

**United States Marshals Service  
FY 2017 Performance Budget  
President's Budget Submission**

**Federal Prisoner Detention Appropriation**



**February 2016**

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## I. Overview

### A. Introduction

The United States Marshals Service (USMS) Federal Prisoner Detention (FPD) Appropriation provides housing, transportation, and care for federal detainees housed in non-federal detention facilities. For FY 2017, the FPD Appropriation requests a total of 19 positions, 19 full-time equivalent (FTE), and \$1,504,009,000. The requested increase includes adjustments-to-base of \$47,647,000 and a program increase of \$1,948,000. In addition, a cancellation of \$24,000,000 from prior year balances is proposed.

<b>Federal Prisoner Detention</b>			
	Pos	FTE	Amt (\$000)
FY 2015 Enacted with Rescissions	17	12	307,307
FY 2016 Enacted with Rescissions	19	19	1,258,440
FY 2017 Request	19	19	1,504,009

The USMS is not requesting any enhancements for information technology (IT), although the request includes seven positions, seven FTE, and \$8,903,000 for IT activities as reported in the Agency IT Portfolio Summary (formerly Exhibit 53A). It should be noted that currently, the FPD account has one IT position. The six positions reported in the Agency IT Portfolio Summary reflect all USMS FTE that support a detention function. The IT resources provide for support staff, hardware, applications providing access to detention facility information, facility contract information, electronic Intergovernmental Agreement (eIGA), prisoner movement, and an e-Gov site providing secure role-based access to detention information.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>

### B. Background

From 1994 through 2011, the average daily population (ADP) increased from 18,282 to 61,719. Since FY 2011, the USMS has experienced an unprecedented decrease in the federal detainee population to 51,840 in FY 2015. The USMS attributes this decline to the slowing growth rate of arrests and bookings coupled with prisoners spending less time in detention. If the current projections of bookings and time-in-detention remain consistent, the USMS anticipates an ADP of 55,338 for FY 2017.

Projecting the ADP for the detention account is a challenging exercise due to the complexity and dynamic nature of the many variables that go into calculating projections. For example, detention

projections are calculated using reliable trend analyses comprised of several leading indicators such as: types of bookings; time in detention; law enforcement and attorney staffing levels; and other criteria which are factored into the projection with a significant degree of accuracy. However, there are a number of other influences such as special law enforcement and prosecutorial initiatives which are frequently established outside of the budget process that can have substantial influence on detention needs. For this reason, population projections are in a fairly constant state of flux and require periodic adjustments based upon these variables.

Past projections anticipated an impact to detention would occur from increased law enforcement hiring at the Department of Justice (DOJ) and the Department of Homeland Security (DHS) as a result of the FY 2014 enacted budget. This impact has not materialized and that may be the result of hiring and training lags.

Furthermore, DHS has more than doubled the Border Patrol's size and acquired drones, sensors and other technology at the border to enhance security. DHS believes that these actions have succeeded in shrinking illegal immigration, while some independent researchers maintain that factors other than security account for much of the reduced flow of illegal immigrants. These factors include demographic changes in Mexico, improvements in its economy and Mexico's crackdown on Central American migrants headed to the United States. Regardless, research suggests that fewer illegal immigrants are crossing the border. While fewer persons are attempting to illegally enter the United States, an increasing proportion of those apprehended are referred for criminal prosecution.

These are prime examples of the varied factors that cannot be used in a forecasting model, but can impact detention when realized. Despite the complexities of projecting the detention population, building the request based on current patterns and trends keeps the budget in alignment with detention requirements.

### **C. Program Costs**

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

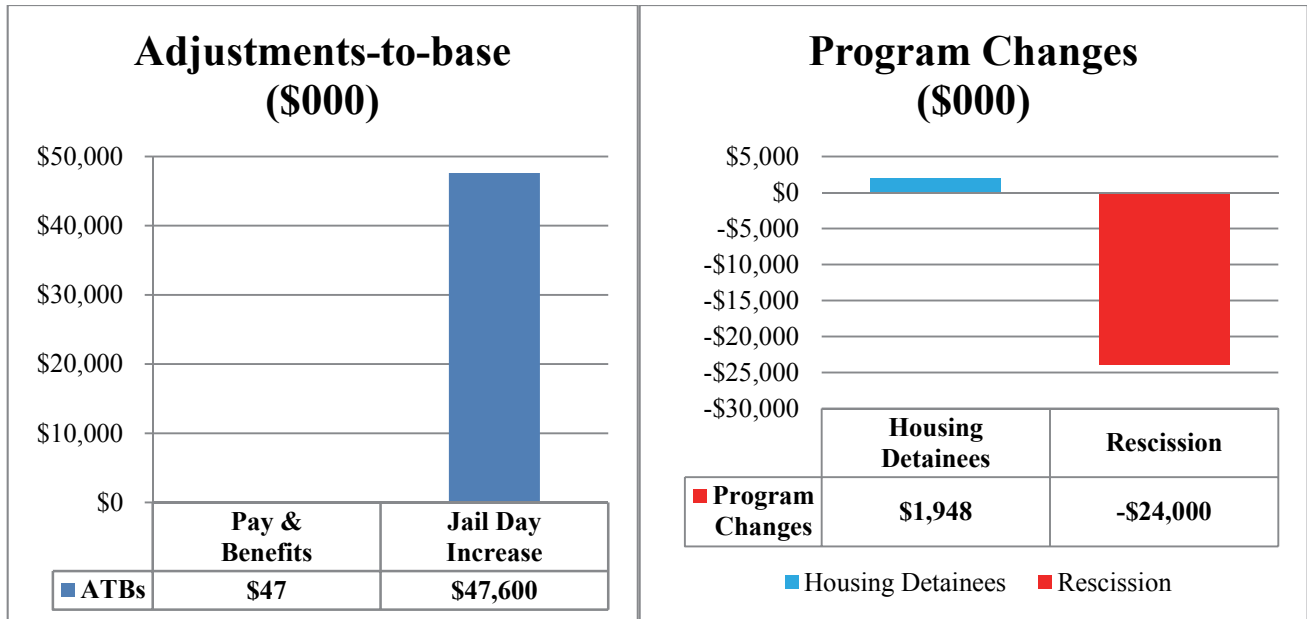
Law enforcement and prosecutorial priorities directly impact the USMS detention resource needs. Linking law enforcement initiatives with detention funding requests is the key to providing the Congress with accurate information for budget forecasting, cost containment and effective results.

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

The USMS continues to refine and improve detention operations to be more cost-effective and to be more responsive to the needs of the fluctuating detention environment. The USMS continues to aggressively seek efficiencies, work with federal, state, and local partners regarding bed space, and reduce contract costs. These measures also help contain detention expenditures.

**D. FY 2017 Request**

The FPD account is defined by one program activity: Detention Services. The FPD request includes \$1,504,009,000 in appropriated resources for this activity. This amount includes \$1,340,035,000 for housing and subsistence of detainees. Program costs for health care are \$71,830,000, medical guards are \$23,588,000, and transportation costs are \$65,792,000. The requested amount also includes \$2,764,000 for incidental costs associated with prisoner housing and transportation such as prisoner meals while in transit, prisoner clothing, and parking for government vehicles.

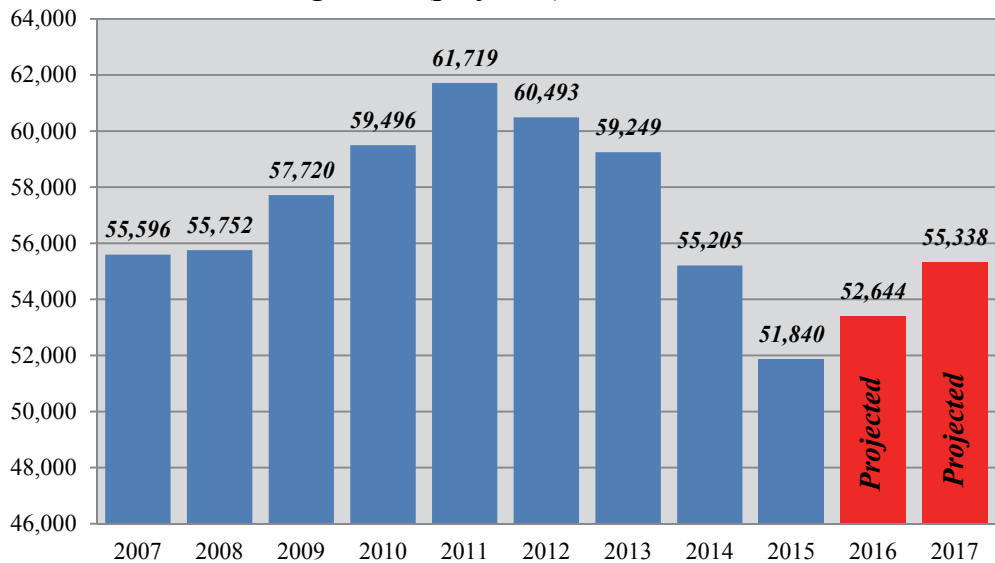


**Adjustments-to-base:** FPD’s base adjustments total \$47,647,000. This amount reflects an increase of \$47,000 for pay and benefits adjustments and \$47,600,000 for other inflationary cost increases associated with increases in detention-related services. Also, a technical adjustment for restoration of prior year balances of \$195,974,000 is included to ensure that sufficient base resources are maintained.

**Program Increase:** FPD’s program increases reflect \$1,948,000 for the increased costs associated with housing new federal detainees.

**Rescission of Balances:** Due to the lower than projected detention population in FY 2015, the USMS request includes a cancellation of \$24,000,000 from prior year balances.

***United States Marshals Service, Average Daily Detention Population, Fiscal Year 2007 through 2017 (projected)***



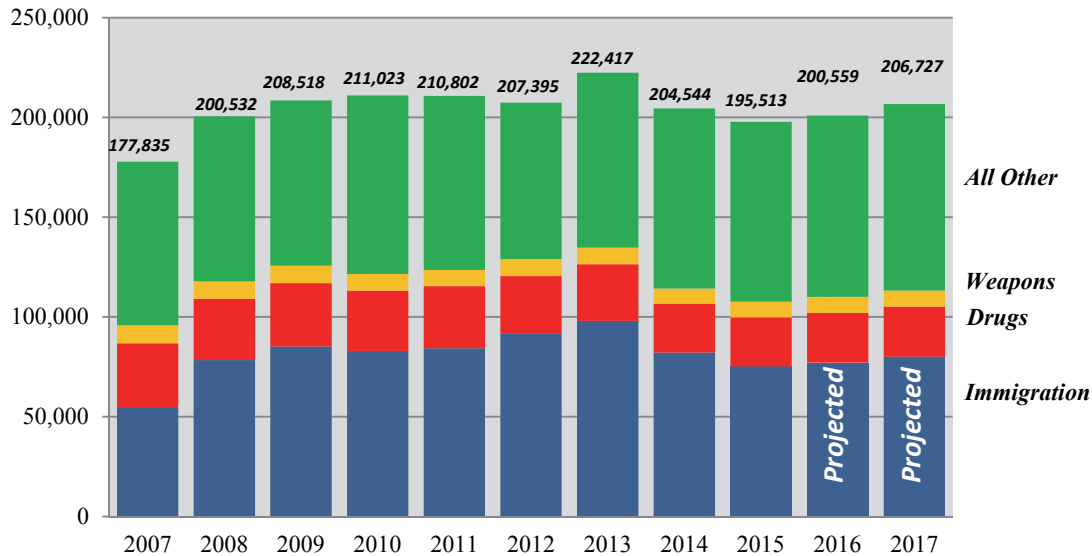
**ADP Projections:** Based on estimated bookings and time-in-detention, the ADP is currently projected to be 55,338 for FY 2017. The ADP is primarily dependent upon the number of persons arrested by the federal law enforcement agencies coupled with the length of time defendants are detained pending adjudication, release, or subsequent transfer to the DOJ’s Bureau of Prisons (BOP) following conviction and sentencing.

Recently, the USMS has observed a substantial decline in the number of prisoners received for prosecution. Additionally, continuing initiatives such as fast-tracking the prosecution of selected offenses, expediting the designation and transfer of sentenced prisoners to BOP correctional institutions, and utilizing detention alternatives have proven successful at reducing detention time, particularly during the post-sentencing period. These factors combined have resulted in a substantial decrease in the detention population from peak levels.

While the USMS currently projects that the detention population will increase from its current level in FY 2015, the estimated growth rate is below historic levels and the projected detention population for FY 2017 (55,338) is around 10 percent below the peak population attained during FY 2011 (61,719).

Through FY 2017, the USMS projects that the Southwest Border (SWB) area will continue to be a focal point of federal law enforcement. During FY 2015, more than half of all prisoners received by the USMS were received in the five judicial districts comprising the SWB (Arizona, Southern California, New Mexico, Southern Texas, and Western Texas). The USMS projects an increase of 11,000 prisoners received between FY 2015 and FY 2017, and that about two-thirds of those prisoners will be from the SWB districts and primarily charged with immigration offenses. Though lower than the peak level observed during FY 2013, the projected increase generally reflects continued increases in federal law enforcement resources in these districts and federal law enforcement’s emphasis on protecting and securing the SWB.

**United States Marshals Service, Prisoners Received, by Offense,  
Fiscal Year 2007 through 2017 (projected)**



**United States Marshals Service, Average Daily Detention Population and  
Prisoners Received, by Offense,  
Fiscal Year 2007 through 2017 (projected)**

	<u>ADP</u>	<u>Total</u>	<u>Immigration</u>	<u>Drugs</u>	<u>Weapons</u>	<u>Other</u>
2007	55,596	177,835	54,843	31,987	9,028	81,977
2008	55,752	200,532	78,404	30,713	8,746	82,669
2009	57,720	208,518	85,234	31,702	8,736	82,846
2010	59,496	211,023	82,977	30,248	8,339	89,459
2011	61,719	210,802	84,343	31,089	8,087	87,283
2012	60,493	207,395	91,524	28,940	8,587	78,344
2013	59,249	222,417	98,025	28,416	8,295	87,681
2014	55,205	204,544	82,175	24,537	7,557	90,275
2015	51,840	195,513	71,386	24,938	8,229	90,960
2016	52,644	200,559	77,381	24,988	8,080	90,110
2017	55,338	206,727	80,036	25,136	8,079	93,476



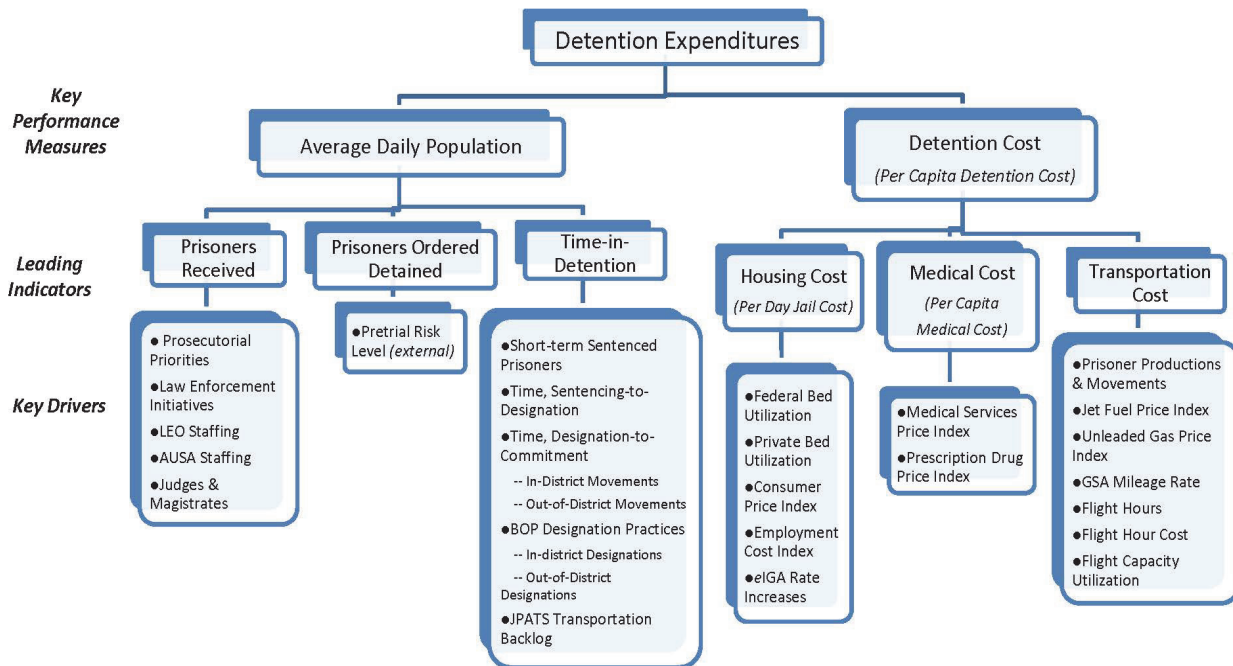
## Detention Population Forecasting Model

A Detention Population Forecasting Model is used to take a statistical approach for predicting detention needs using factors such as population, demographic trends, number and type of criminal cases processed, average processing time per type of case, and authorized/requested positions of federal law enforcement, U.S. Attorneys, U.S. District Court judges, and immigration judges. These factors allow for the development of impact scenarios that address proposed legislation, known DOJ law enforcement initiatives, and current activities. The projections are based on past performance and behavior of the players involved. Any shift in behavior may alter the outcome.

As shown in the following chart, the primary drivers of detention expenditures are the number of prisoners booked by the USMS and the length of time those prisoners are held in detention. However, both of these factors are directly influenced by the activities and decisions of federal law enforcement, U.S. Attorneys, and the federal judiciary. Accordingly, the USMS regularly monitors – and tries to anticipate – changes in federal law enforcement priorities and the number of on-board staff.



### Primary Drivers of Detention Expenditures



Historically, implementation of zero-tolerance immigration enforcement policies along the SWB has had the most significant impact on the detention population and USMS workload. Since implementation of these policies during 2005, the number of prisoners received for immigration

offenses increased to more than 71,000 in FY 2015 compared to 39,973 in FY 2005. At the height of these programs, immigration offenders comprised almost half of all persons received by the USMS. While the USMS observed a decrease in the number of persons received for immigration offenses during FY 2015, the USMS estimates that the number of immigration offenders received will increase due to immigration enforcement-related activity.

The detention population projection for FY 2017 is a particularly challenging assessment for the USMS. During prior years, the long-term trend has reflected steady annual increases in the number of prisoners received. This trend translates directly to increases in the overall detention population. However, beginning in FY 2014, the number of prisoners received for prosecution significantly decreased. This decrease may be the result of factors such as reduced funding for federal law enforcement agencies and changes in prosecutorial practices and priorities stemming from the Attorney General’s *Smart on Crime* initiative. Consequently, it is difficult to determine whether the decreasing trend is a permanent change that will be sustained into the future, or if it is temporary whereby after a period of stagnation prosecutorial activity will substantially increase.

The FPD appropriation operates within a structure that offers little opportunity for economies of scale and each additional prisoner received translates into a direct expenditure. For example, an additional three percent increase in the number of prisoners received for drug offenses (or 754 additional prisoners) would result in a \$10,955,058 increase in detention expenditures. For each of the offense categories drugs, weapons, and immigration, a three to 10 percent increase in prisoners received results in a level that is within historical boundaries. The following chart illustrates the **potential impact** of unplanned prisoners received by offense:

<i><b>Impact of Increased Number of Prisoners Received Beyond the Fiscal Year 2017 Population Projections</b></i>				
<i><b>Prisoner Bookings</b></i>				
	Total	Increase Above Current Projection	Total ADP	Projected Cost Increase
<i><b>Prisoners Received for Drug Offenses</b></i>				
Baseline	25,136	---	55,338	---
+3%	25,890	754	55,677	\$10,955,058
+5%	26,393	1,257	55,903	\$18,258,431
+10%	28,906	2,514	56,469	\$36,516,862
<i><b>Prisoners Received for Weapons Offenses</b></i>				
Baseline	8,079	---	55,338	---
+3%	8,321	242	55,453	\$3,733,777
+5%	8,483	404	55,530	\$6,222,962
+10%	8,887	808	55,723	\$12,445,923
<i><b>Prisoners Received for Immigration Offenses</b></i>				
Baseline.	80,036	---	55,338	---
+3%	82,437	2,401	55,705	\$11,848,049
+5%	84,038	4,002	55,949	\$19,746,748
+10%	92,041	8,004	56,561	\$39,493,497

**Capital Improvement Program (CIP):** The CIP is a comprehensive program used to address detention space needs in critical areas. The program offers various contractual vehicles to provide federal funding to state and local authorities for the expansion, renovation, and construction of jails or the acquisition of equipment, supplies, or materials in exchange for detention beds. The program consists of two parts: the Cooperative Agreement Program (CAP) and Non-Refundable Service Charge Contract (NSCC).

CAP provides federal resources to select state and local governments to renovate, construct, and equip detention facilities in return for guaranteed bed space for a fixed period of time for federal detainees in or near federal court cities. The NSCC allows the USMS to directly contract with state and local governments providing up-front funding for renovation or construction of jails to house federal detainees in exchange for guaranteed bed space at a fixed rate. The program is subject to the guidelines set by the Federal Acquisition Regulation (FAR) and allows the USMS to meet federal detention housing needs by directly investing resources into participating state and local facilities.

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

**Full Program Cost**

<b>Full Program Cost by Program Activity (In \$000)</b>		
<b>Program Activity</b>	<b>Dollars in Thousands</b>	
<b>Detention Services</b>	Housing & Subsistence	\$1,340,035
	Health Care Services	71,830
	Medical Guards	23,588
	Transportation	65,792
	Other	2,764
<b>Total Request.....</b>	<b>\$1,504,009</b>	

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

The USMS continues to implement efficiencies through computer programs including: eDesignate, which reduces post-sentencing time in detention; eIGA, which standardizes the pricing strategy for non-federal detention space, controlling costs and providing greater certainty in rates to be paid; and the Quality Assurance Program, which ensures that private facilities meet DOJ requirements for safe, secure and humane confinement. Fundamental to these programs is shared data and the integration of

information technology systems such as the USMS Justice Detainee Information System (JDIS) and the JPATS Management Information System (JMIS).

#### **E. Strategic Goals**

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

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

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

#### **F. Environmental Accountability**

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

When the USMS contracts for new detention space, the procurement is conducted in compliance with the National Environmental Policy Act (NEPA). NEPA requires federal agencies to examine the impact of agency actions on the environment. The examination determines if there are any endangered species that will be affected, potential hazardous toxin emissions that could harm water supply, traffic patterns, etc., leading to the development of mitigation plans in conjunction with private service providers.

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

## **G. Challenges**

The USMS continues to analyze cost savings measures for economies of scale; be transparent in communications with both the Office of Management and Budget (OMB) and the Department; and pursue resources to accomplish the USMS' core mission, operate programs, improve detention management, ensure officer and detainee safety, and provide the highest possible security for the federal judicial process.

### **Objective 3.3 Provide safe, secure, humane, and cost-effective confinement and transportation of federal detainees and inmates:**

The USMS detention resources are directly impacted by law enforcement and prosecutorial priorities and larger legislative reforms such as Immigration Reform, Southwest Boarder initiatives, and changes to sentencing guidelines. To meet these challenges, the USMS continues to reform business practices to optimize national detention operations. This will include robust interagency and non-governmental collaboration efforts to develop innovative solutions to effectively forecast and manage prisoner processing, housing, transportation, and medical. In streamlining detention operations and provide for monitoring and performance based reporting, the USMS will need to develop a comprehensive IT environment that will modernize technology infrastructure, allow for enhanced data sharing and facilitate greater efficiencies across the agency.

## II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
<b>Housing of USMS Detainees</b>	Resources to fund inflationary detention costs and the additional bed space needed for an increased detention population.	0	0	\$1,948	29

### **III. Appropriations Language and Analysis of Appropriations Language**

#### **Appropriations Language**

##### 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, [~~\$1,454,414,000~~]\$1,504,009,000, 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: *Provided further*, That any unobligated balances available from funds appropriated under the heading “General Administration, Detention Trustee” shall be transferred to and merged with the appropriation under this heading.

##### (CANCELLATION)

*Of the unobligated balances from prior year appropriations available under this heading, \$24,000,000, are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended. (Department of Justice Appropriations Act, 2016.)*

#### **Analysis of Appropriations Language**

No substantive changes proposed.

## IV. Program Activity Justification

### A. Detention Services

<b>Detention Services</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount (\$000)</b>
2015 Enacted	17	12	\$495,307
2016 Enacted	19	19	\$1,454,414
2016 Balance Rescission			-\$195,974
2016 Enacted (with Balance Rescission)	19	19	\$1,258,440
Adjustments to Base and Technical Adjustments	0	0	\$243,621
2017 Current Services	19	19	\$1,502,061
2017 Program Increases	0	0	\$1,948
2017 Request	19	19	\$1,504,009
<b>Total Change 2016-2017</b>			<b>\$49,595</b>

<b>Detention Services – Information Technology Breakout</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount (\$000)</b>
2015 Enacted	1	1	\$13,223
2016 Enacted	1	1	\$11,903
2017 Current Services	1	1	\$8,903
2017 Request	1	1	\$8,903
<b>Total Change 2016-2017</b>			<b>-\$3,000</b>

#### 1. Program Description

##### *Detention Services*

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

The federal government relies on various methods to house detainees. Detention bed space for federal detainees is acquired “as effectively and efficiently as possible” through: 1) federal detention facilities, where the government pays for construction and subsequent operation of the facility through the BOP; 2) Intergovernmental Agreements with state and local jurisdictions who have excess prison/jail bed capacity and receive a daily rate for the use of a bed; 3) private jail facilities where a daily rate is paid per bed; and, 4) Capital Improvement Program, which includes the CAP and the NSCC, where capital investment funding is provided to state and local governments for guaranteed detention bed space in exchange for a daily rate negotiated through an IGA.



In certain high demand areas, e.g., the Southwest Border, DOJ has not been able to rely as much on IGAs and federal facilities to meet housing requirements. Accordingly, in 2016, it is expected that the capacity of the federal facilities will accommodate only 19% of the USMS detention population. By contrast, during FY 2000, federal facilities housed approximately 30% of the USMS detention population. As space in federal facilities becomes unavailable, DOJ has increasingly had to rely on the private sector.

### ***Detention Management Services Automation***

The USMS will continue to identify process automation opportunities, design support solutions, and invest in IT infrastructure to facilitate improved efficiencies through process automation and when appropriate the integration of existing detention systems and services. The key detention automation programs that continue to drive mission efficiencies include the cross-agency initiatives of the Detention Services Network (DSNet).

**Detention Services Network:** The DSNet is a multifaceted, full-service internet site for the management of detention services and prisoner processing. The USMS' Prisoner Operations Division (POD) administers the DSNet via programs that provide for the housing, transportation, and care of federal prisoners throughout all 50 states and its U.S. territories. The web-based DSNet system optimizes national detention operations with well-established business practices that achieve cost effective, safe, secure, and humane confinement and transportation of prisoners.

The DSNet system automates many of the processes required to manage prisoners while storing case information related to the "Arrest to Commitment" lifecycle. DSNet is the primary tool utilized by POD to manage detention services and supports the following specific functions:

- Automation of the "sentence to commitment" process for federal detainees
- Management and procurement of private detention services via state and local intergovernmental agreements
- Inspection and procurement of "bed space" for detention services
- Approval of prisoner medical requests

The detention services offerings continue to be developed and implemented as detention needs arise. The following modules currently exist on the DSNet site:

**eDesignate:** eDesignate is a secure, electronic, web-based system that automates the Sentence to Commitment (S2C) process by transferring data and documents electronically. eDesignate includes eMove, a transportation module that allows the USMS to submit movement requests electronically.

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

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

Finally, eDesignate monitors performance objectives and metrics within and across agencies as well as gives managers the ability to watch and react to operational issues and trends. Managing and monitoring the S2C process via eDesignate has reduced the average number of days detainees are in the S2C pipeline and ultimately resulted in a cost avoidance of \$25,000,000 in detention housing per year since FY 2008.

**eMove:** In 2008, the USMS in cooperation with JPATS, implemented in all 94 USMS districts, the eDesignate Movement Request (eMove). eMove provides a seamless transition from eDesignate to complete the full automation of the sentence to commitment process. It gives the USMS the ability to submit and monitor web-based movement requests to JPATS and streamlines the workflow among participating agencies by fully automating the federal detainee transportation request process, thereby reducing the time from designation to commitment.

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

The USMS now has the ability to centrally manage in-district moves, which will allow the USMS to develop performance objectives and measure the operational effectiveness of prisoner movement. With the ability to monitor, the USMS will be able to determine the movements that will reduce time-in-detention, thus reducing detention costs.

**ePMR:** The electronic Prisoner Medical Request (ePMR) system serves to provide a workflow for medical designations. ePMR was implemented in all 94 USMS districts in 2010. The system streamlines and automates the approval process for requests for detainee medical services from USMS district offices to the Office of Interagency Medical Services (OIMS). ePMR eliminated the paper-based request and approval system previously in place, and provided the ability to automatically capture relevant detainee data from other agency systems.

ePMR works seamlessly with existing systems and reduces the work associated with data entry, storage, and reduces costs associated with paper/printer usage. The electronic solution presents relevant data and documents in one complete package to OIMS at USMS headquarters at a single point in time. The system also provides feedback mechanisms across USMS offices for faster case resolution. Additionally, ePMR not only provides users within districts with a level of collaboration never before realized, but also enables managers to adjust workloads internally, monitor performance and audit status both internally and externally.

**Electronic Intergovernmental Agreement (eIGA):** The eIGA system was successfully deployed in 2008 to manage the interaction between facility providers offering detention services and a federal agency. eIGA automates the application process by enabling a facility to provide essential information via a secure, web-based system and then provides the government with a reliable and justifiable structure for negotiation. The system streamlines the former paper-based process, tracks the negotiation between detention provider and the government, and provides audit and reporting tools.

**Facility Review Management System (FRMS):** The FRMS is a web-based application developed to facilitate, standardize, record, and report the results of QAR performed on private facility contract performance. The system documents and produces a comprehensive QAR report that provides consolidated facility information and historic data. The information maintained in FRMS ensures the adequacy and sufficiency of services provided in non-federal detention facilities that house federal detainees. In 2008, FRMS was chosen to receive the Attorney General's Award for Information Technology Excellence based on its innovative concept, successful implementation and continued program success.

**Detention Facility Review (DFR):** The DFR application module automates the review of non-federal facility reviews. The application allows easy, standardized recording of review results, which then can be summarized into reports for USMS management's use.

2. Performance Resources Table

<b>PERFORMANCE AND RESOURCES TABLE</b>											
<b>Decision Unit: Detention Services</b>											
<b>Workload/Resources</b>		<b>Target</b>		<b>Actual</b>		<b>Projected</b>		<b>Changes</b>		<b>Requested (Total)</b>	
		<b>FY 2015</b>		<b>FY 2015</b>		<b>FY 2016</b>		<b>Current Services Adjustments and FY 2017 Program Changes</b>		<b>FY 2017 Request</b>	
<b>Workload:</b> Total Average Daily Population:		57,484		51,840		52,644		2,694		55,338	
State & Local Gov't (IGA) Facilities		35,208		31,622		32,867		1,237		34,104	
Private Facilities		11,319		10,248		10,014		1,169		11,183	
<b>Subtotal Non-federal Facilities</b>		<b>46,527</b>		<b>41,870</b>		<b>42,881</b>		<b>2,406</b>		<b>45,287</b>	
<b>Federal (BOP) Facilities</b>		<b>10,745</b>		<b>9,734</b>		<b>9,538</b>		<b>330</b>		<b>9,868</b>	
<b>Non-Paid Beds</b>		<b>212</b>		<b>236</b>		<b>225</b>		<b>(42)</b>		<b>183</b>	
<b>Total Costs and FTE</b>		<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
(Reimbursable FTE are included, reimbursable costs are bracketed and not included in the total)		17	\$495,307 [\$650]	12	\$1,452,970 [\$0]	19	\$1,454,414 [\$650]	0	\$49,595 [\$0]	19	\$1,504,009 [\$650]
<b>Type/ Strategic Obj.</b>	<b>Performance/Resources</b>	<b>FY 2015</b>		<b>FY 2015</b>		<b>FY 2016</b>		<b>Current Services Adjustments and FY 2017 Program Changes</b>		<b>FY 2017 Request</b>	
DOJ SO 3.3	<b>Resources</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>	<b>FTE</b>	<b>\$000</b>
<b>Program Activity</b>	<b>Detention Services</b>	17	\$495,307 [\$650]	12	\$1,452,970 [\$0]	19	\$1,454,414 [\$650]	0	\$49,595 [\$0]	19	\$1,504,009 [\$650]
Efficiency	Per Day Jail Cost (Non-federal)	\$77.37		\$79.24		\$80.67		\$1.55		\$82.22	
Performance	Health Care Cost Per Capita (Non-federal)	\$2,196		\$2,168		\$2,020		\$0.87		\$2,107	
Performance	# Targeted Non-federal Facility Reviews Completed*	15		15		18		0		18	
<b>OUTCOME</b>	Per Day Detention Cost	\$84.49		\$85.59		\$86.46		\$1.75		\$88.21	
<b>OUTCOME</b>	Targeted Non-federal Facilities Meeting Min Stds (Private)	15 of 15		15 of 15		18 of 18		0		18 of 18	

**PERFORMANCE MEASURE TABLE**

<b>Decision Unit: Detention Services</b>										
<b>Strategic Objective</b>	<b>Performance Report and Performance Plan Targets</b>		<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>		<b>FY 2016</b>	<b>FY 2017</b>
			<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Target</b>	<b>Actual</b>	<b>Target</b>	<b>Target</b>
3.3	Efficiency Measure	Per Day Jail costs (Non-Federal)	\$72.88	\$74.21	\$74.63	\$76.24	\$77.37	\$79.24	\$80.67	\$82.22
3.3	Performance Measure	Health Care Cost Per Capita (Non-federal)	\$1,624	\$1,890	\$1,873	\$2,044	\$2,196	\$2,168	\$2,020	\$2,107
3.3	Performance Measure	# Targeted Facility Reviews (Non-federal)	30	30	30	15	15	15	18	18
3.3	Performance Measure: Outcome	Per Day Detention Cost (Non-federal)	\$78.59	\$78.23	\$80.33	\$82.81	\$84.49	\$85.59	\$86.46	\$88.21
3.3	Performance Measure: Outcome	Targeted Non-federal Facilities Meeting Min Stds (Private)	100% 23 of 23	100% 23 of 23	100% 23 of 23	100% 15 of 15	100% 15 of 15	100% 15 of 15	100% 18 of 18	100% 18 of 18

## **Data Definitions, Validation, Verification, and Limitations:**

### **1. Performance Measure: Average Daily Population (ADP)**

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

### **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 prisoners in non-federal detention facilities. IGA jail cost represents the average cost paid by the USMS to house prisoners in facilities operated by state and/or local governments. Private jail costs represent the average cost paid by the USMS to house prisoners in facilities operated by non-governmental entities (such as for-profit corporations). Average price paid is weighted by actual jail day usage at individual detention facilities.
- b) Data Collection and Storage:** Data describing the actual price charged by state, local, and private detention facility operators is maintained by the USMS in their PTS and it is updated on an as-needed, case-by-case basis when rate changes are implemented. Rate information for specific facilities is maintained by USMS headquarters staff. In conjunction with daily reports of prisoners housed, reports are compiled describing the price paid for non-federal detention space on a weekly and monthly basis. Data are reported on both district and national levels.
- c) Data Validation and Verification:** Data reported are validated and verified against monthly reports describing district-level jail utilization and housing costs prepared by the USMS.
- d) Data Limitations:** Maintaining prisoner movement data is a labor-intensive process. The reliability of the reported data is often compromised by time lags between the actual movement of prisoners and key-punching of those events into the PTS system. Accordingly, it is often necessary to delay reporting of official statistics several weeks to ensure that prisoner movement records have been properly updated.

### **3. Performance Measure: Health Care Cost Per Capita**

- a) Data Definition:** Cost of health care services provided to federal prisoners under the custodial jurisdiction of the USMS. Total health care costs include the costs of health services provided by medical practitioners and medical guard services. Per capita health care costs are determined by dividing total health care expenditures for the reporting period by the average daily prisoner population for that reporting period.
- b) Data Collection and Methodology:** Data describing funds obligated for prisoner 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 prisoners. In the event that the actual cost is different from the anticipated cost, additional funds may need to be obligated or obligated funds, de-obligated. Because of the time lag between the rendering of services and the payment of invoices, several weeks may lapse before the actual cost of health care services provided to an individual prisoner can be accurately determined.

#### 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, Paid Jail Costs and Health Care Costs, above.
- c) **Data Validation and Verification:** See, Paid Jail Costs and Health Care Costs, above.
- d) **Data Limitations:** See, Paid Jail Costs and Health Care Costs, above.

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

- a) **Data Definitions:** Targeted Non-federal Facilities: All Private Facilities receive a Quality Assurance Review (QAR), and all IGA facilities housing more than 5 USMS prisoners/year receive a Detention Facility Review (DFR). Number of Targeted Reviews Completed: Targeted Non-federal Facility Quality Assurance Reviews (QARs) completed during the fiscal year. Meeting Minimum Standards: In the QAR review process, a facility may receive one of five rating levels: Excellent: Level of performance exceeds minimum standards, deficiencies are nonexistent or minor. Good: Level of performance meets minimum standards, deficiencies are minor and are offset by outstanding elements of performance. Acceptable: Level of performance meets minimum standards, deficiencies are minor. Deficient: Level of performance indicates performance is weak, corrective action plans for internal controls are needed to maintain minimum standards. At-Risk: Level of performance does not meet minimum standards and requires immediate corrective action plans. *Facilities must receive a rating above the At Risk level to be considered to be Meeting Minimum Standards.* Targeted Number of Private Facilities Meeting Minimum Standards: This percentage is calculated by dividing the Private Facilities Meeting Minimum Standards by the number of these facilities scheduled for review during the fiscal year.
- b) **Data Collection and Storage:** Data describing the facility ratings and standards that are met by the individual facilities will be maintained in the FRMS system. In conjunction with the QAR reviews; state, local, and other agency reviews are maintained in the DFR system.
- c) **Data Validation and Verification:** Data reported are validated and verified against QAR reports, repository information, state, local or other agency reported data (i.e. BOP Sentry, USMS PTS).
- d) **Data Limitations:** Data reported often reflect a delay in reporting.

### 3. Performance, Resources, and Strategies

#### Program Activity: Detention Services

##### FPD Performance Goal 1

Meet the Nation's detention requirements in the most economical manner

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

##### Performance Plan and

##### Report:

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

**FY 2015 Target:** \$84.49

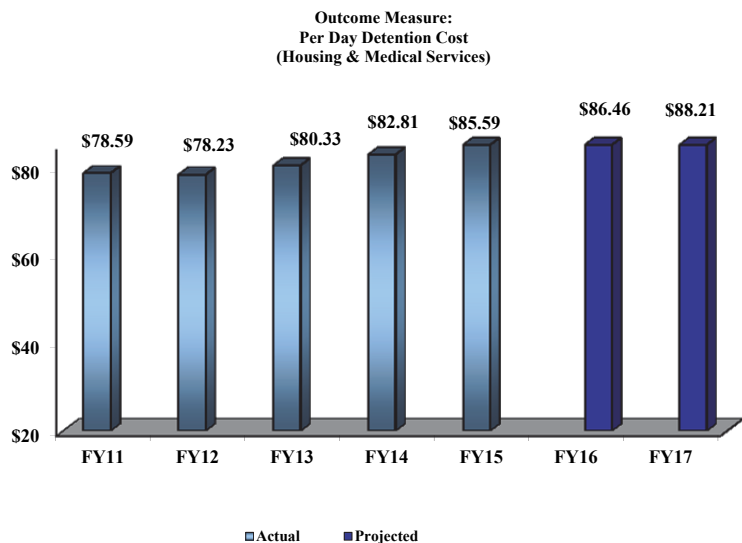
**FY 2015 Actual:** \$85.59

##### Challenge: Adequate Detention Beds

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

##### *Strategy: Maximize the use of available bed space*

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





## **FPD Performance Goal 2**

### **Ensure efficient use of detention space and minimize price increases**

#### **Challenge: Projection of IGA Increases**

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

#### ***Strategy: eIGA***

eIGA was developed to provide a measure of standardization for the cost and the manner in which the IGA rates for state and local facilities are calculated. eIGA is used to establish a negotiated fixed per diem rate for each facility within the parameters of rates of similar local facilities and limits future adjustments to the per diem rate. This allows the cost of housing detainees to become more predictive as new trends and set prices are integrated to provide more comprehensive bed space requirements. eIGA continues to include more IGAs as new agreements are initiated and older agreements are renegotiated. In addition to the multiple benefits of the eIGA, this system has reporting capabilities, which can result in a more accurate and faster report.

#### ***Strategy: Reduce prisoner processing time (via: eDesignate)***

eDesignate provides for a more efficient workflow between the U.S. Probation offices, the USMS, and the BOP during the sentence-to-commitment process by significantly reducing the workload of agency personnel involved in the administratively taxing designation process. All 94 Judicial Districts are use eDesignate. In 2010, eDesignate was expanded to include JPATS movement requests.

#### ***Strategy: Increase use of detention alternatives***

The USMS will continue to provide funding to the federal judiciary to support alternatives to pretrial detention, such as electronic monitoring, halfway house placement, and drug testing and treatment. The budgetary savings of these alternatives to detention is substantial. The USMS provides the Administrative Office of the United States Courts (AOUSC) with \$4,000,000 annually to supplement 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 could have been higher by as many as 2,900 prisoners per day at a cost of approximately \$67,000,000.

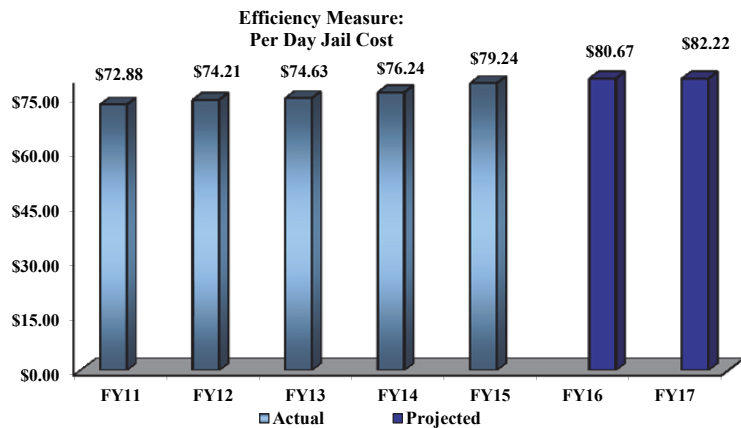
#### ***Strategy: Maintain/gain economies of scale through partnered contracting***

The USMS will continue to partner with Immigration, Customs, and Enforcement (ICE) and BOP as appropriate on joint-use facilities to achieve the best cost to the Government. In this procurement process, each agency establishes a minimum level of bed space usage to achieve the best prices. By approaching the negotiating process together, this eliminates the potential for

competition between federal agencies. This methodology has worked well in the past and will continue for future negotiations as appropriate.

**Performance Plan and Report:**

**Measure:**  
Per Day Jail Cost  
**FY 2015 Target:** \$77.37  
**FY 2015 Actual:** \$79.24



**FPD Performance Goal 3**  
**Ensure adequate medical services are provided in the most economical manner**

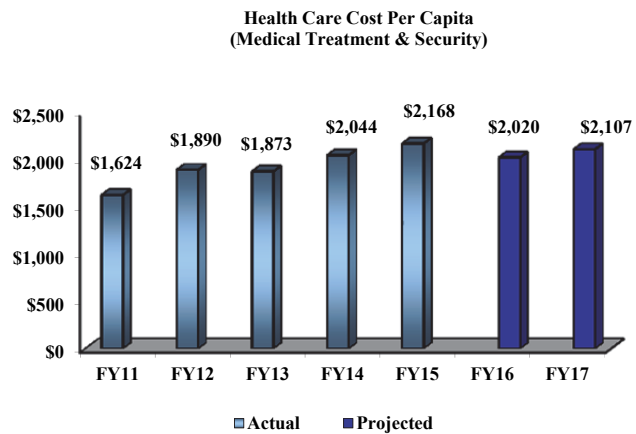
**Challenge: Rising Medical Costs**

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

***Strategy: National Managed Care Contract***

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

It also ensures that the USMS prisoner medical claims are re-priced to Medicare rates in accordance with the provisions of 18 U.S.C. 4006. The NMCC has also reduced the prisoner medical-related administrative workload of the districts. The NMCC contractor is processing and paying the entire contract-related prisoner medical bills on behalf of the districts. Finally, the NMCC provides for a national discount pharmacy program that allows the USMS to receive discounts on the medications that the USMS purchases for its prisoners. The NMCC has been fully implemented in all USMS districts.



**Performance Plan and Report:**

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

**FY 2015 Target:** \$2,196

**FY 2015 Actual:** \$2,168

**FPD Performance Goal 4**

**Ensure detention facilities meet established standards for confinement**

**Challenge: Varying Detention Standards**

Concurrent with the desire to create efficiencies within detention is the need to ensure that facilities provide for the safe, secure, and humane confinement of detainees. This is especially challenging considering the vast number of state, local, and private facilities in use. The standard for confinement at these facilities varies according to local and state requirements. To address this issue, a comprehensive Quality Assurance Program was developed to ensure that the facilities providing detention bed space to the federal government meet confinement standards.

***Strategy: Continuation of the Comprehensive Quality Assurance Program***

The Quality Assurance Program is a multi-faceted approach to ensure the safe, secure, and humane confinement of detainees and addresses Congress' concerns for public safety as it relates to violent prisoners (e.g., *Interstate Transportation of Dangerous Criminals Act*, also known as *Jenna's Act*). The Federal Performance-Based Detention Standards (FPBDS) provide the foundation for the program, while the various program components ensure compliance to the standards. These components (listed below) cover all aspects of detention from construction to operational review and training.

- ***Performance-Based Contracts:*** To define acceptable conditions of confinement, FPBDS was created in cooperation and coordination with the BOP, USMS, and ICE. The FPBDS provides objective standards to ensure that all providers achieve and maintain the standards. Federal contracts are written or modified to reflect the FPBDS for all private contract facilities. To ensure compliance with the standards, private contractor performance evaluation and, consequently, compensation are based on the facility's ability to demonstrate alignment with the standards.
- ***Quality Assurance Reviews (QARs):*** The QAR program conducts on-site reviews for Targeted Non-federal Facilities, defined as: private facilities and select IGA facilities. A review identifies and reflects facility deficiencies as related to the delivery of contract services. A corrective action plan developed by the facility to address deficiencies is monitored by USMS until resolution. Since the implementation of the QAR program there has been quantifiable improvement in the quality of detention services. Specifically notable is the reduction in repeat deficiencies. The cumulative effect of these improvements resulted in increased ratings and services.

The table below captures the categories of QARs and relative performance goals. All actively used IGA facilities receive an annual review utilizing the Detention Investigative Facility Report.

Outcome Measure: Percentage of Targeted Non-federal Facilities Meeting Minimum Standards									
Facility		FY 2011	FY 2012	FY 2013	FY 2014	FY 2015		FY 2016	FY 2017
Type	Size (ADP)	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Goal: 100% Meet Minimum Standards									
Private	N/A	100%	100%	100%	100%	100%	100%	100%	100%
		14	14	14	14	15	15	18	18
IGA	Large	100	100%	100%	100%	N/A	N/A	N/A	N/A
	> 480	9	9	9	9	N/A	N/A	N/A	N/A
Subtotal:		100%	100%	100%	100%	100%	100%	100%	100%
		23	23	23	23	15	15	18	18

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

**Performance Plan and Report:**

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

**FY 2015 Target:** 15

**FY 2015 Actual:** 15

## V. Program Increases by Item

<b>Item Name:</b>	<b><u>Housing of USMS Detainees</u></b>
Strategic Goal:	<u>3 - Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels</u>
Strategic Objective:	<u>3.3 - Provide safe, secure, humane, and cost-effective confinement and transportation of federal detainees and inmates.</u>
Budget Decision Unit(s):	<u>Detention Services</u>
Organizational Program:	<u>Prisoner Operations</u>

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$1,948,000

### **Description of Item**

The USMS requests an increase of **\$1,948,000** for costs associated with prisoner detention and care. The resources requested will fund inflationary detention costs and the additional bed space needed for an increased detention population.

### **Justification**

The requested resources will provide housing and care for federal detainees remanded to USMS custody. Resources for detention are expended from the time a prisoner is brought into USMS custody through termination of the criminal proceeding and/or commitment to the BOP. The size of the detainee population is dependent upon the number of persons arrested by the federal law enforcement agencies coupled with the length of time defendants are detained pending adjudication, release, or subsequent transfer to the BOP following conviction and sentencing. The USMS uses a Detention Population Forecasting Model to predict detention needs. The FY 2017 projection assumes that law enforcement and prosecutorial priorities will remain the same. The requested resources will provide funding for an increased detention population.

Starting in FY 2012, the USMS experienced an unprecedented decrease in the detention population. The USMS attributes this trend to the declining rate of arrests/bookings coupled with prisoners spending less time in detention. In response, the USMS has lowered its population projections to reflect a slower rate of growth. The USMS believes that the current projection provides the best estimate based on the current information. The USMS cannot control the number of detainees that enter the system nor can it release detainees to stay within available funding, therefore, projections can swing wildly within a short amount of time.

### **Impact on Performance**

The requested increase contributes to the Department's Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local,

Tribal and International Levels. Within this goal, the requested resources specifically address the Department's Strategic Objective 3.3: Provide safe, secure, humane, and cost-effective confinement and transportation of federal detainees and inmates.

The USMS requires additional resources to house all federal detainees. Without this increase, the USMS will be unable to house all federal detainees in custody. The requested increase is based on the projected ADP. The performance measures currently reported in the Budget reflect the costs associated with the projected population.

## Funding

### Base Funding

FY 2015 Enacted				FY 2016 Enacted				FY 2017 Current Services			
Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)	Pos	Agt/ Atty	FTE	\$(000)
17		12	495,307	19		19	1,454,414	19		19	1,502,061

Non-Personnel Item	Unit Cost	Quantity	FY 2017 Request (\$000)	FY 2018 Net Annualization (change from 2017) (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)
Housing of Detainees			\$1,948	\$0	\$0
Total Non-Personnel			\$1,948	\$0	\$0

### Total Request for this Item

	Pos	Agt/ Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2018 Net Annualization (change from 2017) (\$000)	FY 2019 Net Annualization (change from 2018) (\$000)
Current Services	19		19	\$3,492	\$1,498,569	\$1,502,061		
Increases					\$1,948	\$1,948		
Grand Total	19		19	\$3,492	\$1,500,517	\$1,504,009		