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☐ All DOJ

OFFICE OF THE FEDERAL
DETENTION TRUSTEE

**MISSION STATEMENT AND
OVERVIEW**

ORGANIZATION

DSNETWORK

INFORMATION TECHNOLOGY

PROCUREMENT

**DETENTION STANDARDS AND
COMPLIANCE**

STATISTICS

CONTACT OFDT

OFDT FOIA

DOJ HOME

Mission Statement and Overview



"OFDT manages and regulates the federal detention programs and the Justice Prisoner and Alien Transportation System (JPATS) by establishing a secure and effective operating environment that drives efficient and fair expenditure of appropriated funds."

An Overview

The Office of the Federal Detention Trustee (OFDT) was established in September 2001 by a directive of Congress. OFDT reports directly to the Deputy Attorney General, with a mandate to coordinate detention activities for the Department of Justice (DOJ) and with the U.S. Department of Homeland Security, Immigration and Customs Enforcement (ICE).

OFDT's oversight of detention management is focused on improving the planning and integration of federal detention capabilities while improving the efficiency and effectiveness of federal detention operations. Given the authority to manage the DOJ's detention resource allocations, OFDT is responsible for the financial management of detention operations as it coordinates with the components of other federal agencies involved in detention. The Trustee's office employs sound strategic planning to improve integration of federal detention capabilities while keeping federal detention standards in focus.

Major Functions

The major functions and responsibilities of the Federal Detention Trustee are to:

- Direct and coordinate **the budget and strategic planning submissions of detention operations** to ensure internal consistency and elimination of duplication;
- Develop, implement, and monitor compliance with **Department-wide standards, policies, and procedures**;
- Develop and manage **comprehensive statistical and financial databases** describing detention activities;
- Develop and implement strategies to deal with **detention "hot spots" and crises**;
- **Review existing detention practices and develop alternatives** to improve mission efficiency and cost effectiveness; and
- Integrate existing **predictive workload models** to develop comprehensive, Department-wide detention planning capabilities.

OFDT's divisions in focus: Budget, Finance and Forecasting; Detention Standards and Compliance; Information Technology; Procurement

OFDT's **Budget, Finance and Forecasting**, works closely with key players to plan, organize and execute the Federal Prisoner Detention (FPD) account. They develop and interpret budgetary guidelines and policies stemming from federal regulations and legislation as they perform a variety of administrative and analytical duties connected with the review, justification and presentation of the annual OFDT budget. This Division drafts the proposed authorization and appropriation language to support or revise program budgetary requirements. They assist in setting and implementing program goals and they determine how changes in federal detention spending impact DOJ's budget and the budgets of other Federal agencies involved in federal detention. Their analysis of historical data helps to project future budget requirements, as they factor in such issues as fluctuations in population, law enforcement initiatives and facility

construction. This Division also tracks OFDT appropriations through Congress and provides liaison with the Office of Management and Budget.

Budget, Finance and Forecasting also formulates recommendations and projections on such detention-related topics as population trends, bed space availability, costs of state and local government versus private facilities and long-term utilization of private jails to "back up" the USMS, BOP and ICE, as necessary. This section conducts surveys to gather information from key detention operatives. They track law enforcement and prosecutorial initiatives that impact federal detention planning and they develop models and simulations to gauge potential impact on federal legislation and law enforcement policy initiatives. The Division also produces statistical analyses and data to explain and predict long-range changes in such detention program areas as population, health care and expenditures.

OFDT's **Detention Standards and Compliance** Division conducts facility performance reviews of selected detention facilities. These reviews serve as a monitoring instrument to measure the facilities' performance levels in accordance with their agreements. The review, which includes on-site inspection, is based on uniform standards developed by BOP, USMS, ICE and OFDT. OFDT Detention Standards and Compliance personnel work closely with various agencies involved in detention to refine the review process. The division also chairs the Technical Evaluation Board to assist in the awarding of contracts.

OFDT's **Information Technology** Division coordinates the Trustee Office's strategy for the design and implementation of information technology systems needed in federal detention. They develop, implement and monitor technological policies and controls that ensure data accuracy, security and system integrity. They are working closely with DOJ's Chief Information Officer, the USMS, ICE and BOP to develop a new, centralized information system that can track detainee costs and status as well as providing data on the flow of federal detainees in and out of the court system.

The **Procurement** Division is responsible for the negotiation and award of contracts in support of OFDT's operational needs. The Division also develops, reviews, coordinates, and executes acquisition management plans to support nationwide detention contracts. They direct acquisition management activities, develop standardized procedures for establishing Intergovernmental Agreement (IGA) per diem rates; and manage reimbursable and interagency agreements.

Within OFDT, the **Administration and Management** section is tasked with developing OFDT's five-year Strategic Plan to define specific, achievable goals and measurable outcomes. Both the Strategic Plan and the annual OFDT performance plans and budget are key elements in OFDT's ability to meet the performance goals of the Government Performance Results Act. Additionally this long and short-term planning also meet the requirements of other overarching policy documents such as the President's Management Agenda and the Attorney General's Initiatives.

OFDT was assessed in 2006 and received an "Effective" PART (Program Assessment Rating Tool) rating.

Background on OFDT:

The Office of the Federal Detention Trustee was established and activated in September 2001 by directive of Congress Pub. L. 106-553, app. B, 114 Stat. 2762A-52 (2000) to exercise all power and functions authorized by law relating to the detention of federal prisoners and aliens awaiting adjudication and/or removal from the United States.

Historically, Federal detention has been the responsibility of both the USMS and the Immigration and Naturalization Service, now ICE. The BOP plays a supporting role by housing a portion of Federal detainees in BOP stand-alone detention centers and detention units in correctional facilities. State, local and private detention facilities also provide detention space to the Federal government.

As directed by Congress, the objective of the Trustee is to centralize responsibility for detention in order to better manage and plan for needed detention resources without unwanted duplication of effort or competition with

other government components. With this broad authority and responsibility, the Trustee works to implement business process improvements and identify areas where operational efficiencies and cost savings can be realized.

OFDT Function within the Department of Justice:

In the Department of Justice's Strategic Plan for FY 2003-2008, under Strategic Goal IV: Ensure the Fair and Efficient Operation of the Federal Justice System, OFDT has two specific Strategic Objectives:

Strategic Objective 4.1 ...ensure the appearance of criminal defendants for judicial proceedings or confinement.

Strategic Objective 4.3: Provide for the safe, secure, and humane confinement of detained persons awaiting trial, and/or sentencing.

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☐ All DOJ

OFFICE OF THE FEDERAL
DETENTION TRUSTEE

MISSION STATEMENT AND OVERVIEW

ORGANIZATION

DSNETWORK

INFORMATION TECHNOLOGY

PROCUREMENT

DETENTION STANDARDS AND COMPLIANCE

STATISTICS

CONTACT OFDT

OFDT FOIA

DOJ HOME

Office of the Federal Detention Trustee



The Office of the Federal Detention Trustee (OFDT) is an organization that achieves efficiencies, effectiveness and operational synergies within the detention and incarceration community by fostering interagency cooperation, mutual understanding, accountability and teamwork.

Established and activated in September 2001 by directive of Congress, the Federal Detention Trustee ensures that Federal agencies involved in detention provide for the safe, secure and humane confinement of persons in the custody of the United States while awaiting trial or immigration proceedings.

OFDT's coordination of detention activities includes the effective and efficient expenditure of appropriated funds that are deployed with a consistent approach by federal law enforcement agencies.

ANNOUNCEMENTS



OFDT's Detention Services Network encompasses new ways to -

- search for non-federal bed space availability;
- contract a facility;
- update a facility's listing;
- navigate new detention services.

Go to DSNetwork by clicking the DSNetwork menu item above.

[Contact Us](#) |
 [Accessibility](#) |
 [A-Z Index](#) |
 [Site Map](#) |
 [Archive](#) |
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 [Other Government Resources](#) |
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☐ All DOJ

OFFICE OF THE FEDERAL
DETENTION TRUSTEE

**MISSION STATEMENT AND
OVERVIEW**

ORGANIZATION

DSNETWORK

INFORMATION TECHNOLOGY

PROCUREMENT

**DETENTION STANDARDS AND
COMPLIANCE**

STATISTICS

CONTACT OFDT

OFDT FOIA

DOJ HOME

Federal Performance-Based Detention Standards Review Book



Federal Performance-Based Detention Standards

February 2007

([Click here for the entire publication in PDF format](#))

Purpose of the Federal Performance-Based Detention Standards

The Performance-Based Detention Standards is based on the American Correctional Association Standards, and will be used to review non-federal facilities that house federal detainees, and to ensure these facilities are safe, humane, and protect detainee's statutory and constitutional rights. The Performance-Based Detention Standards is an aid for Subject Matter Experts designed to support the Government Contract Quality Assurance Program. The Performance Based Standards review book provides Subject Matter Experts with direction on making assessments based on detention standards developed by the Department of Justice (DOJ) and Department of Homeland Security, Immigration and Customs Enforcement (DHS/ICE). The Performance-Based Detention Standards Review Book focuses on the five following review elements:

1. **Review Guidelines:** Detention Standards developed by the DOJ and DHS/ICE for the safe and humane confinement of federal detainees which uphold the protection of statutory and constitutional rights. The detention standards are divided into eleven (9) functional areas encompassing 58 different elements (see index, pages 1-3) by relevance. Each detention standard contains a title and defining statement.
2. **American Correctional Association (ACA) Adult Local Detention Facility (ALDF) standards:** The standards have been cross-referenced with, and fully meet or exceed the requirements of, the ACA ALDF standards.
3. **Immigration Customs and Enforcement (ICE) Standards:** At the request of ICE staff, five (5) ICE Standards have been incorporated into the Performance-Based Detention Standards in their entirety and have been attached to the section corresponding with the appropriate detention standard. All references to the former Immigration and Naturalization Service (INS) heretofore shall be referred to as ICE.
4. **On-site Assessment Items:** Following each detention standard is a series of items designed to help Subject Matter Experts in asking questions and seeking out pertinent information for making assessments.
5. **Review Checklist:** Following each series of On-site Assessment Items is a table containing a varying number of checklist items. The Review Checklist is designed to provide guidance in the form of checklist items that Subject Matter Experts can reference during the on-site facility reviews. For example, if a detention standard requires that the Facility Director provides medical, dental, and mental health screening as part of the intake process, the corresponding review checklist item will detail what is generally included in a screening, so as to assist the Subject Matter Expert in determining if the detention standard is being met.

Review Checklist items ask:

- Does a policy exist?
- Is the policy effective?
- Is the policy being implemented successfully?
- Is the desired outcome being achieved?

Criteria for Checklist Development

To create a thorough review program, the following criteria have been established as requirements for the Checklist portion of the Performance-Based Detention Standards:

- **Simple**
 - Vocabulary and technical terms will be clear and specific.
 - The facility director will be able to perform a self-assessment of the facility based on the checklist.
- **Trained Subject Matter Experts will be comfortable using the checklist.**
- **Scaleable and flexible.** The Checklist will be applicable to all facilities, regardless of size, location, or management style.
- **Consistent**
- **The Checklist will be applied similarly to each facility**
 - Trained Subject Matter Experts will understand the meaning of each checklist, regardless of background experience.
- **Efficient.** A Subject Matter Expert for each discipline group will be able to perform a facility review based on his or her specific module checklist within three to five working days.

General Guidance for Reviewers: Policy Communication and Review

Interview Executive Staff, department heads and supervisors to ask how policies and procedures are communicated to staff and detainees.

Verify that information is available via that means of communication (e.g., policy manuals, orientation, procedures, legal standards).

Check training curricula to determine the extent to which staff training addresses the relevant policies and procedures.

Interview random correctional staff and detainees to determine the extent of their familiarity with the relevant policies and procedures.

Review policies and procedures to determine whether there is an indication of regular (at least annual) review and revision.

Index to Federal Performance-Based Detention Standards Review Book

- A. ADMINISTRATION AND MANAGEMENT
- B. HEALTH CARE
- C. SECURITY AND CONTROL
- D. FOOD SERVICE
- E. STAFF/DETAINEE COMMUNICATION
- F. SAFETY AND SANITATION
- G. SERVICES AND PROGRAMS
- H. WORKFORCE INTEGRITY
- I. DETAINEE DISCRIMINATION
- J. KEY FUNCTIONAL AREAS



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SEARCH

**OFFICE OF THE FEDERAL
DETENTION TRUSTEE**

**MISSION STATEMENT AND
OVERVIEW**

ORGANIZATION

DSNETWORK

INFORMATION TECHNOLOGY

PROCUREMENT

**DETENTION STANDARDS AND
COMPLIANCE**

STATISTICS

CONTACT OFDT

OFDT FOIA

DOJ HOME

The Detention Standards and Compliance Division

Introduction

The Detention Standards and Compliance Division (DS&C) is responsible for establishing annual schedules for conducting Quality Assurance Reviews (QARs) utilizing Federal Performance-Based Detention Standards (FPBDS) to ensure the adequacy and sufficiency of services provided in non-federal detention facilities that house federal detainees.

All private facilities under contract to the United States Marshal Service or the Office of the Federal Detention Trustee, and those state and local facilities with Intergovernmental Agreements (IGA) with an average daily population of 500 or more federal detainees, receive reviews annually. Other select facilities, such as those requested by an agency, also receive QARs.

To conduct QARs, OFDT contracts with companies for Subject Matter Experts (SMEs) who must possess extensive levels of experience. SMEs conducting QARs must have a minimum of 10 years experience in their area of expertise. The team is lead by Senior Project Managers (SPMs) who have a minimum of 25 years correctional experience.

The Office of the Federal Detention Trustee QAR team consists of one SPM and 4 SMEs with expertise in Administration and Management, Healthcare, Security & Control, Food Service, Staff/Detainee Communication, Safety and Sanitation, Services and Programs, and Workforce Integrity and Detainee Discrimination. SMEs conduct QARs utilizing a Facility Review Management System (FRMS), an automated web-based system to record/document and produce a comprehensive Quality Assurance Report.

Upon completion of the QAR report, DS&C reviews the report and issues one of five ratings to the facility: Excellent, Good, Acceptable, Deficient or At Risk. This information is entered into the DSNetwork to provide consolidated facility information and historic data.

QARs began Fiscal Year (FY) 2006, in which 21 QARs were conducted in 12 states. Nineteen facilities met with the minimum FPBDS. In FY 2007, 24 QARs were conducted in 13 states and in the District of Columbia. Twenty-three facilities have met the minimum FPBDS. In FY 2008, 26 QARs are planned in 13 states and the District of Columbia.

Performance-Based Detention Standards

In January 2000, the Department of Justice (through the Federal Bureau of Prisons (BOP), the U.S. Marshals Service (USMS), the Immigration and Naturalization Service (INS), and the Civil Rights Division issued a set of core detention standards that apply to all detention facilities contracted by the Department of Justice. The standards sought to ensure that detainees housed in these facilities are safe, secure, and such facilities provide the basic services needed by federal detainees. The purpose for detention varies across agencies; accordingly, the standards adopted addressed only the most basic and critical elements common to all agencies. The standards are intended to supplement policies, procedures, and practices that were specific to the needs of each agency.

Following the establishment of the Office of the Federal Detention Trustee (OFDT), OFDT initiated a working group comprised of OFDT, BOP, USMS, and Immigration and Customs Enforcement (ICE) -- formerly the Immigration and Naturalization Service -- to address federal detention policies and procedures. As part of this working group, agency representatives reviewed and refined the core detention standards previously approved.

The Quality Assurance Review (QAR) will be conducted based upon criteria listed in the **Federal Performance Based Detention Standards Review Book**. Initially, the reviews will be conducted at all private contract facilities that house federal detainees to ensure these facilities are safe, humane, and protect detainees' statutory and constitutional rights. The PBDS have been divided into nine functional areas that fully meet or exceed the requirements of the American Correctional Association Adult Local Detention Facility Standards.

Additionally there are nineteen Key Functional Areas that address the minimal requirements necessary to ensure a safe, secure, and humane environment. At the request of ICE, five ICE specific Standards have been incorporated into the FPBDS in their entirety. Each Standard contains a title and a defining statement followed by a series of items designed to assist the Reviewer in asking questions and seeking pertinent information for making assessments.

In addition, a checklist of review criteria has been developed to ensure review procedures are clear and concise, scalable and flexible, consistent and efficient. While a facilities compliance with each of the functional Areas will be evaluated, failure to comply with any Key Functional Areas will be considered a material deficiency in the operation of the facility, use of the facilities that fail to develop and implement a corrective action plan to ensure the facility can attain and maintain compliance with the Key Functional Areas may be discontinued, or if under contract, administrative fee deductions may be assessed.

Federal Performance-Based Detention Standards Index including the Nineteen Key Functional Areas

<p>A: ADMINISTRATION AND MANAGEMENT addresses facility policy development, internal inspection and reviews, detainee records, administration and orientation, personal property and monies, release and accommodations for the disabled</p> <ul style="list-style-type: none"> ● Internal Inspections and/or Reviews ● Admission and Orientation - (ICE Standard) ● Personal Property and Monies ● Detainee Release 	<p>B: HEALTH CARE addresses overall access to routine, chronic health care, mental health, emergency health and dental services provided by the institution</p> <ul style="list-style-type: none"> ● Medical, Dental, and Mental Health Appraisals ● Access to Routine, Acute Chronic, and Emergency Health Services
<p>C: SECURITY AND CONTROL addresses post orders, permanent logs, security features, security inspections, control of contraband, detainee searches, detainee accountability, use of force, non-routine use of restraints, tool and equipment control, detainee discipline, supervision for special housing, contingency and merger plans</p> <ul style="list-style-type: none"> ● Post Orders ● Security Features ● Security Inspections and/or Reviews ● Contingency/Emergency Plans 	<p>D: FOOD SERVICE addresses basic sanitation and adequacy of varied meals and special diets provided to detainees</p> <ul style="list-style-type: none"> ● Sanitation Requirements ● Ensure Meals are Varied
<p>E: STAFF/DETAINEE COMMUNICATION addresses methods of communicating with detainees, detention/correctional staff training in diversity, and the detainee grievance process</p>	<p>F: SAFETY AND SANITATION addresses the adequacy of fire safety programs, the control of dangerous materials, the general facility environment (including air quality, noise levels, and sanitation</p>

<ul style="list-style-type: none"> ● Staff-Detainee Communication ● Detainee Grievances 	<p>and hygiene programs), the adequacy of clothing and bedding, and protection from infectious diseases</p> <ul style="list-style-type: none"> ● Clothing and Bedding ● Physical Facility and Equipment
<p>G: SERVICES AND PROGRAMS addresses detainee security classification, religious practices, work assignments, availability of exercise programs, access to legal materials, access to legal representation, access to a telephone, the handling of detainee mail and other correspondence, and visitation privileges</p> <ul style="list-style-type: none"> ● Classification, Review, and Housing ● Religious Practices ● Legal Materials (ICE Standard) ● Legal Representation (ICE Standard) ● Telephone Access (ICE Standard) ● Visitation Privileges (ICE Standard) ● Detainee Mail and Correspondence 	<p>H: WORKFORCE INTEGRITY addresses the adequacy of the detention/correctional officer hiring process, staff training and licensing/certification and adequacy of systems to report and address staff misconduct</p>
<p>I: DETAINEE DISCRIMINATION addresses the adequacy of policies and procedures to prevent discrimination against detainees based on their gender, race, religion, national origin, or disability</p>	

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