

**United States Marshals Service
FY 2023 Performance Budget**

President's Budget

**Federal Prisoner Detention
Appropriation**



March 2022

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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 a total of 42 positions, 42 full-time equivalent (FTE), and \$2,129,789,000 for FPD in FY 2023.

USMS Federal Prisoner Detention			
	Positions	FTE	Amount (\$000)
FY 2021 Enacted with Supplemental	33	30	\$2,171,609
FY 2022 President’s Budget	42	38	\$2,170,015
FY 2023 Request	42	42	\$2,129,789

For information technology (IT), the request includes three positions, three FTE and \$16,683,000 for base IT activities as reported in the Agency IT Portfolio Summary. The IT resources provide for support staff; hardware; applications providing access to electronic Intergovernmental Agreements (eIGAs), detention facility information, facility contract information, and prisoner movement; telecommunications services; mission modernization (Capture); and other IT-related services. 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: <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 private, state, and local facilities. The sole purpose of the FPD appropriation is detention. The USMS is required to house all prisoners remanded to the custody of the Attorney General and must ensure sufficient resources are available to house and care for its detainees.

The FPD estimated budget requirement for any given fiscal year is based on the most current information available regarding the detainee population at the time. During FY 2021, the USMS prisoner population continued to fluctuate abnormally due to the COVID-19 pandemic. As of this budget submission, the population has stabilized and is projected to remain relatively flat for FY 2022.

To develop the FY 2023 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 Attorney General 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.

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 2023 budget process. If priorities change in any significant manner, then this budget request may not fully account for detention funding requirements.

Projecting the Prisoner 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) can have substantial impact on detention needs, such as special law enforcement and prosecutorial initiatives. The COVID-19 pandemic is a prime example of the varied factors that cannot be predicted in a forecasting model, but which may impact detention when realized. For this reason, population projections are in a constant state of flux and require periodic adjustments. Despite the complexities of projecting the detention population, building the budget request using current patterns and trends keeps the budget in alignment with detention requirements.

**USMS FPD Average Daily Population and
Prisoners Received, by Primary Offense
FY 2014 – 2023**

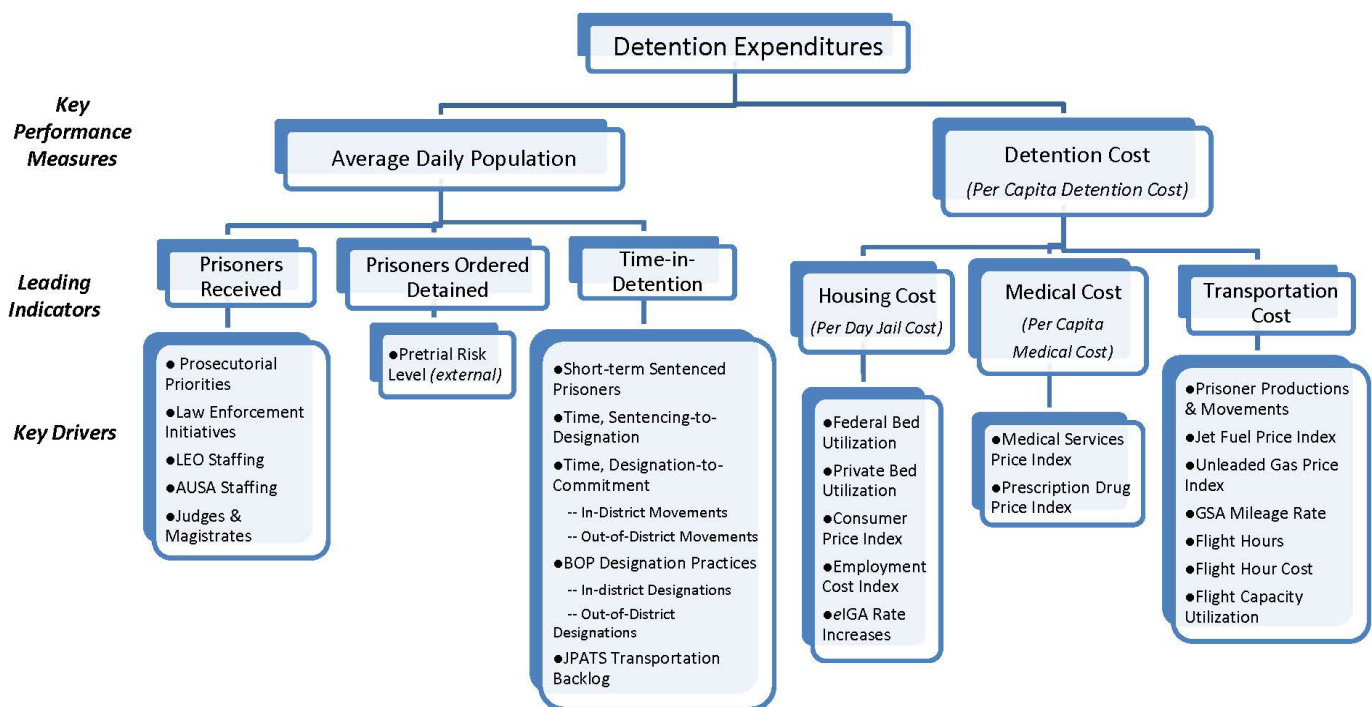
<u>Fiscal Year</u>	<u>Total ADP</u>	<u>Total Prisoners Received</u>	<u>Immigration</u>	<u>Drugs</u>	<u>Weapons</u>	<u>Other</u>
2014	55,170	204,633	82,178	24,525	7,578	90,352
2015	51,777	196,662	71,402	24,970	8,365	91,925
2016	51,316	197,498	68,743	25,921	9,248	93,586
2017	50,317	187,356	58,282	25,579	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	63,687	100,328	17,729	21,891	9,153	51,555
2022*	63,155	168,945	55,952	23,713	8,490	80,790
2023*	57,253	196,116	69,904	26,663	9,406	90,143

* Data shown for FY 2022–2023 reflect FPD projections as of December 2021. All other data shown are actual.

Detention Population Forecasting Model: The USMS uses a statistical approach to predict detention needs. The Detention Population Forecasting Model incorporates 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 USMS bases detention projections on past performance and the behavior of all variables involved; any shift may alter the outcome.

In the chart below, the two main factors influencing detention expenditures are the number of prisoners booked by the USMS (prisoners received) and the duration those prisoners are detained (time-in-detention). Both factors are directly influenced by activities and decisions throughout Federal law enforcement 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.

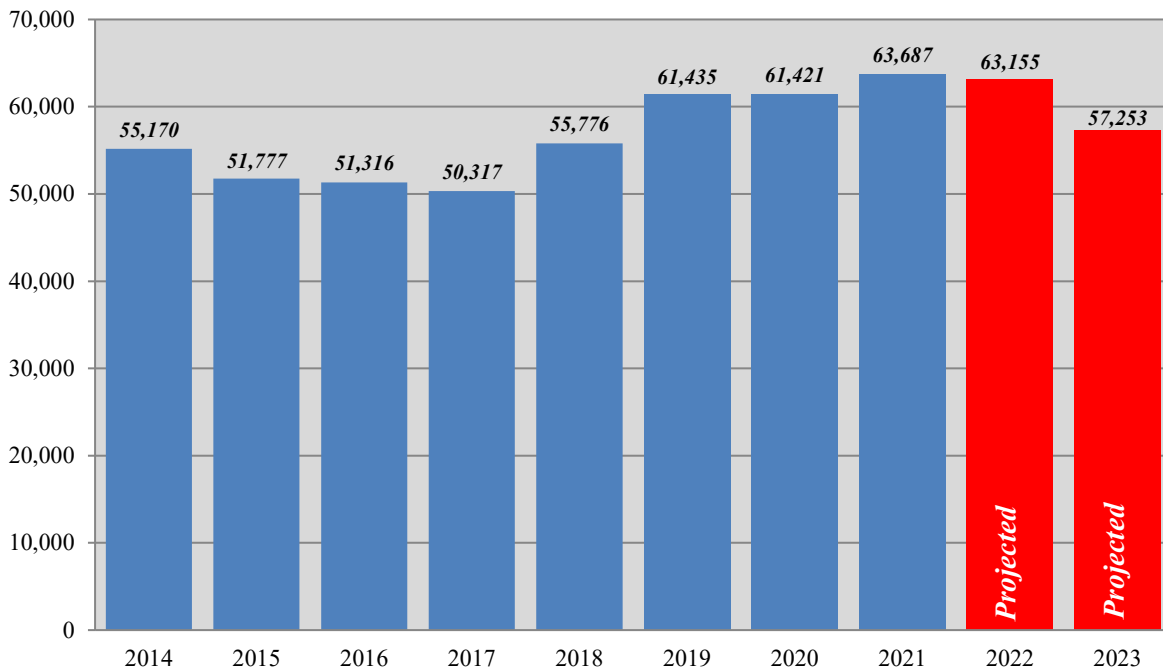
Primary Drivers of Detention Expenditures



The detention population projection for FY 2023 is a particularly challenging assessment, especially given the impact of the COVID-19 pandemic. The long-term trend from FY 2013 to FY 2017 reflected decreasing counts of prisoners received for prosecution, and overall ADP fell to a 13-year low of 50,317, largely as a result of changes in prosecutorial practices and priorities, and enacted funding levels for Federal law enforcement agencies. Conversely, population increases from FY 2018 through FY 2021 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 as the number of prisoners received decreased abruptly following the onset of the COVID-19 pandemic. However, the ADP began to substantially increase in the fourth quarter of FY 2020 and continued throughout FY 2021. Although the number of prisoners 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, which was driven by sustained slowdowns in court operations and backlogs in the prisoner transportation system due to COVID-19 protocols.

USMS Annual Average Daily Population FY 2014 – 2023



* Data shown for FY 2022–2023 reflect FPD projections as of December 2021. All other data shown are FY actuals.

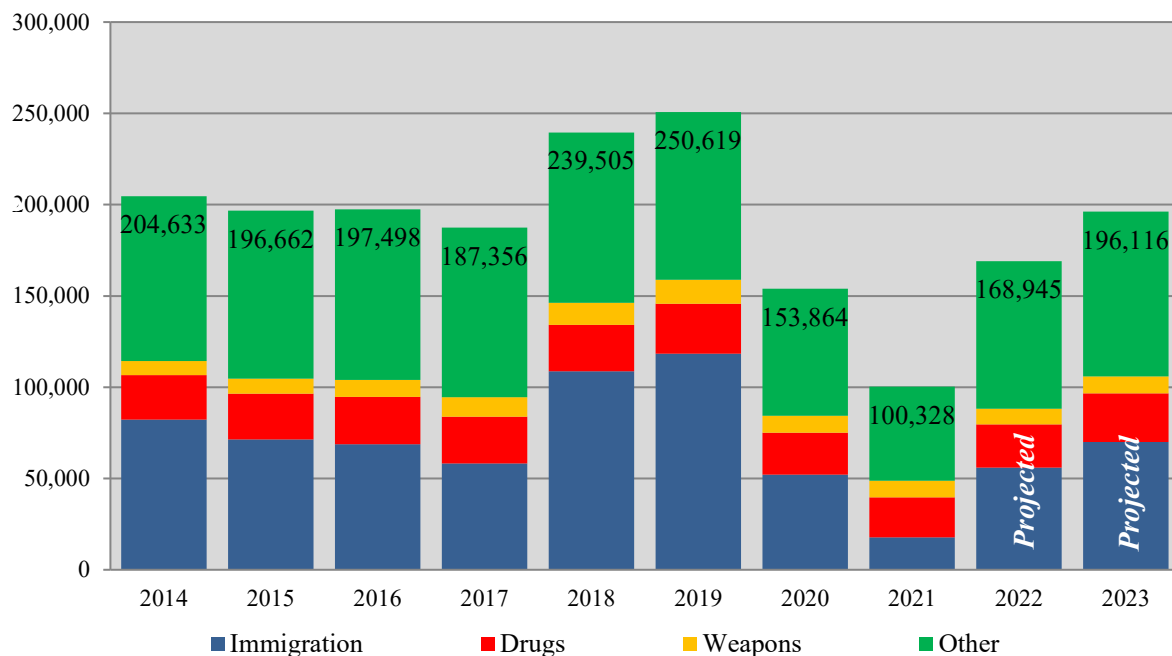
Current Trends – Prisoner Population and Prisoners Received: In 2017, annual ADP reached a 13-year low of 50,317. From April 2017 through March 2020, ADP increased rapidly due in large part to Departmental policy changes and new law enforcement and prosecutorial initiatives. After an initial drop in the ADP at the start of the COVID-19 pandemic in 2020, the ADP continued to increase due to a backlog of sentenced prisoners awaiting transfer to Federal Bureau of Prisons (BOP). The annual ADP for FY 2021 was 63,687 an increase of 27 percent from the 2017 low point. Current projections indicate that the detention population will be 63,155 during FY 2022. For FY 2023, the USMS budget request assumes a sustained level of drug and weapon offenses as a result of targeted law enforcement efforts to reduce violent crime and combat illegal drugs as well as a marginal increase in SWB immigration bookings. If the prisoner transportation system operates at pre-pandemic levels and the prisoner backlog is eliminated, the USMS estimates the ADP at 57,253.

The SWB continues to be a focal point of Federal law enforcement in FY 2023. 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 2021, almost half of all prisoners the USMS received were in the five SWB judicial districts (Arizona, Southern California, New Mexico, Southern Texas, and Western Texas).

Since the onset of the COVID-19 pandemic, the number of prisoners received into USMS custody for illegal entry and re-entry into the United States substantially decreased, from more than 100,000 during FYs 2018 and 2019 to approximately 17,000 during FY 2021. While the number of prisoners received into USMS custody for immigration offenses was higher than typical during FYs 2018 and 2019 due to the zero-tolerance prosecution policies in effect at the time, the number received into custody during FY 2021 was atypically low. Currently, the USMS is projecting that the number of prisoners received for immigration offenses will return to the level observed during FYs 2015 and 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 a total of 196,116 prisoners for all primary offense types during FY 2023, an increase of 16 percent from the FY 2022 projected total of 168,945.

**USMS Prisoners Received by Offense
FY 2014 - 2023**



* Data shown for FY 2022–2023 reflect FPD projections as of December 2021. 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 challenging.

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 program 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 that began in FY 2019:

- **Increased utilization of BOP detention bedspace.** USMS collaborated with 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 prisoners to lower cost facilities when operationally feasible.** The USMS managed its detention populations by shifting prisoners to lower cost detention facilities after sentencing and while awaiting future court dates. This practice also will likely 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 contain 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 20 active CAP agreements that provide Federal prisoner 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 IT Infrastructure: The USMS is modernizing 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, which began in FY 2016, 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 is deploying Capture incrementally using an agile development framework. All prisoner management modules have been deployed.

The USMS continues to use IT to implement efficiencies through 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. Shared data and the integration of IT systems such as the Capture and the JPATS Management Information System (JMIS) are fundamental to these programs.

C. FY 2023 Request

The FPD account is defined by one program activity: Detention Services. The FPD request includes \$2,129,789,000 in appropriated resources for this activity.

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

Full Program Cost for Detention Services		
Program Category	Description	Amount (\$000)
Housing & Subsistence	For housing and subsistence of detainees	\$1,829,323
Health Care Services	For health care	\$109,795
Medical Guards	For medical guards	\$50,975
Transportation	For transportation costs	\$100,384
Detention Program Management, Support Services, and IT Systems	For detention program management, support services, and IT systems	\$33,301
Incidental Costs	For costs associated with prisoner housing and transportation such as prisoner meals while in transit, prisoner clothing, and parking for government vehicles	\$6,011
Total Request		\$2,129,789

Adjustments-to-Base (ATBs): FPD’s base adjustments reflect an increase of four FTE and \$953,000 for pay and benefits (including the annualization of FY 2021 and FY 2022 positions); \$72,349,000 for a prior year projection adjustment to ensure sufficient base resources for the FY 2023 start point; a decrease of \$299,296,000 for ADP adjustment resulting from projected decreases in the detention population; \$87,246,000 for inflationary cost increases associated with detention-related services; and a decrease of \$7,700,000 for non-recurring, non-personnel costs associated with the Biometrics Identity Management and Capacity Management and Transportation System enhancements included in the FY 2022 President’s Budget request.

Beginning in the FY 2021 President’s Budget, the USMS request reflects changes in resource requirements for detainee housing and care as adjustments to base funding. Because the USMS has no control over the prisoner population, and all prisoners remanded to the Attorney General’s custody by the judiciary must be detained, the ATB category is most appropriate for population-

related changes. The USMS cannot control the number of detainees or court case processing times; because the FPD appropriation supports a mandatory requirement of the Federal judicial process, this approach displays these costs as a necessary requirement to sustain detention operations.

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 prisoner received translates into direct expenditures for housing, medical care, and transportation. As the chart below demonstrates, an unplanned three to ten percent increase of prisoners 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 prisoners received for drug offenses projected for FY 2023 (800 additional prisoners) would increase ADP by more than 500 and generate over \$19 million in increased detention expenditures.

Impact of Increase in Prisoners Received Beyond FY 2023 Population Projections				
Primary Offense Category / Increase	Prisoner Bookings		Total ADP	Projected Cost Increase
	Total	Variance from Projection		
<i>Prisoners Received for Drug Offenses</i>				
Baseline	26,663	---	57,253	---
+3%	27,463	800	57,766	\$19,700,885
+5%	27,996	1,333	58,108	\$32,834,808
+10%	29,329	2,666	58,963	\$65,669,615
<i>Prisoners Received for Weapons Offenses</i>				
Baseline	9,406	---	57,253	---
+3%	9,688	282	57,445	\$7,363,414
+5%	9,876	470	57,573	\$12,272,357
+10%	10,347	941	57,892	\$24,544,714
<i>Prisoners Received for Immigration Offenses</i>				
Baseline	69,904	---	57,253	---
+3%	72,001	2,097	57,655	\$15,423,854
+5%	73,399	3,495	57,922	\$25,706,423
+10%	76,894	6,990	58,592	\$51,412,847

Program Increase: FPD’s program increase provides \$106,222,000 in additional funding through a solvency risk adjustment for costs associated with housing a higher Federal prisoner population due to the residual impact of COVID-19 and cost increases beyond the USMS’ control. The ADP projection of 57,253 assumes no COVID-19 delays in the transportation system. This program increase adjusts the statistical probability of the projection to account for these unknown factors.

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 USMS’ Prisoner Operations Division (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’s 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 detention of prisoners 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 2023 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 prisoners 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 prisoners, bedspace in their facilities is only provided on an “as available” basis. The acquisition of additional bedspace under existing agreements can be challenging, but USMS is working to identify alternatives and implement this important policy.

Prior to the issuance of EO 14006, the USMS maintained 12 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 during the first half of FY 2022, and plans to end the remaining four in FY 2023 and FY 2025 as contract periods of performance expire.

External influences are an ongoing, and integral, challenge to management of the FPD appropriation. 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

Item Name	Description	Positions	FTE	Amount (\$000)	Page
Solvency Risk Adjustment	Supplements the USMS' detention projection by providing additional funding to ensure solvency of the appropriation. The additional funding increases the probability that the FPD appropriation will have sufficient funding in FY 2023.	0	0	\$106,222	28

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, [\$2,170,015,000] \$2,129,789,000, 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 2023.

IV. Program Activity Justification

<i>Detention Services</i>	Direct Pos.	Estimated FTE	Amount
2021 Enacted with Supplemental	33	25	\$2,171,609
2022 Annualized CR	33	30	\$2,171,609
2022 Expected Change from CR	9	8	-\$1,594
2022 President's Budget	42	38	\$2,170,015
Adjustments to Base and Technical Adjustments	0	4	-\$146,448
2023 Current Services	42	42	\$2,023,567
2023 Program Increases	0	0	\$106,222
2023 Request	42	42	\$2,129,789
Total Change 2022-2023	9	12	-\$41,820

<i>Detention Services</i> Information Technology Breakout (of Decision Unit Total)	Direct Pos.	Estimated FTE	Amount
2021 Enacted	0	0	\$15,209
2022 Annualized CR	1	1	\$11,703
2022 Expected Change from CR	2	1	\$12,193
2022 President's Budget	3	2	\$23,896
Adjustments to Base and Technical Adjustments	0	1	-\$7,213
2023 Current Services	3	3	\$16,683
2023 Request	3	3	\$16,683
Total Change 2022-2023	0	1	-\$7,213

1. Program Description

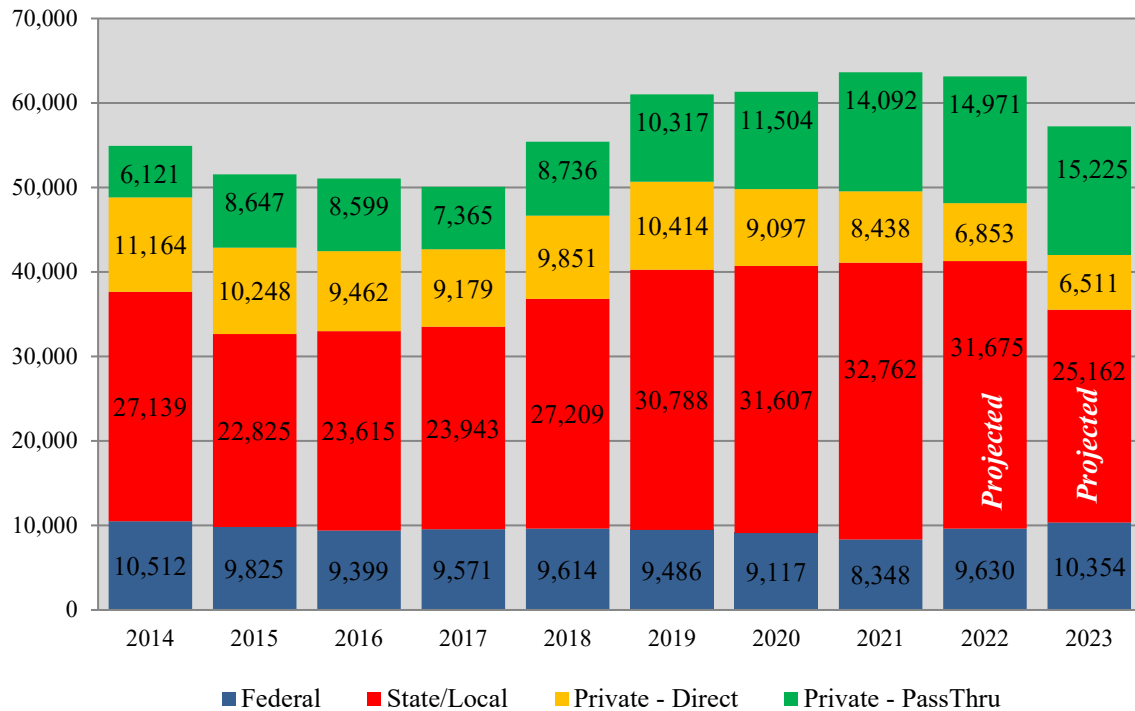
Detention Services

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 prisoner is brought into the USMS custody until criminal proceedings are terminated and/or the detainee 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 (IGA) 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 2014 - 2023**



Detention Management Services Automation

The USMS facilitates efficiencies through process automation by identifying opportunities, designing support solutions, and investing in IT infrastructure – integrating existing detention systems and services when appropriate. The primary operational mission system for FPD is Capture.



Capture: In FY 2016, the USMS began to integrate required IT solutions with existing systems to maximize the government’s return on investment. Capture incorporates a comprehensive integration and improvement of all current USMS operational business and mission capabilities (automated and manual), a consolidation of operational data, and an improvement of operational business processes at headquarters and in the field. This system optimizes national detention operations with well-established business practices that achieve cost effective, safe, secure, and humane confinement and transportation of prisoners.

Capture provides a new web-based solution that enables user access from multiple platforms (i.e., desktops, tablets, and mobile phones) in a manner which is intuitive for each distinctive USMS line of business. These enhancements aim to streamline detention operations and allow the USMS to leverage new operational efficiencies.

All prisoner management modules that address the “sentence to commitment” process for Federal detainees and procurement of detention services for State and Local Intergovernmental agreements have migrated to Capture. A description of each module follows:

- eMove:

eMove provides a seamless transition from eDesignate to complete the full automation of the S2C 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.

eMove enables districts to schedule and manage all in-district Judgment and Commitment (J&C) detainee moves. The module allows the USMS to submit routine out-of-district movement requests, such as Federal Writs, Attorney Special Requests, and Warrant of Removals, to JPATS. eMove enables districts to submit and manage all prisoner movement information seamlessly in one central system.

The USMS now centrally manages in-district moves, which allows the USMS to develop performance objectives and measure the operational effectiveness of prisoner movement. With this monitoring capability, the USMS can identify movements that minimize time-in-detention, thus reducing detention costs.

- ePMR:

ePMR provides a workflow for medical designations. The module 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 a paper-based request and approval system 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.

- 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.

- 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.

eDesignate is the enterprise technology solution used by the U.S. Courts, USMS, and BOP for Federal prisoner designations and JPATS movement requests. eDesignate eliminated the paper process and created a faster, more transparent, and effective workflow across agencies. Specifically, automated detainee data sharing for designation and movement eliminates redundant efforts, saves time, reduces errors, provides better visibility of the process, enables better problem resolution across agencies, and provides information necessary to manage more effectively.

eDesignate enables the BOP to complete sentence computations and dispositions for designation or return to the USMS. Disposition is based on the sentence length. In the

case of a short-term sentence, the USMS maintains custody of the detainee until the sentence is served. For longer sentences, the USMS prepares the prisoner for movement to the commitment location. eDesignate delivers the necessary documents and data in one complete package to the BOP via a secure system, which saves detention costs by enabling all agencies to monitor and provide relevant information to shorten the post-sentence process.

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.

- eIGA:

The eIGA system manages interaction with facility providers offering detention services. 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.

- FRMS:

The FRMS is a web-based application developed to facilitate, standardize, record, and report the results of Quality Assurance Review (QAR) performed on private state and local facility contract performance. The system documents and produces a comprehensive QAR report that provides consolidated facility information and historic data. FRMS information ensures the adequacy and sufficiency of services provided in non-Federal detention facilities that house Federal detainees. In 2008, FRMS received the Attorney General's Award for Information Technology Excellence based on its innovative concept, successful implementation, and continued program success. FRMS will be fully deployed to Capture in the first quarter of FY 2023.

- Restrictive Housing:

On March 1, 2016, the President issued a memorandum entitled "Limiting the Use of Restrictive Housing by the Federal Government," directing that "DOJ shall promptly undertake to revise its regulations and policies, consistent with the direction of the Attorney General, to implement the policy recommendations in the DOJ Report concerning the use of restrictive housing. DOJ shall provide an update on the status of these efforts no later than 180 days after the date of this memorandum." The USMS developed a web-based automated process for use by State, local, tribal, territorial and private detention service providers to report basic information regarding the use of restrictive housing for USMS prisoners. This information includes monthly use and duration of restrictive housing, and immediate notification whenever a member of a vulnerable population is housed restrictively.

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 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request			
Total Average Daily Population			61,115		63,687		63,155		-5,902		57,253			
State & Local Gov't (IGA) Facilities			41,985		46,854		46,646		-6,298		40,348			
Private Facilities			10,236		8,438		6,853		-342		6,511			
Subtotal Non-Federal Facilities			52,221		55,292		53,499		-6,640		46,859			
Federal Facilities			8,803		8,348		9,630		763		10,393			
Non-Paid Beds			91		48		26		-25		1			
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	
			30		\$2,171,609		25		\$2,196,237		30		\$2,171,609	
			12		-\$41,820		42		\$2,129,789					
Strategic Objective	Type	Performance	FY 2021		FY 2021		FY 2022		Current Services Adjustments and FY 2023 Program Changes		FY 2023 Request			
			FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0	FTE	\$0		
	Program Activity		30	\$2,171,609	25	\$2,196,237	30	\$2,171,609	12	-\$41,820	42	\$2,129,789		
5.2	Efficiency	Per day jail cost (non-Federal)	\$96.51		\$93.89		\$92.25		\$2.60		\$94.85			
5.2	Performance	Health care cost per capita (non-Federal)	\$2,733		\$2,690		\$2,722		\$709		\$3,431			
5.2	Performance	Targeted non-Federal facility reviews completed	19		19		14		-1		13			
5.2	Outcome	Per day detention cost (non-Federal)	\$98.90		\$101.30		\$99.84		\$4.26		\$104.10			
5.2	Outcome	Targeted non-Federal facilities (private) meeting minimum standards	19 of 19		19 of 19		14 of 14				13 of 13			

PERFORMANCE MEASURE TABLE						
Decision Unit: Detention Services						
Strategic Objective	Performance Measure		FY 2021		FY 2022	FY 2023
			Target	Actual	Target	Target
5.2	Efficiency Measure	Per day jail cost (non-Federal)	\$96.51	\$93.89	\$92.25	\$94.85
5.2	Performance Measure	Health care cost per capita (non-Federal)	\$2,733	\$2,690	\$2,722	\$3,431
5.2	Performance Measure	Targeted non-Federal facility reviews completed	19	19	14	13
5.2	Performance Measure: Outcome	Per day detention cost (non-Federal)	\$98.90	\$101.30	\$99.84	\$104.10
5.2	Performance Measure: Outcome	Targeted non-Federal facilities (private) meeting minimum standards	100% 19 of 19	100% 19 of 19	100% 14 of 14	100% 13 of 13

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 is maintained in Capture. All prisoner 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 prisoner 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 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 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 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 USMS reports describing district-level jail utilization and housing costs.
- d. **Data Limitations:** Maintaining prisoner movement data is labor-intensive. Reliability of reported data is often compromised by time lags between the actual movement of prisoners and recording those events in Capture. 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 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.

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 five USMS prisoners per year receive a Detention Facility Review (DFR).

Number of Targeted Reviews Completed: Targeted non-Federal facility 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, offset by outstanding elements of performance.
- Acceptable: Level of performance meets minimum standards; deficiencies are minor.
- Deficient: Level of 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 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 Capture).
- 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.

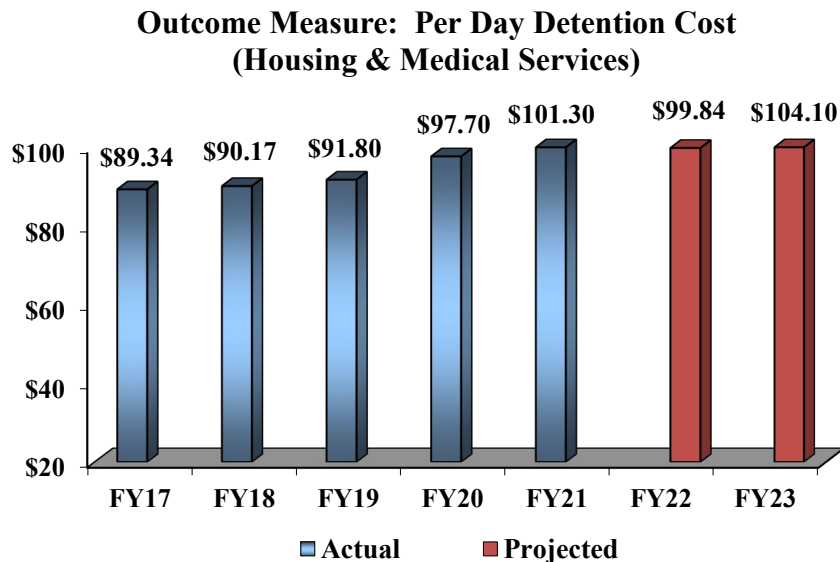
The USMS established a performance goal of maintaining per day detention costs at or below inflation to measure the success of obtaining detention space in the most cost-efficient manner. The chart and discussions identify the targeted level required to achieve that goal, and explain the mission challenges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

Performance Plan and Report:

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

FY 2021 Target: \$98.90

FY 2021 Actual: \$101.30



Challenge: Adequate Detention Beds

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

Strategy: *Maximize the use of available bedspace.*

One goal of Capture is to provide a means to monitor detention bedspace usage and to allow for improved oversight of non-Federal facility contracts and services. Timely and accurate data from Capture and other systems will be integrated into Capture dashboards and reports to query and monitor capacity and usage. As a consolidated detention services site, the Capture 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 bedspace. This will give

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 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 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 for budgeting purposes.

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.*

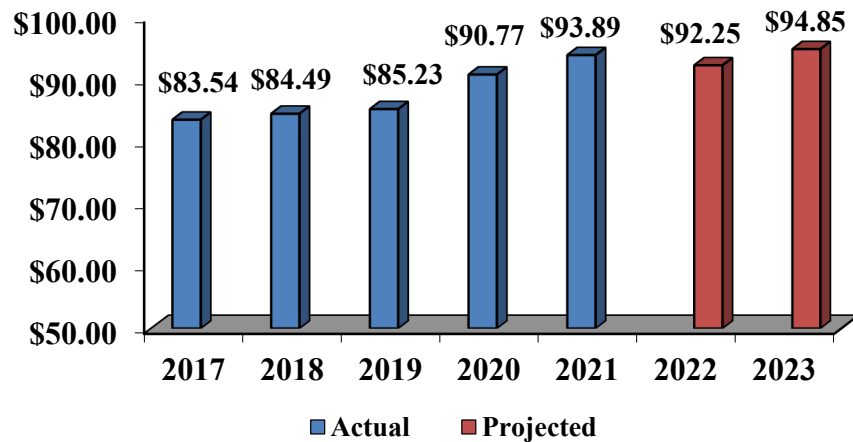
The USMS partners with Immigration, Customs, and Enforcement (ICE) and BOP for joint facility use facilities to achieve the best cost to the Government. In this procurement process, each agency establishes a minimum level of bedspace usage to achieve the best prices. Approaching the negotiating process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

Performance Plan and Report:

Measure: Per Day Jail Cost

FY 2021 Target/Actual: \$96.51 / \$93.89

**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*

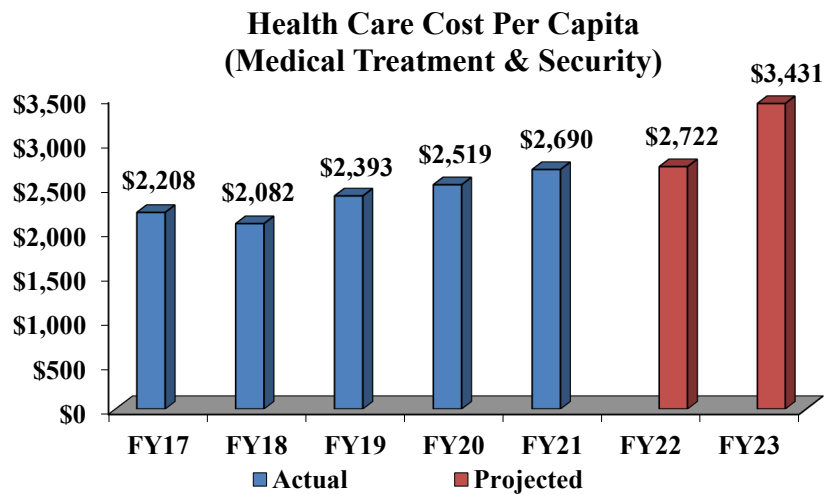
The USMS manages a National Managed Care Contract (NMCC) that establishes a national health care delivery system for USMS prisoners. The contract ensures that the USMS

acquisition of medical services complies with Federal procurement statutes and regulations, and that 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 district administrative workload related to prisoner medical issues, because the NMCC contractor processes and pays all contract-related prisoner medical bills on behalf of the districts. Finally, the NMCC includes a national discount pharmacy program that allows the USMS to receive discounts on medications that it purchases for prisoner care. The NMCC has been fully implemented in all USMS districts.

Performance Plan and Report:

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

FY 2021 Target/Actual: \$2,733 / \$2,690



FPD Performance Goal 4
Ensure detention facilities meet established standards for confinement.

Challenge: Varying Detention Standards

Concurrent with the desire to create detention efficiencies, the USMS must provide for safe, secure, and humane confinement of detainees. These competing imperatives are especially challenging given FPD’s reliance on a large number of state, local, and private facilities. Confinement standards at these facilities vary according to local and state requirements. To address this, the USMS developed a comprehensive Quality Assurance Program that ensures facilities providing detention bedspace 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 safe, secure, and humane confinement of detainees and address public safety concerns (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 various program components ensure compliance with standards by covering 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, which are private facilities and select IGA facilities. If a contract review identifies facility deficiencies in service delivery, the facility develops a corrective action plan which the USMS monitors until the deficiencies are resolved. USMS implementation of QARs has led to a quantifiable improvement in detention services quality; in particular, the reduction in repeat deficiencies is notable. Cumulatively, these improvements resulted in higher ratings and services.
- **On-Site Monitoring:** On-site monitoring is the target monitoring of specific detention services (medical, transportation, food service, etc.) in support of the USMS detention program. Monitoring periods range from 30 days up to 1 year. Monitoring actions address functions identified as “At-Risk”; document and report corrective actions taken by the detention services provider to permanently resolve “At-Risk” and “Deficient” findings; and provide pro-active risk management.

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 2017	FY 2018	FY 2019	FY 2020	FY 2021		FY 2022	FY 2023
Type	ADP	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Goal: 100% Meet Minimum Standards									
Private	N/A	89%	100%	100%	100%	100%	100%	100%	100%
		16	18	18	19	19	19	14	13
Total		89%	100%	100%	100%	100%	100%	100%	100%
		16	18	18	19	19	19	14	13

Performance Plan and Report:

Measure: Number of Targeted Non-Federal Facilities Meeting Minimum Standards

FY 2021 Target / Actual: 19 / 19

V. Program Increases by Item

Item Name:	<u>Solvency Risk Adjustment</u>
Budget Decision Unit:	<u>Detention Services</u>
Organizational Program:	<u>Prisoner Operations</u>
Program Increase:	Positions <u>0</u> Agt/Atty <u>0</u> FTE <u>0</u> Dollars <u>\$106,222,000</u>

Description of Item

The USMS requests \$106,222,000 for a probability risk adjustment to account for costs associated with housing a higher Federal prisoner population due to the residual impact of COVID-19 and other cost increases beyond the USMS' control. The FY 2023 average daily population projection of 57,253 assumes normal operations. If COVID-19 continues to impact the USMS detention population into FY 2023, this program increase request will increase the probability that the USMS will have sufficient resources to absorb the impact.

Justification

The USMS expends resources for detention from the time a prisoner is brought into its 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 arrests by Federal law enforcement agencies and the length of time defendants are detained pending adjudication, release, or subsequent transfer to the BOP following conviction and sentencing. The USMS does not control the number of detainees who enter the system, nor can it release detainees to stay within current available funding levels; therefore, projections can deviate significantly within a short amount of time.

The budget formulation process begins nearly two years before the start of the fiscal year. To produce the most accurate budget request possible, the USMS uses a complex statistical model to project the detention population. The model uses time series data to predict the primary factors that influence the detention population – number of arrests (i.e., prisoner bookings) and time in detention. The model uses statistical techniques to track the length of time USMS prisoners remain in detention and in which specific detention facilities they will be placed. In addition, the model makes assumptions about increases in housing and subsistence rates and how inflation will affect cost items such as health and transportation costs.

Because the statistical model is based on historical data, unprecedented external factors such as the COVID-19 pandemic can substantially influence the accuracy of the projection. From the start of the pandemic in FY 2020 to the present, the USMS has experienced abnormal fluctuations in the detention population due to the impact of the COVID-19. Although fewer prisoners have entered the system, the average daily population increased because the average time-in-detention grew significantly. Courts operated on a reduced capacity and the BOP limited

the transfer of detainees into BOP custody. While both the courts and BOP are continuing to expand operations, significant delays remain.

The USMS forecasting model projects an average daily detention population for FY 2023 that is well below the current detention population and reflects a statistical outcome that has an equal likelihood of surplus or shortfall. In normal years, that represents an appropriate level of risk because the variety of factors influencing the population level are not extreme. In response to the recent history of the account and ongoing uncertainty surrounding recovery from the pandemic, the solvency risk adjustment modifies the request level for FY 2023 to provide a greater likelihood that the account will remain solvent – a prudent approach to ensure that the USMS has sufficient resources for its detention activities.

Impact on Performance

Without this program increase, the USMS runs a substantially greater risk of being unable to fund the housing, medical care, and transportation costs for all Federal detainees in its custody in FY 2023. The USMS will continue to seek opportunities to implement efficiency and cost-effectiveness measures to manage the Federal detention population.

Funding

1. Base Funding

FY 2021 Enacted				FY 2022 President's Budget				FY 2023 Current Services			
Pos	Atty	FTE	Amount (\$000)	Pos	Atty	FTE	Amount (\$000)	Pos	Atty	FTE	Amount (\$000)
33	1	25	\$2,171,609	42	1	38	\$2,170,015	42	1	42	\$2,023,567

2. Personnel Increase Cost Summary

Not applicable.

3. Non-Personnel Increase

Non-Personnel Item	Unit Cost	Quantity	FY 2023 Request (\$000)	FY 2024 Net Annualization (change from 2023) (\$000)	FY 2025 Net Annualization (change from 2024) (\$000)
Solvency Risk Adjustment – Population Increase	N/A	N/A	\$106,222	\$0	\$0
Total Non-Personnel	N/A	N/A	\$160,222	\$0	\$0

4. Justification for Non-Personnel Annualizations

The requested amount is expected to fully recur to ensure the correct base funding for future fiscal years.

5. Total Request for this Item

Category	Pos	Atty	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2024 Net Annualization (change from 2023) (\$000)	FY 2025 Net Annualization (change from 2024) (\$000)
Current Services	42	1	42	\$5,910	\$2,017,657	\$2,023,567	N/A	N/A
Increases	0	0	0	\$0	\$106,222	\$106,222	\$0	\$0
Total	42	1	42	\$5,910	\$2,123,879	\$2,129,789	\$0	\$0

6. Affected Crosscuts: Not applicable.