

**United States Marshals Service
FY 2024 Performance Budget**

President's Budget

Federal Prisoner Detention Appropriation



March 2023

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I. Federal Prisoner Detention (FPD) Appropriation Overview

A. Introduction

The United States Marshals Service (USMS) FPD appropriation provides housing, transportation, and care for Federal detainees housed in non-Federal detention facilities. The USMS requests \$2,125,724,000 for FPD in fiscal year (FY) 2024.

USMS Federal Prisoner Detention			
	Positions	FTE	Amount (\$000)
FY 2022 Enacted	42	38	\$2,123,015
FY 2023 Enacted	42	42	\$2,129,789
FY 2024 Request	0	0	\$2,125,724

Electronic copies of the Department of Justice’s (DOJ’s) Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet at: <https://www.justice.gov/doj/budget-and-performance>.

B. Background

The FPD appropriation pays for costs associated with the care and custody of Federal detainees in State, local, and private facilities. The sole purpose of the FPD appropriation is detention. The USMS is required to house all detainees remanded to the custody of the Attorney General and must ensure sufficient resources are available for their housing and care.

The FPD estimated budget requirement for any given fiscal year is based on statistical projections using the most current detainee population information available at the time the estimate is prepared. During FY 2022, the USMS detainee population continued to fluctuate abnormally due to the COVID-19 pandemic. For FY 2023, the detention population has stabilized; population trends and related variables are projected to revert to levels typically observed in pre-pandemic years.

To develop the FY 2024 budget request, the USMS carefully examined population projections, known law enforcement and prosecutorial trends such as the continued focus on the Southwest Border (SWB) region, and the potential impact of Administration and DOJ initiatives involving criminal justice system reform. In addition, the request considers the impact of the Supreme Court decision in *McGirt v. Oklahoma*, and the residual effect of prisoner backlogs related to the COVID-19 pandemic. Given these factors, the USMS believes the Federal detention population will remain relatively flat in FY 2024 as compared to FY 2023.

Law enforcement and prosecutorial priorities directly impact USMS detention resource needs, as increases in arrests and prosecutions lead to increases in the FPD Average Daily Population (ADP). Linking these priorities to detention funding requirements is essential to provide Congress with accurate population projections and budgetary resource needs. While the budget request reflects known priorities established within the DOJ, it does not reflect program increases that other law enforcement or litigating components may receive in the FY 2024 budget process. If priorities change in any significant manner, this budget request may not fully account for detention funding requirements.

Projecting the Detainee Population: Projecting the detention ADP is a challenging exercise due to the complexity and dynamic nature of the variables used to calculate projections. For example, detention projections are calculated using reliable trend analyses comprised of several leading indicators that are factored into the projection with a significant degree of accuracy, such as booking offense, time-in-detention, law enforcement and attorney staffing levels. However, other influences (frequently established outside of the budget process) potentially have substantial impact on detention needs, such as special law enforcement and prosecutorial initiatives. The COVID-19 pandemic is a prime example of factors and influences that may impact detention but cannot be predicted in a forecasting model. Due to the fluid nature of the detention environment, population projections are in a constant state of flux; they require both constant monitoring and periodic adjustments. Despite the complexities of projecting the detention population, building the budget request using current patterns and trends is the best available approach to keep the budget aligned with detention requirements.

**USMS FPD Average Daily Population and
Detainees Received, by Primary Offense
FY 2015 – 2024**

<u>Fiscal Year</u>	<u>Total ADP</u>	<u>Total Detainees Received</u>	<u>Immigration</u>	<u>Drugs</u>	<u>Weapons</u>	<u>Other</u>
2015	51,777	196,662	71,402	24,970	8,365	91,925
2016	51,316	197,498	68,743	25,921	9,248	93,586
2017	50,317	187,356	58,282	25,579	10,587	92,908
2018	55,776	239,505	108,650	25,511	12,092	93,252
2019	61,435	250,619	118,393	27,382	12,999	91,845
2020	61,421	153,864	52,114	23,028	9,165	69,557
2021	63,755	100,335	17,687	21,883	9,174	51,591
2022	63,068	99,439	20,016	17,122	7,385	54,916
2023*	60,923	198,188	75,414	26,079	9,300	87,395
2024*	60,505	198,792	75,657	26,140	9,348	87,647

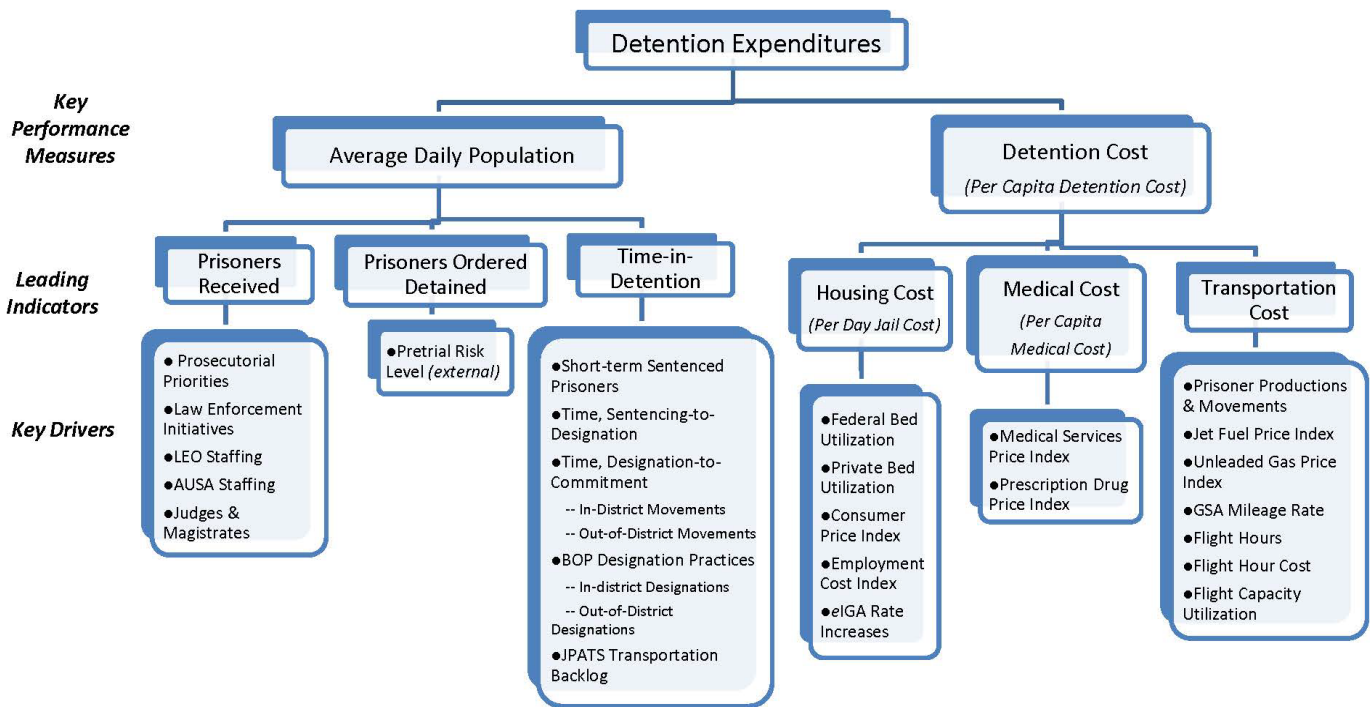
* Data shown for FY 2023–2024 reflect FPD projections as of February 2023. All other data shown are actual.

Detention Population Forecasting Model: As noted above, the USMS uses a statistical approach to predict detention needs. The Detention Population Forecasting Model incorporates factors such as population, demographic trends, number of detainee bookings, volume and type of criminal cases processed, average processing time per type of case, and authorized/requested

positions of Federal law enforcement, U.S. Attorneys, U.S. District Court judges, and immigration judges. These factors allow for the development of impact scenarios that address proposed legislation, known DOJ law enforcement initiatives, and current activities. The USMS bases detention projections on past performance and the behavior of all variables involved; any shift may alter the outcome.

The chart below shows the two main factors influencing detention expenditures: the number of detainees booked by the USMS (prisoners received) and the duration those detainees are held in custody (time-in-detention). Both factors are directly influenced by activities and decisions throughout Federal law enforcement and litigating components, U.S. Attorneys offices, and the Federal judiciary. Accordingly, the USMS regularly monitors – and tries to anticipate – changes in Federal law enforcement priorities and the number of onboard staff.

Primary Drivers of Detention Expenditures

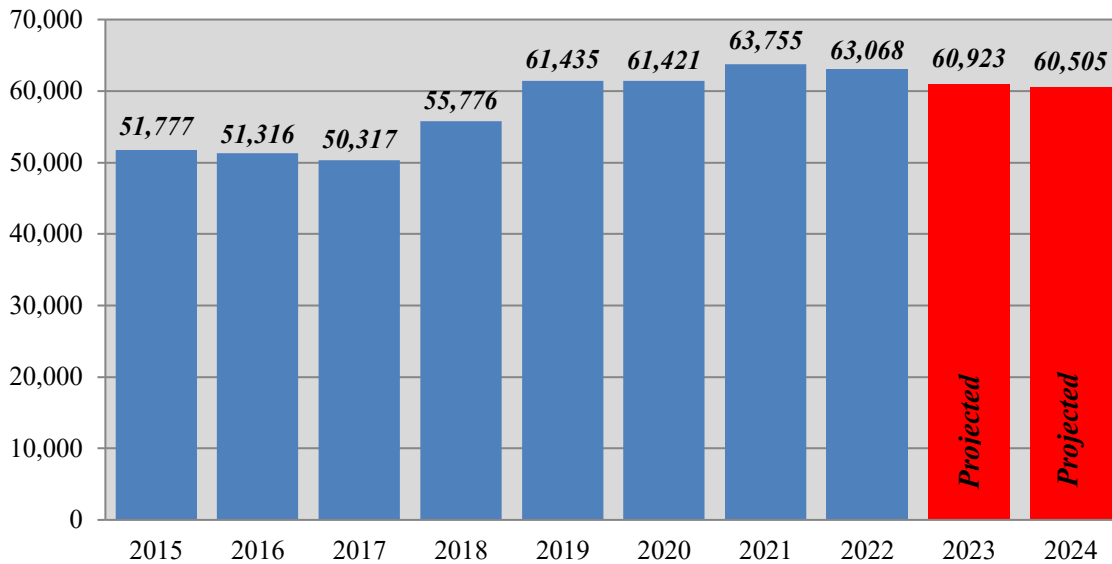


The detention population projection for FY 2024 is a particularly challenging assessment, especially given the lengthy impact of the COVID-19 pandemic. The long-term trend from FY 2013 to FY 2017 reflected decreasing counts of detainees received for prosecution; overall ADP fell to a 13-year low of 50,317, largely because of changes in prosecutorial practices and priorities, and enacted funding levels for Federal law enforcement agencies. Conversely, population increases from FY 2018 through FY 2020 reversed the previous downward trend. Prosecutorial activity substantially increased during this period, particularly due to changes in Administration and prosecutorial priorities.

In FY 2020, after consistent growth during the first half of the year, the detention population declined rapidly for several months; the number of detainees received decreased abruptly

following the onset of the COVID-19 pandemic in early March. However, the ADP began to substantially increase in the fourth quarter of FY 2020 and continued throughout FY 2021. Although the number of detainees received remained significantly lower than pre-pandemic levels in FY 2021 and FY 2022, ADP returned to near-record levels due to a very large increase in time-in-detention. Detainees remained in USMS custody for extended periods due to sustained slowdowns in court operations and backlogs in prisoner transportation due to Federal Bureau of Prisons (BOP) COVID-19 transfer protocols.

**USMS Annual Average Daily Population
FY 2015 – 2024**



* Data shown for FY 2023–2024 reflect FPD projections as of February 2023. All other data shown are FY actuals.

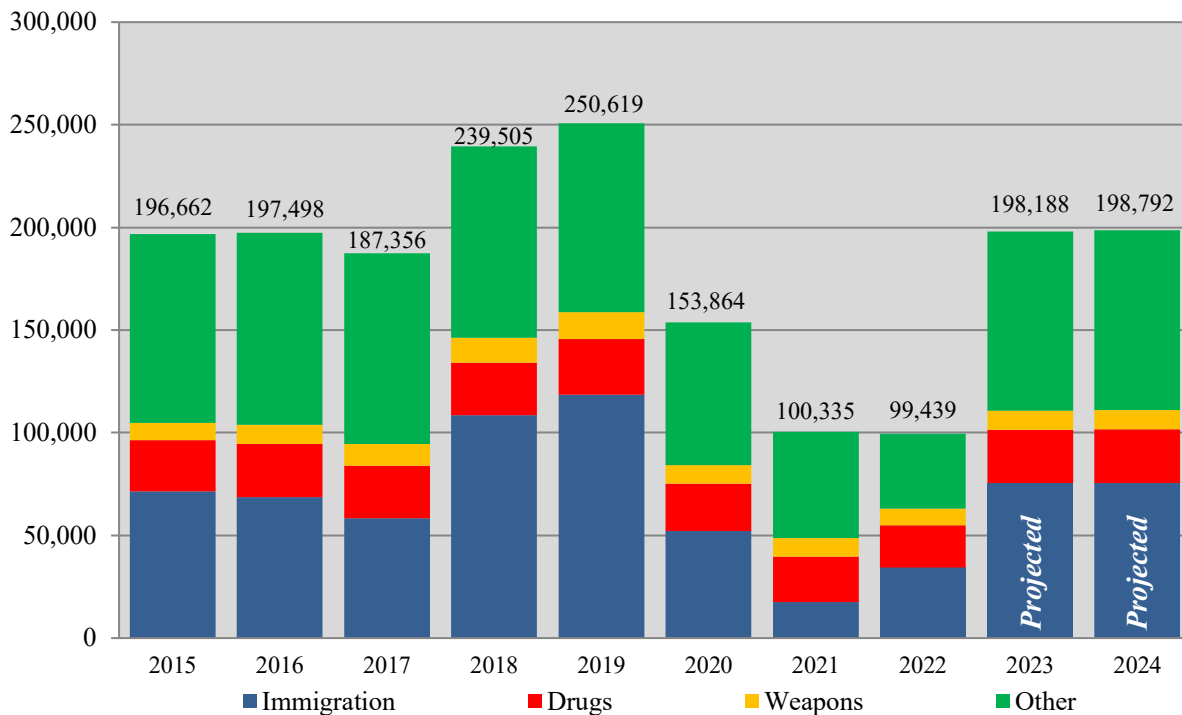
Current Trends – Detention Population and Detainees Received: In 2017, annual ADP reached a 13-year low of 50,317. From April 2017 through FY 2021, ADP increased rapidly due in large part to Departmental policy changes and new law enforcement and prosecutorial initiatives. After an initial drop in the ADP at the start of the COVID-19 pandemic in 2020, the ADP continued to increase primarily due to a backlog of sentenced prisoners awaiting transfer to BOP. Current projections indicate that the FY 2023 annual ADP will be 60,923. For FY 2024, the USMS budget request assumes bookings will increase for SWB immigration violations, and be sustained for drug and weapon offenses due to targeted law enforcement efforts to reduce violent crime and combat illegal drugs. With the transfer backlog now resolved, if prisoner transportation remains consistent with pre-pandemic functioning, the USMS estimates the annual ADP at 60,505.

The SWB will continue to be a focal point of Federal law enforcement in FY 2024. Historically, immigration enforcement initiatives along the SWB have had a significant impact on the detention population and USMS workload. At peak enforcement levels, immigration offenders comprised almost 50 percent of all persons received by the USMS. During FY 2022, almost 25 percent of all persons the USMS received were in the five SWB judicial districts (Arizona, Southern California, New Mexico, Southern Texas, and Western Texas).

During the COVID-19 pandemic, the number of detainees received into USMS custody for illegal entry and re-entry into the United States substantially decreased, from more than 100,000 during FY 2018 and FY 2019 to approximately 20,000 during FY 2022. While the number of detainees received into USMS custody for immigration offenses was higher than typical immediately prior to the pandemic due to the zero-tolerance prosecution policies in effect at the time, the number received into custody during FY 2022 was atypically low. Currently, the USMS is projecting that the number of detainees received for immigration offenses will return to the level observed during FY 2015 and FY 2016. If immigration enforcement initiatives lead to future changes in prosecution, court operations, or adjudication patterns, detention housing costs attributable to immigration offenses will reflect those changes.

The USMS projects to receive 198,792 detainees for all primary offense types during FY 2024, a slight increase from the FY 2023 projected total of 198,188.

**USMS Detainees Received by Offense
FY 2015 – 2024**



* Data shown for FY 2023–2024 reflect FPD projections as of February 2023. All other data shown are FY actuals.

Funding Issues: Planning for detention requirements is a significant challenge. While past requirements and trends are easily observed, accurate prediction of future needs is complex. Detention requirements are dependent on multiple variables; therefore, the USMS recalculates its projection throughout the budget development process to remain consistent with currently observed population and cost increases. Because the USMS has little or no control over the outside factors that impact the FPD appropriation, the USMS primarily focuses on efficiencies and reducing detention costs. The USMS uses immediate, short-term, and long-term initiatives designed to maximize the cost-effectiveness of detention operations.

Cost Mitigation Initiatives: The USMS developed strategies to reduce expenses without adversely affecting operations. The following are a few of the efficiency plan actions:

- **Increased utilization of BOP detention bedspace.** USMS collaborated with the BOP to secure a temporary allocation of additional pre-trial beds at previously unused Federal facilities. A new Memorandum of Understanding was implemented to memorialize this decision. This realignment of beds ensures greater usage and reduces the cost of detention beds for the USMS.
- **Shift detainees to lower cost facilities when operationally feasible.** The USMS managed its detention populations by shifting detainees to lower cost detention facilities after sentencing and while awaiting future court dates. This practice will free up court beds closer to the district's Federal courthouse.
- **Expedite movement of sentenced prisoners.** The USMS continued its partnership with the BOP and the Justice Prisoner and Alien Transportation System (JPATS) to move sentenced prisoners expeditiously into BOP designated facilities. The USMS requires partner agencies to provide the proper paperwork in a timely manner to move sentenced prisoners into BOP custody.

The USMS continues to modify operations to increase cost-effectiveness and respond to the evolving detention environment. Although ADP fluctuations are largely outside of USMS direct control, the USMS continues to coordinate acquisition of sufficient detention space in the most cost-efficient manner possible. This objective becomes more challenging in times when detention space availability is limited. The USMS continues to aggressively seek efficiencies by working with Federal, State, and local partners to manage bedspace requirements, as well as reduce contract costs. These measures help stabilize detention expenditures.

Cooperative Agreement Program (CAP): The CAP is designed to address detention space needs in critical areas. The program provides Federal funding to select State and local governments for renovation, expansion, or construction of jails or acquisition of equipment, supplies, or materials in exchange for guaranteed detention bedspace for a fixed period of time for Federal detainees in or near Federal court cities. The program is subject to the guidelines set by the Code of Federal Regulations, *2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.

The CAP allows the USMS to meet Federal detention housing needs by directly investing resources into participating State and local facilities. The benefits of the program include generating long-term financial benefits to local communities through Federally funded job creation and regional economic stability within the communities. The USMS currently has 14 active CAP agreements that provide Federal detention beds in areas where space is severely limited. This program remains an essential tool for the USMS to acquire needed Federal detention beds.

Detention Information Technology (IT) Infrastructure: The USMS has modernized its IT infrastructure to maintain the business requirements for detention-related systems and to establish a new foundation for future requirements. The USMS Capture initiative includes the modernization, replacement, and consolidation of outdated prisoner management information systems. Capture has created operational efficiencies, provided new mobile computing capabilities, increased officer safety, and improved internal and external information sharing across USMS district offices and headquarters. The USMS continues to use IT to implement efficiencies and increase the effectiveness of the IT infrastructure, where the services provided are advanced, optimized, and responsive to the needs of the USMS and the Federal detention community.

C. FY 2024 Request

The FPD account is defined by one program activity: Detention Services. The FPD request includes \$2,125,724,000 in appropriated resources for this activity.

Full Program Cost: Include resources for housing, care, and transportation of detainees.

Full Program Cost for Detention Services		
Program Category	Description	Amount (\$000)
Housing and Subsistence	For housing and subsistence of detainees	\$1,829,506
Health Care Services	For health care	\$121,901
Medical Guards	For medical guards	\$56,122
Transportation	For transportation costs	\$111,898
Incidental Costs	For costs associated with detainee housing and transportation such as detainee meals while in transit, detainee clothing, and parking for government vehicles	\$6,297
Total Request		\$2,125,724

Technical Adjustments and Adjustments-to-Base (ATBs).

Technical Adjustments. For FY 2024, the FPD request includes two program realignments between USMS appropriations.

- The first realignment shifts detention program management and oversight (including detention IT systems) from FPD to the USMS Salaries and Expenses (S&E) appropriation. To support this shift, FPD requirements decrease by 42 positions and \$33,377,000; S&E requirements increase by the same amount. These resources provide

program leadership, operations, and budget support within the USMS Prisoner Operations Division (POD). Related activities include development and implementation of process improvements in the detention community, program oversight of detention contracts, and detention-related IT infrastructure modernization. Currently, funding for POD personnel is split between the S&E and FPD appropriations. This shift will establish consistent funding for all USMS personnel and overhead-type program management costs through the S&E appropriation.

- The second realignment shifts the International Extraditions program from the S&E Fugitive Apprehensions decision unit to FPD. The USMS is the Federal government's primary agency tasked with returning international fugitives to the United States safely and securely. To support this shift, the S&E appropriation is decreased by \$3,000,000; FPD requirements increase by the same amount. At the point when a Deputy U.S. Marshal takes custody of an international fugitive in a foreign country, the extradition mission becomes a transportation function. Therefore, the USMS believes it is reasonable and appropriate to fund extradition transportation through the FPD appropriation, with other detainee and prisoner air transportation costs.

These realignments are necessary to place each program with similar cost centers. When the shifts are completed, the FPD appropriation will fund all variable costs for detainee housing, medical costs, transportation, and associated guard contracts – and only those costs.

ATBs. Since the FY 2021 President's Budget submission, USMS requests for FPD resources have reflected population and per diem changes in requirements for detainee housing and care as adjustments to base funding, rather than program increases or decreases. Because the USMS has no control over the detainee population, and all detainees remanded to the Attorney General by the judiciary must remain in USMS custody, the ATB category is most appropriate for population-related changes. The USMS cannot control the number of detainees or court case processing times; the FPD appropriation supports a mandatory requirement of the Federal judicial process. This approach treats these costs as necessary requirements to sustain detention operations.

For FY 2024, the USMS currently projects a decrease of \$24,704,000 for ADP adjustment resulting from projected decreases in the detention population; and an increase of \$51,016,000 for inflationary costs associated with per diem rate changes and detention-related services. The total adjustments to base are \$26,312,000. Combined with the program realignment technical adjustments, overall FPD requirements decrease by \$4,065,000.

ADP Projections: The ADP is directly related to the number of persons arrested by Federal law enforcement agencies coupled with the length of time defendants are detained pending adjudication, release, or subsequent transfer to the BOP following conviction and sentencing.

The FPD appropriation supports program activities that offer little opportunity for economies of scale. Each additional detainee received translates into direct expenditures for housing, medical care, and transportation. As the chart below demonstrates, an unplanned three to ten percent increase of detainees received in the drugs, weapons, and immigration primary offense categories

results in cost increases that are within historical boundaries. For example, an additional three percent increase in the number of detainees received for drug offenses projected for FY 2024 (784 additional detainees) would increase ADP by more than 600 and generate over \$26 million in increased detention expenditures.

Impact of Increase in Detainees Received Beyond FY 2024 Population Projections				
Primary Offense Category / Increase	Detainee Bookings		Total ADP	Projected Cost Increase
	Total	Variance from Projection		
<i>Detainees Received for Drug Offenses</i>				
Baseline	26,140	---	60,505	---
+3%	26,924	784	61,175	\$26,016,862
+5%	27,447	1,307	61,622	\$43,361,437
+10%	28,754	2,614	62,739	\$86,722,874
<i>Detainees Received for Weapons Offenses</i>				
Baseline	9,348	---	60,505	---
+3%	9,628	280	60,737	\$9,010,200
+5%	9,815	467	60,892	\$15,017,000
+10%	10,283	935	61,279	\$30,034,000
<i>Detainees Received for Immigration Offenses</i>				
Baseline	75,657	---	60,505	---
+3%	77,927	2,270	61,226	\$27,977,006
+5%	79,440	3,783	61,706	\$46,628,343
+10%	83,223	7,566	62,907	\$93,256,686

Because the FPD account is subject to population fluctuations and other cost increases that are beyond its control, incorporating a risk assessment is a prudent approach to estimate the required funding level more accurately. The projected cost increases shown above for drug and weapons offenses are attributable to both longer time-in-detention (particularly as observed during the COVID-19 pandemic) and a higher per capita detention cost.

D. Sustainability

The USMS has proactively sought ways to incorporate environmentally friendly practices into office operations. The USMS purchases recycled products (toner, paper, etc.); utilizes recycling receptacles for used products; and encourages overall paper and energy reduction through policies on duplex copying and powering down computers and lights at the end of each day. The POD has transitioned to paperless technology and has automated its workflow processes in detention management services. All files are electronic. The USMS continues to develop

programs to further address environmentally friendly practices that will reduce the impact on the environment and increase operating efficiency.

Additionally, the USMS supports environmental initiatives by educating its employees in “green” purchasing. All USMS purchase cardholders, contracting officers, and contracting officer technical representatives completed specialized online training by Federal Acquisition Institute. All new USMS employees assigned to these positions must complete this training.

E. Challenges

The USMS does not own or operate any detention facilities and is dependent on the availability of housing in facilities operated by other Federal, State, and local entities. Additionally, the USMS is responsible for the housing of detainees while their court proceedings are ongoing; therefore, the USMS must locate alternative housing within reasonable proximity to the courthouse. The two main challenges that will affect USMS and the FPD appropriation during FY 2024 are discontinuing private detention and responding to external influences on detention.

The USMS is currently implementing Executive Order (EO) 14006, which directs the Attorney General to discontinue DOJ contracts for the use of privately-operated criminal detention facilities. Relocating the approximately 10,000 USMS detainees housed in private detention facilities at the time the EO was issued requires significant effort. Although the USMS has agreements with State and local governments to house USMS detainees, bedspace in their facilities is only provided on an “as available” basis. The acquisition of additional bedspace under existing agreements can be challenging, but the USMS will identify alternatives to implement this policy.

Prior to the issuance of EO 14006, the USMS maintained 14 direct contracts with privately-operated detention facilities to meet its housing requirements. One of these facilities provides specialty medical care and is considered exempt from EO 14006. In FY 2021, the USMS ended four contracts with private detention facilities. The USMS ended three additional private detention contracts in FY 2022.

External influences are an ongoing, and integral, challenge to management of the FPD appropriation. The USMS’ detention resources and requirements are directly impacted by law enforcement and prosecutorial priorities and larger legislative changes such as immigration reform, SWB initiatives, and revisions to sentencing guidelines. For example, if immigration initiatives intensify, the USMS could experience a substantial increase in costs with limited bedspace in some areas of the SWB.

II. Summary of Program Changes

No program changes in FY 2024.

III. Appropriations Language and Analysis of Appropriations Language

UNITED STATES MARSHALS SERVICE FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, [\$2,129,789,000] \$2,125,724,000, to remain available until expended: Provided, That not to exceed \$20,000,000 shall be considered “funds appropriated for State and local law enforcement assistance” pursuant to section 4013(b) of title 18, United States Code: Provided further, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System.

Analysis of Appropriations Language

No changes to appropriations language proposed for FY 2024.

IV. Program Activity Justification

<i>Detention Services</i>	Direct Pos.	Estimated FTE	Amount
2022 Enacted	42	25	\$2,123,015
2023 Enacted	42	42	\$2,129,789
Adjustments to Base and Technical Adjustments	-42	-42	-\$4,065
2024 Current Services	0	0	\$2,125,724
2024 Program Increases	0	0	\$0
2024 Request	0	0	\$2,125,724
Total Change 2023-2024	-42	-42	-\$4,065

<i>Detention Services</i> Information Technology Breakout (of Decision Unit Total)	Direct Pos.	Estimated FTE	Amount
2022 Enacted	3	2	\$23,896
2023 Enacted	3	3	\$17,003
Adjustments to Base and Technical Adjustments	-3	-3	-\$17,003
2024 Current Services	0	0	\$0
2024 Request	0	0	\$0
Total Change 2023-2024	-3	-3	-\$17,003

1. Program Description

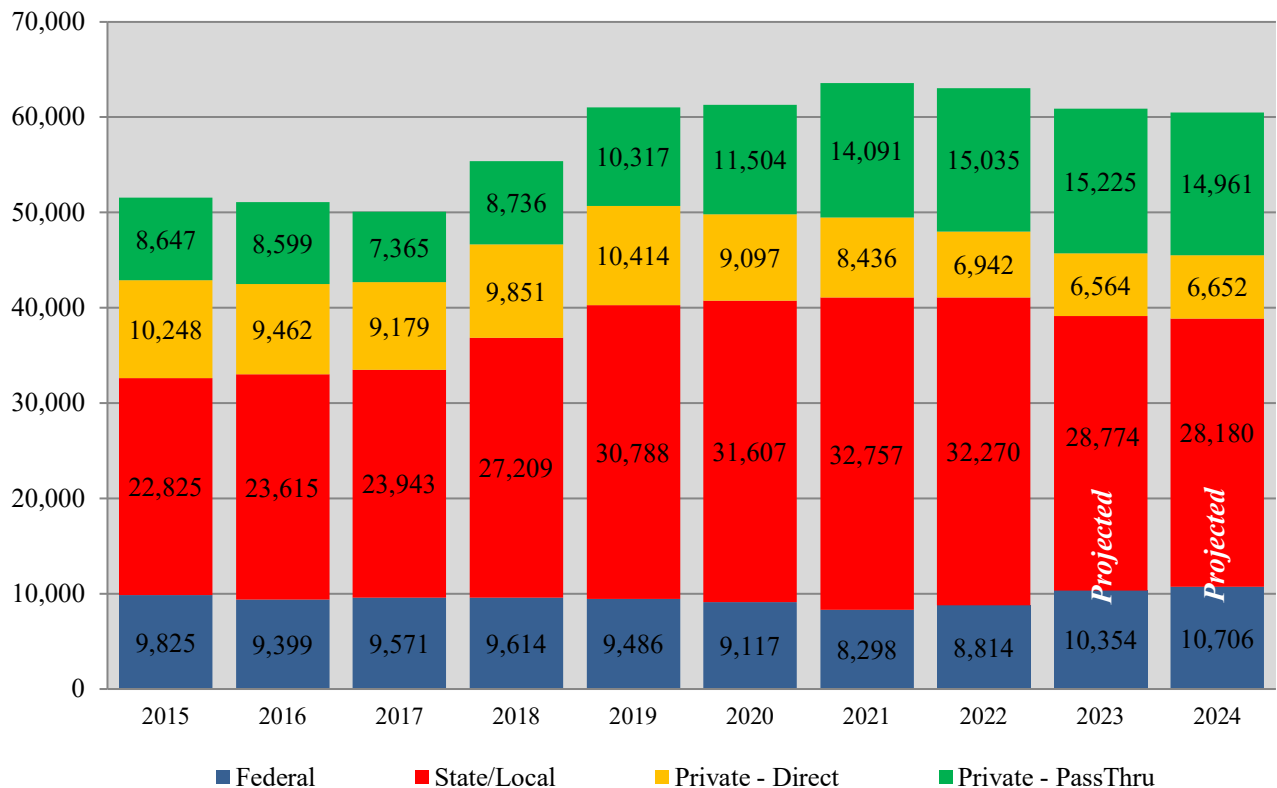
Detention Services

Detention resources provide housing, transportation, medical care, and medical guard services for Federal detainees remanded to USMS custody. The FPD appropriation expends resources from the time a detainee is brought into the USMS custody until criminal proceedings are terminated and/or the sentenced prisoner is committed to BOP.

The Federal government relies on various methods to house detainees. The USMS acquires detention bedspace for Federal detainees as effectively and efficiently as possible through:

- Federal detention facilities, where FPD uses BOP facilities for which the Federal government has already paid for construction and subsequent operation,
- Intergovernmental Agreements (IGAs) with State and local jurisdictions that have excess prison/jail bed capacity and receive a daily rate for the use of a bed,
- Private facility contracts where a daily rate is paid per bed, and
- Capital Agreement Program, where capital investment funding is provided to State and local governments for guaranteed detention bedspace in exchange for a daily rate negotiated through an IGA.

**USMS Average Daily Detention Population by Type of Facility
FY 2015 - 2024**



2. Performance Resources Table

PERFORMANCE MEASURE TABLE														
Decision Unit: Detention Services														
RESOURCES (\$ in thousands)			Target		Actual		Target		Changes		Requested (Total)			
Note: Performance measures reflect amounts for base population.			FY 2022		FY 2022		FY 2023		Current Services Adjustments and FY 2024 Program Changes		FY 2024 Request			
Total Average Daily Population			63,155		63,068		60,923		-418		60,505			
State and Local Government (IGA) Facilities			46,646		47,305		43,999		-858		43,141			
Private Facilities			6,853		6,942		6,564		88		6,652			
Subtotal Non-Federal Facilities			53,499		54,247		50,563		-770		49,793			
Federal Facilities			9,630		8,814		10,354		352		10,706			
Non-Paid Beds			26		7		6		0		6			
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	
			38		\$2,123,015		25		\$2,234,477		42		\$2,129,789	
			-42		-\$4,065		0		\$2,125,724					
Strategic Objective	Type	Performance	FY 2022		FY 2022		FY 2023		Current Services Adjustments and FY 2024 Program Changes		FY 2024 Request			
			FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0		
	Program Activity		38	\$2,123,015	25	\$2,234,477	42	\$2,129,789	-42	-\$4,065	0	\$2,125,724		
5.2	Efficiency	Per day jail cost (non-Federal)	\$92.25		\$96.51		\$95.98		\$1.72		\$97.70			
5.2	Performance	Health care cost per capita (non-Federal)	\$2,722		\$3,216		\$3,480		\$95		\$3,575			
5.2	Outcome	Per day detention cost (non-Federal)	\$99.84		\$105.70		\$105.49		\$1.93		\$107.42			

PERFORMANCE MEASURE TABLE						
Decision Unit: Detention Services						
Strategic Objective	Performance Measure		FY 2022		FY 2023	FY 2024
			Target	Actual	Target	Target
5.2	Efficiency Measure	Per day jail cost (non-Federal)	\$92.25	\$96.51	\$95.98	\$97.70
5.2	Performance Measure	Health care cost per capita (non-Federal)	\$2,722	\$3,216	\$3,480	\$3,575
5.2	Performance Measure: Outcome	Per day detention cost (non-Federal)	\$99.84	\$105.70	\$105.49	\$107.42

Definitions, Validation, Verification, and Limitations:

1. Performance Measure: Average Daily Population (ADP)

- a. **Data Definition:** Number of detainees in the custodial jurisdiction of the USMS on an average daily basis. ADP is calculated on a per capita, per day basis.
- b. **Data Collection and Storage:** Data are maintained in Capture. All detainee statistical information is derived from Capture.
- c. **Data Validation and Verification:** Monthly data are verified by comparing the data recorded in Capture with billing data provided by non-Federal detention service providers. Jail rate information is verified and validated against actual jail contracts.
- d. **Data Limitations:** Limited by the timely entry of detainee data into Capture.

2. Performance Measure: Per Day Jail Cost

- a. **Data Definition:** Actual average price paid per day (over a 12-month period) by the USMS to house Federal detainees in non-Federal detention facilities. IGA jail cost represents the average cost paid by the USMS to house detainees in facilities operated by State and/or local governments. Private jail costs represent the average cost paid by the USMS to house detainees in facilities operated by non-governmental entities (such as for-profit corporations). Average price paid is weighted by actual jail day usage at individual detention facilities.
- b. **Data Collection and Storage:** Data describing the actual price charged by State, local, and private detention facility operators is maintained in Capture and updated on an as-needed, case-by-case basis when rate changes are implemented. Rate information for specific facilities is maintained by the USMS' headquarters staff. In conjunction with daily reports of detainees housed, reports are compiled describing the price paid for non-Federal detention space on a weekly and monthly basis. Data are reported on both district and national levels.
- c. **Data Validation and Verification:** Data reported are validated and verified against monthly USMS reports describing district-level jail utilization and housing costs.

- d. **Data Limitations:** Maintaining detainee movement data is labor-intensive. Reliability of reported data is often compromised by time lags between the actual movement of detainees and recording those events in Capture. Accordingly, it is often necessary to delay reporting of official statistics several weeks to ensure that detainee movement records have been properly updated.

3. Performance Measure: Health Care Cost Per Capita

- a. **Data Definition:** Cost of health care services provided to Federal detainees under the custodial jurisdiction of the USMS. Total health care costs include the costs of health services provided by medical practitioners and medical guard services. Per capita health care costs are determined by dividing total health care expenditures for the reporting period by the average daily detainee population for that reporting period.
- b. **Data Collection and Methodology:** Data describing funds obligated for detainee health care services are reported through reports generated from the USMS financial system.
- c. **Data Validation and Verification:** In accordance with generally accepted accounting principles, the USMS routinely monitors its financial data for new obligations and de-obligations.
- d. **Data Limitation:** Data reported reflect the anticipated cost of services provided to USMS detainees. If the actual cost is different from the anticipated cost, additional funds may need to be obligated or obligated funds, de-obligated. Because of the time lag between the rendering of services and the payment of invoices, several weeks may lapse before the actual cost of health care services provided to an individual detainee can be accurately determined.

4. Performance Measure: Per Day Detention Cost

- a. **Data Definition:** Total detention costs represent the aggregation of paid jail costs and health care costs on a per capita, per day basis.
- b. **Data Collection and Storage:** See items 2 and 3 above.
- c. **Data Validation and Verification:** See items 2 and 3 above.
- d. **Data Limitations:** See items 2 and 3 above.

3. Performance, Resources, and Strategies

Program Activity: Detention Services

FPD Performance Goal 1
Meet the Nation’s detention requirements in the most economical manner.

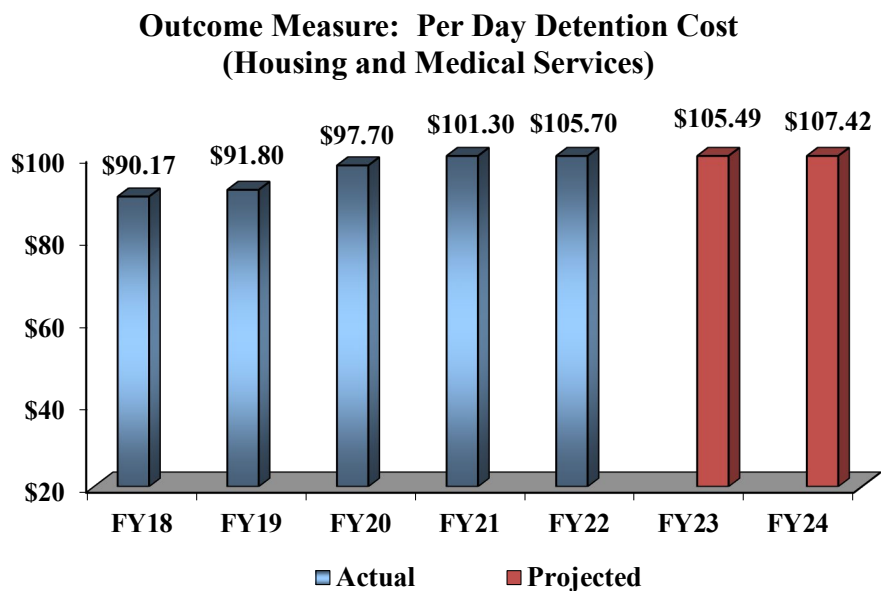
The USMS established a performance goal of maintaining per day detention costs at or below inflation to measure the success of obtaining detention space in the most cost-efficient manner. The chart and discussions identify the targeted level required to achieve that goal and explain the mission challenges and strategies required to make the targeted level attainable.

Performance Plan and Report:

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

FY 2022 Target: \$99.84

FY 2022 Actual: \$105.70



Strategic Objective: *Deliver secure, modern, and efficient prisoner detention and transportation operations.*

Preventing detainee suicides. The USMS receives a detainee into its custody and assumes responsibility for the safe, secure, and humane housing of that detainee in a detention facility. In some instances, USMS detainees have committed suicides while held in detention. Of the more than 158,500 USMS detainees housed in a detention facility during FY 2022, 16 died by suicide.

On August 8, 2022, the USMS hosted a Prisoner Suicide Awareness and Prevention Roundtable that included the Bureau of Justice Assistance, National Institute of Corrections, National Commission on Correctional Health Care, National Sheriff’s Association, American Foundation

for Suicide Prevention, and the BOP. The USMS is working with these correctional practitioners and subject matter experts to identify resources, capabilities, best practices, and industry standards to mitigate the prevalence of detainee suicide.

The USMS developed and implemented a suicide incident review and response protocol that assesses detention facility procedures, training, and supervision with the objective to identify deficiencies that can be remediated that might reduce the likelihood of detainee suicide. The USMS also hired a psychologist to assist with detainee mental health issues and to oversee clinical aspects of the USMS suicide mitigation program. Additionally, the USMS is updating its suicide prevention training program to address common risk factors and triggers.

Notifying detainees of their voter rights upon admission to USMS custody. The USMS updated its detainee intake procedures in response to Presidential EO 14019, Promoting Access to Voting, which was issued on March 7, 2021. Among other things, the executive order directed the Attorney General to “provide educational materials related to voter registration.” Beginning in December 2021, the USMS undertook a series of actions to comply with the requirements of the EO, to include modifying 936 contracts or intergovernmental agreements and the agency’s information technology to require USMS personnel to notify detainees upon their admission into USMS custody of their right to request voting access information from their designated facility.

Automating the detainee medical needs request process. The USMS developed and deployed a Prisoner Medical Management capability within its operational knowledge management application that integrates seamlessly into the existing Prisoner Management module. This capability automates responses to district staff requests for detainee medical needs. If the need falls below a predetermined threshold, it automatically approves the request, thereby saving the time that district staff would ordinarily use to create a manual request and the time the Prisoner Medical Management branch would use to approve the request. Overall, the implementation of this capability has saved over 3,500 work hours annually, while also drastically expediting the time it takes to fulfill detainee medical needs.

Challenge: Adequate Detention Beds

When State and local governments need more capacity to house their own detainees, fewer detention beds are available to accommodate Federal detainees.

Strategy: Improving management and visibility of detention space and services.

The USMS implemented a Capacity Management System that provides users with a real-time dashboard to determine the availability of detention facilities and detention-related services such as guard and transportation to support the USMS. This eliminates the manual process of tracking detainee bed space availability.

FPD Performance Goal 2

Ensure efficient use of detention space and minimize price increases.

Challenge: Projection of IGA Increases

The DOJ uses intergovernmental agreements to establish relationships with State and local governments for the use of excess bedspace at a negotiated per diem rate. During the life of an agreement, a State or local government may request rate adjustments from the DOJ. Historically, the USMS did not know the quantity, frequency, or magnitude of such adjustments; the lack of that information added to the difficulty of projecting accurate rate increases.

Strategy: eIGA.

eIGA provides a measure of standardization for the cost and the manner in which IGA rates for State and local facilities are calculated. eIGA is used to establish a negotiated fixed per diem rate for each facility within the parameters of rates of similar local facilities and limits future per diem rate adjustments. The cost of housing detainees becomes more predictable as new trends and set prices are integrated with more comprehensive bedspace requirements. eIGA is adding more IGAs as new agreements are initiated, and older agreements are renegotiated. The eIGA system also has reporting capabilities which enable more accurate, timely reports.

Strategy: Reduce prisoner processing time via eDesignate.

eDesignate provides for a more efficient workflow between the U.S. Probation Offices, the USMS, and the BOP during the sentence-to-commitment process by significantly reducing the workload of agency personnel involved in the administratively taxing designation process. All 94 Judicial Districts use eDesignate. eDesignate includes JPATS movement requests.

Strategy: Increase use of detention alternatives.

The USMS will continue to provide funding to the Federal judiciary to support alternatives to pretrial detention, such as electronic monitoring, halfway house placement, and drug testing and treatment. The budgetary savings of these alternatives to detention is substantial. The USMS provides the Administrative Office of the United States Courts (AOUSC) with \$4,000,000 annually to supplement its funding for alternatives to detention. If the defendants who were released on an alternative-to-detention program had been detained in a secure facility pending adjudication, the detention population would be higher and the costs to house those defendants would far exceed the amount provided to AOUSC.

Strategy: Maintain/gain economies of scale through partnered contracting.

The USMS partners with Immigration, Customs, and Enforcement (ICE) and BOP for joint facility use facilities to achieve the best cost to the Government. In this procurement process, each agency establishes a minimum level of bedspace usage to achieve the best prices. Approaching the negotiating process together eliminates the potential for competition between agencies. This methodology will be used for future negotiations as appropriate.

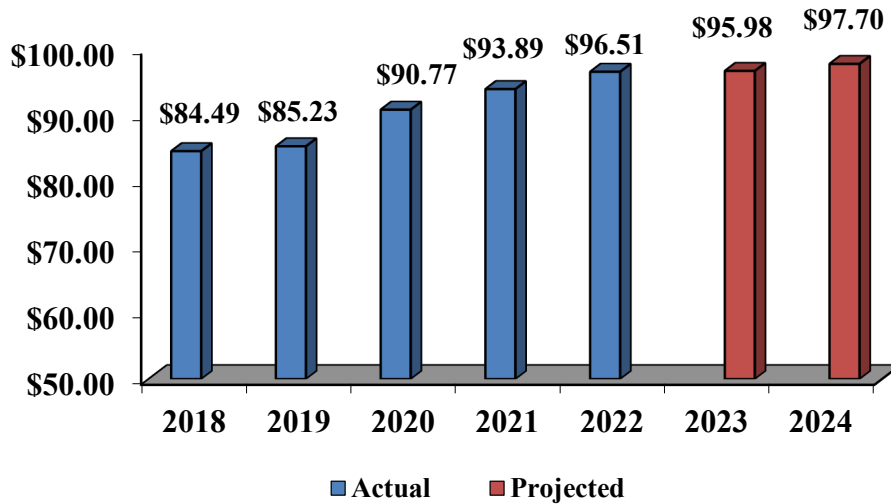
Performance Plan and Report:

Measure: Per Day Jail Cost

FY 2022 Target: \$92.25

FY 2022 Actual: \$96.51

**Efficiency Measure:
Per Day Jail Cost by Fiscal Year**



FPD Performance Goal 3

Ensure adequate medical services are provided in the most economical manner.

Challenge: Rising Medical Costs

Providing appropriate medical care to detainees at or near their detention facilities is an important facet of confinement conditions. Maintaining a uniform approach to these services, while ensuring the best value to the Government and streamlining the cumbersome administrative process for field operations, is a challenge. The per capita cost increase for health care in FY 2022 is attributable to both COVID-19 and medical cost inflation. The anticipated per capita increase for FY 2023 is attributable to the application of fixed contract costs over a lower estimated population, and to medical cost inflation.

Strategy: National Managed Care Contract

The USMS manages a National Managed Care Contract (NMCC) that establishes a national health care delivery system for USMS detainees. The contract ensures that the USMS acquisition of medical services complies with Federal procurement statutes and regulations, and that USMS detainee medical claims are re-priced to Medicare rates in accordance with the provisions of 18 U.S.C. 4006. The NMCC contractor processes and pays all contract-related

detainee medical bills on behalf of the districts, which reduces district administrative workload regarding detainee medical issues. Finally, the NMCC includes a national discount pharmacy program that allows the USMS to receive discounts on medications that it purchases for detainee care. The NMCC has been fully implemented in all 94 USMS districts.

Performance Plan and Report:

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

FY 2022 Target: \$2,722

FY 2022 Actual: \$3,216

