judiciary, U.S. Attorneys, U.S. Marshals and Chief Deputies. The Trustee gave a status briefing on the detention account shortfall and proposed cost saving measures. The Trustee also shared with the Marshals and Deputies a notification from the Department to the Judiciary and U.S. Attorneys encouraging them to meet with local Marshal offices and assist with detention management efforts. This provides districts an opportunity to establish local efficiencies to contain costs, resulting in the savings of several million dollars.
- Established notification process with 94 USMS Districts. The Trustee established a process whereby the 94 USMS Districts notify USMS Prisoner Services Division of district activities that are potentially increasing detention costs. Early notification will help OFDT identify unusual and costly circumstances when or before they occur, ensuring timely interagency resolution. For example, costly medical cases that could be accelerated into BOP medical institutions in lieu of being kept in private hospitals, resulting in millions of dollars in savings to detention. Recently, OFDT negotiated with BOP and USMS to get 26 dialysis beds for immediate transfer in Massachusetts, resulting in an immediate savings.
- Plan to expedite movement of short-term sentenced (STS) prisoners to BOP custody. Currently, sentenced prisoners along the Southwest Border with less than 180 days left on their sentence are serving out their time in detention facilities and the cost is borne by OFDT. (S/TX, W/TX and AZ.). The Trustee established interagency communication to develop specific identifiers for STS prisoners that allows faster movement to BOP, substantially reducing detention dollars. This initiative will be carried into 2006 and is included as a cost efficiency in the FY 2007 budget.

#### In Process/Planned

- Develop a more efficient air and ground transportation system for Southwest Border prisoners. OFDT will move prisoners awaiting designation after sentencing to less expensive jails located near airstrips and BOP bus lines. This will free up critical bedspace in court cities, provide for lower detention costs, and strategically locate prisoners.

As a first step, the Trustee authorized the use of Grady County as a hub to house the overflow from the Oklahoma City transfer center. This trial has been very successful; Grady County detention costs are half that of the national average, making its use cost effective for housing prisoners in transit. The Trustee is pursuing the feasibility of other transit hubs. A west coast hub will be starting in February 2006 .

- Establish formal Working Group with the Courts. The group will review current alternative programs and determine if there is greater financial savings through use of these programs.

The majority of these efficiencies are permanent changes and have been accounted for in budget projections.

**e-Designate.** The goal of this initiative is improved business practices and technology that provides for more efficient workflow between the U.S. Probation Office (USPO), the USMS and the BOP during the sentence-to-commitment (STC) process. OFDT is leading this effort and has implemented pilot programs to automate the STC process and accelerate movement to BOP facilities. e-Designate has been implemented in Arizona, Southern California, New Mexico, Southern Texas and Maryland. Operational efficiencies realized in the Southwest Border districts will reduce the pressure on both detention capacity and appropriated resources. Best practices and lessons learned will be applied to all 94 judicial districts.

e-Designate links the President's Management Agenda for better financial performance with e-Government initiatives for using technology to improve program performance. The operational improvements include moving prisoners faster to their designated facility. Management improvements include a reduction in paperwork, improved collection of information and, for the first time, automated reporting capabilities.

During FY 2004 and prior to e-Designate, the average time from sentencing to designation in Arizona was 41 days. Since e-Designate, the average time is now around 22 days. This equates to approximately \$6.7 million in savings over the course of 6 months. Because of its success, e-Designate is the basis for development of a more robust, business process management enterprise solution, which will roll-out nationwide beginning in the last half of 2006 and continuing through 2007. Currently, OFDT is demonstrating the eDesignate System in the 9<sup>th</sup> Circuit and discussing the possibility of making it available there in the near future.

***Financial Assistance to the Federal Judiciary.*** OFDT provides financial assistance to the Federal Judiciary for alternatives to detention. Over the past several years, DOJ has provided funding to the Courts to support detention alternatives, including electronic monitoring, halfway house placement, and drug testing and treatment. For FY 2004, OFDT estimates that the \$662,000 provided to the Courts resulted in a cost avoidance of approximately \$6 million for detention. For FY 2005, the Courts were able to allocate the entire \$1.7 million provided by OFDT. Had those defendants released on alternatives during 2005 been placed in detention, the USMS detention expenditures would have been



higher by almost \$30 million. In FY 2006, OFDT provided \$4.0 million to AOUSC. OFDT will continue to evaluate this program and identify criteria for possible expansion.

***National Repository for Detention Space.*** The original goal of the National Repository was to serve as a vehicle for state and local governments and private detention space providers to electronically (<http://www.ofdt.net>) post the availability of detention space and related services for federal use. The Repository's goals have been enhanced to include a full-service housing tool to monitor detention space usage and to allow for oversight of non-federal facility contract and services. As a consolidated detention services site, the National Repository also will serve as a tool for OFDT to provide a vehicle for automated processing of IGAs, provide a Detention Services Schedule, post detention facility review information, and house other detention services and procurement data for agencies to assess bedspace.

***U.S. Attorney Survey.*** In the beginning of 2005, with the support of the Office of the Deputy Attorney General, OFDT coordinated with the BOP and EOUSA to initiate an annual survey of the U.S. Attorneys. The purpose of the survey was to obtain their input on expected criminal caseloads and determine substantial "environmental" factors that affect caseload and case processing time. The data collected has been incorporated into OFDT's detention population projection model to inform and validate projection of future arrests.

***Multi-Year Acquisition Plan (MAP).*** The OFDT, in coordination with the USMS, is strategically planning its procurement needs utilizing MAP. An effective MAP will provide a foundation to identify the agencies anticipated bed space needs and the impact the bed space requirements will have on OFDT. In addition, the MAP will provide OFDT with the ability to consolidate and coordinate bedspace and drive efficiencies to find the most effective detention space. This will allow future rate increases to be planned, eliminate discretionary negotiations for actual costs, and help determine the amount needed in future budget requests. The MAP will allow a unified process to ensure equality in rates.

***OFDT Strategic Plan.*** The Trustee developed OFDT's Strategic Plan and tied it to performance based management principles for each employee. OFDT's Strategic Plan provides direction for the office, effects positive influence over federal detention resources, and takes the Administration's goal of performance-based management to each employee. This plan is consistent with the performance measures for detention in the Department's Strategic Goals.

## **Full Program Costs**

- ***Detention Costs***

Between FY 2000 and 2005, the number of persons arrested by federal law enforcement agencies -- and booked by the USMS -- increased an average of 5.4% annually (137,405 to 175,171). The growth rate in federal arrests varies considerably by region and by offense, reflecting the law enforcement challenges and priorities of the U.S. Attorneys and other systemic factors: For example:

- in the 13 districts that comprise the Northeast, arrests and bookings increased at an average annual rate of 7.6%, from 15,048 to 21,664;
- in the 23 districts that comprise the Midwest, at an average annual rate of 7.2%, from 17,856 to 25,306; and,
- in the eight judicial districts that comprise the United States Southwest border, at an average annual rate of 6.4%, from 53,371 to 72,806.

Bookings for immigration and weapons offenses increased at substantially greater rates than all other offense categories monitored: bookings for weapons offenses increased at an average annual rate of 21%, increasing from 5,130 to 13,255; and bookings for immigration offenses increased at an average annual rate of 9.5%, increasing from 25,370 to 39,973. Other factors include:

- bookings for supervision violations, such as violations of post-incarceration supervised release imposed pursuant to 18 USC § 3583, increased at an average annual rate of 8.4%, from 17,134 to 25,673; and,
- bookings of material witnesses – primarily illegal aliens held to obtain depositions or otherwise secure testimony for a criminal trial – increased at an average annual rate of 8.3%, from 3,877 to 5,770.

Between FY 2000 and 2005, the USMS average daily population increased at an average annual rate of 9.2%, increasing from 34,907 to 54,121. Concomitant to the observed growth in arrests and bookings, the growth in the detention population varies considerably by region of the country and by offense category. For example, in:

- the 23 districts that comprise the Midwest, the USMS detention population increased at an average annual rate of 11.6%, increasing from 4,251 to 7,369.
- the 16 districts that comprise the MidAtlantic region, at an average annual rate of 10.7%, increasing from 3,516 to 5,851.
- the eight districts that comprise the Southwest border, at an average annual rate of 10.4%, increasing from 12,609 to 20,710.

On March 31, 2005, 43% of the USMS detention population was comprised of persons arrested/booked for drug offenses; 23.4% of persons arrested/booked for immigration offenses; 10.8% weapons offenses; 6.6% property offenses; and 5.8% violent offenses. The remaining offenders were arrested/booked for other offenses (6.6%), supervision violations (2.5%), or as material witnesses (1.3%).

During FY 2005, the USMS used a combination of detention or correctional facilities operated by (1) the BOP, (2) state and local governments, and (3) private correctional facility operators to house persons remanded to their custody by the federal judiciary. An average of 12,341 detainees was housed in facilities owned and operated by the BOP.

The remaining detainees (41,780) were housed in 711 detention facilities operated by state and local governments (34,392) and by 16 private correctional facility operators (7,209). The average daily cost paid during FY 2005 to house detainees in non-federal detention facilities was \$61.92 per detainee. As a result of policy decisions made by the Federal Detention Trustee during January 2005 to suspend rate increases paid to state and local governments, the increase in the average per diem rate paid during FY 2005 was minimal, increasing by approximately \$0.05.

As result of OFDT's several initiatives to control expenditures associated with housing USMS detainees in non-federal facilities, the number of detainees housed in BOP-operated facilities increased by 6.4%, reflecting, on an average daily basis, an additional 741 federal detention beds (over 2004 levels) used by the USMS and an estimated cost avoidance of more than \$21 million [741x365x77.80].<sup>2</sup> Additionally, because per diem rates paid to state and local governments were frozen during FY 2005, the per diem rate did not increase to the previously anticipated level of \$62.92. Accordingly, \$15 million of additional costs were avoided during FY 2005.

***Projected increases in federal arrests and bookings.*** It is not expected, however, that arrests and bookings will continue to increase during FY 2006 and 2007 at the rate observed historically. For FY 2006 and 2007, it is anticipated that arrests and bookings will increase at an average annual rate of 4.3%, increasing from 175,171 during 2005 to 190,462 during 2007. However, consistent with historical trends, arrests and bookings in the judicial districts comprising the Midwest (increasing 6.8% annually to 28,868) and the Southwest (increasing 5.3% to 80,792) will increase at the greatest rates. Similarly, weapons (14.8%), immigration (5.8%), and violent (3.4%) offenses will increase at greater average annual rates than other offenses.

While OFDT is continually monitoring the federal criminal caseload and undertaking efforts to improve the reliability of its projection methodologies, not all policy, program, and/or environmental factors can be known when projecting future levels of federal arrests. For example, between FY 2003 and 2004 arrests and bookings increased by 13.4% (or by 20,500). By comparison, between FY 2000 and 2003, arrests and bookings increased an average of 4.3% annually. More than half of the unanticipated increase in bookings observed during FY 2004 involved arrests for immigration offenses.

Additionally, as late as October 2004, all indications suggested that federal arrests/bookings for FY 2005 would increase beyond projected levels. For example, as part of an evaluation of the IDENT/IAFIS integration project, the DOJ reported to Congress that following the full implementation of IDENT/IAFIS capabilities in all field offices, the USMS could expect an additional 10,000 arrests/bookings for immigration offenses (above the 2004 level) resulting from increased identification of criminal aliens by Border Patrol agents and immigration inspectors. Currently available data suggests

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<sup>2</sup>. The average per diem rate paid to non-federal detention facility operators in those districts in which the USMS used 50 or more beds in BOP facilities during FY 2005 was \$77.80; per diem savings may be higher in other locales.

that this increase has not been realized; in fact, arrests/bookings for immigration offenses have remained constant at FY 2004 levels.

Based on generally accepted statistical methods, a certain amount of error is associated with any point estimate of future federal arrests and bookings. Incorporating historical trends and observed error rates in past projections, the projection of 190,462 arrests/bookings anticipated for FY 2007 is a point within the 95% confidence interval of 176,910 to 274,164.

***Projected increases in the USMS detention population.*** Based on projected changes in (1) the number of persons booked, (2) the number of offenders ordered detained by the federal courts pending adjudication and/or commitment to BOP, and (3) the length of time in detention, OFDT estimates that the USMS FY 2007 ADP will increase to 62,920.

Consistent with the projected increase in the number of persons booked, the USMS detention population is anticipated to increase at the greatest rates in those judicial districts comprising the Midwest and the Southwestern border regions. Of the 8,672 bed increase in USMS ADP anticipated between FY 2005 and 2007, 36% will be realized in the districts comprising the Southwest border and 24% in the districts comprising the Midwest.

Similarly, 31.5% of the increase in the USMS ADP will be the result of the increased arrests/bookings for supervision violations; 21.3%, property offenses; 18%, weapons and drug offenses; 10.5%, immigration; 16%, other new offenses; and 2.7% material witnesses. Accordingly, by FY 2007 34.5% of the USMS detention population will be comprised of offenders arrested/booked for drug offenses; 21% immigration offenses; 12.4% weapons offenses; 9.7% property offenses; and 4.5% violent offenses. The remaining offenders are expected to be arrested for other offenses (8.6%), supervision violations (8.5%), or as material witnesses (1.3%).

Based on generally accepted statistical methods, a certain amount of error is associated with any point estimate of future federal arrests and bookings. Incorporating historical trends and observed error rates in past projections, the projection of 62,920 ADP anticipated for FY 2007 is a point within the 95% confidence interval of 57,492 to 68,315.

Based on current agreements with the BOP, it is anticipated that the USMS will be able to house an annual average of 12,300 USMS detainees. Accordingly, the USMS will be required to house 49,870 detainees in non-federal facilities. Based on currently anticipated increases in the Consumer Price Index and average wages (as measured regionally and for specific states), the average per diem paid is anticipated to increase to \$64.74 per detainee during FY 2007. The projected average per diem rate reflects an average annual increase of 2.1% over the FY 2005 level. While this increase is slightly greater than the historical (2000-2004) average annual rate of increase (2.3%), it is based on a 3.1% increase in the Consumer Price Index and a 2.7% increase in average wages. Additionally, projected average per diem rate accounts for the differing growth rate by geographical region.

- Other Costs

The USMS will incur additional expenses relating to the confinement of pretrial detainees, *i.e.*, health care services not covered by existing IGAs or contracts, guard services for detainees requiring hospitalization, within district transportation of detainees provided by non-federal detention providers through IGAs, transport of detainees via the Justice Prisoner Alien Transportation System (JPATS) and ground movement in support of JPATS, and other expenses such as meals for detainees housed in cellblocks for extended periods. These expenses are projected to increase primarily as a result of the increases in the ADP.

Health care expenses also are projected to increase as a result of growth rates in Medicare reimbursement levels. The Centers for Medicare and Medicaid Services projected an average annual increase of 5.1% from FY 2005 to FY 2007.<sup>3</sup> In the case of medical guard costs, within district transportation service expenses, and other expenses, these expenses are also projected to increase at an average annual rate 3.1%, consistent with anticipated increase in the Consumer Price Index.

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<sup>3</sup>. The Board of Trustee, Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds. 2004 Annual Report of the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds. (2004)

Office of the Federal Detention Trustee. Federal Prisoner Detention Support Costs, FY 2005-2007				
	Program Costs (Thousands)			
	FY 2005		FY 2006	FY 2007
Cost Category	Enacted*	Actual	Enacted	Pres. Budget
Detainee Housing and Subsistence	971,515	947,620	\$1,047,742	1,178,435
Detainee Health Care Services	52,985	55,942	68,472	72,762
Medical Guards	27,316	30,540	17,541	18,438
Transportation (Intra/Inter)	(a)	(a)	10,926	43,038
Other	(a)	(a)	8,266	10,445
OFDT Operations	8,535	8,535	9,020	9,208
<b>Total Program Costs</b>	<b>\$1,060,351</b>	<b>\$1,042,637</b>	<b>\$1,161,967</b>	<b>\$1,332,326</b>
Average Daily Population	56,452	54,121	58,362	62,920
Federal Bed Days	4,380,000	4,504,465	4,380,000	4,489,500
Non-Federal Bed Days	15,440,585	15,249,700	17,734,620	20,054,560
Average Per Diem Rate	62.92	61.92	63.35	64.74
<p>Notes:</p> <p>(a) Costs previously included in the "Medical Guards" line item.</p> <ul style="list-style-type: none"> <li>Includes \$184 million supplemental funding provided pursuant to P.L. 109-13, enacted May 11, 2005 and CAP resources of \$2,191,000.</li> <li>Transportation costs for FY 2007 include transfer of \$31,885,000 for prisoner transportation.</li> </ul> <p>Source: Office of the Federal Detention Trustee.</p>				

## Performance Challenges

### External Challenges

- Cost of non-federal detention space.

The cost of non-federal detention space increases annually as a result of general price increases as well as increased dependence on private facilities. As a result of the Federal Detention Trustee's action to suspend rate increases in the last three quarters of FY 2005, an increase in per diem rates paid to state and local was not observed during FY 2005. As a result, the growth rate in the average per diem paid was slowed substantially to an average annual rate of 1.8%, increasing from \$56.53 to \$61.92. By comparison, the observed average annual growth rate between FY 2000 and 2004 was 2.3%.

In recent years, the Department's ability to rely on state and local facilities to meet its detention needs has diminished, as these facilities are increasingly used by state and local authorities to satisfy their own detention requirements. With available space diminishing and prohibitive costs for federal construction, the Department increasingly has turned to the private sector. During 2005, 22.8% percent of the USMS detention population was housed in BOP facilities; 63.5% were housed in state and local facilities; 13.3% in private facilities; and, less than 1 percent were being treated in hospitals.<sup>4</sup> During FY 2005 and 2006, it is projected that the BOP will house a decreasing proportion of the USMS detention population: 20.2% during FY 2006 and 20.7% during FY 2007. During FY 2005, the average per diem rate paid to house detainees in seven private detention facilities under direct contract to the USMS was \$78.60.

OFDT will continue to acquire detention space in the most cost efficient manner possible. Additionally, OFDT will continue to ensure that adequate funds are available for the courts to place defendants - who the courts would otherwise order detained - into non-secure detention settings (e.g., halfway house and home confinement) with an electronic monitoring component. Use of non-secure detention has proven to be cost effective. Over the past several years, DOJ has provided funding to the Courts to support detention alternatives. For FY 2004, OFDT estimates that the \$662,000 provided to the Courts resulted in a cost avoidance of approximately \$6 million. For FY 2005, the Courts were able to allocate the entire \$1.7 million provided by OFDT. Had those defendants released on alternatives been placed in detention, the USMS detention expenditures would have been higher by almost \$30 million. In FY 2006, OFDT provided \$4.0 million to AOUSC. OFDT will continue to evaluate this program and identify criteria for possible expansion.

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<sup>4</sup>. "Private" includes (1) private detention facilities providing detention space through a direct contract with the USMS or other federal agency; and (2) private detention facilities providing detention space through an intermediary, *i.e.*, a state or local government.

- Cost of detention related services

Costs for detention-related services have increased proportionately to the increase in the ADP and as a result of general increases in relevant price indices. Between FY 2000 and 2005, expenses for health care services increased from \$33 million to \$57 million. In addition, the per capita expenditures increased by 6.3%, (or \$61.00). The magnitude of this increase was mitigated by legislative initiatives to contain expenditures for detainee health care services. Enacted in 2000, 18 U.S.C. § 4006(b) requires the USMS to reimburse health care providers for services at the prevailing Medicare or Medicaid rates.<sup>5</sup> Accordingly, anticipated costs for health care services reflects the general growth in the detention population and the CMS estimate of increases in Medicare/Medicaid service rates.

Additionally, expenses for other detention-related services such as intra-district transportation provided by intergovernmental agreement, medical guards, and other expenses have increased from approximately \$18 million in FY 2000 to \$30.6 million in FY 2005. This increase is primarily due to the increase in the population of detainees in the custody of the USMS rather than increases in the per capita costs.

- Impact of other Federal Law Enforcement and Litigating Components.

The USMS is responsible for the detention of individuals ordered detained by the Federal Judiciary pending adjudication of criminal charges. However, the number of detainees remanded to its custody is the direct result of a number of factors such as new laws and federal law enforcement initiatives and more aggressive enforcement of existing laws by the federal law enforcement agencies, and more prosecutions by the U.S. Attorneys. The substantial increase in the number of persons booked by the USMS between FY 2002 and 2004 presented significant challenges for the USMS and OFDT. These challenges included locating and acquiring sufficient bedspace and ensuring that detainees were transported to designated BOP facilities following conviction and sentencing.

OFDT recognizes that reliable projections for the detainee population will not be achievable without identifying measurable and reliable leading indicators and incorporating those into the projection methodology. Such leading indicators include (1) increases in the number of new law enforcement officers and assistant U.S. attorneys, and (2) an understanding of future law enforcement initiatives that would increase the number of arrests/bookings and/or the types of cases prosecuted by U.S. Attorneys. Such increases in resources and the establishment of new law enforcement initiatives need to be better coordinated to address concerns that there should be a clear nexus between planned law enforcement initiatives and subsequent detention.

An example of the necessity to incorporate new initiatives or priorities into the forecasting model was the implementation of the IDENT/IAFIS system, a project to integrate the Federal Bureau of Investigation (FBI) and the DHS fingerprint-based identification systems. The fully-integrated system was launched in all Border Patrol and immigration inspection field

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<sup>5</sup>. See, 18 U.S.C. 4006(b). See, also, Office of the Federal Detention Trustee, The Delivery of Health Care for Federal Detainees: The Impact of 18 U.S.C. § 4006(b). A Report to the United States Congress. (2004).



offices during the first quarter of FY 2005. As part of an evaluation of the IDENT/IAFIS integration project, the DOJ reported to Congress that following the full implementation of IDENT/IAFIS capabilities in all field offices, the USMS could expect an additional 10,000 arrests/bookings for immigration offenses (above the 2004 level) resulting from increased identification of criminal aliens by Border Patrol agents and immigration inspectors. However, currently available data suggests that this increase was not realized; in fact, arrests/bookings for immigration offenses remained constant at FY 2004 levels. However, arrests for immigration are expected to increase by 5.8% annually between FY 2005 and FY 2007.

### **Internal Challenges**

- *Projecting Future Detention Populations*

DOJ, acting through both the USMS and OFDT, has historically had difficulty projecting the size of future detention populations. These difficulties have primarily resulted from the agencies' inability to reliably forecast the number of persons to be arrested by federal law enforcement. Beginning in FY 2004, OFDT began proactively working with federal law enforcement agencies, the U.S. Attorneys, and the Federal Judiciary to develop mechanisms for tracking ongoing and planned law enforcement initiatives. OFDT will incorporate input from Federal law enforcement agencies and the U.S. Attorneys (whose activities determine the size of the federal detention population), into its projection methodology, to more accurately and reliably project the size of future detention populations.

Improving the forecasting methodology to include law enforcement program variables such as staffing information and anticipated initiatives will require a joint effort across federal law and border enforcement departments, the courts, OMB, and Congress so that new program initiatives are taken into consideration in our planning and forecasting. As a start, OFDT plans to expand its population forecasting model to incorporate law enforcement, including immigration enforcement and U.S. Attorneys resources and initiatives into its budget formulation process, and is evaluating other options to refine and stratify costing methodology in order to achieve better estimations. As part of this effort, beginning in 2005, with the support of the Office of the Deputy Attorney General, OFDT coordinated with the BOP and U.S. Attorneys Office to initiate an annual survey of the U.S. Attorneys to ascertain their input on expected criminal caseloads and substantial "environmental" factors that affect caseload and case processing time. The data collected as part of this survey is being incorporated into OFDT's detention population projection model to inform and validate projections of future arrests based statistical methods.

Although accurate forecasting is needed for sound detention management, it does not necessarily translate into cost savings. Rather, it translates into more reliable projections when formulating the detention budget.

## II. Summary of Program Changes

*This section lists, briefly describes, and provides a page reference for all program changes (increases and offsets) included in the budget request.*

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Housing of USMS detainees	Anticipated increases in the number of detainees housed in non-federal detention facilities and associated costs (health, guards, etc).			\$102,000	1,3,19, 22,25
Prisoner Transportation	Funding to transport USMS prisoners			\$3,900	1,3,19, 27

### III. Decision Unit Justification

#### A. Office of the Federal Detention Trustee

<b>TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2005 Actual Obligations	18	18	\$1,039,254
2006 Enacted with Rescissions	21	21	1,161,967
Technical Adjustments	0	0	36,336
Adjustments to Base	0	0	28,123
2007 Current Services	21	21	1,226,426
2007 Program Increases	0	0	105,900
2007 Request	21	21	1,332,326
<b>Total Change 2005-2006</b>			

<b>Information Technology Breakout TOTAL</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2005 Enacted with Rescissions	0	0	\$1,200
2006 President's Budget	0	0	1,500
Adjustments to Base	0	0	0
2007 Current Services	0	0	1,500
2007 Program Increases	0	0	0
2007 Request	0	0	1,500
<b>Total Change 2005-2006</b>			

Reflects resources for National Repository.

#### 1. Program Description

The mandate of the Detention Trustee is to manage resource allocations, exercise financial oversight of detention operations, and set government-wide detention policy. OFDT has overall management and oversight responsibility for federal detention services relating to the detention of federal prisoners in non-federal institutions or otherwise in the custodial jurisdiction of the USMS.

Historically, the USMS has administered the federal prisoner detention program for the federal government using funding appropriated specifically for the care of federal prisoners. These resources have provided the housing, medical care, and medical guard services for federal detainees remanded to USMS custody. Costs begin at the time a prisoner is brought into USMS custody and extends through termination of the criminal proceeding and/or commitment to BOP. The USMS is responsible for processing and housing all federal detainees pending court action; however, the number of detainees remanded to its custody is the direct result of the number of arrests made by federal law and border enforcement agencies and the prosecutorial efforts of the U.S. Attorneys and the decision of the courts. OFDT and USMS have no option other than to house and care for those detainees.

The Federal Government relies on various methods to house detainees. Detention bed space for federal detainees is acquired at the lowest cost to the government through: (1) federal detention facilities, where the government pays for construction and operation of the facility; (2) Intergovernmental Agreements (IGA) with State and local jurisdictions who have excess prison/jail bed capacity and where a daily rate is paid for the use of the bed, and; (3) private jail facilities where a daily rate is paid.

In the past, the Government also relied on the Cooperative Agreement Program (CAP), where capital investment funding was provided to State and local governments for detention space in exchange for guaranteed bed space where a daily rate was paid. The Department has not received funding for CAP in the last three years.

In recent years, the Department's ability to rely on state and local facilities to meet its detention needs has diminished, as these facilities are increasingly used by state and local authorities for non-federal detention requirements. With available space diminishing in areas where more federal bedspace is needed, the Department faces a severe challenge. The Department increasingly has turned to the private sector. USMS and OFDT will continue to work cooperatively with the private sector and state and local governments to establish and maintain adequate capacity to detain persons in federal custody in cost-effective, safe, secure and humane facilities that meet appropriate standards. The good working relationships with State, local and private prison providers are paramount to carrying out the detention function and saving on costly capital development of federal facilities.

Based on anticipated growth rates in the federal detention population during 2006/2007, approximately 80 percent of the USMS federally detained population will be housed in State, local and private facilities.

While increases to the average daily detainee population is outside of OFDT's direct control, we will continue to coordinate acquiring sufficient detention space in the most cost efficient manner. The National Repository for Detention Space Availability, implemented in March 2004, is a resource available to OFDT, USMS and ICE to locate cost-effective detention space. OFDT is further enhancing the Repository to make it a more useful tool in the management of detention population and bedspace costs.

Additionally, OFDT will continue the long-established partnership with the Federal Judiciary to ensure that adequate funds are available for the courts to place defendants who the courts would otherwise detain, into non-secure detention settings (e.g., halfway house and home confinement), with an electronic monitoring component. Use of non-secure detention is significantly less expensive than secure detention.



**2. PERFORMANCE AND RESOURCE TABLE**

Decision Unit: Office of the Federal Detention Trustee

DOJ Strategic Goal/Objective: 4.3 Provide for the safe and humane confinement of detained persons awaiting trial and or sentencing

WORKLOAD/ RESOURCES		Final Target		Actual		Enacted		Changes				Requested (Total)	
		FY 2005		FY 2005		FY 2006		Current Services Adjustments		FY 2007 Program Change		FY 2007 Request	
1. Dollars (\$000) for jail days		971,515		947,620		1,047,742		36,336		94,357		1,178,435	
2. Dollars (\$000) for prisoner medical		52,985		55,942		68,472		...		4,290		72,762	
3. Dollars (\$000) for medical guards/transportation/other		27,316		30,540		36,733		27,935		7,253		71,921	
4. Federal and Non-Federal Average Daily Prisoner Population (ADPP):		56,452		54,121		58,362		...		4,558		62,920	
a. Non-Federal ADPP		44,152		41,770		46,062		...		4,558		50,620	
b. Federal ADPP		12,300		12,351		12,300		...		...		12,300	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		...	1,051,816	...	1,034,102	...	1,152,947	...	64,271	...	105,900	...	1,323,118
TYPE/ STRATEGIC OBJECTIVE	PERFORMANCE/RESOURCES	FY 2005		FY 2005		FY 2006		Current Services Adjustments		FY 2007 Program Change		FY 2007 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity	Detention	...	1,051,816	...	1,034,102	...	1,152,947	...	64,271	...	105,900	...	1,323,118
Performance Measure	Per Day Jail Cost	\$62.92		\$61.92		\$63.35		1.39				\$64.74	
Performance Measure	Number of escapes during confinement (non-federal detention)	0		0		0						0	
Performance Measure	Rate of assaults (non-federal detention)	Establish baseline		Re-establish data collection method		Re-establish baseline						Hold to baseline level	
OUTCOME													

Data Definition, Validation, Verification, and Limitations: Data for assaults not yet available.

### 3. Performance, Resources, and Strategies

OFDT's resources support Strategic Goal 4.3: Ensure the Fair and Efficient Operation of the Federal Justice System and 4.3: Provide for the safe, secure and humane confinement of detained persons awaiting trial and or sentencing.

#### a. Performance Plan and Report for Outcomes

OFDT has oversight role for the care of federal detainees in private, state, and local facilities. This responsibility includes housing, subsistence, medical care, and medical guard service for federal detainees. The responsibility begins when a prisoner is brought into USMS or ICE custody. It continues through the termination of the criminal proceeding and/or commitment to the BOP to serve a term of imprisonment. The pretrial population is generated by public policy and multi-component investigative and prosecutorial efforts within the DOJ or other federal law enforcement agencies. OFDT will also assist with coordination of detention needs for ICE on a fully cost reimbursable basis.

The USMS depends on various methods to house detainees. Detention bed space for federal detainees is acquired at the lowest cost to the government through: 1) federal detention facilities, where the government pays for construction and operation of the facility; 2) IGAs, where a daily rate is paid; and 4) private jail facilities, where a daily rate is paid.

With the resources requested, the OFDT estimates it will be able to house detainees for 18,202,550 jail days in non-federal facilities, or an average daily prisoner population of 49,870 and provide the non-federal and federal detainee population with medical and hospital care, guard services, and other detention-related items. The population estimate is based on historical data of the federal detention program.

Using this data, the OFDT estimates in FY 2007 the total average daily population will be over 62,000. The average federal daily prisoner population will be approximately 12,300, or 19.8 percent of the total jail day requirement. The remaining 80 percent or an average daily population of 49,870 will be housed in non-federal facilities.

The cost of non-federal detention space increases annually as a result of general price increases as well as increased dependence on private facilities. As a result of the Federal Detention Trustee's action to suspend rate increases in the last three quarters of FY 2005, an increase in per diem rates paid to state and local was not observed during FY 2005. As a result, the growth rate in the average per diem paid was slowed substantially to an average annual rate of 1.8%, increasing from \$56.53 to \$61.92. By comparison, the observed average annual growth rate between FY 2000 and 2004 was 2.3%.

Performance Measure: Jail Day Costs

FY 2005 Target: \$61.92

FY 2006 Target: \$63.35

FY 2007 Target: \$64.74

b. Strategies to Accomplish Outcomes

To ensure the adequacy of detention services provided to DOJ and DHS, OFDT is developing a comprehensive plan for monitoring, reviewing, and evaluating the compliance of those non-federal detention facilities with government-wide detention standards. This plan will include provisions for: (1) ensuring access to detention standards; (2) conducting pre-award inspections of non-federal detention facilities; (3) maintaining an inventory of facility inspection reports conducted by federal agencies, state-level regulatory agencies, and professional accrediting organizations; (4) requiring facilities to provide data annually to OFDT describing their operations; (5) ensuring that standardized facility reviews are conducted on a continuing basis; (6) centralizing and maintaining comprehensive information describing facility performance and compliance with detention standards; and (7) ensuring facility accountability and follow-up when deficiencies are identified. OFDT will also ensure that all new contracts for non-federal detention space employ performance-based contracting methods that will tie the payment to the contract to the degree of compliance with the detention standards.

c. Results of Program Assessment Rating Tool (PART) Reviews

This program has not yet been subjected to a PART review. The OFDT is scheduled for a PART assessment in FY 2008.



**III. Program Increases by Item**

Item Name: Housing of USMS detainees

Budget Decision Unit(s): Detention

Strategic Goal(s) & Objective(s): \_\_\_\_\_

Organizational Program: Strategic Goal 4; Strategic Objective 4.3

Component Ranking of Item: 1

Program Increase: Positions \_\_\_\_\_ FTE \_\_\_\_\_ Dollars \$102,000

Description of Item

Anticipated increases in the number of detainees housed in non-federal detention facilities.

Justification

The USMS is responsible for the detention of individuals in federal custody. The size of that population is attributable to a number of factors, including new and more aggressive enforcement of existing laws, new federal law enforcement initiatives and prosecutorial efforts. The USMS is required to house and care for federal detainees.

Impact on Performance (Relationship of Increase to Strategic Goals)

The OFDT requires additional resources to house all federal detainees. Without this increase, OFDT will be unable to house all federal detainees committed to its custody.

**Funding**

Base Funding

FY 2005 Actual			FY 2006 Enacted Appropriation w/Rescission			FY 2007 Request		
Pos	FTE	Dollars (\$000)	Pos	FTE	Dollars (\$000)	Pos	FTE	Dollars (\$000)
		1,028,983			\$1,152,947			\$1,189,283

Non-Personnel Increase Cost Summary

Item	Unit	Quantity	FY 2007 Request
Detention Resources	0	0	\$102,000
Total Non-Personnel			102,000

Total Request for this Item

Item	Pos	FTE	Personnel	Non-Personnel	Total
			0	\$1,291,283	\$1,291,283
Grand Total					

### III. Program Increases by Item

Item Name: Prisoner Transportation

Budget Decision Unit(s): Prisoner Transportation

Strategic Goal(s) & Objective(s): \_\_\_\_\_

Organizational Program: Strategic Goal 4; Strategic Objective 4.3

Component Ranking of Item: 1

Program Increase: Positions 0 FTE 0 Dollars \$3,900

#### Description of Item

Increase to support transport of USMS prisoners via the Justice Prisoner and Alien Transportation System.

#### Justification

For long-distance moves, JPATS continues to be a critical tool in the safe, efficient and cost-effective movement of USMS detainees and sentenced prisoners, prisoners that require medical attention, and high-threat prisoners requiring additional security. As the USMS' average daily prisoner population continues to increase, the need to transport prisoners also increases. In FY 2007, the USMS anticipates that it will purchase a total of 2,000 flight hours from JPATS. The FY 2005 base funding for JPATS will fund 1,800 flight hours. The OFDT request \$1,000,000 for USMS to purchase an additional 200 flight hours from JPATS and \$1,600,000 to cover the increased cost of aircraft fuel.

The OFDT also requests \$1,300,000 for USMS to purchase three 40-passenger buses to transport prisoner and detainees in Texas and New England. This initiative will replace two buses in Texas and provide a new bus in New England. The two buses targeted for replacement in Texas are high-mileage, late model passenger buses. The bus requested for New England will travel within New England picking up prisoners and detainees in New Hampshire, Rhode Island, Connecticut, and Massachusetts and will then travel to the BOP facilities in New York City (MDC Brooklyn and MCC Manhattan).

#### Impact on Performance (Relationship of Increase to Strategic Goals)

These resources will allow USMS to transport USMS prisoners in the safest and most cost effective manner possible.

## Funding

### Base Funding

FY 2005 Actual			FY 2006-Enacted Appropriation w/Rescission			FY 2007 Request		
Pos	FTE	Dollars (\$000)	Pos	FTE	Dollars (\$000)	Pos	FTE	Dollars (\$000)
		0			0			\$27,935

This reflects the transfer of \$27,935,000 for prisoner movements from the USMS. This funding consists of \$22,685,000 for anticipated costs for JPATS air transportation, \$5,250,000 anticipated costs for non-JPATS transportation. The non-JPATS funding covers district expenses for Deputy Marshal overtime (\$1,949,000), travel (\$2,365,000), fuel for USMS vehicles (\$183,000) and private air charters (\$753,000), which enables the 94 districts to transport prisoner to meet the JPATS airlift or to transport prisoners among districts when using JPATS aircraft is cost-prohibitive.

### Non-Personnel Increase Cost Summary

Item	Unit	Quantity	FY 2007 Request
Flight Hours	...	200	\$1,000,000
Increase in Fuel	...	1.15/gal	1,600,000
Buses	433,000	3	1,300,000
<b>Total Non-Personnel</b>	...	...	<b>3,900,000</b>

### Total Request for this Item

Item	Pos	FTE	Personnel	Non-Personnel	Total
Prisoner Transportation	...	...	...	\$31,835	\$31,835
<b>Grand Total</b>	...	...	...	<b>31,835</b>	<b>31,835</b>

A: Organizational Chart

# OFDT Organizational Chart

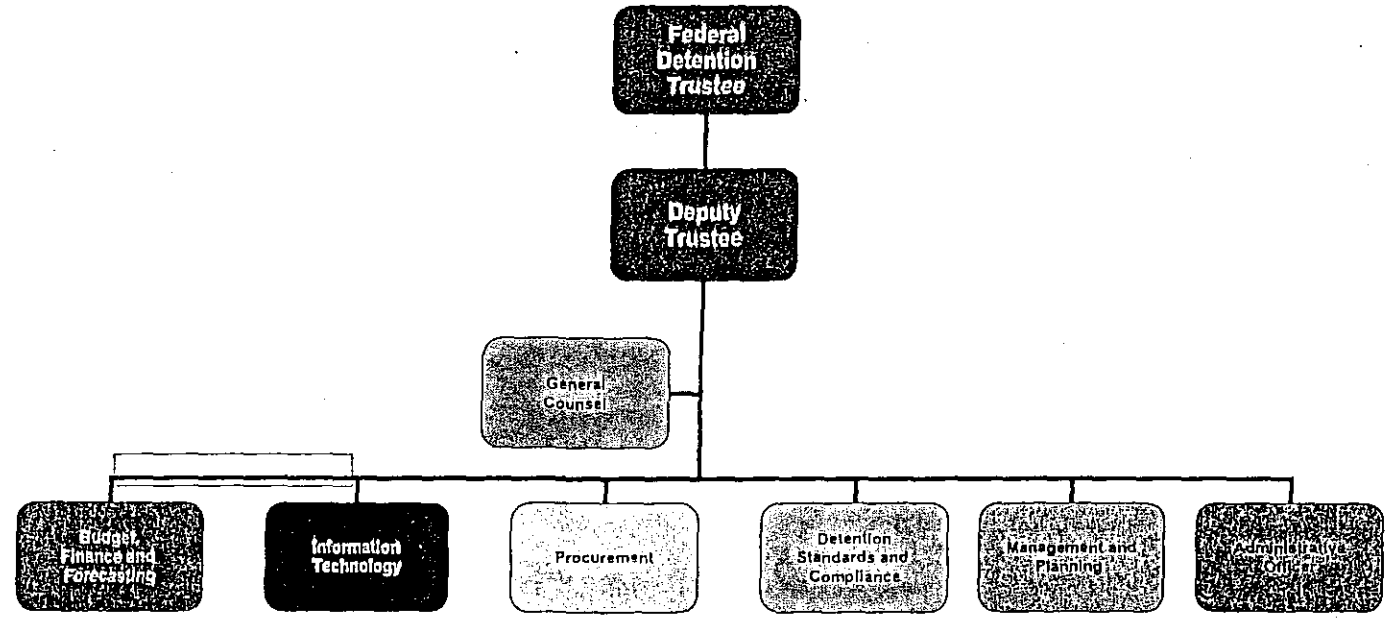


Exhibit A - Organizational Chart

## **B: Appropriation Language and Analysis of Appropriation Language**

### **Appropriation Language**

For necessary expenses of the Federal Detention Trustee, [\$1,222,000,000] \$1,332,326,000, [of which \$45,000,000 shall be derived from prior year unobligated balances from funds previously appropriated,] to remain available until expended: Provided, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System [and for overseeing housing related to such detention]: Provided further, That any unobligated balances available in prior years from the funds appropriated under the heading "Federal Prisoner Detention" shall be transferred to an merged with the appropriation under the heading "Detention Trustee" and shall be available until expended. (Department of Justice Appropriations Act, 2006.)

### **Analysis of Appropriation Language**

The proposed language deletes reference to prior year unobligated balances being included as part of appropriated funding.



Item No.	Description	Quantity	Unit	Remarks
1	...	...	...	...
2	...	...	...	...
3	...	...	...	...
4	...	...	...	...
5	...	...	...	...
6	...	...	...	...
7	...	...	...	...
8	...	...	...	...
9	...	...	...	...
10	...	...	...	...
11	...	...	...	...
12	...	...	...	...
13	...	...	...	...
14	...	...	...	...
15	...	...	...	...
16	...	...	...	...
17	...	...	...	...
18	...	...	...	...
19	...	...	...	...
20	...	...	...	...
21	...	...	...	...
22	...	...	...	...
23	...	...	...	...
24	...	...	...	...
25	...	...	...	...
26	...	...	...	...
27	...	...	...	...
28	...	...	...	...
29	...	...	...	...
30	...	...	...	...
31	...	...	...	...
32	...	...	...	...
33	...	...	...	...
34	...	...	...	...
35	...	...	...	...
36	...	...	...	...
37	...	...	...	...
38	...	...	...	...
39	...	...	...	...
40	...	...	...	...
41	...	...	...	...
42	...	...	...	...
43	...	...	...	...
44	...	...	...	...
45	...	...	...	...
46	...	...	...	...
47	...	...	...	...
48	...	...	...	...
49	...	...	...	...
50	...	...	...	...



**D: Program Increases/Offsets By Decision Unit**

**FY 2007 Program Increases/Offsets By Decision Unit**  
 Office of the Federal Detention Trustee  
 (Dollars in Thousands)

Program Increases	Location of Description by Decision Unit	Detention				Prisoner Transportation				Total Increases
		Pos.	Agt./Atty.	FTE	Amount	Pos.	Agt./Atty.	FTE	Amount	
Detention Costs	Federal Prisoner Detention	#	-	#	102,000	-	-	-	-	102,000
Movement of Prisoners	Prisoner Transportation	#	-	#	-	-	-	-	3,900	3,900
<b>Total Program Increases</b>		-	-	-	\$102,000	-	-	-	\$3,900	\$105,900

E: Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective  
Office of the Federal Detention Trustee  
(Dollars in Thousands)

Strategic Goal and Strategic Objective	2005 Actual Obligations		2006 Appropriation Enacted with Rescissions and Supplemental		2007 Current Services		2007 Increases		2007 Request		2006-2007 Total Change	
	FTE	Amount \$000s	FTE	Amount \$000s	FTE	Amount \$000s	FTE	Amount \$000s	FTE	Amount \$000s	FTE	Amount \$000s
Goal 4: Ensure the Fair and Efficient Operation of the Federal Justice System												
4.3: Provide for the safe, secure and humane confinement of detained persons awaiting trial and/or sentencing	18	1,039,254	21	1,161,967	21	1,226,426	-	105,900	21	1,332,326	-	170,359
Subtotal, Goal 4	18	1,039,254	21	1,161,967	21	1,226,426	-	105,900	21	1,332,326	-	170,359
<b>GRAND TOTAL</b>	<b>18</b>	<b>\$ 1,039,254</b>	<b>21</b>	<b>\$ 1,161,967</b>	<b>21</b>	<b>\$ 1,226,426</b>	<b>-</b>	<b>105,900</b>	<b>21</b>	<b>\$ 1,332,326</b>	<b>-</b>	<b>\$170,359</b>

## F. Justification for Base Adjustments

### Justification for Base Adjustments Office of the Federal Detention Trustee

#### Transfers

Transfer of Prisoner Movement base from USMS. This reflects the transfer of \$27,935,000 for prisoner movements from the USMS. This funding consists of \$22,685,000 for anticipated costs for JPATS air transportation, \$5,250,000 anticipated costs for non-JPATS transportation. The non-JPATS funding covers district expenses for Deputy Marshal overtime (\$1,949,000), travel (\$2,365,000), fuel for USMS vehicles (\$183,000), and private air charters (\$753,000), which enables the 94 USMS districts to transport prisoners to meet the JPATS airlift or to transport prisoners among districts when using JPATS aircraft is cost-prohibitive.

#### Increases

2007 pay raise. This request provides for the proposed 2.2 percent pay raise to be effective in January of 2007 and is consistent with Administration policy included in the Pay Raise Guidance for 2006 budget submissions. This increase includes locality pay adjustments as well as the general pay raise. The amount requested, \$126,000, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$91,000 for pay and \$35,000 for benefits).

Annualization of 2006 pay raise. This pay annualization represents first quarter amounts (October through December) of the 2006 pay increase of 3.1 percent included in the 2006 appropriation enacted, effective January 2006. The amount requested \$56,000, represents the pay amounts for 1/4 of the fiscal year plus appropriate benefits (\$40,000 for pay and \$16,000 for benefits).

DHS Security Charges. The Department of Homeland Security (DHS) will continue to charge Basic Security and Building Specific Security. The requested increase of \$6,000 is required to meet our commitment to DHS, and cost estimates were developed by DHS.

**G: Crosswalk of 2005 Availability**

**Crosswalk of 2005 Availability**  
 Office of the Federal Detention Trustee  
 Salaries and Expenses  
 (Dollars in Thousands)

Decision Unit	FY 2005 Enacted Without Rescission			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover/ Recoveries			2005 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Detention	....	....	877,459	....	....	(11,834)	....	....	184,000	....	....	2,500	....	....	....	....	....	1,052,125
OFDT Operations	18	18	8,535	....	....	....	....	....	....	....	....	....	....	....	8,824	18	18	17,359
Decision Unit 3																		
Decision Unit 4																		
<b>TOTAL</b>	<b>18</b>	<b>18</b>	<b>\$885,994</b>	<b>....</b>	<b>....</b>	<b>(\$11,834)</b>	<b>....</b>	<b>....</b>	<b>\$184,000</b>	<b>....</b>	<b>....</b>	<b>\$2,500</b>	<b>....</b>	<b>....</b>	<b>\$8,824</b>	<b>18</b>	<b>18</b>	<b>\$1,069,484</b>

Enacted Rescissions. Funds rescinded as required by 2005 Omnibus Appropriations Act P.L. 108-447, December 8, 2004--Div B, Title VI, Section 640 (a) and Div J, Title I, Section 122(a).

Supplementals. Funds provided in the Emergency Supplemental. P.L. 109-13, signed May 11, 2005 (119 Stat 231).

Transfers. The amount reflects the transfer of unobligated balances from the 15 1020 Account to the Office of the Federal Detention Trustee to support detention of prisoners.

Unobligated Balances. Funds were carried over from FY 2004 from the 15X0136 account. The OFDT brought forward \$4,661,968 from funds provided in 2004 for operations of the Office of the Federal Detent

**H: Crosswalk of 2006 Availability**

**Crosswalk of 2006 Availability**  
 Office of the Federal Detention Trustee  
 Salaries and Expenses  
 (Dollars in Thousands)

Decision Unit	FY 2006 Enacted Without Rescission			Rescissions			Supplementals			Reprogrammings / Transfers			Unobligated Balances Carried Forward /Recoveries			2006 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Detention	....	....	1,212,980	....	....	(15,033)	....	....	....	....	....	....	....	....	27,281	....	....	1,225,228
OFDT Operations	21	21	9,020	....	....	....	....	....	....	....	....	....	....	....	7,726	21	21	16,746
Unobligated Balance Rescission						(45,000)												(45,000)
<b>TOTAL</b>	<b>21</b>	<b>21</b>	<b>1,222,000</b>	<b>....</b>	<b>....</b>	<b>(60,033)</b>	<b>....</b>	<b>....</b>	<b>\$0</b>	<b>....</b>	<b>....</b>	<b>50</b>	<b>....</b>	<b>....</b>	<b>\$35,007</b>	<b>21</b>	<b>21</b>	<b>\$1,241,974</b>

Enacted Rescissions. Funds rescinded as required by P.L. 109-108.

Unobligated Balances. Funds were carried over from FY 2005 from the 15X0136 account. The OFDT brought forward \$30,207,000 from funds provided in 2005 for detention and OFDT operations.

**I: Summary of Reimbursable Resources**

**Summary of Reimbursable Resources**  
 Office of the Federal Detention Trustee  
 Salaries and Expenses  
 (Dollars in Thousands)

Collections by Source	2005 Actual		2006 Planned		2007 Request		Increase/Decrease	
	Pos.	FTE Amount	Pos.	FTE Amount	Pos.	FTE Amount	Pos.	FTE Amount
Bureau of Prisons - Parole Violators	....	1,500	....	1,500	....	1,500	....	....
Office of Justice Programs - Cooperative Agreement Program	....	2,191	....	....	....	....	....	....
Agency 3							....	....
Agency 4							....	....
<b>Budgetary Resources:</b>	....	<b>\$3,691</b>	....	<b>\$1,500</b>	....	<b>\$1,500</b>	....	<b>\$0</b>

Obligations by Program	2005 Actual		2006 Planned		2007 Request		Increase/Decrease	
	Pos.	FTE Amount	Pos.	FTE Amount	Pos.	FTE Amount	Pos.	FTE Amount
Bureau of Prisons - Parole Violators	....	1,500	....	1,500	....	1,500	....	....
Office of Justice Programs - Cooperative Agreement Program	....	2,191	....	....	....	....	....	....
Program 3							....	....
Program 4							....	....
<b>Total Obligations:</b>	....	<b>\$3,691</b>	....	<b>\$1,500</b>	....	<b>\$1,500</b>	....	<b>\$0</b>

Justification of Increase/Decrease. Program 1:

**J: Detail of Permanent Positions by Category**

**Detail of Permanent Positions by Category**  
Office of the Federal Detention Trustee  
Salaries and Expenses

Category	2005 Actual		2006 Appropriation Enacted with Rescissions and Supp.		2007 Request					
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	Transfers	Program Increases	Program Decreases	Total Pr. Changes	Total Authorized	Total Reimbursable
Senior Executive	1		1					....	1	
Attorneys (905)	2		2					....	2	
Personnel Management (200-299)								....		
Clerical and Office Services (300-399)	10		12					....	12	
Accounting and Budget (500-599)	3		3					....	3	
Statistician (1530)	1		1					....	1	
Business & Industry (1100-1199)	1		2					....	2	
Library (1400-1499)								....		
Equipment/Facilities Services (1600-1699)								....		
Supply Services (2000-2099)								....		
Security Specialists (080)								....		
Motor Vehicle Operations (5703)								....		
Information Technology Mgmt (2210)								....		
Miscellaneous Operations (010-099)								....		
<b>Total</b>	<b>18</b>	....	<b>21</b>	....	....	....	....	....	<b>21</b>	....
Headquarters (Washington, D.C.)	18		21					....	21	
U.S. Field								....		
Foreign Field								....		
<b>Total</b>	<b>18</b>	....	<b>21</b>	....	....	....	....	....	<b>21</b>	....



**K: Summary of Attorney/Agent and Support Positions and FTE**

**Summary of Attorney/Agent and Support Positions and FTE**  
 Office of the Federal Detention Trustee  
 Salaries and Expenses

**APPROPRIATED POSITIONS**

Decision Unit	2006 Appropriation Enacted w/Rescissions and Supp.						FY 2007 Changes			2007 Request						
	Agents/ Attorneys		Support		Total		Agents/ Attorneys	Support		Total		Agents/ Attorneys	Support		Total	
	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE	Pos.	FTE
OFDT Operations	2	2	19	19	21	21			....	....	2	2	19	19	21	21

# L: Financial Analysis of Program Changes

## Financial Analysis of Program Changes

Name of Budget Account

Salaries and Expenses

(Dollars in Thousands)

Grades:	Detention		Detention		Program Changes	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
SES	....	....	....	....	-	-
GS-15	....	....	....	....	-	-
GS-14	....	....	....	....	-	-
GS-13	....	....	....	....	-	-
GS-12	....	....	....	....	-	-
GS-11	....	....	....	....	-	-
GS-10	....	....	....	....	-	-
GS-9	....	....	....	....	-	-
GS-8	....	....	....	....	-	-
GS-7	....	....	....	....	-	-
GS-5	....	....	....	....	-	-
Total positions & annual amount	-	-	-	-	-	-
Lapse (-)	-	-	-	-	-	-
Other personnel compensation	-	-	-	-	-	-
Total FTE & personnel compensation	-	-	-	-	-	-
Personnel benefits		....		....	-	-
Travel and transportation of persons		....		....	-	-
Transportation of things		....		....	-	-
GSA rent		....		....	-	-
Communication, rents, and utilities		....		....	-	-

Exhibit L - Financial Analysis of Program Changes

Printing	....	....	-	-
Advisory and assistance services	....	....	-	-
Housing of Prisoners	- 102,000	- 3,900	-	105,900
Purchases of goods & services from Government accounts	....	....	-	-
Research and development contracts	....	....	-	-
Operation and maintenance of equipment	....	....	-	-
Supplies and materials	....	....	-	-
Equipment	....	....	-	-
<b>Total, 2007 program changes requested</b>	<b>- \$102,000</b>	<b>- \$3,900</b>	<b>-</b>	<b>\$105,900</b>

Exhibit L - Financial Analysis of Program Changes

M: Summary of Requirements by Grade

Summary of Requirements by Grade  
Office of the Federal Detention Trustee  
Salaries and Expenses

Grades and Salary Ranges	2005 Actual		2006 Appropriation Enacted w/Rescissions and Supp.		2007 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
SES, \$148,000/ \$152,000/ \$157,000	1		1		1			
GS-15, \$103,947 - 135,136	8		8		8			
GS-14, \$88,369 - 114,882	5		6		6			
GS-13, \$74,782 - 97,213	2		5		5			
GS-12, \$62,886 - 81,747	....		....		....			
GS-11, \$52,468 - 68,209	....		....		....			
GS-10, \$47,775 - 62,086	....		....		....			
GS-9, \$43,365 - 56,371	1		1		1			
GS-8, \$39,262 - 51,036	....		....		....			
GS-7, \$35,452 - 46,088	....		....		....			
GS-6, \$31,903 - 41,474	....		....		....			
GS-5, \$28,620 - 37,211	....		....		....			
GS-4, \$25,581 - 33,253	1		....		....			
GS-3, \$22,787 - 29,624	....		....		....			
GS-2, \$20,885 - 26,281	....		....		....			
GS-1, \$18,575 - 23,238	....		....		....			
<b>Total, appropriated positions</b>	<b>18</b>		<b>21</b>		<b>21</b>			
<b>Average ES Salary</b>		<b>\$162,100</b>		<b>\$ 167,676</b>		<b>\$ 171,365</b>		
<b>Average GS Salary</b>		<b>\$ 100,692</b>		<b>\$ 104,191</b>		<b>\$ 106,483</b>		
<b>Average GS Grade</b>		<b>14.5</b>		<b>14.5</b>		<b>14.6</b>		

**N: Summary of Requirements by Object Class**

**Summary of Requirements by Object Class**  
 Office of the Federal Detention Trustee  
 Salaries and Expenses  
 (Dollars in Thousands)

Object Classes	2005 Actual		2006 Appropriation Enacted w/Rescissions and Supplemental		2007 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Total FTE & personnel compensation	18	1,850	21	2,163	21	2,294	....	131
11.3 Other than full-time permanent	....	....	....	....	....	....	....	....
11.5 Total, Other personnel compensation	....	....	....	....	....	....	....	....
<i>Overtime</i>	....	....	....	....	....	....	....	....
<i>Other Compensation</i>	....	....	....	....	....	....	....	....
11.8 Special personal services payments	....	....	....	....	....	....	....	....
<b>Total</b>	18	1,850	21	2,163	21	2,294	....	131
Reimbursable FTE:								
Full-time permanent	[ ]		[ ]		[ ]		[ ]	
Other Object Classes:								
12.0 Personnel benefits		532		627		678		51
21.0 Travel and transportation of persons		110		112		112		0
22.0 Transportation of things		2		2		2		(0)
23.2 GSA rent		275		489		489		....
23.3 Comm., util., & other misc. charges		147		149		149		(0)
24.0 Printing and reproduction		....		....		....		....
25.1 Advisory and assistance services		4,823		5,187		4,372		(815)
25.2 Other services		31,043		36,733		72,742 **		36,009
25.3 Purchases of goods & services from Government accounts		....		....		....		....
25.6 Medical Care		55,942		68,472		72,762		4,290
25.7 Operation and maintenance of equipment		....		....		....		....
25.8 Housing of Prisoners		947,620		1,047,742		1,178,435		130,693
26.0 Supplies and materials		53		54		54		0
31.0 Equipment		233		237		237		0
<b>Total obligations</b>		<b>\$1,042,630</b>		<b>\$1,161,967</b>		<b>\$1,332,326</b>		<b>\$170,359</b>
Unobligated balance, start of year		4,662		30,207		....		
Unobligated balance, end of year		(30,207)		....		....		
Recoveries of prior year obligations		4,162		....		....		
<b>Total requirements</b>		<b>1,021,247</b>		<b>1,192,174</b>		<b>1,332,326</b>		
Relation of Obligation to Outlays:								
Total obligations		1,042,630		1,161,967		1,332,326		
Obligated balance, start of year		87,502		110,083		124,050		
Obligated balance, end of year		(110,083)		(124,050)		(150,376)		
Recoveries of prior year obligations		(4,162)		....		....		
<b>Outlays</b>		<b>1,015,887</b>		<b>1,148,000</b>		<b>1,306,000</b>		