

Understanding Federal Detention Funding

By John Scalia

The United States Marshals Service (USMS) and the Bureau of Immigration and Customs Enforcement (ICE) receive annual appropriations to support all direct expenditures associated with the care of prisoners and detainees held in the custody. Each agency's annual appropriations request for custody operations is formulated using their respective detention population projection and cost estimation methodologies. The core components of these methodologies are the number of prisoners or detainees expected to be received into each agency's custody, the amount of time prisoners or detainees are expected to be housed, and the facilities they are expected to be housed. Changes in the per capita cost of detention housing are based on expected changes in the per diem rates paid to house prisoners in non-federal detention facilities.

For both agencies, their annual appropriations pay for the housing of prisoners and detainees in State, local and privately-operated detention facilities, medical services, medical guards, and transportation services. Direct expenditures for prisoner or detainee housing comprise more than three-quarters of each agency's budget request for custody operations.

Formulation of each agency's appropriations request begins approximately 18 months prior to the start of the fiscal year for which funding is sought. For example, the formulation of the fiscal year 2026 appropriations request began in March-April 2024. Prior to submission of the President's Budget to Congress the following Winter, the agencies' appropriation requests are reviewed by the Office of Management and Budget (OMB) to ensure that the requests are consistent with the President's strategic objectives and within the Administration's budgetary guidelines. OMB may adjust the budget requests, as necessary.

Following submission of the President's Budget to Congress, the appropriation committees of both the House and Senate will further review the appropriations request. The Committees may make further adjustments to the agencies' appropriations requests based on their priorities and spending limitations. Under ideal circumstances, the House and Senate enact – and the President signs – the annual appropriations request prior to the start of the upcoming fiscal year. However, as has been the case during many appropriations cycles, the agencies operate under short-term continuing resolutions pending the enactment of the annual appropriation.

Because projecting future detention population has historically been a difficult task, as each agency's detention population is subject to a host of external factors and unforeseen events that cannot be easily modeled, both the USMS and ICE have experienced instances where appropriated funding has been insufficient to support custody operations. When funding shortfalls are identified, monies are typically "re-programmed" from other cost centers within the agency and/or Departmental appropriations, where available.

John Scalia is a professional statistician with expertise in detention management and detention population projection model development. As the former chief statistician for the United States Marshals Service Prisoner Operations Division, Mr. Scalia was responsible for development the USMS's detention population projection and cost estimation models. Over the course of his career, his

methodologies have been audited by both the Government Accountability Office and the Department of Justice Office of the Inspector General.

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