

OFFICE OF THE FEDERAL DETENTION TRUSTEE
ORGANIZATION PROPOSAL
February 2006

I. Statement of Purpose.

A. Problem Identification and Definition

Office of the Federal Detention Trustee: In 2001, the Attorney General established the new Office of the Federal Detention Trustee as a separate component within the Department. (See the memorandum establishing OFDT, signed by the Attorney General on March 6, 2001.) (*Attachment 1*) At that time, OFDT responsibilities outlined were: development and implementation of Department-wide detention standards, policies, and procedures; development and implementation of Department strategies to deal with detention “hot spots” and crises; review of existing detention practices to develop alternatives that will improve mission efficiency and cost effectiveness; direction and coordination of Department budget and strategic planning submissions on detention to ensure that they are internally consistent and free of unnecessary duplication; development and management of comprehensive statistical and financial database covering all Department detention activities; integration of existing predictive workload model to develop comprehensive, Department-wide detention planning capabilities; serving as the Department’s detention program advocate at planning sessions for new law enforcement initiatives; and examining the conditions of detainee confinement. No structure was approved for the new OFDT organization. It has been operating under a provisional structure since its inception. This proposal is to seek approval of an organizational structure that supports the goals and mission as set out in OFDT’s Strategic Plan.

B. Reason for Organizational Change

1. How will change resolve the problem?

Since assuming the role in 2004, the Trustee, in order to address the concerns and expectations of Congress, Office of Management and Budget (OMB), and the Department, began restructuring the Office of the Federal Detention Trustee (OFDT) to address critical operational and financial issues facing OFDT appropriations. This organizational restructuring now ties OFDT to its mission statement, to the Attorney General’s Strategic Goals, the President’s Management Agenda, and to Congressional intent.

2. Purpose and rationale for the change.

The size and scope of federal detention demands a central organization that can direct resources and facilitate the implementation of programmatic changes. OFDT’s mandate is the oversight of detention management, as well as the improvement and coordination of detention activities. As directed by Congress, in

2005, the OFDT also assumed the responsibility to manage the Justice Prisoner and Alien Transportation System (JPATS).

These responsibilities are viewed as an implied mandate to refine the detention process, and to manage JPATS to ensure equality among participating agencies, while allowing unimpeded operations. Effective and humane detention of federal prisoners and illegal aliens across the United States and its territories is a challenge for multiple operating agencies. OFDT has laid out a foundation for a national detention strategy in its Strategic Plan, which provides the framework to support detention needs. OFDT is responsible for ensuring the effective expenditure of appropriated funds enabling the United States Marshals Service (USMS) to meet its critically important function of housing prisoners being detained pending adjudication and/or commitment to the Bureau of Prisons (BOP), and delivering prisoners for judicial proceedings, legal hearings, meetings with attorneys and trials. JPATS provides centralized transportation services to USMS, BOP prisoners, and Immigration and Customs Enforcement (ICE) deportable aliens.

In order to achieve the objectives outlined in the Attorney General's Strategic Plan, the key elements of the new structure are greater emphasis on strategic planning, improved projection methodology, strengthened financial management, enhanced program review for detention operations, and linking performance and budget.

Since June 2004, the Trustee has modified the provisional OFDT organizational structure to ensure that it is in line with OFDT's fiduciary and oversight responsibilities. OFDT continues to refine and improve detention operations and JPATS management to be more responsive to the needs of the detention community and to the concerns of OMB and Congress.

Much has been accomplished in the past year and half. Approving the proposed organizational structure will ensure that OFDT continues its aggressive approach to driving efficiencies to provide the best value to government and to address critical detention and transportation requirements.

C. Advantages/Disadvantages of the change.

Advantages: The formal implementation of an organized and firmly established OFDT will ensure the Department's ability to address the concerns of Congress and OMB regarding financial and operational management for detention and transportation issues.

Disadvantage: There are no disadvantages to the proposed structure.

II. Implementation and Effects of the Change

A. Implementation Process

The Trustee initiated restructuring OFDT in response to demands from OMB and Congress to improve financial and operational concerns that resulted in a shortfall in OFDT's appropriations in FY 2004. Since OFDT is a small organization and the Trustee has already modified the provisional structure to meet the aforementioned demands, no implementation process is required.

B. Effect on Operations

The effect on operations will be transparent to client agencies since OFDT already mirrors the provisional structure. OFDT is directly involved in detention operations, monitoring, assessing, and advising in order to ensure the effective expenditure of detention and JPATS funds. OFDT personnel interact with USMS, ICE, and BOP personnel, and visit detention facilities as needed to provide quality assurance reviews, guidance and hands-on assistance. These actions result in greater coordination among the various components of the detention community; greater emphasis on monitoring of resources; and greater reliance on agreements to implement policy regarding detention.

C. Effect on Personnel

No transfer, reductions-in-force, or relocations are required.

D. Effect on Decision Unit

Enacted budget authority:

FY 2005: \$1,058,159,955 (with rescissions)

FY 2006: \$1,161,962,000 (with rescissions)

No reprogramming of budget is required.

E. Effect on Other Resource Requirements

No additional resource requirements are foreseen. Any unanticipated requirements can be absorbed in the current operating plan.

F. Measurable Impact

This structure, as described in OFDT's five-year Strategic Plan, ties each employee's performance to the success of established goals. Performance-based budget submissions to OMB and Congress will be tied to specific trends, factoring in new

initiatives, policy changes, and identified efficiencies. Detention population forecasts will be based on substantive and realistic data extracted from detention community agencies. This structure also focuses on identifying and resolving detention and transportation issues.

III. Organization Chart

A. Proposed (*Attachment 2*)

IV. Mission and Function Statements

OFDT's mission and Strategic Plan supports *GOAL IV* of DOJ's Strategic Plan: *Ensure the Fair and Efficient Operation of the Federal Justice System, specifically the following DOJ objectives:*

- Strategic Objective 4.1: *"ensure the appearance of criminal defendants for judicial proceedings or confinement"*
- Strategic Objective 4.3: *"Provide for the safe, secure, and humane confinement of detained persons awaiting trial, and/or sentencing"*

Current Mission Statement: It is the mission of the Federal Detention Trustee to provide for the safe, secure and humane confinement of persons in federal custody awaiting trial or immigration proceedings, by ensuring the appropriate operations and cost effectiveness of secure non-federal detention facilities utilized by federal law enforcement agencies.

Proposed Mission Statement: Manages JPATS and regulates the federal detention programs by establishing a secure and effective operating environment that drives efficient and fair expenditure of appropriated funds.

Functions Chart: (*Attachment 3*)

V. Legislative/Regulatory Changes

None required.

VI. Synopsis of the Proposed Organization

This Organization Proposal outlines issues which have affected OFDT since its establishment in 2001 by directive of Congress in response to growing concerns regarding federal detention. Approval of this structure will ensure a consistent approach to the expenditure of detention and JPATS funds by providing direct policy guidance and active oversight through regulation, arbitration, program review and auditing, crisis consultation and troubleshooting of critical detention issues, continued emphasis on improving the detention projection methodology, allow better linkage between performance and budget, and ensure critical detention issues are addressed.

This structure ties OFDT to its mission statement, to its Strategic Plan, to the Attorney General's Strategic Goals, to the President's Management Agenda, and to Congressional intent. It provides further opportunity to enhance the organization's ability to address the needs of the detention community and be responsive to the concerns of the Department of Justice, the Department of Homeland Security, the Office of Management and Budget, and Congress.