



Management

VII

VIII CORE FUNCTION SEVEN:

Management



Achievement of Performance Goals greatly depends on how well the Department manages and conducts its programs. This section of the report describes progress in meeting Department-level Performance Goals in the area of management. These goals cut across component boundaries and are fundamental to the accomplishment of overall mission.

They include five Strategic Goals to (1) ensure the integrity of Department programs and personnel;

(2) meet the needs of customers; (3) implement effective management practices, especially in accounting for public funds;

(4) make wise and effective use of investments in information technology (IT); and (5) ensure continuance of a highly skilled, motivated, and diverse workforce.

STRATEGIC GOAL 7.1

Strengthen oversight and integrity programs, ensure consistent accountability, and emphasize core mission responsibilities.

Integrity is basic to the Department's ability to achieve its mission and retain the trust and confidence of the American people. To help ensure integrity, two Department components play a lead role in investigating allegations of misconduct. The Office of the Inspector General (OIG) investigates allegations of bribery, fraud, abuse, civil rights violations, and violations of other laws and procedures that govern Department employees, contractors, and grantees. The Office of Professional Responsibility (OPR) investigates allegations of misconduct against Department prosecutors and civil litigators in handling litigation, particularly in cases involving judicial findings of prosecutorial misconduct.

Immigration Inspector Takes Money for 'Looking Other Way'

In the Southern District of California, an Immigration and Naturalization Service immigration inspector assigned to the San Ysidro Port-of-Entry was arrested on Federal racketeering charges, alien smuggling, and importation of controlled substances. An 18-month investigation by the San Diego Border Corruption Task Force found that the immigration inspector used his official position to permit illegal entry of vehicles and people into the United States from Mexico in exchange for about \$350,000. He allowed 23 aliens into the country without proper inspection, along with several loads of marijuana. All were later intercepted. The immigration inspector is the first alleged smuggler of immigrants to be charged under Federal racketeering laws.

PERFORMANCE GOAL 7.1.1

OVERSIGHT AND INTEGRITY

DOJ, through its independent Office of the Inspector General and Office of Professional Responsibility, will continue to ensure integrity in DOJ programs and operations, including those related to the conduct of litigation and other representation activities. The OIG will focus its resources on increasing joint agency task force and working group activity by 20 percent (over FY 1997 actuals), affording the opportunity to determine criminal activity, reduce employee misconduct, and protect the civil rights of individuals while maximizing resource use efficiency.

OPR will continue to focus its resources on allegations that the Department's prosecutors and civil litigators engaged in misconduct in handling litigation, particularly allegations involving judicial findings of prosecutorial misconduct.

During FY 1999, the OIG received a total of 8,196 complaints. It opened 642 investigations, closed 751, and made 157 arrests involving 61 Department employees, 75 civilians, 15 Department contract personnel, and 6 grantees. Convictions resulted in 86 individuals receiving sentences up to life in prison and approximately \$4.6 million in fines, recoveries, orders of restitution, and forfeiture actions. OIG investigations led to 65 employees and 17 contract employees receiving disciplinary action, including 37 who were fired. In addition, 53 employees, including 3 contractors, resigned either during or following these investigations. Because of insufficient staffing, the OIG was able to open only a small percentage of investigations into the credible allegations it received in 1999. As a result, in many instances, the OIG referred less serious allegations to components within the Department for appropriate action. In more important referred cases, the OIG reviewed the component findings and the disciplinary action taken.

In 1999, the OIG gave priority attention to investigations involving allegations of fraud, bribery, rights violations, drug offenses, and sexual misconduct. Overall, it opened 293 investigations in these priority areas, below the anticipated number of 415. OPR opened 88 investigations, slightly below its targeted level of 100.

The OIG participated with several other agencies and state and local law enforcement in joint task forces and working groups investigating allegations of drug-related public corruption and official misconduct. Task force efforts resulted in dramatically improved interagency cooperation and information sharing. They uncovered schemes to sell phony documents to undocumented immigrants and thwarted a plot to allow illegal aliens and drugs into the country in exchange for money (see sidebar). In 1999, the OIG exceeded its target of increasing the level of task force and working group activities by 20 percent over the 1997 base.

Performance Goal 7.1.1		Oversight and Integrity			
Performance Indicator		1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) Total number of OIG priority investigations closed and priority investigations remaining in an open status (OIG)					
1. Fraud					
	Opened	111	118	110	104
	In an open status any time during the year	197	235	220	232
	Closed	82	104	100	133
2. Bribery					
	Opened	172	142	140	73
	In an open status any time during the year	320	318	300	354
	Closed	143	148	140	196
3. Rights Violations (includes force, abuse, and assault)					
	Opened	89	81	75	57
	In an open status any time during the year	101	114	110	88
	Closed	72	73	70	51
4. Drug Violations					
	Opened	80	81	72	34
	In an open status any time during the year	134	146	138	92
	Closed	70	84	75	49
5. Sexual Crimes					
	Opened	27	20	18	25
	In an open status any time during the year	39	35	31	61
	Closed	18	15	15	32
(2) Total number of OPR investigations closed and remaining in an open status (OPR)					
	OPR investigations OPENED	98	77	100	88
	OPR investigations CLOSED	124	83	85	63
(3) Number of administrative actions taken by components, as reported to the OIG (OIG)					
		130	103	NA	185
(4) Number of joint agency task forces and working groups over 97 actuals (OIG)					
		10	3 (total of 13)	NA	8 (total of 18)

Data Source: (1) IDMS. (2) OPR case tracking system. (3) and (4) OIG internal files.

Explanation For Not Meeting Target

(1) The OIG met its goal for priority investigations in an "open" and "closed" status in all areas except Rights Violations and Drug Violations. In the area of Drug Violations, OIG's failure to meet its targets stems from its July 1998 revision of the offense codes that comprise each priority investigation category. The result is a shift in how some existing as well as new cases are classified and tracked. Many cases that would have been categorized and tracked as drug cases are now reflected in the Bribery category. As Drug Violation cases decreased, Bribery cases in FY 1999 were 18 percent over OIG's target number. In the area of Rights Violations, a June 1999 internal policy change required OIG to open a case only where the initial allegation appeared prosecutable. This OIG policy change resulted largely from insufficient staffing, which, in turn, caused fewer Rights

Violations cases to be opened. With no additional positions approved for FYs 2000 and 2001, OIG does not anticipate any increase in the number of Rights Violations cases in an "open" or "closed" status.

(2) The deviation between targeted and actual numbers of OPR investigations was slight and had no impact on overall performance.

STRATEGIC GOAL 7.2

Meet or exceed the expectations of our customers.

Providing prompt, reliable, and courteous service to customers—the American people—is an important departmental goal. In 1999, Justice components worked on such "customer-friendly" initiatives as making it easier to apply for grants, speeding up the time it takes to get answers to requests for information, and improving the quality and quantity of information electronically available at the Department's web site. Three 1999 Performance Goals address customer service. The first deals with the Freedom of Information Act (FOIA) and Privacy Act (PA). The next two deal with the Department's efforts to further customer service by ensuring that it is a recognized dimension of measuring component-level activities.

PERFORMANCE GOAL 7.2.1

FREEDOM OF INFORMATION AND PRIVACY ACT

DOJ will achieve substantial gains in responding to FOIA/PA requests, providing more timely responses to requests from the public. The Federal Bureau of Investigation (FBI) will achieve reductions in the backlog of FOIA requests from FY 1998 totals.

To meet the requirements of the Electronic Freedom of Information Act Amendments of 1996 (E-FOIA), the Department identified, indexed, and published on the Internet a list of 160 major information systems, both automated and manual. These systems contain extensive data on Department programs and activities and represent a potential resource for persons seeking information. The list is accessible through components' web sites (see Appendix D). In addition, the FBI continued to make significant progress in reducing its backlog of FOIA requests. Since 1997, the FBI has cut its backlog in half.

Performance Goal 7.2.1		Freedom of Information and Privacy Act (FOIA)			
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual	
Backlog of FOIA requests* (FBI)	15,434	10,816	8,362	7,363	
*This indicator has been discontinued and will not appear in subsequent reports.					
Data Source: FBI Request Tracking System.					

PERFORMANCE GOALS 7.2.2 AND 7.2.3

CUSTOMER SERVICE AND PROVIDING INFORMATION TO STAKEHOLDERS

DOJ will continue to emphasize a customer focus in its service and benefits programs and will provide information to the public and to stakeholders in an open, timely, and complete manner, as appropriate. This will require all affected components to update and report on the status of published standards; expand the number of programs and activities that have customer service standards and that report on customer satisfaction; and undertake more aggressive efforts to integrate published standards into component performance plans.

Specific customer service standards have been adopted in 20 program areas. In addition, each of the Department's major bureaus has included measures related to customer service in annual performance planning activities. For example, INS has set standards to ensure the timely processing of requests for forms or the verification of immigration status. It has also focused on better serving its customers traveling through U.S. ports-of-entry.

Performance Goal 7.2.2 and 7.2.3		Customer Service and Providing Information to Stakeholders		
Performance Indicator 7.2.2 and 7.2.3	1997 Actual	1998 Actual	1999 Planned	1999 Actual
(1) Number of programs and activities with customer service standards (JMD, DOJ components)	19	20*	22	20
(2) Percentage of component [bureau] performance plans that include valid measures of customer satisfaction	NA	NA	NoTarget Set	100%
*1998 remains the most current time period for which data are available. It is probable that there was no change in 1999 from the 1998 actual of 20.				
Data Source: JMD internal files.				

STRATEGIC GOAL 7.3

Achieve excellence in management practices.

This Strategic Goal includes three 1999 Performance Goals. The first deals with the Department's efforts to be a "learning organization" in which opportunities for innovation are encouraged. The second concerns the critical area of financial management and reflects the Department's strong commitment to significantly improve its financial management systems and capabilities. The third performance goal addresses planning and evaluation activities, including the Department's efforts to instill performance-based management and to closely monitor the resolution of management issues.

PERFORMANCE GOAL 7.3.1

REINVENTION LABORATORIES

DOJ will continue to foster innovation and improvement through its Justice Performance Review Program.

To encourage innovation and continuous improvement in management practices, the Justice Management Division (JMD) sponsors a reinvention laboratory program designed to test promising approaches to doing business more effectively and efficiently. In 1999, eight labs were under way. Among the labs making substantial progress were the following:

- **Secure Electronic Network for Travelers' Rapid Inspection (SENTRI) Lab.** In California, SENTRI piloted the world's first system to prescreen low-risk frequent border crossers and inspect them using state-of-the-art technology that does not compromise border security. SENTRI II installed three of its high-tech inspection lanes at El Paso, Texas, where the lab designed and opened the first border port-of-entry dedicated exclusively to automated inspections. Today, system participants cross from Ciudad Juarez, Mexico, into El Paso, Texas, in about 1 minute—more than 90 percent faster than at traditional ports separating the two cities.
- **Electronic Document Exchange (EDE) Lab.** The EDE lab, organized to review existing and proposed technologies and policies governing electronic exchange of litigation documents between the Federal Executive Branch and the U.S. courts, completed data gathering at pilot projects across the Nation in preparation for cost-benefit analyses of the competing systems. The lab began design of an EDE web site that allows users of the DOJ Intranet (DOJNET) to link with the five Federal bankruptcy district courts participating in the project and obtain the court rules for electronic filing.
- **U.S. Marshals Service (USMS) Accreditation Lab.** On September 12, 1997, the Attorney General approved the USMS Accreditation Lab as the vehicle for undertaking a multiyear effort to obtain accreditation by the Commission on Accreditation for Law Enforcement Agencies (CALEA). This lab is the first project of its kind that aspires to accredit an entire Federal law enforcement agency. As of the end of FY 1999, the USMS established proof of compliance for 315 (99 percent) of the CALEA standards.

In April 1999, the Deputy Attorney General approved three new reinvention laboratories on asset forfeiture professional development, environmental compliance, and establishment of a law enforcement linguist clearinghouse.

Performance Goal 7.3.1		Reinvention Laboratories		
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
Number of reinvention labs sponsored* (JMD)	8	7	9	8
*This indicator has been discontinued and will not appear in subsequent reports.				
Data Source: JMD internal files.				

Explanation For Not Meeting Target

The deviation between targeted and actual number of reinvention labs was slight and had no impact on overall program performance.

PERFORMANCE GOAL 7.3.2

FINANCIAL MANAGEMENT

DOJ will continue to strengthen and improve its financial management practices. Specifically, we will:

1. Demonstrate continued progress toward achieving unqualified audit opinions on financial statements required by the Government Management Reform Act.
2. Continue to support the efforts of the components to develop integrated financial management systems, which provide accurate, reliable, and timely financial information.

The Department continued its progress in 1999 toward upgrading, consolidating, and integrating financial management systems. Every component has major accounting system enhancement or replacement projects either planned or under way that will improve accounting functions and financial information reporting capabilities. For example:

- JMD is implementing a series of enhancements to streamline its Financial Management Information System (FMIS) and enhance reporting. The FMIS is used by Department offices, boards, and divisions, along with the Federal Bureau of Prisons (BOP), whose migration to the FMIS will be complete in 2000.
- Several components implemented commercial off-the-shelf systems last year. For the Drug Enforcement Administration (DEA), the Federal Financial System (FFS) replaced an antiquated system developed in the 1970s. INS continued implementing its new off-the-shelf financial management system as well, which by the end of FY 2001 will replace a 21-year-old custom-developed system. The new system and other corrective actions to fully implement accrual-based standards will resolve long-standing weaknesses in accounting disclosed during audits. During FY 2000, Federal Prison Industries (FPI), Inc., will replace its management control system with the

Millennium system, a financial management schedule system.

As a measure of the improvements the Department is making in financial management, in 1999 all Justice reporting entities received unqualified audit opinions on their financial statements, with the one exception of the INS. (See Chapter VIII for a detailed analysis.)

Performance Goal 7.3.2		Financial Management			
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual*	
Number of DOJ annual financial statements that received an unqualified audit opinion (JMD)					
Unqualified	1	4**	7	9	
Qualified	2	1	2	1	
Disclaimer	6	4	0	0	
*Prior to 1999, Federal Prison Industries was included in the Bureau of Prisons' statement. In 1999, FPI prepared a separate statement. Therefore, the total number of financial statements increased from 9 to 10.					
**Two of these financial statements received unqualified opinions only on their balance sheets and disclaimers of opinions on their remaining financial statements.					
Data Source: Letter of opinion from independent auditors.					

Management Challenge
Financial Management

Despite significant progress, the Department continues to carefully monitor the correction of reportable conditions and significant material issues in all its components' accounting systems. A material nonconformance under Section 4 of the Federal Managers' Financial Integrity Act (FMFIA) exists in the INS regarding its need to implement policies and procedures to ensure that all accrual transactions are recorded in line with Federal accounting standards. INS plans to fully implement its accounting systems and enforce full adherence to Federal accounting standards. It had anticipated completion of these corrective actions by the start of FY 1999; however, it has extended its deadline to September 2001 to permit additional business analysis, procedure development, training, and field testing before implementation. Therefore, this issue will remain open and under departmental monitoring until September 2001.

While the Department is providing reasonable assurance that its financial systems meet Section 4 objectives, it is important to recognize that components are actively pursuing major improvements to their financial systems. The financial statement audits cite weaknesses in accounting and reporting practices for multiple components, with system access and control weaknesses cited for most components on the FY 1999 reports. While the weaknesses do not rise to the level of a material nonconformance under FMFIA, completing needed financial system and control improvements is a Department priority, closely monitored by senior management.

PERFORMANCE GOAL 7.3.3

PLANNING AND EVALUATION

DOJ will develop a new Departmentwide strategic plan. We will also continue to develop and implement a performance measurement process and system. In addition, we will conduct evaluations of selected high-priority DOJ programs. DOJ will utilize multidisciplinary, collaborative, information-driven problem solving to increase public safety in any given community.

In 1999, the Department continued to implement the performance-based management concepts and requirements of the Government Performance and Results Act and related statutes. It initiated the process of revising the Strategic Plan and worked on improving and refining Performance Goals and indicators.

The Department aggressively monitors the resolution of management issues that have been reported by Justice managers as material weaknesses and/or identified in external reviews conducted by the OIG or the U.S. General Accounting Office (GAO). In FY 1999, seven issues previously identified as "material weaknesses" were closed. These include:

- The Year Y2K Computing Challenge
- The FBI's Integrated Automated Fingerprint Identification System
- The FBI's NCIC 2000
- Monitoring Private Trustees
- INS' Workforce Analysis Model
- INS' Control Over Naturalization Certificates
- INS' Internal Controls in Naturalization

Nine issues continue to be tracked as Department-level management challenges. These challenges are described in other sections of this report, but are listed here for ease of reference:

- INS' Delivery Bonds
- INS' Management of Automation Programs
- INS' Monitoring of Alien Overstays
- INS Organizational and Management Issues
- INS' Efforts to Identify and Remove Criminal Aliens
- Shortage of Detention Space
- Prison Overcrowding
- Financial Management
- Computer Security

The Department's Justice Management Division completed eight studies addressing management and organizational issues, including the 1999 Report to Congress on Status of Efforts to Correct Problems in the Naturalization Process.

Performance Goal 7.3.3		Planning and Evaluation		
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
Number of program evaluations initiated and completed [management studies]*	7	6	8	8
*This indicator has been discontinued and will not appear in subsequent reports.				
Data Source: JMD internal files.				

STRATEGIC GOAL 7.4

Make effective use of information technology.

The smart use of advanced IT is pivotal to the Department's mission performance. In FY 1999, the Department emphasized rigorous and systematic review of major technology investment proposals, development of an integrated information technology architecture (ITA), and continued improvement in the area of computer security. This management approach provides a framework for achieving secure, interoperable systems in FY 2000 and beyond. Additionally, the Department has continued to invest in crosscutting infrastructure initiatives to improve program capabilities through controlled migration to an interoperable computer and communications environment.

PERFORMANCE GOAL 7.4.1

CAPITAL PLANNING

DOJ will continue to improve and expand its capital planning process by considering expanding its use of the Information Technology Investment Board (ITIB) investment criteria to the evaluation of proposed investments in information systems that are not currently subject to the ITIB review process.

In FY 1999, eight projects were brought through the IT investment process and submitted to the Department's ITIB by the chief information officer (CIO). These projects represented a cross-section of program and technical issues in the areas of law enforcement and border control, as well as architecture and infrastructure. The ITIB provided input to the FY 2001 budget process in the form of recommendations to the Attorney General. In addition, the Board imposed conditions on approval, directing the CIO to monitor compliance.

Performance Goal 7.4.1			Capital Planning	
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
Number of new and ongoing investments subject to the ITIB evaluation criteria (JMD)	5	7	9	8
Data Source: JMD internal files.				

Explanation For Not Meeting Target

The deviation between targeted and actual numbers of projects brought before the ITIB was slight and did not affect overall performance.

PERFORMANCE GOAL 7.4.2

ARCHITECTURE AND INFRASTRUCTURE

DOJ will continue to implement its Departmentwide ITA in order to enable components to enhance operational capabilities and lower costs through controlled migration to a secure, interoperable computer and communications environment.

Throughout FY 1999, the Department continued to emphasize the urgency of building and maintaining interoperable systems as a foundation for improved business processes, information sharing, and service to the public. The ITA Technical Reference Model was published in the 2nd quarter of FY 1999 and widely disseminated to component organizations and vendors over the following months. The Reference Model establishes a guiding framework and standards profile for infrastructure development, giving programs and vendors a "blueprint" for the secure exchange of information within the Department and between its external organizations. Most importantly, it provides a technical foundation for taking advantage of IT advances to increase the effectiveness of the Department and its components.

PERFORMANCE GOAL 7.4.3

COMPUTER SECURITY

In FY 1999, DOJ will enhance the authentication capabilities of the Department to increase the secure use of electronic messaging and document exchange in support of law enforcement and litigation personnel.

Public and employee trust in the security of information in our custody is basic to current operations and is a minimum requirement for future systems. In developing a capability for the secure exchange of documents and the use of "digital signatures," the Department is enabling attorneys and law enforcement personnel to do their jobs in ways unimaginable only 5 years ago. This technology will allow the Department to go from a paper-driven organization to one more focused on information content. In addition, when mature and fully tested, this capability will enable components to exploit the benefits of new

e-commerce applications. The Secure Encrypted Title III (SET III) prototype, initiated in FY 1999, is the first phase of this multiyear effort. SET III is currently processing daily workload between DEA and FBI in a secure, automated process that allows them to exchange encrypted information about planned or ongoing wiretaps over a secure dedicated line.

Two other important security initiatives begun in FY 1999 are penetration testing and system certification. The penetration testing program is an aggressive effort to identify and eliminate potential weaknesses in our systems before an intrusion. The Department initiated Phase II penetration testing of component systems and implemented Departmentwide procedures for reporting and handling computer intrusions and viruses.

At the same time, it took important steps to reassess the overall departmental approach to helping components accomplish timely certification and accreditation of component systems. This program planning resulted in an internal expectation to complete certification of mission-critical systems in the bureaus in FY 2000 and certification of all systems no later than December 2000. In FY 2000, the program will be restructured and revitalized to support these goals, to which the Department formalized its commitment in the FY 2001 Summary Performance Plan.

Performance Goal 7.4.3		Computer Security		
Performance Indicator	1997 Actual	1998 Actual	1999 Planned	1999 Actual
Secure exchange of information using authentication technologies in a cross-organizational pilot implementation that builds on the FY 1999 prototype project (JMD, DEA, FBI)	NA	NA	Develop Prototype Operational	SET III Prototype
Data Source: JMD internal files.				

Management Challenge
Computer Security

The security of the Department's various computer systems is of critical importance. It is also an issue that requires constant vigilance in the wake of rapidly changing technology. The Department has established a certification program to ensure that proper security and planning activities occur throughout all system life cycles and that all sensitive, unclassified systems comply with the Office of Management and Budget (OMB) Circular A-130 and other policies. The Department's CIO has directed that all Department systems be reviewed and certified no later than December 2000.

PERFORMANCE GOAL 7.4.4

YEAR 2000

DOJ will be compliant with Y2K requirements for its mission-critical systems.

In FY 1999, components undertook a major effort to renovate and replace software, upgrade computer and communications hardware, and replace or upgrade noninformation systems. Dramatic gains assured that mission-critical systems would operate without interruption on January 1, 2000. The rate of compliance rose from 33 percent at the start of FY 1999 to 97 percent a year later. In addition to being Y2K compliant, 99 percent of systems had completed contingency plans. To ensure the reliability of Y2K system certifications, the CIO mandated independent verification and validation studies by an outside contractor. To further demonstrate the Department's full commitment to an uneventful rollover on January 1, 2000, the Attorney General joined the CIO in a meeting at the end of FY 1999 with Y2K senior officials and working group members to review progress and discuss remaining activities, including the rollover to Year 2000. All mission critical systems were fully Y2K compliant by mid-December, and the transition to the new year occurred without incident.

STRATEGIC GOAL 7.5

Ensure a motivated and diverse workforce that is well-trained and empowered to do its job.

The Department recognizes that to be a high performing organization, it must hire and keep good people and give them the training, tools, and support they need to do their jobs effectively. Under the Attorney General's direction, a law enforcement review was initiated in 1999 that included an examination of three specific workforce-related issues:

- Recruitment and retention, to examine the state of law enforcement-related hiring, attrition, retention, and diversity (see sidebar).
- Work environment, to examine creation of the best possible work environment for Department employees.
- Training, to develop a plan for determining how best to enhance training opportunities for the law enforcement community.

As a result of this review, specific actions are being designed to make it easier to attract high-caliber job candidates, expand flexible work options, and share training ideas and resources. Although the Department did not include a specific workforce-related Performance Goal in its 1999 or 2000 plans, it has done so in its FY 2001 plan.

LARP Attracts Diverse Applicants

To help ensure diversity, the Department established a four-member team to spearhead a 3-year pilot program known as the Lateral Attorney Recruitment Program (LARP)—responsible for developing new and expansive approaches to recruiting lateral attorneys for the Department. This highly proactive approach allows the Department to attract a high-caliber and diverse pool of applicants with the skills and experience needed to meet ever-growing challenges. The LARP team used information about trends in recruitment, law school demographics, and curriculum to form its strategic plan. In 1999, the LARP team implemented faster processing of attorney vacancy announcements, developed wider contact networks and outreach customized to individual announcements, and began a nationwide promotional strategy.